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National Monument at Lexington Kentucky

IN MEMORY OF

HENRY CLAY

THE

SPEECHES

OF

HENRY CLAY.

EDITED BY

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IN TWO VOLUMES.

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PREFACE TO VOLUME VI.

It will be seen that the great speech delivered by Mr. Clay, February 5th and 6th, 1850, on his Resolutions of Compromise, is given in the Appendix of the third volume of this work, entitled the *Last Seven Years of Mr. Clay's Life.* There are also some brief extracts, in the Appendix to that volume, of Mr. Clay's speeches on the Compromises of 1850. But the last part of this volume, beginning on page 391, contains all the most important speeches of Mr. Clay in the Thirty-first Congress, with the exception of that of the 5th and 6th of February, 1850. As the editor found occasion to interweave numerous notes between speeches and parts of speeches, delivered in the Thirty-first Congress, the introductions to these speeches are more brief, their place being supplied by the notes.

The editor has given, in his selections from the debates of the Thirty-first Congress, many brief replies and rejoinders of Mr. Clay, which are not properly speeches; but nevertheless too interesting to be omitted. Mr. Clay was often excited, in those debates, to make replies and rejoinders of a very spicy character, and some of them are extremely interesting and instructive. Many of Mr. Clay's most brilliant displays of intellect and power were occasioned by momentary excitement; and he never, in his long-protracted career of public life, shone brighter, and never was more powerful in debate, than in the long contest of 1850. He was then an old man, and in feeble health; but his solicitude for the country, in that crisis of its affairs, brought out all the wealth of his experience, and roused all the fervor

of his patriotism. He earnestly hoped, and strenuously endeavored, by his last great effort, to leave the country in peace on the slavery question; and he left the world, feeling that that object had been accomplished. Happy for him that he died at such a time.

C. COLTON.

NEW YORK, January 15, 1857.

CONTENTS OF VOLUME VI.

SPEECHES

OF

HENRY CLAY.

ON THE CUMBERLAND ROAD BILL.

IN SENATE, FEBRUARY 11, 1835.

[The Cumberland Road was always a pet enterprise with Mr. Clay. The first appropriation for this road was made in 1802, under Mr. Jefferson's administration. Its eastern terminus was Cumberland on the Potomac, from which it takes its name. Thence it was projected to Wheeling on the Ohio, crossing the Alleganies; from Wheeling to Columbus, Ohio; and thence westward through Indiana, Illinois, and Missouri, to Jefferson, the capital of the latter State. It has never yet reached Indiana, and probably never will, as a national work. It is now, in a great measure, superseded by railroads. After Mr. Clay went to Congress in 1806, and while he was there, this great national work required and realized his constant attention and zealous advocacy. It was owing to his exertions chiefly that it ever reached Wheeling, and passed on so far into the State of Ohio. The last appropriations made for this road were in 1834 and 1835, with a view of repairing it, and giving it over to the States through which it passed, if they would accept it, and keep it in repair. It was on a bill for the last appropriation of three hundred and forty thousand dollars, that Mr. Clay made the following speech.]

Mr. Clay remarked, that he would not have said a word then, but for the introduction in this discussion of collateral matters, not immediately connected with it. He meant to vote for the appropriation contained in the bill, and he should do so with pleasure, because, under all the circumstances of the case, he felt himself called upon by a sense of imperative necessity to yield his assent to the appropriation. The road would be

abandoned, and all the expenditures which had heretofore been made upon it would have been entirely thrown away, unless they now succeeded in obtaining an appropriation to put the road in a state of repair. Now, he did not concur with the gentleman (Mr. Ewing), that Ohio could, as a matter of strict right, demand of the government to keep this road in repair. And why so? Because, by the terms of the compact, under the operation of which the road was made, there was a restricted and defined fund, set apart in order to accomplish that object. And that fund measured the obligation of the government. It had been, however, long since exhausted. There was no obligation, then, on the part of the government, to keep the road in repair. But he was free to admit, that considerations of policy would prompt it to adopt that course, in order that an opportunity should be presented to the States to take it into their own hands.

The honorable senator from Pennsylvania felicitated himself on having, at a very early epoch, discovered the unconstitutionality of the general government's erecting toll-gates upon this road, and he voted against the first measure to carry that object into execution. He (Mr. Clay) must say, that for himself, he thought the general government had a right to adopt that course which it deemed necessary for the preservation of a road which was made under its own authority. And as a legitimate consequence from the power of making a road, was derived the power of making an improvement on it. That was established; and, on that point he was sure the honorable gentleman did not differ from those who were in favor of establishing toll-gates at the period to which he had alluded. He would repeat, that, if the power to make a road were conceded, it followed, as a legitimate consequence from that power, that the general government had a right to preserve it. And, if the right to do so, there was no mode of preservation more fitting and suitable, than that which resulted from a moderate toll for keeping up the road, and thus continuing it for all time to come.

The opinion held by the honorable senator, at the period to which he had adverted, was not the general opinion. He would well remember that the power which he (Mr. Clay) contended, did exist, was sustained in the other branch of the Legislature by large majorities. And in that Senate, if he was not mistaken, there were but nine dissentients from the existence of it. If his recollection deceived him not, he had the pleasure of concurring with the distinguished individual who now presided over the deliberations of that body. He thought that he (the vice-president) in common with the majority of the Senate and House of Representatives, coincided in the belief, that a road, constructed under the orders of the general government, ought to be preserved by the authority which brought it into being. Now, that was his, (Mr. Clay's) opinion still. He was not one of those who, on this or any other great national subject, had changed his opinion in consequence of being wrought upon by various conflicting circumstances.

With regard to the general power of making internal improvements, as far as it existed in the opinions he had frequently expressed in both Houses,

his opinion was unaltered. But with respect to the expediency of exercising that power, at any period, it must depend upon the circumstances of the times. And, in his opinion, the power was to be found in the Constitution. This belief he had always entertained, and it remained unshaken. He could not coincide in the opinion expressed by the honorable senator from Pennsylvania and the honorable senator from Massachusetts, in regard to the disposition that was to be made of this road.

What, he would ask, had been stated on all hands? That the Cumberland road was a great national object in which all the people of the United States were interested and concerned; that we are interested in our corporate capacity, on account of the stake we possessed in the public domain, and that we were consequently benefited by that road; that the people of the West were interested in it; as a common thoroughfare to all places from one side of the country to the other. Now, what was the principle of the arrangement that had been entered into? It was this common object, this national object, this object in which the people of this country were interested; its care, its preservation, was to be confided to different States, having no special motive or interest in its preservation; and, therefore, not responsible for the consequences that might result. The people of Kentucky and Indiana, and of the States west of those States, as well as the people living on the eastern side of the mountains, were all interested in the use and occupation of this road, which, instead of being retained and kept under the control of that common government in which all had a share, their interest in it was to be confided to the local jurisdictions through which the road passed; and thus the States, generally, were to depend upon the manner in which they should perform their duties; upon those having no sympathy with them, having no regard for their interest, but left to do as they chose in regard to the preservation of this road.

He would say that the principle was fundamentally wrong. He protested against it; had done so from the first, and did so again now. It was a great national object, and they might as well give the care of the mint to Pennsylvania, the protection of the breakwater, or of the public vessels in New York, Baltimore, and Philadelphia, to the respective Legislatures of the States in which that property was situated, as give the care of a great national road, in which the whole people of the United States were concerned, to the care of a few States which were acknowledged to have no particular interest in it—States having so little interest in that great work, that they would not repair it when offered to their hands.

But he said, he would vote for this appropriation; he was compelled to vote for it by the force of circumstances over which he had no control. He had seen, in reference to internal improvements, and other measures of a national character, not individuals, merely, but whole masses, entire communities, prostrating their own settled opinions, to which they had conformed for a half a century, wheel to the right or the left, march this way

or that, according as they saw high authority for it. And he saw that there was no way of preserving this great object, which afforded such vast facilities to the western States, no other mode of preserving it, but by a reluctant acquiescence in a course of policy, which all, at least, had not contributed to produce, but which was formed to operate on the country, and from which there lay no appeal.

Mr. Clay, in conclusion, again reiterated that he should vote for the appropriation in this bill, although very reluctantly, and with the protest, that the road in question, being the common property of the whole nation, and under the guardianship of the general government, ought not to be treacherously parted from by it, and put into the hands of the local governments, who felt no interest in the matter.

ON THE APPOINTING AND REMOVING POWER.

IN SENATE, FEBRUARY 18, 1835.

[General Jackson inaugurated the system of removing from and appointing to office, in reward of those whom the incumbent of the presidential chair supposed had most contributed to his election, and to punish office-holders who had not been his zealous partisans. A bird's-eye survey will demonstrate the pernicious influence of the application of this principle, on the whole executive government of the country. It is not he who has best served his country, or who is best qualified to serve it, but he who has best served, and who promises best to serve, the incumbent of the presidential chair, that is entitled to office under that incumbent. Such had not been the rule previous to General Jackson's administration, but it was he who was best qualified. This was a revolution in the government, and one of the worst kind of revolutions, inciting men to the service of a candidate with that expectation, and constraining them to the same personal service of the successful candidate, for whatever object, after he is elected. In this way, a president of energetic character might destroy the liberties of the country by an army of a hundred thousand office-holders, who must do his will, or lose their places. It can not but be seen, that the introduction of this principle of government has been one of the greatest misfortunes, and that it is likely to be one of the greatest perils of the country.

Shocked and alarmed at this state of things, the Senate of the Twenty-fourth Congress had brought in a bill requiring the president, in cases of dismission from office, to communicate to the Senate the reasons; to which Mr. Clay proposed an amendment, "that, in all instances of appointment to office by the president, by and with the advice and consent of the Senate, the power of removal shall be exercised only in concurrence with the Senate," etc. The bill and the amendment covered the whole ground, and if it had passed into law, it would have restored the

government to its former condition, such as it had been from the days of Washington. But, unfortunately, the virtue of Congress, already impaired by the influence of the new practice, was unequal to the occasion; and from that day to this (1856) the country has been governed in this way.

In this speech, Mr. Clay has proved what the practice of the government had been, in this particular, and given the most solemn advice as to the consequences of the change introduced by General Jackson. It is the principle of the one-man power, and only requires a favorable exigency for the consummation of its aims. It was held in check at this time by such efforts as those of Mr. Clay; but it only awaits the man and the circumstance to break out with irresistible power. The right of removal without the advice of the Senate, is the pivot of all power, and the president has only to apply the lever of appointments, as practiced, to accomplish his ends, whatever they may be; for the non-concurrence of the Senate is no bar to his will, so long as he can reappoint the rejected nominee the next day, or find a substitute, and set him to work, or send him on his mission, in defiance of the Senate; and in the recesses of the Senate, what could he not do?]

Mr. Clay thought it extremely fortunate that this subject of executive patronage came up, at the session, unincumbered by any collateral question. At the last session we had the removal of the deposits, the treasury report sustaining it, and the protest of the president against the resolution of the Senate. The bank mingled itself in all our discussions, and the partisans of executive power availed themselves of the prejudices which had been artfully excited against that institution, to deceive and blind the people as to the enormity of executive pretensions. The bank has been doomed to destruction, and no one now thinks the re-charter of it is practicable, or ought to be attempted. I fear, said Mr. Clay, that the people will have just and severe cause to regret its destruction. The administration of it was uncommonly able; and one is at a loss which most to admire, the imperturbable temper or the wisdom of its enlightened president. No country can possibly possess a better general currency than it supplied. The injurious consequences of the sacrifice of this valuable institution will soon be felt. There being no longer any sentinel at the head of our banking establishments to warn them, by its information and operations, of approaching danger, the local institutions, already multiplied to an alarming extent, and almost daily multiplying, in seasons of prosperity, will make free and unrestrained emissions. All the channels of circulation will become gorged. Property will rise extravagantly high, and, constantly looking up, the temptation to purchase will be irresistible. In-

ordinate speculation will ensue, debts will be freely contracted; and, when the season of adversity comes, as come it must, the banks, acting without concert and without guide, obeying the law of self-preservation, will all at the same time call in their issues; the vast number will aggravate the alarm, and general distress, wide-spread ruin, and an explosion of the whole banking system, or the establishment of a new bank of the United States, will be the ultimate effects.

We can now deliberately contemplate the vast expansion of executive power, under the present administration, free from embarrassment. And is there any real lover of civil liberty, who can behold it without great and just alarm? Take the doctrines of the protest, and the secretary's report together, and, instead of having a balanced government with three co-ordinate departments, we have but one power in the State. According to those papers, all the officers concerned in the administration of the laws are bound to obey the president. His will controls every branch of the administration. No matter that the law may have assigned to other officers of the government specifically-defined duties; no matter that the theory of the Constitution and the law supposes them bound to the discharge of those duties according to their own judgment, and under their own responsibility, and liable to impeachment for malfeasance; the will of the president, even in opposition to their own deliberate sense of their obligations, is to prevail, and expulsion from office is the penalty of disobedience! It has, not, indeed, in terms, been claimed, but it is a legitimate consequence from the doctrines asserted, that all decisions of the judicial tribunals, not conformable with the president's opinion, must be inoperative, since the officers charged with their execution are no more exempt from the pretended obligation to obey his orders than any other officers of the administration.

The basis of this overshadowing superstructure of executive power is, the power of dismission, which it is one of the objects of the bill under consideration somewhat to regulate, but which it is contended by the supporters of executive authority is uncontrollable. The practical exercise of this power, during this administration, has reduced the salutary co-operation of the Senate, as approved by the Constitution, in all appointments, to an idle form. Of what avail is it, that the Senate shall have passed upon a nomination, if the president, at any time thereafter, even the next day, whether the Senate be in session or in vacation, without any known cause, may dismiss the incumbent? Let us examine the nature of this power. It is exercised in the recesses of the executive mansion, perhaps upon secret information. The accused officer is not present nor heard, nor confronted with the witnesses against him, and the president is judge, juror, and executioner. No reasons are assigned for the dismission, and the public is left to conjecture the cause. Is not a power so exercised essentially a despotic power? It is adverse to the genius of all free governments, the foundation of which is responsibility. Responsibility is the vital principle of civil liberty, as irresponsibility is the vital principle of despotism. Free

government can no more exist without this principle than animal life can be sustained without the presence of the atmosphere. But is not the president absolutely irresponsible in the exercise of this power? How can he be reached? By impeachment? It is a mockery.

It has been truly said, that the office was not made for the incumbent. Nor was it created for the incumbent of another office. In both, and in all cases, public officers are created for the public; and the people have a right to know why and wherefore one of their servants dismisses another. The abuses which have flowed, and are likely to flow from this power, if unchecked, are indescribable. How often have all of us witnessed the expulsion of the most faithful officers, of the highest character, and of the most undoubted probity, for no other imaginable reason, than difference in political sentiments? It begins in politics, and may end in religion. If a president should be inclined to fanaticism, and the power should not be regulated, what is to prevent the dismission of every officer who does not belong to his sect, or persuasion? He may, perhaps truly, say, if he does not dismiss him, that he has not his confidence. It was the cant language of Cromwell and his associates, when obnoxious individuals were in or proposed for office, that they could not confide in them. The tendency of this power is to revive the dark ages of feudalism, and to render every officer a feudatory. The bravest man in office, whose employment and bread depend upon the will of the president, will quail under the influence of the power of dismission. If opposed in sentiments to the administration, he will begin by silence, and finally will be goaded into partisanship.

The senator from New York (Mr. Wright) in analyzing the list of one hundred thousand, who are reported by the committee of patronage to draw money from the public treasury, contends that a large portion of them consists of the army, the navy, and revolutionary pensioners; and, paying a just compliment to their gallantry and patriotism, asks, if they will allow themselves to be instrumental in the destruction of the liberties of their country? It is very remarkable, that hitherto the power of dismission has not been applied to the army and navy, to which, from the nature of the service, it would seem to be more necessary than to those in civil places. But accumulation and concentration are the nature of all power, and especially of executive power. And it can not be doubted, that, if the power of dismission, as now exercised, in regard to civil officers, is sanctioned and sustained by the people, it will, in the end, be extended to the army and navy. When so extended, it will produce its usual effect of subserviency, or if the present army and navy should be too stern and upright to be molded according to the pleasure of the executive, we are to recollect, that the individuals who compose them are not to live always, and may be succeeded by those who will be more pliant and yielding. But I would ask the senator what has been the effect of this tremendous power of dismission upon the classes of officers to which it has been applied? Upon the post-office, the land-office, and the custom-house? They consti-

tute so many *corps d'armèe*, ready to further on all occasions the executive views and wishes. They take the lead in primary assemblies, whenever it is deemed expedient to applaud or sound the praises of the administration, or to carry out its purposes in relation to the succession. We are assured, that a large majority of the recent convention at Columbus, in Ohio, to nominate the president's successor, were office-holders. And do you imagine that they would nominate any other than the president's known favorite?

The power of removal, as now exercised, is nowhere in the Constitution expressly recognized. The only mode of displacing a public officer, for which it does provide, is by impeachment. But it has been argued, on this occasion, that it is a sovereign power, an inherent power, and an executive power; and, therefore, that it belongs to the president. Neither the premises nor the conclusion can be sustained. If they could be, the people of the United States have all along totally misconceived the nature of their government, and the character of the office of their supreme magistrate. Sovereign power is supreme power; and in no instance whatever is there any supreme power vested in the president. Whatever sovereign power is, if there be any, conveyed by the Constitution of the United States, is vested in Congress, or in the president and Senate. The power to declare war, to lay taxes, to coin money, is vested in Congress; and the treaty-making power in the president and Senate. The postmaster-general has the power to dismiss his deputies. Is that a sovereign power, or has he any?

Inherent power? That is a new principle to enlarge the powers of the general government. Hitherto it has been supposed, that there are no powers possessed by the government of the United States, or any branch of it, but such as are granted by the Constitution; and, in order to ascertain what has been granted, that it was necessary to show the grant, or to establish that the power claimed was necessary and proper to execute some granted power. In other words, that there are no powers but those which are expressed or incidental. But it seems that a great mistake has existed. The partisans of the executive have discovered a third and more fruitful source of power. Inherent power! Whence is it derived? The Constitution created the office of president, and made it just what it is. It had no powers prior to its existence. It can have none but those which are conferred upon it by the instrument which created it, or laws passed in pursuance of that instrument. Do gentlemen mean, by inherent power, such power as is exercised by the monarchs or chief magistrates of other countries? If that be their meaning, they should avow it.

It has been argued, that the power of removal from office is an executive power; that all executive power is vested in the president; and that he is to see that the laws are faithfully executed, which, it is contended, he can not do, unless, at his pleasure, he may dismiss any subordinate officer.

The mere act of dismission or removal may be of an executive nature, but the judgment or sentence which precedes it is a function of a judicial,

and not executive nature. Impeachments, which, as has been already observed, are the only mode of removal from office expressly provided for in the Constitution, are to be tried by the Senate, acting as a judicial tribunal. In England, and in all the States, they are tried by judicial tribunals. In several of the States, removal from office sometimes is effected by the legislative authority, as in the case of judges on the concurrence of two thirds of the members. The administration of the laws of the several States proceeds regularly, without the exercise on the part of the governors of any power similar to that which is claimed for the president. In Kentucky, and in other States, the governor has no power to remove sheriffs, collectors of the revenue, clerks of courts, or any one officer employed in administration; and yet the governor, like the president, is constitutionally enjoined to see that the laws are faithfully executed.

The clause relied upon to prove that all executive power is vested in the president, is the first section of the second article. On examining the Constitution, we find that, according to its arrangement, it treats first of the legislative power, then of the executive, and lastly of the judicial power. In each instance, it provides how those powers shall be respectively vested. The legislative power is confided to a Congress, and the Constitution then directs how the members of the body shall be chosen, and, after having constituted the body, enumerates and carefully specifies its powers. And the same course is observed both with the executive and the judiciary. In neither case does the preliminary clause convey any power; but the powers of the several departments are to be sought for in the subsequent provisions. The legislative powers granted by the Constitution are to be vested, how? In a Congress. What powers? Those which are enumerated. The executive power is to be vested, how? In a council, or in several? No, in a President of the United States of America. What executive power? That which is possessed by any chief magistrate, in any country, or that which speculative writers attribute to the executive head? No such thing. That power, and that only, which the Constitution subsequently assigns to the chief magistrate.

The president is enjoined by the Constitution to take care that the laws be faithfully executed. Under this injunction, the power of dismission is claimed for him; and it is contended that if those charged with the execution of the laws attempt to execute them in a sense different from that entertained by the president, he may prevent it, or withhold his co-operation. It would follow that, if the judiciary give to the law an interpretation variant from that of the president, he would not be bound to afford means which might become necessary to execute their decision. If these pretensions are well founded, it is manifest that the president, by means of the veto, in arresting the passage of laws which he disapproves, and the power of expounding those which are passed, according to his own sense of them, will become possessed of all the practical authority of the whole government. If the judiciary decide a law contrary to the president's

opinion of its meaning, he may command the marshal not to execute the decision, and urge his constitutional obligation to take care that the laws be faithfully executed. It will be recollected, perhaps, by the Senate, that, during the discussions on the deposit question, I predicted that the day would arrive when a president, disposed to enlarge his powers, would appeal to his official oath as a source of power. In that oath he undertakes that he will, "to the best of his ability, preserve, protect, and defend the Constitution of the United States." The fulfillment of the prediction quickly followed; and during the same session, in the protest of the president, we find him referring to this oath as a source of power and duty. Now, if the president, in virtue of his oath, may interpose and prevent any thing from being done, contrary to the Constitution, as he understands it; and may, in virtue of the injunction, to take care that the laws be faithfully executed, prevent the enforcement of any law contrary to the sense in which he understands it, I would ask, what powers remain to any other branch of the government? Are they not all substantially absorbed in the WILL of one man?

The president's oath obliges him to do no more than every member of Congress is also bound by official oath to do; that is, to support the Constitution of the United States, in their respective spheres of action. In the discharge of the duties specifically assigned to him by the Constitution and laws, he is forever to keep in view the Constitution; and this every member of Congress is equally bound to do, in the passage of laws. To step out of his sphere: to trench upon other departments of the government, under the notion that they are about to violate the Constitution, would be to set a most pernicious and dangerous example of violation of the Constitution. Suppose Congress, by two thirds of each branch, pass a law contrary to the veto of the president, and to his opinion of the Constitution, is he afterward at liberty to prevent its execution? The injunction, to which I have adverted, common both to the federal and most of the State Constitutions, imposes only upon the chief magistrate the duty of executing those laws with the execution of which he is specially charged; of supplying, when necessary, the means with which he is intrusted to enable others to execute those laws, the enforcement of which is confided to them; and to communicate to Congress infractions of the laws, that the guilty may be brought to punishment, or the defects of legislation remedied. The most important branch of the government to the rights of the people, as it regards the mere execution of the laws, is the judiciary; and yet they hold their offices by a tenure beyond the reach of the president. Far from impairing the efficacy of any powers with which he is invested, this permanent character in the judicial office is supposed to give stability and independence to the administration of justice.

The power of removal from office not being one of those powers which are expressly granted and enumerated in the Constitution, and having I hope successfully shown that it is not essentially of an executive nature,

the question arises, to what department of the government does it belong, in regard to all offices created by law, or whose tenure is not defined in the Constitution? There is much force in the argument which attaches the power of dismission to the president and Senate conjointly, as the appointing power. But I think we must look for it to a broader and higher source: the legislative department. The duty of appointment may be performed under a law which enacts the mode of dismission. This is the case in the post-office department, the postmaster-general being invested with both the power of appointment and of dismission. But they are not necessarily allied, and the law might separate them, and assign to one functionary the right to appoint, and to a different one the right to dismiss. Examples of such a separation may be found in the State governments.

It is the legislative authority which creates the office, defines its duties, and may prescribe its duration. I speak, of course, of offices not created by the Constitution, but the law. The office coming into existence by the will of Congress, the same will may provide how, and in what manner the office and the officer shall both cease to exist. It may direct the conditions on which he shall hold the office, and when and how he shall be dismissed. Suppose the Constitution had omitted to prescribe the tenure of the judicial office, could not Congress do it? But the Constitution has not fixed the tenure of any subordinate offices, and therefore Congress may supply the omission. It would be unreasonable to contend that, although Congress, in pursuit of the public good, brings the office and officer into being, and assigns their purposes, yet the president has a control over the officer which Congress can not reach or regulate; and this control, in virtue of some vague and undefined implied executive power, which the friends of executive supremacy are totally unable to attach to any specific clause in the Constitution?

It has been contended, with great ability, that, under the clause of the Constitution which declares, that Congress shall have power "to make all laws, which shall be necessary and proper for carrying into execution the foregoing powers, and all others vested by this Constitution in the government of the United States, or in any department or officer thereof," Congress is the sole depository of implied powers, and that no other department or officer of the government possesses any. If this argument be correct, there is an end of the controversy. But if the power of dismission be incident to the legislative authority, Congress has the clear right to regulate it. And if it belong to any other department of the government under the cited clause, Congress has the power to legislate upon the subject, and may regulate it, although it could not divest the department altogether of the right.

Hitherto I have considered the question upon the ground of the Constitution, unaffected by precedent. We have in vain called upon our opponents to meet us upon that ground; and to point out the clause of the Constitution which, by express grant, or necessary implication, subjects the

will of the whole official corps to the pleasure of the president, to be dismissed whenever he thinks proper, without any cause, and without any reasons publicly assigned or avowed for the dismission, and which excludes Congress from all authority to legislate against the tremendous consequences of such a vast power. No such clause has been shown; nor can it be, for the best of all reasons, because it does not exist. Instead of bringing forward any such satisfactory evidence, gentlemen intrench themselves behind the precedent which was established in 1789, when the first Congress recognized the power of dismission in the president; that is, they rely upon the opinion of the first Congress, as to what the Constitution meant, as conclusive of what it is.

The precedent of 1789 was established in the House of Representatives against the opinion of a large and able minority, and in the Senate by the casting vote of the vice-president, Mr. John Adams. It is impossible to read the debate which it occasioned, without being impressed with the conviction that the just confidence reposed in the father of his country, then at the head of the government, had great, if not decisive influence in establishing it. It has never, prior to the commencement of the present administration, been submitted to the process of review. It has not been reconsidered, because, under the mild administrations of the predecessors of the president, it was not abused, but generally applied to cases to which the power was justly applicable.

[Mr. Clay here proceeded to recite from a memorandum the number of officers removed under the different presidents, from Washington down; but the reporter not having access to the memorandum, is unable to note the precise number under each, and can only state generally that it was inconsiderable, under all the administrations prior to the present, but under that of General Jackson the number of removals amounted to more than two thousand; of which some five or six hundred were postmasters.]

Precedents deliberately established by wise men are entitled to great weight. They are the evidence of truth, but only evidence. If the same rule of interpretation has been settled, by concurrent decisions, at different and distant periods, and by opposite dominant parties, it ought to be deemed binding, and not disturbed. But a solitary precedent, established, as this was, by an equal vote of one branch, and a powerful minority in the other, under the influence of a confidence never misplaced in an illustrious individual, and which has never been re-examined, can not be conclusive.

The first inquiry which suggests itself upon such a precedent as this is, brought forward by the friends of the administration, is, what right have they to the benefit of any precedent? The course of this administration has been marked by an utter and contemptuous disregard of all that had been previously done. Disdaining to move on in the beaten road carefully constructed by preceding administrations, and trampling upon every thing, it has seemed resolved to trace out for itself a new line of march. Then,

let us inquire how this administration and its partisans dispose of precedents drawn from the same source, the first Congress under the present Constitution. If a precedent of that Congress be sufficient authority to sustain an executive power, other precedents established by it, in support of legislative powers, must possess a like force. But do they admit this principle of equality? No such thing. They reject the precedents of the Congress of 1789, sustaining the power of Congress, and cling to that only which expands the executive authority. They go for prerogative, and they go against the rights of the people.

It was in the first Congress that assembled in 1789, that the bank of the United States was established, the power to adopt a protective tariff was maintained, and the right was recognized to authorize internal improvements. And these several powers do not rest on the basis of a single precedent. They have been again and again affirmed, and reaffirmed by various Congresses, at different and distant periods, under the administration of every dominant party; and, in regard to the bank, it has been sanctioned by every branch of the government, and by the people. Yet the same gentlemen, who console themselves with the precedent of 1789, in behalf of the executive prerogative, reject as unconstitutional all these legislative powers.

No one can carefully examine the debate in the House of Representatives in 1789, without being struck with the superiority of the argument on the side of the minority, and the unsatisfactory nature of that of the majority. How various are the sources whence the power is derived! Scarcely any two of the majority agree in their deduction of it. Never have I seen, from the pen or tongue of Mr. Madison, one of the majority, any thing so little persuasive or convincing. He assumes that all executive power is vested in the president. He does not qualify it; he does not limit it to that executive power which the Constitution grants. He does not discriminate between executive power assigned by the Constitution, and executive power enacted by law. He asks, if the Senate had not been associated with the president in the appointing power, whether the president, in virtue of his executive power, would not have had the right to make all appointments? I think not; clearly not. It would have been a most sweeping and far-fetched implication. In the silence of the Constitution, it would have devolved upon Congress to provide by law for the mode of appointing to office; and that in virtue of the clause, to which I have already adverted, giving to Congress power to pass all laws necessary and proper to carry on the government. He says, "the danger then merely consists in this: the president can displace from office a man whose merits require that he should be continued in it. What will be the motives which the president can feel for such abuse of his power?" What motives! The pure heart of a Washington could have had none; the virtuous head of Madison could conceive none; but let him ask General Jackson, and he will tell him of motives enough. He will tell him, that he wishes his administration to be

a unit; that he desires only one will to prevail in the executive branch of government; that he can not confide in men who opposed his election; that he wants places to reward those who supported it; that the spoils belong to the victor; and that he is anxious to create a great power in the State, animated by one spirit, governed by one will, and ever ready to second and sustain his administration in all its acts and measures; and to give its undivided force to the appointment of the successor whom he may prefer. And what, Mr. President, do you suppose are the securities against the abuse of this power, on which Mr. Madison relied? "In the first place," he says, "he will be impeachable by this House before the Senate, for such an act of maladministration," and so forth. Impeachment! It is not a scarecrow. Impeach the president for dismissing a receiver or register of the land office, or a collector of the customs! But who is to impeach him? The House of Representatives. Now suppose a majority of that House should consist of members who approve the principle that the spoils belong to the victors; and suppose a great number of them are themselves desirous to obtain some of these spoils, and can only be gratified by displacing men from office whose merits require that they should be continued, what chance do you think there would be to prevail upon such a House to impeach the president? And if it were possible that he should, under such circumstances, be impeached, what prospect do you believe would exist of his conviction by two thirds of the Senate, comprising also members not particularly averse to lucrative offices, and where the spoils doctrine, long practiced in New York, was first boldly advanced in Congress?

The next security was, that the president, after displacing the meritorious officer, could not appoint another person without the concurrence of the Senate. If Mr. Madison had shown how, by any action of the Senate, the meritorious officer could be replaced, there would have been some security. But the president has dismissed him; his office is vacant; the public service requires it to be filled, and the president nominates a successor. In considering this nomination, the president's partisans have contended that the Senate is not at liberty to inquire how the vacancy was produced, but is limited to the single consideration of the fitness of the person nominated. But suppose the Senate were to reject him, they would only leave the office still vacant, and would not reinstate the removed officer. The president would have no difficulty in nominating another, and another, until the patience of the Senate being completely exhausted, they would finally confirm the appointment. What I have supposed is not theory but actually matter of fact. How often within a few years past have the Senate disapproved of removals from office, which they have been subsequently called upon to concur in filling? How often wearied in rejecting, have they approved of persons for office whom they never would have appointed? How often have members approved of bad appointments, fearing worse if they were rejected? If the powers of the Senate were exercised by one

man, he might oppose, in the matter of appointments, a more successful resistance to executive abuses. He might take the ground that, in case of improper removal, he would persevere in the rejection of every person nominated, until the meritorious officer was reinstated. But the Senate now consists of forty-eight members, nearly equally divided, one portion of which is ready to approve of all nominations; and of the other, some members conceive that they ought not to incur the responsibility of hazarding the continued vacancy of a necessary office, because the president may have abused his powers. There is then no security, not the slightest practical security, against abuses of the power of removal in the concurrence of the Senate in appointment to office.

During the debate, in 1789, Mr. Smith, of South Carolina, called for the clause of the Constitution granting the power. He said, "we are declaring a power in the president which may hereafter be greatly abused; for we are not always to expect a chief magistrate in whom such entire confidence can be placed, as the present. Perhaps gentlemen are so much dazzled with the splendor of the virtues of the present president, as not to be able to see into futurity. * * * We ought to contemplate this power in the hands of an ambitious man, who might apply it to dangerous purposes. If we give this power to the president, he may from caprice remove the most worthy men from office; his will and pleasure will be the slight tenure by which the office is to be held, and of consequence you render the officer the mere state dependent, the abject slave of a person who may be disposed to abuse the confidence his fellow-citizens have placed in him." Mr. Huntington said, "if we have a vicious president who inclines to abuse his power, which God forbid, his responsibility will stand us in little stead."

Mr. Gerry, afterward the republican Vice-president of the United States, contended, "that we are making these officers the mere creatures of the president; they dare not exercise the privilege of their creation, if the president shall order them to forbear; because he holds their thread of life. His power will be sovereign over them, and will soon swallow up the small security we have in the Senate's concurrence to the appointment; and we shall shortly need no other than the authority of the supreme executive officer, to nominate, appoint, continue, or remove." Was not that prophecy; and do we not feel and know that it is prophecy fulfilled?

There were other members who saw clearly into the future, and predicted, with admirable forecast, what would be the practical operation of this power. But there was one eminently gifted in this particular. It seems to have been specially reserved for a Jackson to foretell what a Jackson might do. Speaking of some future president, Mr. Jackson—(I believe of Georgia—that was his name. What a coincidence!) "If he wants to establish an arbitrary authority, and finds the Secretary of Finance (Mr. Duane), not inclined to second his endeavors, he has nothing more to do than to remove him, and get one appointed (Mr. Taney), of principles

more congenial with his own. Then, says he, I have got the army; let me have but the money, and I will establish my throne upon the ruins of your visionary republic. Black, indeed, is the heart of that man who even suspects him (WASHINGTON), to be capable of abusing powers. But, alas! he can not be with us forever; he is but mortal," and so forth. "May not a man with a Pandora's box in his breast come into power, and give us sensible cause to lament our present confidence and want of foresight?"

In the early stages, and during a considerable portion of the debate, the prevailing opinion seemed so be, not that the president was invested by the Constitution with the power, but that it should be conferred upon him by act of Congress. In the progress of it, the idea was suddenly started, that the president possessed the power from the Constitution, and the first opinion was abandoned. It was finally resolved to shape the acts, on the passage of which the question arose, so as to recognize the existence of the power of removal in the president.

Such is the solitary precedent on which the contemners of all precedents rely for sustaining this tremendous power in one man! A precedent established against the weight of argument, by a House of Representatives greatly divided, in a Senate equally divided, under the influence of a reverential attachment to the father of his country, upon the condition that, if the power were applied as we know it has been in hundreds of instances recently applied, the president himself would be justly liable to impeachment and removal from office, and which, until this administration, has never, since its adoption, been thoroughly examined or considered—a power, the abuses of which, as developed under this administration, if they be not checked and corrected, must inevitably tend to subvert the Constitution, and overthrow public liberty. A standing army has been, in all free countries, a just object, of jealousy and suspicion. But is not a corps of one hundred thousand dependents upon government, actuated by one spirit, obeying one will, and aiming at one end, more dangerous and formidable than a standing army? The standing army is separated from the mass of society, stationed in barracks or military quarters, and operates by physical force. The official corps is distributed and ramified throughout the whole country, dwelling in every city, village, and hamlet, having daily intercourse with society, and operates on public opinion. A brave people, not yet degenerated, and devoted to liberty, may successfully defend themselves against a military force. But if the official corps is aided by the executive, by the post-office department, and by a large portion of the public press, its power is invincible. That the operation of the principle, which subjects to the will of one man the tenure of all offices, which he may vacate at pleasure, without assigning any cause, must be to render them subservient to his purposes, a knowledge of human nature, and the short experience which we have had, clearly demonstrate.

It may be asked, why has this precedent of 1789 not been reviewed?

Does not the long acquiescence in it prove its propriety? It has not been re-examined for several reasons. In the first place, all feel and own the necessity of some more summary and less expensive and less dilatory mode of dismissing delinquents from subordinate offices, than that of impeachment, which, strictly speaking, was perhaps the only one in the contemplation of the framers of the Constitution; certainly it is the only one for which it expressly provides. Then, under all the predecessors of the president, the power was mildly and beneficially exercised, having been always, or with very few exceptions, applied to actual delinquents. Notwithstanding all that has been said about the number of removals, which were made during Mr. Jefferson's administration, they were, in fact, comparatively few. And yet he came into power as the head of a great party, which for years had been systematically excluded from the executive patronage; a plea which can not be urged in excuse for the present chief magistrate. It was reserved for him to act on the bold and daring principle of dismissing from office those who had opposed his election; of dismissing from office for mere difference of opinion!

But it will be argued, that if the summary process of dismission be expedient in some cases, why take it away altogether? The bill under consideration does not disturb the power. By the usage of the government, not I think by the Constitution, the president practically possesses the power to dismiss those who are unworthy of holding these offices. By no practice or usage but that which he himself has created, has he the power to dismiss meritorious officers only because they differ from him in politics. The principal object of the bill, is, to require the president, in cases of dismission, to communicate the reasons which have induced him to dismiss the officer; in other words, to make an arbitrary and despotic power a responsible power. It is not to be supposed that, if the president is bound publicly to state his reasons, that he would act from passion or caprice, or without any reason. He would be ashamed to avow that he discharged the officer because he opposed his election. And yet this mild regulation of the power is opposed by the friends of the administration! They think it unreasonable that the president should state his reasons. If he has none, perhaps it is.

But, Mr. President, although the bill is, I think, right in principle, it does not seem to me to go far enough. It makes no provision for the insufficiency of the reasons of the president, by restoring or doing justice to the injured officer. It will be some but not sufficient restraint against abuses. I have, therefore prepared an amendment which I beg leave to offer, but which I will not press against the decided wishes of those having the immediate care of the bill. By this amendment,* as to all offices created by

* The amendment was in the following words:

Be it further enacted, that in all instances of appointment to office by the president, by and with the advice and consent of the Senate, the power of removal shall be exercised only in concurrence with the Senate; and when the Senate is not in session

law, with certain exceptions, the power at present exercised is made a suspensory power. The president may, in the vacation of the Senate, suspend the officer and appoint a temporary successor. At the next session of the Senate, he is to communicate his reasons; and if they are deemed sufficient, the suspension is confirmed, and the Senate will pass upon the new officer. If insufficient, the displaced officer is to be restored. This amendment is substantially the same proposition, as one which I submitted to the consideration of the Senate at its last session. Under this suspensory power, the president will be able to discharge all defaulters or delinquents; and it can not be doubted that the Senate will concur in all such dismissions. On the other hand, it will insure the integrity and independence of the officer, since he will feel that if he honestly and faithfully discharges his official duties, he can not be displaced arbitrarily, or from mere caprice, or because he has independently exercised the elective franchise.

It is contended, that the president can not see that the laws are faithfully executed unless he possesses the power of removal. The injunction of the Constitution, imports a mere general superintendence, except where he is specially charged with the execution of a law. It is not necessary that he should have the power of dismission. It will be a sufficient security against the abuses of subordinate officers, that the eye of the president is upon them, and that he can communicate their delinquency. The State executives do not possess this power of dismission. In several, if not all, the States, the governor can not even dismiss the Secretary of State; yet we have heard no complaints of the inefficiency of State executives, or of the administration of the laws of the States. The president has no power to dismiss the judiciary; and it might be asked, with equal plausibility, how he could see that the laws are executed if the judges will not conform to his opinion, and he can not dismiss them?

But it is not necessary to argue the general question, in considering either the original bill or the amendment. The former does not touch the power of dismission, and the latter only makes it conditional instead of being absolute.

It may be said, that there are certain great officers, heads of departments and foreign ministers, between whom and the president entire confidence should exist. That is admitted. But, surely, if the president remove any of them, the people ought to know the cause. The amendment, however, does not reach those classes of officers. And supposing, as I do, that the legislative authority is competent to regulate the exercise of the power of dismission, there can be no just cause to apprehend, that it will fail to make

the president may suspend any such officer, communicating his reasons for the suspension during the first month of its succeeding session, and if the Senate concur with him, the officer shall be removed; but if it do not concur with him, the officer shall be restored to office.

Mr. Clay was subsequently induced not to urge his amendment at this time.

such modifications and exceptions as may be called for by the public interest; especially as whatever bill may be passed must obtain the approbation of the chief magistrate. And if it should attempt to impose improper restrictions upon the executive authority, that would furnish a legitimate occasion for the exercise of the veto. In conclusion, I shall most heartily vote for the bill, with or without the amendment which I have proposed.

ON THE PUBLIC LANDS.

IN SENATE, DECEMBER 20, 1835.

[In the Twenty-fourth Congress, Mr. Clay again renewed his efforts for a distribution of the proceeds of the sales of the public lands among the States, notwithstanding his former defeat by President Jackson's pocketing the bill, which would have passed both Houses of Congress by a two-third majority, if he had returned it. But since Congress had now become more subservient to the president, there was little hope of success. A faithful servant, however, may find cause of perseverance in the maintenance of principles for future use. The following speech is a labor of this kind.]

Although I find myself borne down by the severest affliction with which Providence has ever been pleased to visit me, I have thought that my private griefs ought not longer to prevent me from attempting, ill as I feel qualified, to discharge my public duties. And I now rise, in pursuance of the notice which has been given, to ask leave to introduce a bill to appropriate, for a limited time, the proceeds of the sales of the public lands of the United States, and for granting land to certain States.

I feel it incumbent on me to make a brief explanation of the highly important measure which I have now the honor to propose. The bill, which I desire to introduce, provides for the distribution of the proceeds of the public lands in the years 1833, 1834, 1835, 1836, and 1837, among the twenty-four States of the Union, and conforms substantially to that which passed in 1833. It is therefore of a temporary character; but if it shall be found to have a salutary operation it will be in the power of a future Congress to give it an indefinite continuance; and, if otherwise, it will expire by its own terms. In the event of war unfortunately breaking out with any foreign power, the bill is to cease, and the fund which it distributes is to be applied to the prosecution of the war. The bill directs that ten per centum of the net proceeds of the public lands, sold within the limits of the seven new States, shall be first set apart to them, in addition to the five per centum reserved by their several compacts with the United States; and that the residue of the proceeds, whether from sales made in the States or Territories shall be divided among the twenty-four States, in

proportion to their respective federal population. In this respect the bill conforms to that which was introduced in 1832. For one I should have been willing to have allowed the new States twelve and a half instead of ten per centum, but as that was objected to by the president, in his veto message, and has been opposed in other quarters, I thought it best to restrict the allowance to the more moderate sum. The bill also contains large and liberal grants of land to several of the new States, to place them upon an equality with others to which the bounty of Congress has been heretofore extended, and provides that, when other new States shall be admitted into the Union, they shall receive their share of the common fund.

The net amount of the sales of the public lands in the year 1833 was the sum of three million nine hundred and sixty-seven thousand six hundred and eighty-two dollars and fifty-five cents; in the year 1834 was four million eight hundred and fifty-seven thousand and six hundred dollars and sixty-nine cents; and in the year 1835, according to actual receipts in the first three quarters and an estimate of the fourth, is twelve million two hundred and twenty-two thousand one hundred and twenty-one dollars and fifteen cents; making an aggregate, for the three years, of twenty-one million forty-seven thousand four hundred and four dollars and thirty-nine cents. This aggregate is what the bill proposes to distribute and pay to the twenty-four States on the first of May, 1836, upon the principles which I have stated. The difference between the estimate made by the Secretary of the Treasury and that which I have offered of the product of the last quarter of this year, arises from my having taken, as the probable sum, one third of the total amount of the first three quarters, and he some other conjectural sum. Deducting from the twenty-one million forty-seven thousand four hundred and four dollars and thirty-nine cents the fifteen per centum to which the seven new States, according to the bill, will be first entitled, amounting to two million six hundred and twelve thousand three hundred and fifty dollars and eighteen cents, there will remain for distribution among the twenty-four States of the Union the sum of eighteen million four hundred and thirty-five thousand and fifty-four dollars and twenty-one cents. Of this sum the proportion of Kentucky will be nine hundred and sixty thousand nine hundred and forty-seven dollars and forty-one cents, of Virginia the sum of one million five hundred and eighty-one thousand six hundred and sixty-nine dollars and thirty-nine cents, of North Carolina nine hundred and eighty-eight thousand six hundred and thirty-two dollars and forty-two cents, and of Pennsylvania two million eighty-three thousand two hundred and thirty-three dollars and thirty-two cents. The proportion of Indiana, including the fifteen per centum, will be eight hundred and fifty-five thousand five hundred and eighty-eight dollars and twenty-three cents, of Ohio one million six hundred and seventy-seven thousand one hundred and ten dollars and eighty-four cents, and of Mississippi nine hundred and fifty-eight thousand nine hun-

dred and forty-five dollars and forty-two cents. And the proportions of all the twenty-four States are indicated in a table which I hold in my hand prepared at my instance in the office of the Secretary of the Senate, and to which any senator may have access.* The grounds on which the extra allowance is made to the new States are, first, their complaint that all lands sold by the federal government are five years exempted from State taxation; secondly, that it is to be applied in such a manner as will augment the value of the unsold public lands within them; and, lastly, their recent settlement.

It may be recollected that a bill passed both Houses of Congress, in the session which terminated on the 3d of March, 1833, for the distribution of the amount received from the public lands, upon the principles of that now offered. The president, in his message at the commencement of the previous session, had specially invited the attention of Congress to the subject of the public lands; had adverted to their liberation from the pledge for the payment of the public debt; and had intimated his readiness to concur in any disposal of them which might appear to Congress most

* The following is the table referred to by Mr. Clay.

Statement showing the dividend of each State (according to its federal population) of the proceeds of the public lands, during the years 1833, 1834, and 1835, after deducting from the amount fifteen per centum, previously allowed to the seven new States.

States.	Federal population.	Share for each State.	fifteen per centum to new States.	Total to new States.
Maine	399,437	$617,269		
New Hampshire	269,326	416,202		
Massachusetts	610,408	943,293		
Rhode Island	97,194	150,198		
Connecticut	297,665	459,996		
Vermont	280,657	433,713		
New York	1,918,553	2,964,834		
New Jersey	319,922	494,391		
Pennsylvania	1,348,072	2,083,233		
Delaware	75,432	116,568		
Maryland	405,843	627,169		
Virginia	1,023, 503	1,581,669		
North Carolina	639,747	988,632		
South Carolina	455,025	701,495		
Georgia	429,811	664,208		
Kentucky	621,832	960,947		
Tennessee	625,263	966,249		
Ohio	935,884	1,446,266	230,844	1,677,110
Louisiana	171,694	265,327	67,661	332,888
Indiana	343,031	530,102	325,485	855,588
Illinois	157,147	242,846	483,760	726,606
Missouri	130,419	201,542	174,354	375,897
Mississippi	110,358	170,541	788,403	958,945
Alabama	262,508	405,666	541,940	947,607

[Fractions of dollars are omitted in the above sums.]

conducive to the quiet, harmony, and general interest of the American people.

After such a message, the president's disapprobation of the bill could not have been anticipated. It was presented to him on the 2d of March, 1833. It was not returned as the Constitution requires, but was retained by him after the expiration of his official term, and until the next session of Congress, which had no power to act upon it. It was understood and believed that, in anticipation of the passage of the bill, the president had prepared objections to it, which he had intended to return with his negative; but he did not. If the bill had been returned, there is reason to believe that it would have passed, notwithstanding those objections. In the House, it had been carried by a majority of more than two thirds. And, in the Senate, although there was not that majority on its passage, it was supposed that, in consequence of the passage of the compromise bill, some of the senators who had voted against the land bill had changed their views, and would have voted for it upon its return, and others had left the Senate.

There are those who believe that the bill was unconstitutionally retained by the president and is now the law of the land. But whether it be so or not, the general government holds the public domain in trust for the common benefit of all the States; and it is, therefore, competent to provide by law that the trustee shall make distribution of the proceeds of the three past years, as well as future years, among those entitled to the beneficial interest. The bill makes such a provision. And it is very remarkable, that the sum which it proposes to distribute is about the gross surplus, or balance, estimated in the treasury on the 1st of January, 1836. When the returns of the last quarter of the year come in, it will probably be found that the surplus is larger than the sum which the bill distributes. But if it should not be, there will remain the seven millions held in the bank of the United States, applicable, as far as it may be received, to the service of the ensuing year.

It would be premature now to enter into a consideration of the probable revenue of future years; but, at the proper time, I think it will not be difficult to show that, exclusive of what may be received from the public lands, it will be abundantly sufficient for all the economical purposes of government, in a time of peace. And the bill, as I have already stated, provides for seasons of war. I wish to guard against all misconception by repeating, what I have heretofore several times said, that this bill is not founded upon any notion of a power in Congress to lay and collect taxes and distribute the amount among the several States. I think Congress possesses no such power, and has no right to exercise it until such amendment as that proposed by the senator from South Corolina (Mr. Calhoun) shall be adopted. But the bill rests on the basis of a clear and comprehensive grant of power to Congress over the territories and property of the United States in the Constitution, and upon express stipulations in the deeds of cession.

Mr. President, I have ever regarded, with feelings of the profoundest regret, the decision which the President of the United States felt himself induced to make on the bill of 1833. If it had been his pleasure to approve it, the heads of departments would not now be taxing their ingenuity to find out useless objects of expenditure, or objects which may be well postponed to a more distant day. If the bill had passed, about twenty millions of dollars would have been, during the last three years, in the hands of the several States, applicable by them to the beneficent purposes of internal improvement, education, or colonization. What immense benefits might not have been diffused throughout the land by the active employment of that large sum? What new channels of commerce and communication might not have been opened? What industry stimulated, what labor rewarded? How many youthful minds might have received the blessings of education and knowledge, and been rescued from ignorance, vice, and ruin? How many descendants of Africa might have been transported from a country where they never can enjoy political or social equality, to the native land of their fathers, where no impediment exists to their attainment of the highest degree of elevation, intellectual, social, and political? Where they might have been successful instruments, in the hands of God, to spread the religion of his Son, and to lay the foundations of civil liberty!

And, sir, when we institute a comparison between what might have been effected, and what has been in fact done, with that large amount of national treasure, our sensations of regret, on account of the fate of the bill of 1833, are still keener. Instead of its being dedicated to the beneficent uses of the whole people, and our entire country, it has been an object of scrambling among local corporations, and locked up in the vaults, or loaned out by the directors of a few of them, who are not under the slightest responsibility to the government or people of the United States. Instead of liberal, enlightened, and national purposes, it has been partially applied to local, limited, and selfish uses. Applied to increase the semi-annual dividends of favorite stockholders in favorite banks! Twenty millions of the national treasure are scattered in parcels among petty corporations; and while they are growling over the fragments and greedy for more, the secretaries are brooding on schemes for squandering the whole.

But although we have lost three precious years, the Secretary of the Treasury tells us that the principal is yet safe, and much good may be still achieved with it. The general government, by an extraordinary exercise of executive power, no longer affords aid to any new works of internal improvement. Although it sprung from the Union, and can not survive the Union, it no longer engages in any public improvement to perpetuate the existence of the Union. It is but justice to it to acknowledge, that, with the co-operation of the public-spirited State of Maryland, it effected one national road having that tendency. But the spirit of improvement pervades the land, in every variety of form, active, vigorous, and enterprising,

wanting pecuniary aid as well as intelligent direction. The States have undertaken what the general government is prevented from accomplishing. They are strengthening the Union by various lines of communication thrown across and through the mountains. New York has completed one great chain. Pennsylvania another, bolder in conception and far more arduous in the execution. Virginia has a similar work in progress, worthy of all her enterprise and energy. A fourth, further south, where the parts of the Union are too loosely connected, has been projected, and it can certainly be executed with the supplies which this bill affords, and perhaps not without them.

This bill passed, and these and other similar undertakings completed, we may indulge the patriotic hope that our Union will be bound by ties and interests that render it indissoluble. As the general government withholds all direct agency from these truly national works, and from all new objects of internal improvement, ought it not to yield to the States, what is their own, the amount received from the public lands? It would thus but execute faithfully a trust expressly created by the original deeds of cession, or resulting from the treaties of acquisition. With this ample resource, every desirable object of improvement, in every part of our extensive country, may, in due time, be accomplished. Placing this exhaustless fund in the hands of the several members of the confederacy, their common federal head may address them in the glowing language of the British bard, and

> "Bid harbors open, public ways extend,
> Bid temples worthier of the God ascend.
> Bid the broad arch the dangerous flood contain,
> The mole projecting break the roaring main.
> Back to his bounds their subject sea command,
> And roll obedient rivers through the land."

The affair of the public lands was forced upon me. In the session of 1831 and 1832 a motion from a quarter politically unfriendly to me, was made to refer it to the committee of manufactures, of which I was a member. I strenuously opposed the reference. I remonstrated, I protested, I entreated, I implored. It was in vain that I insisted that the committee on the public lands was the regular standing committee to which the reference should be made. It was in vain that I contended that the public lands and domestic manufactures were subjects absolutely incongruous. The unnatural alliance was ordered by the vote of a majority of the Senate. I felt that a personal embarrassment was intended me. I felt that the design was to place in my hands a many-edged instrument, which I could not touch without being wounded. Nevertheless, I subdued all my repugnance, and I engaged assiduously in the task which had been so unkindly assigned me. This, or a similar bill, was the offspring of my deliberations. When reported, the report accompanying it was referred by the same majority of

the Senate to the very committee on the public lands to which I had unsuccessfully sought to have the subject originally assigned, for the avowed purpose of obtaining a counteracting report. But, in spite of all opposition, it passed the Senate at that session. At the next, both Houses of Congress.

I confess, I feel anxious for the fate of this measure, less on account of any agency I have had in proposing it, as I hope and believe, than from a firm, sincere, and thorough conviction, that no one measure, ever presented to the councils of the nation, was fraught with so much unmixed good, and could exert such powerful and enduring influence in the preservation of the Union itself, and upon some of its highest interests. If I can be instrumental, in any degree, in the adoption of it, I shall enjoy, in that retirement into which I hope shortly to enter, a heart-feeling satisfaction and a lasting consolation. I shall carry there no regrets, no complaints, no reproaches on my own account. When I look back upon my humble origin, left an orphan too young to have been conscious of a father's smiles and caresses, with a widowed mother, surrounded by a numerous offspring, in the midst of pecuniary embarrassments, without a regular education, without fortune, without friends, without patrons, I have reason to be satisfied with my public career. I ought to be thankful for the high places and honors to which I have been called by the favor and partiality of my countrymen, and I am thankful and grateful. And I shall take with me the pleasing consciousness, that, in whatever station I have been placed, I have earnestly and honestly labored to justify their confidence by a faithful, fearless, and zealous discharge of my public duties. Pardon these personal allusions. I make the motion of which notice has been given.

[Leave was then granted, and the bill was introduced, read twice, referred to the committee on the public lands, and ordered to be printed.]

ON OUR RELATIONS WITH FRANCE.

IN SENATE, JANUARY 11, 1836.

[No doubt General Jackson was somewhat chagrined by the disposal, through the Senate of the Twenty-third Congress, of his recommendation of a measure of reprisals on French commerce; and it was the more mortifying that the Senate were *unanimous* against it—all through the influence of Mr. Clay. It was seen that General Jackson was for war, as nothing else could result from the course he recommended. Mr. Clay, as the man best qualified, was purposely put forward by the Senate to make a report on this part of the president's message, and to propose a course of action to counteract the effect of the message on the French nation. His report and resolution were adopted unanimously, and peace was preserved. In revenge for the action of the Senate, and for its effect, General Jackson declined all communication with that body on the subject; and although the Senate were advised by the public press of the progress of affairs between our government and that of France, they had nothing official to act upon, if occasion should require. Mr. Clay, therefore, moved for a call on the president for information, and the following speech was made in support of this resolution.]

It must be obvious to every observer of passing events, that our affairs with France are becoming every day more and more serious in their character, and are rapidly tending to a crisis. Mutual irritations are daily occurring, from the animadversions of the public press, and among individuals in and out of office, in both countries. And a state of feeling, greatly to be deprecated, if we are to preserve the relations of peace, must certainly be the consequence.

According to the theory of our Constitution, our diplomatic concerns with foreign countries are intrusted to the President of the United States, until they reach a certain point involving the question of peace or war, and then Congress is to determine on that momentous question. In other words, the president conducts our foreign intercourse; Congress

alone can change that intercourse from a peaceable to a belligerent one. This right to decide the question of war, carries along with it the right to know whatever has passed between our own executive and the government of any foreign power. No matter what may be the nature of the correspondence, whether official or not, whether formal or informal, Congress has the right to any and all information whatever, which may be in the possession of the other branch of the government. No senator here could have failed to have been acquainted with the fact, that the contents of a most important dispatch or document has been discussed, and a most important overture canvassed in the different newspapers, in private and political circles, by individuals; every body, in fact, knows what has taken place, except the Congress of the United States. The papers friendly to the administration—indeed, the whole circle of the American press—are in possession of the contents of a paper which this body has not been yet allowed to see; and I have one journal, a southern administration journal, before me, which states a new and important fact in reference to it. I have said that our situation with France grows every day more embarrassing; the aspect of our relations with her more and more dark and threatening. I could not, therefore, longer delay in making the following motion. I should have done so before, but for a prevalent rumor that the president would soon make a communication to Congress, which would do away the necessity of the resolutions which I now submit, by laying before Congress the information, which is the object of my motion. He has not, however, done so, and probably will not without a call from the Senate.

Mr. Clay then offered the following resolutions, which were adopted next day.

Resolved, that the president be requested to communicate to the Senate (if it be not, in his opinion, incompatible with the public interest), whether, since the termination of the last Congress, any overture, formal or informal, official or unofficial, has been made by the French government to the executive of the United States, to accommodate the difficulties between the two governments, respecting the execution of the convention of the 4th of July, 1831; and, particularly, whether a dispatch from the Duc de Broglie, the French Minister of Foreign Affairs, to the *chargé d'affaires* at Washington, was read, and a copy of it furnished by him to the Secretary of State, for the purpose of indicating a mode in which these difficulties might be removed.

Resolved, also, under the resolution above mentioned, in the event of any such overture having been made, that the president be requested to inform the Senate what answer was given to it; and, if a copy of any such dispatch was received, that he be further requested to communicate a copy of it to the Senate.

ADMISSION OF ARKANSAS AS A STATE.

IN SENATE, APRIL 11, 1836.

[THE remarkable feature of the following speech, is the disclosure of the historical fact, that Arkansas presented herself to be admitted to the Union, with an article in her Constitution prohibiting all legislation for the abolition of slavery. Suppose any slave State had such an article in her Constitution, would not the people, who always have the power to alter their Constitution, have the power to strike out this article? Undoubtedly. Although such an article in the Constitution of any State would be disgraceful, it would never be a bar to the will of the majority of the people at any future period. It would simply show, that a collection of individuals, as well as a single man, can be guilty of an absurdity.]

MR. CLAY rose to present several petitions which had come into his hands. They were signed by citizens of Philadelphia, many of whom were known to be of the first respectability, and the others were, no doubt, entitled to the highest consideration. The petitions were directed against the admission of Arkansas into the Union, while there was a clause in her Constitution prohibiting any future legislation for the abolition of slavery within her limits. He had felt considerable doubt as to the proper disposition which he should make of these petitions, while he wished to acquit himself of the duty intrusted to him. The bill for the admission of Arkansas had passed the Senate, and gone to the other House. It was possible that it would be returned from that branch with an amendment, which would bring this subject into consideration. He wished the petitioners had selected some other organ. He did not concur in the prayer of the petitioners. He thought that Arkansas, and any other State or Territory south of forty degrees, had the entire right, according to the compromise made on the Missouri question, to frame its Constitution, in reference to slavery, as it might think proper. He adhered to his opinions on this point which he held on a former memorable occasion, which would be in the recollection of senators. He would only ask that one of these memorials be read, and that the whole of them should then be laid on the table.

[Mr. King, of Alabama, expressed his regret that the senator from Kentucky had introduced these petitions, while a bill was pending in the other branch, in the progress of which it was probable that this question would be stirred. If the presentation of these petitions should bring up again the agitation which was produced by the discussion of the Missouri question, it would be difficult to predict the consequences which might ensue. When the Missouri question was under consideration, he acted with the senator from Kentucky, and agreed to give up certain rights of the new States for the purpose of conciliation. But he would now say, that never again would he give up any thing for the purpose of conciliating another quarter of the country. He repeated his astonishment and concern, that the senator from Kentucky should have brought forward the petitions.]

Mr. Clay said he felt unaffected surprise at the expression of regret contained in the language of the senator from Alabama, as to the presentation of these petitions. I feel no regret. The subject of these petitions I do not approve, and I stated my disapprobation. I should have been happy, had the petitioners chosen another organ. I stated, further, that my opinions were unchanged. But these petitions have been committed to my care. In presenting them I only performed a duty—a duty, in reference to petitions, of a constitutional, almost a sacred character. I have presented the petitions, but I have asked for no other action on them than the mere laying of them on the table, although I might have done so, as the bill is yet before the other branch. It is highly competent to the legislative authority to pass another bill, to control this clause in the Constitution of Arkansas. I have asked no such thing. If the question should be stirred in the other branch, as seems to be apprehended by the senator from Alabama, it is better that the petitions are presented here. Here they are. I have merely performed a duty in presenting them; yet I am chided, chided at least in tone, by the senator from Alabama, for having done so. Sure I am, sir, that in this tone of chiding, there is not another senator on this floor who will participate.

As to the principle of compromise, there were several epochs from which gentlemen might take their start. The adoption of the Constitution was a compromise; the settlement of the Missouri question was the second epoch; the adjustment of the tariff was the third. The principle illustrated in all these great cases it was highly desirable should be carried out. These persons who now come before Congress, think it hard that they should be excluded from any participation in the soil south of forty degrees, which was won by the aid of their treasure and their valor. Perhaps the hardship was equally severe on those whose habits have rendered them familiar with slavery, that they are virtually excluded from a residence in any of the States north of the line of forty. He concluded with saying, that he had defended the principle of compromise, in the Missouri question, with as much zeal, if not as much ability, as the senator from Alabama.

[The petitions were then laid on the table.]

ON THE FORTIFICATION BILL.

IN SENATE, JUNE 29, 1836.

[At the close of Mr. John Quincy Adams's administration, the annual expenses of the government were about twelve millions of dollars; yet, when Adams and Jackson were before the people as rival candidates for the presidency in 1828, the extravagant expenditures of Mr. Adams's administration were brought in charge against him. So rapidly, however, had the expenditures of the government augmented since General Jackson came into power, that the estimates for the last year of his second term had risen to forty millions! The object of the following speech was to reduce one half a proposed appropriation of four millions and a half for fortifications, which, thus cut down, would be more than double of the usual amount, which was supposed by Mr. Clay to be as much as could be profitably expended.]

Mr. Clay thought there was no inconsistency between the two propositions to amend the bill as proposed by the senator from South Carolina with the view of reducing the amount proposed for fortifications, and to amend it as proposed by the senator from Delaware, to restrain the issue of money from the public treasury, except as it should be called for in a course of regular disbursement. Both might be well adopted, and he hoped would be.

He had, however, risen more particularly for the purpose of calling the attention of the Senate to the enormous and alarming amount of appropriations which had been actually made, or were in progress, during this session. He had procured from the Secretary of the Senate a statement of such as had been made by bills which had passed one or both Houses up to the 27th of last month, when it amounted to about twenty-five millions. Since then other bills had passed, which swelled it up to thirty-two or three millions; and other bills were now in progress, and would probably pass, carrying it up to forty millions, or beyond that sum. Forty millions of dollars in one year, when we have no debt, and no foreign war! Will not the country be justly alarmed, profoundly astonished, when it

hears of these enormous appropriations? Is it possible to proceed with the government on such a scale of expenditure?

Why, sir, it is a greater amount than is appropriated to similar objects by the British Parliament, since its reform, in one year. The whole revenue of Great Britain is about forty-two millions sterling, of which sum twenty-eight millions is applied to the public debt, six to the payment of pensions, annuities, and so forth, and only about eight millions to the current annual expenses of the whole of their vast establishments, military and naval, and the civil government at home and abroad. Now, forty millions of dollars exceed eight millions sterling. Who would have supposed that an administration, which came in upon pledges and promises of retrenchment, reform, and economy, should, in the eighth year of its rule, have swelled the expenditure of the government to an amount exceeding that of Great Britain? And this surprise must be increased, when we reflect that the British Parliament stands to the people of Great Britain in the double relation of the federal and State governments to the people of the United States.

When Mr. Adams left the administration, the current annual expenses of the government, exclusive of the public debt, amounted to about twelve millions. Only a few years ago, a Secretary of the Treasury under the present administration (Mr. McLane), estimated the ordinary expenses of the government at fifteen millions annually. Even during the present session, the able senator from New York, when the land bill was under discussion, placed them for a series of years, at eighteen millions. And now we propose, in this year, to more than treble the amount of expenditure during the extravagant administration, as it was charged, of Mr. Adams!

Mr. Clay hoped the Senate would pause. He called upon the friends of the administration, in no taunting or reproachful spirit, to redeem the pledges and promises with which they came into power. If the love of country, if a faithful discharge of duty to the people, if a just economy would not animate them, and stay these extravagant appropriations, he hoped the devotion to party would. Could they expect to continue in power (and he candidly confessed, that he was not particularly anxious that they should), with such unexampled appropriations? How can they meet their constituents with these bills staring them in the face?

And for what purpose shall they be made? Does any man believe, will any senator rise in his place and say, that these immense appropriations can be prudently, safely, and wisely disbursed? He had, indeed, heard that it was not expected they would be. He had heard, what was too wicked, profligate, and monstrous for him to believe, that it was intended to withdraw the appropriations from the public treasury, place them to the credit of disbursing officers, in the custody of local banks, and thus elude the operation of the deposit bill, which has recently passed. That bill had been demanded by the people of this country. It had passed from a profound sense of duty, in consequence of that demand, by unprecedented

majorities in both Houses. And he would not allow himself for a moment to believe, that a sinister design existed anywhere, to elude the operation of that great and salutary measure. What, sir! is the money of the people of this country to be held in deposit banks, one of which, according to a statement going the rounds of the papers, has made fourteen and a half per centum dividend for six months?

The annual average appropriations for fortifications heretofore, have been about seven hundred and fifty or eight hundred thousand dollars; and by the bill now before us, and that for a similar object which we have sent to the House, if both pass, we shall have appropriated for fortifications for one year, four millions and a half. Is it possible in one year judiciously to expend this enormous sum? When we look at the price of labor, the demands upon it for an increase of the army, for volunteers, and for the general avocations of society, does any body believe that this vast sum can be judiciously laid out? It has been said that, having omitted to make any appropriation last year, we ought this year to appropriate double the ordinary sum. But, if you can not safely expend it, why should that be done? He was willing to make large and liberal appropriations for the navy and for fortifications; we ought, however, to look to all our great interests, and regulate the appropriations in reference to a survey of the whole country; and he earnestly entreated the Senate to fulfill the hopes and expectations which had been recently inspired in the people of this country, by checking and putting itself decidedly against this rash, wild, and ruinous extravagance. He would vote for the commitment, to reduce the appropriations one half; after which there would remain an amount equal to double the ordinary annual appropriations, without including the sum in the bill now before the House.

ON RECOGNIZING THE INDEPENDENCE OF TEXAS.

IN SENATE, JULY 1, 1836.

[The first public and formal declaration of independence by the people of Texas, in their relations to the Republic of Mexico, was in March, 1836. In April, the next month, a decisive battle was fought, on the banks of the San Jacinto river, between the Mexicans, led on by Santa Anna, and the Texans, commanded by General Houston. The forces of the parties were most unequal, the Texans being a small and undisciplined band of volunteers, while Santa Anna brought against them a regular army, intending to take the Texans by surprise, and annihilate them. He was defeated, and himself taken prisoner. With the President of Mexico in their hands, the Texans had an easy and advantageous negotiation, though not definitive as to final independence. From that moment, all the movements of Texas toward independence were rapid. In less than three months, the following resolution was reported to the Senate of the United States, and adopted unanimously:

Resolved, that the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information shall be received that it has in successful operation a civil government, capable of performing the duties and fulfilling the obligations of an independent power.

It was on this resolution that Mr. Clay made the following remarks.]

Mr. Clay said, that the report of the committee on foreign relations was so full, and the session was so near its termination, that he had not thought it necessary to add one word to what that document contained; and he should not now have risen but for the amendment proposed by the senator from South Carolina (Mr. Preston), and what had fallen from him.

With respect to that amendment, I have no objection to it, and wish it to be adopted. The committee on foreign relations had reported a resolution, declaring that Texas ought to be recognized as an independent power,

as soon as satisfactory information is acquired, that it has an established government in successful operation. The president states, in a message received in the Senate subsequent to the report, that he has adopted measures to obtain that information. There is, therefore, an entire consistency between the resolution of the committee, the message of the president, and the proposed amendment, and he hoped it would be agreed to.

The senator from South Carolina, actuated by very natural and proper feelings, would be glad to propose a stronger measure, one of immediate recognition, but feels restrained by the dictates of his sober judgment. I, too, Mr. President, would be most happy, if the state of our information, and the course of events, were such as to warrant the adoption of that stronger measure. But I do not concur in the opinion which has been expressed, that the actual independence of Texas, by the overthrow or expulsion of the armies of Mexico, is the only consideration which should guide us in deciding the question of recognition. There is another, scarcely of less importance, and that is, whether there is in Texas a civil government in successful operation, competent to sustain the relations of an independent power. This is the very point on which we want information and that respecting which the president is, we are given to understand, now endeavoring to obtain. And, surely, considering how recently Texas has adopted a Constitution of government, it is not unreasonable to wait a short time to see what its operation will be.

But there are other considerations which ought not to be overlooked by a wise and discreet government. We are told by the senator from South Carolina, that the vice-president of Texas is on his way to La Vera Cruz, to negotiate with the Mexican government a definitive treaty of peace between the two powers, and, consequently, an acknowledgment of the independence of Texas. This fact furnishes an additional motive on the part of the United States for forbearing, at present, to proceed to the formal acknowledgment of the independence of Texas. And how much more glorious will it not be for Texas herself, by her own valor, to force from her enemy the first acknowledgment of her independence?

We ought to discriminate between Santa Anna—the blood-thirsty, vain-boasting, military tyrant, who has met in his overthrow and captivity a merited fate—and the eight millions of Mexicans, over whom he was exercising military sway. We should not allow the feelings of just indignation, which his conduct has excited, to transport us against the perhaps unoffending people whom he has controlled. We ought to recollect that Mexico is our neighbor, having conterminous territory; that as long as we both remain independent powers, we shall stand in that relation to her; that we are carrying on, by sea and by land, a commerce highly beneficial to both parties; and that it is the interest of both to cultivate the most amicable and harmonious intercourse. If we proceed precipitately, and prematurely, how will our conduct be regarded by Mexico? May we not lay the foundations of a lasting and injurious misunderstanding? If, indeed,

Mexico delays unreasonably the acknowledgment of the independence of Texas, and resolves on the prosecution of the war, I should be far from thinking that the United States ought to postpone to any distant day, the recognition of Texas, after the desired information is obtained. The senator from South Carolina has supposed it to be necessary to recognize Texas, in order to insure the execution of existing treaties with Mexico. So far as they affect Texas, she is as much bound by them, as if they had been negotiated under her express authority. For I suppose it to be incontestable, that a nation remains bound by all the treaties it has formed, however often it may think proper to change the form of its government; and that all the parts of a common nation also continue so bound, notwithstanding and after they shall have formed themselves into separate and independent powers.

Then there are other considerations, which recommend us to act on full information, and with due deliberation. It is undeniable, that many citizens of the United States, impelled by a noble devotion to the cause of liberty, have rushed to the succor of Texas, and contributed to the achievement of her independence. This has been done without the sanction or authority of this government; but it nevertheless exposes us to unworthy imputations. It is known that European powers attribute to our Union unbounded ambition, and a desire of aggrandizing ourselves at the expense of our neighbors. The extensive acquisition of territory by the treaties of Louisiana and Florida, peaceful and upon a fair consideration as it was, is appealed to as sustaining the unfounded charge against us. Now, if, after Texas has declared her independence not quite four months ago, we should hasten to acknowledge it, considering the aid afforded by citizens of the United States, should we not give countenance to those imputations? Does not a just regard to our own character, as a wise, cautious, and dignified power, a just regard to the opinion of the people of Mexico, and a just regard to that of the impartial world, require that we should avoid all appearance of haste and precipitation? And when we have reason to suppose, that not a single hostile bayonet remains in Texas, and when the ceremony of recognition, performed now, or a few months hence, can be of no material consequence to her, is it not better for all parties that we should wait a little while longer?

The senator from South Carolina refers to the policy which has constantly guided our councils in regard to the acknowledgment of new powers, or new governments, and he has correctly stated it. But it would not be at all difficult, if it were proper to detain the Senate, to show an essential difference between the present instance and the cases of France, of Spanish America, and of Greece, to which he has adverted. There is an obvious difference in the duration of the new governments, and the degree of information which we possess about them.

The Senate, without the co-operation of the executive in some way, is incompetent to recognize Texas. The president tells us, in his message,

that he has adopted measures to acquire necessary information to guide his judgment. We also want it. He can not be justly accused of having delayed unreasonably to act. There is ground to believe, not only that Texas is independent, but that it has a government in practical operation. I sincerely hope it has, and that it has laid, on deep foundations, perfect securities for liberty, law, and order. In the mean time, every prudential consideration seems to me to require, that we should stop with the resolution and proposed amendment. Such appears to be the deliberate judgment of the senator himself. I sincerely, I most anxiously hope, that the desired information will be soon obtained by the executive; and that the feelings and wishes for the acknowledgment of the independence of Texas, which so generally prevail among our constituents, may be speedily gratified.

[After some further debate, the resolution was agreed to by a unanimous vote.]

ON THE EXPUNGING RESOLUTION.

IN SENATE, JANUARY 16, 1837.

[On the 28th of March, 1834, the Senate of the United States adopted, by a vote of twenty-six to twenty, the following resolution, which had been offered by Mr. Clay :

Resolved, that the president, in the late executive proceedings in relation to the public revenue, has assumed to himself authority and power not conferred by the Constitution and laws, but in derogation of both.

In February, 1835, at the second session of the same Congress, Mr. Benton, of Missouri, brought in a resolution to expunge the above-cited resolution from the journals of the Senate, which was lost by the decisive vote of thirty-nine to seven. But the Senate of the next, the Twenty-fourth Congress, was composed of a majority of Jackson men, when Mr. Benton again brought forward his expunging resolution.

Except as this resolution proposed to avenge General Jackson for the censure of Mr. Clay's resolution of 1834, nothing could be more absurd ; for it only contributed to make the latter more notorious in all future history. While the journal itself still bears the record, the expunging lines make that, too, all the more remarkable. The Constitution requires that each House of Congress shall keep a journal of its proceedings. Mr. Benton's resolution, therefore, called upon the Senate to violate this part of fundamental law, if it were possible to blot out the record. But that was no matter in those violent times, when the Constitution and laws were little regarded, if they stood in the way of the will of General Jackson. Mr. Benton's resolution was carried, and the journal of the Senate of the United States will forever bear the marks of the expunging lines—with what credit to the majority of that body who decreed it, we will not undertake to say. No true American can ever look upon it without having his face suffused with the blush of shame. Even if the resolution of Mr. Clay in 1834 had been untrue, or unjust,

or uncalled for, or in any manner improper, it would have been no justification of the expunging resolution, nor even of a counter-resolution at this distance of time, and when General Jackson was in a full career of popular triumph. Such a thing done for him, in such circumstances, would have been in bad taste. But in every aspect of the expunging resolution, and in all its relations, it was a barbarity, an unheard-of transaction in the legislative annals of civilized society, and can only be accounted for on the hypothesis, that General Jackson's passions and love of revenge forced his political friends in the Senate to do it; that it was virtually an order from him, and that they did not dare to disobey it;—so complete was his ascendancy over them; all which proves that Mr. Clay was right. This hypothesis is probably the true historical interpretation of the affair. As Mr. Jefferson said to Mr. Webster in 1824, as cited in a former editorial: "He," General Jackson, "is the most unfit man I know of for such a place (president). His passions are terrible. He is a dangerous man." Doubtless those senators understood that they must do this thing on pain of the president's displeasure. What else could account for so barbarous an act? And, on this hypothesis, what is the spectacle presented? The head of one co-ordinate department of the government, marches unbidden into the chamber of another co-ordinate branch, seizes its journals, and blots out a record that is displeasing to him! And that record, too, was entered in obedience to the mandate of the Constitution!]

Considering that I was the mover of the resolution of March, 1834, and the consequent relation in which I stood to the majority of the Senate by whose vote it was adopted, I feel it to be my duty to say something on this expunging resolution, and I always have intended to do so when I should be persuaded that there existed a settled purpose of pressing it to a final decision. But it was so taken up and put down at the last session—taken up one day, when a speech was prepared for delivery, and put down when it was pronounced—that I really doubted whether there existed any serious intention of ever putting it to the vote. At the very close of the last session, it will be recollected that the resolution came up, and in several quarters of the Senate a disposition was manifested to come to a definitive decision. On that occasion, I offered to waive my right to address the Senate, and silently to vote upon the resolution; but it was again laid upon the table, and laid there forever, as the country supposed, and as I believed. It is, however, now revived; and sundry changes having taken place in the members of this body, it would seem that the present design is to bring the resolution to an absolute conclusion.

I have not risen to repeat at full length the argument by which the friends of the resolution of March, 1834, sustained it. That argument is before the world, was unanswered at the time, and is unanswerable. And I here, in my place, in the presence of my country and my God, after the fullest consideration and deliberation of which my mind is capable, reassert my solemn conviction of the truth of every proposition contained in that resolution. But while it is not my intention to commit such an infliction upon the Senate as that would be, of retracing the whole ground of argument formerly occupied, I desire to lay before it at this time, a brief and true state of the case. Before the fatal step is taken, of giving to the expunging resolution the sanction of the American Senate, I wish, by presenting a faithful outline of the real questions involved in the resolution of 1834, to make a last, even if it is to be an ineffectual appeal, to the sober judgments of the senators. I begin by reasserting the truth of that resolution.

Our British ancestors understood perfectly well the immense importance of the money power in a representative government. It is the great lever by which the crown is touched, and made to conform its administration to the interests of the kingdom, and the will of the people. Deprive Parliament of the power of freely granting or withholding supplies, and surrender to the king the purse of the nation, he instantly becomes an absolute monarch. Whatever may be the form of government, elective or hereditary, democratic or despotic, that person who commands the force of the nation, and at the same time has uncontrolled possession of the purse of the nation, has absolute power, whatever may be the official name by which he is called.

Our immediate ancestors, profiting by the lessons on civil liberty, which had been taught in the country from which we sprung, endeavored to encircle around the public purse, in the hands of Congress, every possible security against the intrusion of the executive. With this view, Congress alone is invested by the Constitution with the power to lay and collect the taxes. When collected, not a cent is to be drawn from the public treasury, but in virtue of an act of Congress. And among the first acts of this government, was the passage of a law establishing the treasury department, for the safe keeping and the legal and regular disbursement of the money so collected. By that act a Secretary of the Treasury is placed at the head of the department; and varying in one respect from all the other departments, he is to report, not to the president, but directly to Congress, and is liable to be called to give information in person before Congress. It is impossible to examine dispassionately that act, without coming to the conclusion that he is emphatically the agent of Congress in performing the duties assigned by the Constitution of Congress. The act further provides that a treasurer shall be appointed to receive and keep the public money, and none can be drawn from his custody but under the authority of a law, and in virtue of a warrant drawn by the Secretary of

the Treasury, countersigned by the comptroller, and recorded by the register. Only when such a warrant is presented can the treasurer lawfully pay one dollar from the public purse. Why was the concurrence of these four officers required in disbursements of the public money? Was it not for greater security? Was it not intended that each, exercising a separate and independent will, should be a check upon every other? Was it not the purpose of the law to consider each of these four officers, acting in his proper sphere, not as a mere automaton, but as an intellectual, intelligent, and responsible person, bound to observe the law, and to stop the warrant, or stop the money, if the authority of the law were wanting?

Thus stood the treasury from 1789 to 1816. During that long time no president had ever attempted to interfere with the custody of the public purse. It remained where the law placed it, undisturbed, and every chief magistrate, including the father of his country, respected the law.

In 1816 an act passed to establish the late bank of the United States for the term of twenty years; and, by the sixteenth section of the act, it is enacted,

"That the deposits of the money of the United States in places in which the said bank and the branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction."

Thus it is perfectly manifest, from the express words of the law, that the power to make any order or direction for the removal of the public deposits, is confided to the secretary alone, to the absolute exclusion of the president, and all the world besides. And the law proceeding upon the established principle, that the Secretary of the Treasury, in all that concerns the public purse, acts as the direct agent of Congress, requires, in the event of his ordering or directing a removal of the deposits, that he shall immediately lay his reasons therefor before whom? the president? No: before Congress.

So stood the public treasury and the public deposits from the year 1816 to September, 1833. In all that period of seventeen years, running through or into four several administrations of the government, the law had its uninterrupted operation, no chief magistrate having assumed upon himself the power of diverting the public purse from its lawful custody, or of substituting his will to that of the officer to whose care it was exclusively intrusted.

In the session of Congress of 1832–3, an inquiry had been instituted by the House of Representatives into the condition of the bank of the United States. It resulted in a conviction of its entire safety, and a declaration by the House, made only a short time before the adjournment of Congress

on the 4th of March, 1833, that the public deposits were perfectly secure. This declaration was probably made in consequence of suspicions then afloat of a design on the part of the executive to remove the deposits. These suspicions were denied by the press friendly to the administration. Nevertheless, the members had scarcely reached their respective homes, before measures were commenced by the executive to effect a removal of the deposits from that very place of safety which it was among the last acts of the House to declare existed in the bank of the United States.

In prosecution of this design, Mr. McLane, the Secretary of the Treasury, who was decidedly opposed to such a measure, was promoted to the Department of State, and Mr. Duane was appointed to succeed him. But Mr. Duane was equally convinced, with his predecessor, that he was forbidden by every consideration of duty to execute the power with which the law had intrusted the Secretary of the Treasury, and refused to remove the deposits; whereupon he was dismissed from office, a new Secretary of the Treasury was appointed, and, in September, 1833, by the command of the president, the measure was finally accomplished. That it was the president's act was never denied, but proclaimed, boasted, defended. It fell upon the country like a thunderbolt, agitating the Union from one extremity to the other. The stoutest adherents of the administration were alarmed; and all thinking men, not blinded by party prejudice, beheld in the act a bold and dangerous exercise of power; and no human sagacity can now foresee the tremendous consequences which will ensue. The measure was adopted not long before the approaching session of Congress; and, as the concurrence of both branches might be necessary to compel a restoration of the deposits, the object was to take the chance of a possible division between them, and thereby defeat the restoration.

And where did the president find the power for this most extraordinary act? It has been seen that the Constitution, jealous of all executive interference with the treasury of the nation, had confined it to the exclusive care of Congress by every precautionary guard, from the first imposition of the taxes to the final disbursement of the public money.

It has been seen that the language of the sixteenth section of the law of 1816 is express and free from all ambiguity; and that the Secretary of the Treasury is the sole, exclusive depository of the authority which it confers.

Those who maintain the power of the president, have to support it against the positive language of the Constitution, against the explicit words of the statute, and against the genius and theory of all our institutions.

And how do they surmount these insuperable obstacles? By a series of far-fetched implications, which, if every one of them were as true as they are believed to be incorrect or perverted, would stop far short of maintaining the power which was exercised.

The first of these implied powers is, that of dismissal, which is claimed

for the president. Of all the questioned powers ever exercised by the government, this is the most questionable. From the first Congress down to the present administration, it had never been examined. It was carried then, in the Senate, by the casting vote of the vice-president. And those who, at that day, argued in behalf of the power, contended for it upon conditions which have been utterly disregarded by the present chief magistrate. The power of dismissal is nowhere in the Constitution granted, in express terms, to the president. It is not a necessary incident to any granted power; and the friends of the power have never been able to agree among themselves as to the precise part of the Constitution from which it springs.

But, if the power of dismissal was as incontestable as it is justly controvertible, we utterly deny the consequences deduced from it. The argument is, that the president has, by implication, the power of dismissal. From this first implication, another is drawn, and that is, that the president has the power to control the officer, whom he may dismiss, in the discharge of his duties, in all cases whatever; and that this power of control is so comprehensive as to include even the case of a specific duty expressly assigned by law to the designated officer.

Now, we deny these results from the dismissing power. That power, if it exists, can draw after it only a right of general superintendence. It can not authorize the president to substitute his will to the will of the officer charged with the performance of official duties. Above all, it can not justify such a substitution in a case where the law, as in the present instance, assigns to a designated officer exclusively the performance of a particular duty, and commands him to report, not to the president, but to Congress, in a case regarding the public purse of the nation, committed to the exclusive control of Congress.

Such a consequence as that which I am contesting would concentrate in the hands of one man the entire executive power of the nation, uncontrolled and unchecked.

It would be utterly destructive of all official responsibility. Instead of each officer being responsible, in his own separate sphere, for his official acts, he would shelter himself behind the orders of the president. And what tribunal, in heaven above or on earth below, could render judgment against any officer for an act, however atrocious, performed by the express command of the president, which, according to the argument, he was absolutely bound to obey?

While all other official responsibility would be utterly annihilated in subordinated officers, there would be no practical or available responsibility in the president himself.

But the case has been supposed, of a necessity for the removal of the deposits, and a refusal of the Secretary of the Treasury to remove them; and it is triumphantly asked if, in such a case, the president may not remove him, and command the deed to be done. That is an extreme case,

which may be met by another. Suppose the president, without any necessity, orders the removal from a place of safety to a place of hazard. If there be danger that a president may neglect his duty, there is equal danger that a president may abuse his authority. Infallibility is not a human attribute. And there is more security for the public in holding the Secretary of the Treasury to the strict performance of an official duty specially assigned to him, under all his official responsibility, than to allow the president to wrest the work from his hands, annihilate his responsibility, and stand himself practically irresponsible. It is far better that millions should be lost by the neglect of a Secretary of the Treasury, than to establish the monstrous principle that all the checks and balances of the executive government shall be broken down, the whole power absorbed by one man, and his will become the supreme rule. The argument which I am combating places the whole treasury of the nation at the mercy of the executive. It is in vain to talk of appropriations by law, and the formalities of warrants upon the treasury. Assuming the argument to be correct, what is to prevent the execution of an order from the president to the Secretary of the Treasury to issue a warrant, without the sanction of a previous legal appropriation, to the comptroller to countersign it, to the register to register it, and to the treasurer to pay it? What becomes of that quadruple security which the precaution of the law provided? Instead of four substantive and independent wills, acting under legal obligations, all are merged in the executive orders.

But there was in point of fact, no cause, none whatever, for the measure. Every fiscal consideration, (and no other had the secretary or the president a right to entertain), required the deposits to be left undisturbed in the place of perfect safety where by law they were. We told you so at the time. We asserted that the charges of insecurity and insolvency of the bank were without the slightest foundation. And time, that great arbiter of human controversies, has confirmed all that we said. The bank, from documents submitted to Congress by the Secretary of the Treasury at the present session, appears to be able not only to return every dollar of the stock held in its capital by the public, but an addition of eleven per centum beyond it.

Those who defend the executive act, have to maintain not only that the president may assume upon himself the discharge of a duty especially assigned to the Secretary of the Treasury, but that he may remove that officer, arbitrarily, and without any cause, because he refused to remove the public deposits without cause.

My mind conducts me to a totally different conclusion. I think, I solemnly believe, that the president "assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both," in the langnage of the resolution. I believed them in the truth of the resolution; and I now in my place, and under all my responsibility, re-avow my unshaken conviction of it.

But it has been contended on this occasion, as it was in the debate which preceded the adoption of the resolution of 1834, that the Senate has no right to express the truth on any question which by possibility, may become a subject of impeachment. It is manifest, that if it may, there is no more usual or appropriate form in which it may be done than that of resolutions, joint or separate, orders, or bills. In no other mode can the collective sense of the body be expressed. But senators maintain, that no matter what may be the executive encroachment upon the joint powers of the two Houses, or the separate authority of the Senate, it is bound to stand mute, and not breathe one word of complaint or remonstrance. According to the argument, the greater the violation of the Constitution or the law, the greater the incompetency of the Senate to express any opinion upon it! Further, that this incompetency is not confined to the acts of the president only, but extends to those of every officer who is liable to impeachment under the Constitution. Is this possible? Can it be true? Contrary to all the laws of nature, is the Senate the only being which has no power of self-preservation; no right to complain or to remonstrate against attacks upon its very existence?

The argument is, that the Senate, being the constitutional tribunal to try all impeachments, is thereby precluded from the exercise of the right to express any opinion upon any official malfeasance, except when acting in its judicial character.

If this disqualification exist, it applies to all impeachable officers, and ought to have protected the late postmaster-general against the resolution, unanimously adopted by the Senate, declaring that he had borrowed money contrary to law. And it would disable the Senate from considering that treasury order, which has formed such a prominent subject of its deliberations during the present session.

And how do senators maintain this obligation of the Senate to remain silent, and behold itself stripped, one by one, of all constitutional powers, without resistance, and without murmur? Is it imposed by the language of the Constitution? Has any part of that instrument been pointed to which expressly enjoins it? No, no, not a syllable. But attempts are made to deduce it by another far-fetched implication: Because the Senate is the body which is to try impeachments, therefore it is inferred the Senate can express no opinion on any matter which may form the subject of impeachment. The Constitution does not say so. That is undeniable; but senators think so.

The Senate acts in three characters, legislative, executive, and judicial; and their importance is in the order enumerated. By far the most important of the three is its legislative. In that, almost every day that it has been in session, from 1789 to the present time, some legislative business has been transacted; while in its judicial character, it has not sat more than three or four times in that whole period.

Why should the judicial function limit and restrain the legislative func-

tion of the Senate, more than the legislative should the judicial? If the degree of importance of the two should decide which ought to impose the restraint, in cases of conflict between them, none can doubt which it should be.

But if the argument is sound, how is it possible for the Senate to perform its legislative duties? An act in violation of the Constitution or laws is committed by the president or a subordinate executive officer, and it becomes necessary to correct it by the passage of a law. The very act of the president in question was under a law to which the Senate had given its concurrence. According to the argument, the correcting law can not originate in the Senate, because it would have to pass in judgment upon that act. Nay, more, it can not orginate in the House, and be sent to the Senate, for the same reason of incompetency in the Senate to pass upon it. Suppose the bill contained a preamble reciting the unconstitutional or illegal act, to which the legislative corrective is applied; according to the argument, the Senate must not think of passing it. Pushed to its legitimate consequence, the argument requires the House of Representatives itself cautiously to abstain from the expression of any opinion upon an executive act, except when it is acting as the grand inquest of the nation, and considering articles of impeachment.

Assuming that the argument is well founded, the Senate is equally restrained from expressing any opinion, which would imply the innocence or the guilt of an impeachable officer, unless it be maintained, that it is lawful to express praise and approbation, but not censure or difference of opinion. Instances have occurred in our past history (the case of the British minister, Jackson, was a memorable one), and many others may arise in our future progress, when in reference to foreign powers, it may be important for Congress to approve what has been done by the executive, to present a firm and united front, and to pledge the country to stand by and support him. May it not do that? If the Senate dare not entertain and express any opinion upon an executive measure, how do those who support this expunging resolution justify the acquittal of the president, which it proclaims?

No senator believed in 1834, that, whether the president merited impeachment or not, he ever would be impeached. In point of fact he has not been, and we have every reason to suppose, that he never will be impeached. Was the majority of the Senate, in a case where it believed the Constitution and laws to have been violated, and the liberties of the people to be endangered, to remain silent, and to refrain from proclaiming the truth, because, against all human probability, the president might be impeached by a majority of his political friends in the House of Representatives?

If an impeachment had been actually voted by the House of Representatives, there is nothing in the Constitution which enjoins silence on the part of the Senate. In such a case, it would have been a matter of pro-

priety for the consideration of each senator to avoid the expression of any opinion on a matter upon which, as a sworn judge, he would be called to act.

Hitherto I have considered the question on the supposition, that the resolution of March, 1834, implied such guilt in the president, that he would have been liable to conviction on a trial by impeachment before the Senate of the United States. But the resolution, in fact, imported no such guilt. It simply affirmed, that he had "assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both." It imputed no criminal motives. It did not profess to penetrate into the heart of the president. According to the phraseology of the resolution, the exceptionable act might have been performed with the purest and most patriotic intention. The resolution neither affirmed his innocence, nor pronounced his guilt. It amounts, then, say his friends on this floor, to nothing. Not so. If the Constitution be trampled upon, and the laws be violated, the injury may be equally great, whether it has been done with good or bad intentions. There may be a difference to the officer, none to the country. The country, as all experience demonstrates, has most reason to apprehend those encroachments which take place on plausible pretexts, and with good intentions.

I put it, Mr. President, to the calm and deliberate consideration of the majority of the Senate, are you ready to pronounce, in the face of this enlightened community, for all time to come, and whoever may happen to be president, that the Senate dare not, in language the most inoffensive and respectful, remonstrate against any executive usurpation, whatever may be its degree or danger?

For one, I will not, I can not. I believe the resolution of March, 1834, to have been true; and that it was competent to the Senate to proclaim the truth. And I solemnly believe, that the Senate would have been culpably neglectful of its duty to itself, to the Constitution, and to the country, if it had not announced the truth.

But let me suppose that in all this I am mistaken; that the act of the president, to which exception was made, was in conformity with the spirit of our free institutions, and the language of our Constitution and laws; and that, whether it was or not, the Senate of 1834 had no authority to pass judgment upon it; what right has the Senate of 1837, a component part of another Congress, to pronounce judgment upon its predecessor? How can you, who venture to impute to those who have gone before you an unconstitutional proceeding, escape a similar imputation? What part of the Constitution communicates to you any authority to assign and try your predecessors? In what article is contained your power to expunge what they have done? And may not the precedent lead to a perpetual code of defacement and restoration of the transactions of the Senate, as consigned to the public records?

Are you not only destitute of all authority, but positively forbidden to

do what the expunging resolution proposes? The injunction of the Constitution to keep a journal of our proceedings is clear, express, and emphatic. It is free from ambiguity; no sophistry can pervert the explicit language of the instrument; no artful device can elude the force of the obligation which it imposes. If it were possible to make more manifest the duty which it requires to be performed, that was done by the able and eloquent speeches, at the last session, of the senators from Virginia and Louisiana (Messrs. Leigh and Porter), and at this, of my colleague. I shall not repeat the argument. But I would ask, if there were no constitutional requirement to keep a journal, what constitutional right has the Senate of this Congress to pass in judgment upon the Senate of another Congress, and to expunge from its journal a deliberate act there recorded? Can an unconstitutional act of that Senate, supposing it to be so, justify you in performing another unconstitutional act?

But, in lieu of any argument upon the point from me, I beg leave to cite for the consideration of the Senate two precedents; one drawn from the reign of the most despotic monarch in modern Europe, under the most despotic minister that ever bore sway over any people; and the other from the purest fountain of democracy in this country. I quote from the interesting life of the Cardinal Richelieu, written by that most admirable and popular author, Mr. James. The Duke of Orleans, the brother of Louis XIII., had been goaded into rebellion by the wary Richelieu. The king issued a decree declaring all the supporters of the duke guilty of high treason, and a copy of it was dispatched to the parliament at Paris, with an order to register it at once. The parliament demurred, and proceeded to what was called an *arret de partage*.

"Richelieu, however, could bear no contradiction in the course which he had laid down for himself;" [how strong a resemblance does that feature of his character bear to one of an illustrious individual whom I will not further describe!] "and hurrying back to Paris with the king, he sent, in the monarch's name, a command for the members of the parliament to present themselves at the Louvre in a body, and on foot. He was obeyed immediately; and the king receiving them with great haughtiness, the keeper of the seals made them a speech, in which he declared that they had no authority to deliberate upon affairs of state; that the business of private individuals they might discuss, but that the will of the monarch in other matters they were alone called upon to register. The king then tore with his own hands the page of the register on which the *arret de partage* had been inscribed, and punished with suspension from their functions several of the members of the various courts composing the parliament of Paris."

How repeated acts of the exercise of arbitrary power are likely to subdue the spirit of liberty, and to render callous the public sensibility, and the fate which awaits us, if we had not been recently unhappily taught in this country, we may learn from the same author.

"The finances of the State were exhausted, new impositions were devised, and a number of new offices created and sold. Against the last-named abuse the parliament ventured to remonstrate; but the government of the cardinal had for its first principle despotism, and the refractory members were punished, some with exile, some with suspension of their functions. All were forced to comply with his will, and the parliament, unable to resist, yielded, step by step, to his exactions."

The other precedent is suspended by the archives of the democracy of Pennsylvania, in 1816, when it was genuine and unmixed with any other ingredient.

The provisions of the Constitution of the United States and of Pennsylvania, in regard to the obligation to keep a journal, are substantially the same. That of the United States requires that

"Each House shall keep a journal of its proceedings, and from time to time publish the same, except such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one fifth of the members present, be entered on the journal."

And that of Pennsylvania is,

"Each House shall keep a journal of its proceedings, and publish them weekly, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journals."

Whatever inviolability, therefore, is attached to a journal, kept in conformity with the one Constitution, must be equally stamped on that kept under the other. On the 10th of February, 1816, in the House of Representatives of Pennsylvania, "the speaker informed the House that a constitutional question being involved in a decision by him yesterday, on a motion to expunge certain proceedings from the journal, he was desirous of having the opinion of the House on that decision, namely, that a majority can expunge from the journal any proceedings in which the yeas and nays have not been called. Whereupon Mr. Holgate and Mr. Smith appealed from said decision; and on the question, is the speaker right in his decision? the members present voted as follows: yeas, three; nays, seventy-eight. Among the latter are to be found the two senators now representing in this body the State of Pennsylvania. On the same day a motion was made by one of them (Mr. Buchanan), and Mr. Kelly, and read as follows:

"Resolved, that in the opinion of this House, no part of the journals of the House can be expunged, even by unanimous consent."

The Senate observes, that the question arose in a case where the yeas and nays had not been called. Even in such a case, there were but four

members, out of eighty-two, who thought it was competent to the House to expunge. Had the yeas and nays been called and recorded, as they were on the resolution of March, 1834, there would not have been a solitary vote in the House of Representatives of Pennsylvania in support of the power of expunging. And if you can expunge the resolution, why may you not expunge also the recorded yeas and nays attached to it?

But if the matter of expunction be contrary to the truth of the case, reproachful for its base subserviency, derogatory to the just and necessary powers of the Senate, and repugnant to the Constitution of the United States, the manner in which it is proposed to accomplish this dark deed is also highly exceptionable. The expunging resolution, which is to blot out or enshroud the four or five lines in which the resolution of 1834 stands recorded, or rather the recitals by which it is preceded, are spun out into a thread of enormous length. It runs, whereas, and whereas, and whereas, and whereas, and so forth, into a formidable array of nine several whereases. One who should have the courage to begin to read them, unaware of what was to be their termination, would think that at the end of such a tremendous display he must find the very devil. It is like a kite or a comet, except that the order of nature is inverted, and the tail, instead of being behind, is before the body to which it is appended.

I shall not trespass on the Senate by inquiring into the truth of all the assertions of fact and of principle, contained in these recitals. It would not be difficult to expose them all, and to show that not one of them has more than a colorable foundation. It is asserted by one of them, that the president was put upon his trial and condemned, unheard, by the Senate, in 1834. Was that true? Was it a trial? Can the majority now assert, upon their oaths, and in their consciences, that there was any trial or condemnation? During the warmth of debate, senators might endeavor to persuade themselves and the public, that the proceeding of 1834 was, in its effects and consequences, a trial, and would be a condemnation of the president; but now, after the lapse of nearly three years, when the excitement arising from an animated discussion has passed away, it is marvelous that any one should be prepared to assert, that an expression of the opinion of the Senate upon the character of an executive act was an arraignment, trial, and conviction of the President of the United States.

Another fact, asserted in one of those recitals, is, that the resolution of 1834, in either of the forms in which it was originally presented, or subsequently modified prior to the final shape which it assumed when adopted, would have been rejected by a majority of the Senate. What evidence is there in support of this assertion? None. It is, I verily believe, directly contrary to the fact. In either of the modifications of the resolution, I have not a doubt, that it would have passed! They were all made in that spirit of accommodation by which the mover of the resolution has ever regulated his conduct as a member of a deliberative body. In not one single instance did he understand from any senator at whose request he

made the modification, that, without it, he would vote against the resolution. How, then, can even the senators, who were of the minority of 1834, undertake to make the assertion in question? How can the new senators, who have come here since, pledge themselves to the fact asserted, in the recital of which they could not have any connusance? But all the members of the majority; the veterans and the raw recruits—the six years men and six weeks men—are required to concur in this most unfounded assertion, as I believe it to be. I submit it to one of the latter (looking toward Mr. Dana, from Maine, here by a temporary appointment from the executive) whether, instead of inundating the Senate with a torrent of fulsome and revolting adulation poured on the president, it would not be wiser and more patriotic to illustrate the brief period of his senatorial existence by some great measure, fraught with general benefit to the whole Union? Or, if he will not or can not elevate himself to a view of the interests of the entire country, whether he had not better dedicate his time to an investigation into the causes of an alien jurisdiction being still exercised over a large part of the territory of the State which he represents? And why the American carrying trade to the British colonies, in which his State was so deeply interested, has been lost by a most improvident and bungling arrangement.

Mr. President, what patriotic purpose is to be accomplished by this expunging resolution? What new honor or fresh laurels will it win for our common country? Is the power of the Senate so vast that it ought to be circumscribed, and that of the president so restricted, that it ought to be extended? What power has the Senate? None, separately. It can only act jointly with the other House, or jointly with the executive. And although the theory of the Constitution supposes, when consulted by him, it may freely give an affirmative or negative response according to the practice, as it now exists, it has lost the faculty of pronouncing the negative monosyllable. When the Senate expresses its deliberate judgment, in the form of resolution, that resolution has no compulsory force, but appeals only to the dispassionate intelligence, the calm reason, and the sober judgment of the community. The Senate has no army, no navy, no patronage, no lucrative offices, nor glittering honors to bestow. Around us there is no swarm of greedy expectants, rendering us homage, anticipating our wishes, and ready to execute our commands.

How is it with the president? Is he powerless? He is felt from one extremity to the other of this vast republic. By means of principles which he has introduced, and innovations which he has made in our institutions, alas! but too much countenanced by Congress and a confiding people, he exercises uncontrolled the power of the State. In one hand he holds the purse, and in the other brandishes the sword of the country. Myriads of dependents and partisans, scattered over the land, are ever ready to sing hosannas to him, and to laud to the skies whatever he does. He has swept over the government, during the last eight years, like a tropical tornado.

Every department exhibits traces of the ravages of the storm. Take, as one example, the bank of the United States. No institution could have been more popular with the people, with Congress, and with State Legislatures. None ever better fulfilled the great purposes of its establishment. But it unfortunately incurred the displeasure of the president; he spoke, and the bank lies prostrate. And those who were loudest in its praise are now loudest in its condemnation. What object of his ambition is unsatisfied? When disabled from age any longer to hold the scepter of power, he designates his successor, and transmits it to his favorite. What more does he want? Must we blot, deface, and mutilate the records of the country to punish the presumptuousness of expressing an opinion contrary to his own?

What patriotic purpose is to be accomplished by this expunging resolution? Can you make that not to be which has been? Can you eradicate from memory and from history the fact, that in March, 1834, a majority of the Senate of the United States passed the resolution which excites your enmity? Is it your vain and wicked object to arrogate to yourselves that power of annihilating the past which has been denied to omnipotence itself? Do you intend to thrust your hands into our hearts, and to pluck out the deeply-rooted convictions which are there? or is it your design merely to stigmatize us? You can not stigmatize us:

"Ne'er yet did base dishonor blur our name."

Standing securely upon our conscious rectitude, and bearing aloft the shield of the Constitution of our country, your puny efforts are impotent, and we defy all your power. Put the majority of 1834 in one scale, and that by which this expunging resolution is to be carried in the other, and let truth and justice, in heaven above and on the earth below, and liberty and patriotism, decide the preponderance.

What patriotic purpose is to be accomplished by thus expunging? Is it to appease the wrath, and to heal the wounded pride, of the chief magistrate? If he be really the hero that his friends represent him, he must despise all mean condescension, all groveling sycophancy, all self-degradation and self-abasement. He would reject with scorn and contempt, as unworthy of his fame, your black scratches, and your baby lines in the fair records of his country. Black lines! Black lines! Sir, I hope the Secretary of the Senate will preserve the pen with which he may inscribe them, and present it to that senator of the majority whom he may select, as a proud trophy, to be transmitted to his descendants. And hereafter, when we shall lose the forms of our free institutions, all that now remain to us, some future American monarch, in gratitude to those by whose means he has been enabled, upon the ruins of civil liberty, to erect a throne, and to commemorate especially this expunging resolution, may institute a new order of knighthood, and confer on it the appropriate name of the knight of the black lines.

But why should I detain the Senate or needlessly waste my breath in fruitless exertions. The decree has gone forth. It is one of urgency, too. The deed is to be done; that foul deed, like the blood-stained hands of the guilty Macbeth, all ocean's waters will never wash out. Proceed, then, to the noble work which lies before you, and like other skillful executioners, do it quickly. And when you have perpetrated it, go home to the people, and tell them what glorious honors you have achieved for our common country. Tell them that you have extinguished one of the brightest and purest lights that ever burned at the altar of civil liberty. Tell them that you have silenced one of the noblest batteries that ever thundered in defense of the Constitution, and bravely spiked the cannon. Tell them that, henceforward, no matter what daring and outrageous act any president may perform, you have for ever hermetically sealed the mouth of the Senate. Tell them that he may fearlessly assume what power he pleases; snatch from its lawful custody the public purse, command a military detachment to enter the halls of the capitol, overawe Congress, trample down the Constitution, and raze every bulwark of freedom; but that the Senate must stand mute, in silent submission, and not dare to raise its opposing voice. That it must wait until a House of Representatives, humbled and subdued like itself, and a majority of it composed of the partisans of the president, shall prefer articles of impeachment. Tell them, finally, that you have restored the glorious doctrine of passive obedience and non-resistance, and, if the people do not pour out their indignation and imprecations, I have yet to learn the character of American freemen.

ON THE SUB-TREASURY BILL.

IN SENATE, SEPTEMBER 25, 1837.

[THE policy of General Jackson, so far as it was his own, was a system of State quackery, forced upon the country by his popularity and indomitable will; and the calamitous consequences of his pet measures came in quick and rapid succession. The eight years of his two terms of office reduced a most prosperous nation to the verge of ruin; and Mr. Van Buren, his nominee—virtually his appointee—had not been inaugurated three months before he was obliged to call a special session of Congress, on account of the universal distress of the country; all which went on under his administration accumulating, until, in 1840, both he and his, that is, the Jackson, policy, were overthrown by a signal triumph of the Whigs, who, by reason of the treachery of John Tyler, were unable to carry out their own policy in any thing of importance, except the tariff of 1842. They passed a bank bill through Congress, to be vetoed by Mr. Tyler, which left the government without a national fiscal agent. The bank and tariff acts together would have set the nation on its legs again; and the tariff alone nearly accomplished that object, till the treason of John Tyler gave the government to the opponents of the Whigs, and James K. Polk restored the Jackson policy in the tariff of 1846, in re-enacting the Sub-Treasury, and in other corresponding measures. In all this time, from 1829 to 1845, there was no fair experiment of any policy, except that of Jackson and that of the tariff of 1842; the former of which broke the nation down, and the latter repaired these mischiefs with amazing rapidity, so long as it lasted—four years.

The popularity of General Jackson was so great, that the people could never be made to believe that their sufferings were owing chiefly to Jackson's veto of the bank bill in 1832, to his removal of the deposits in 1833, and to other kindred measures of his administration and public policy. The state of the country was so thoroughly deranged and thrown into disorder by

these measures, that none but the practiced eye of a statesman, like Mr. Clay, could well comprehend it. The inflexible will of General Jackson had set this immense and comprehensive mischief in train, and his leading and obsequious partisans were so linked in with it, that they could not tread back, but were obliged to go forward in support and vindication of their chieftain. They knew well that to falter in the service of their master, was to be turned out of it ; and so matters went on, till, by the misfortunes of the country, the Jackson dynasty was entirely overthrown, in 1840. From that time, new elements entered into the composition of the democratic policy, though the party was always inclined to fall back on the same basis of irresponsible power.

Mr. Van Buren was thoroughly committed to the Jackson policy, by which the nation was brought into such distress. Having come into power on the 4th of March, 1837, he called a special session of Congress for September. In May, after his inauguration, the banks began to totter and fall into suspension, in rapid succession, with the public deposits in their vaults. In prospect of the liquidation of the Bank of the United States, after General Jackson's veto, State banks were everywhere multiplied to fill up the prospective vacuum, till they numbered upward of eight hundred, with no national bank, as formerly, to regulate or check their transactions. To relieve the general wreck which was now so obviously impending, the Secretary of the Treasury had orders from General Jackson, who now held in his hand the purse of the nation, to notify the deposit banks, that they might extend their accommodations to the people, which was done, till the aggregate indebtedness to the banks amounted to fifteen hundred millions of dollars. Imports had flooded the country, till our foreign indebtedness drew so heavily on the bank vaults, that most of the banks were obliged to suspend—their loans to the people, and their currency afloat being so great.

Such was the state of the country when Mr. Van Buren's called session of Congress awaited his message, in September, 1837. If the president had had the magnanimity to tell the real cause of the public distress, the remedy set forth by Mr. Clay in the following speech might have been at once applied, and in six months, at most a year, the country would have been brought back to a prosperous condition ; but any thing but the true reason was given in the message. The people only were

blamed, and only the government had been faultless. Let the people take the panacea of an INDEPENDENT TREASURY, and all would be well again.]

FEELING an anxious desire to see some effectual plan presented, to correct the disorders in the currency, and to restore the prosperity of the country, I have avoided precipitating myself into the debate now in progress, that I may attentively examine every remedy that may be proposed, and impartially weigh every consideration urged in its support. No period has ever existed in this country, in which the future was covered by a darker, denser, or more impenetrable gloom. None in which the duty was more imperative to discard all passion and prejudice, all party ties, and previous bias, and look exclusively to the good of our afflicted country. In one respect, and I think it a fortunate one, our present difficulties are distinguishable from former domestic trouble, and that is their universality. They are felt, it is true, in different degrees, but they reach every section, every State, every interest, almost every man in the Union. All feel, see, hear, know their existence. As they do not array, like our former divisions, one portion of the confederacy against another, it is to be hoped that common sufferings may lead to common sympathies and common counsels, and that we shall, at no distant day, be able to see a clear way of deliverance. If the present state of the country were produced by the fault of the people; if it proceeded from their wasteful extravagance, and their indulgence of a reckless spirit of ruinous speculation; if public measures had no agency whatever in bringing it about; it would, nevertheless, be the duty of government to exert all its energies, and to employ all its legitimate powers to devise an efficacious remedy. But if our present deplorable condition has sprung from our rulers; if it is to be clearly traced to their acts and operations, that duty becomes infinitely more obligatory; and government would be faithless to the highest and most solemn of human trusts should it neglect to perform it. And is it not too true, that the evils which surround us are to be ascribed to those who have had the conduct of our public affairs?

In glancing at the past, nothing can be further from my intention than to excite angry feelings, or to find grounds of reproach. It would be far more congenial to my wishes that, on this occasion, we should forget all former unhappy divisions and animosities. But in order to discover how to get out of our difficulties, we must ascertain, if we can, how we got into them.

Prior to that series of unfortunate measures which had for its object the overthrow of the bank of the United States, and the discontinuance of its fiscal agency for the government, no people upon earth ever enjoyed a better currency, or had exchanges better regulated than the people of the United States. Our monetary system appeared to have attained as great perfection as any thing human can possibly reach. The combination of

United States and local banks presented a true image of our system of general and State governments, and worked quite as well. Not only within the country had we a local and general currency perfectly sound, but in whatever quarter of the globe American commerce had penetrated, there also did the bills of the United States bank command unbounded credit and confidence. Now we are in danger of having fixed upon us, indefinitely as to time, that medium, an irredeemable paper currency which, by the universal consent of the commercial world, is regarded as the worst. How has this reverse come upon us? Can it be doubted that it is the result of those measures to which I have adverted? When, at the very moment of adopting them, the very consequences which have happened were foretold as inevitable, is it necessary to look elsewhere for their cause? Never was prediction more distinctly made; never was fulfillment more literal and exact.

Let us suppose that those measures had not been adopted; that the bank of the United States had been re-chartered; that the public deposits had remained undisturbed; and that the treasury order had never issued: is there not every reason to believe that we should be now in the enjoyment of a sound currency; that the public deposits would be now safe and forthcoming, and that the suspension of specie payments in May last, would not have happened?

The president's message asserts that the suspension has proceeded from over-action, over-trading, the indulgence of a spirit of speculation, produced by bank and other facilities. I think this is a view of the case entirely too superficial. It would be quite as correct and just, in the instance of a homicide perpetrated by the discharge of a gun, to allege that the leaden ball, and not the man who leveled the piece, was responsible for the murder. The true inquiry is, How came that excessive over-trading, and those extensive bank facilities which the message describes? Were they not the necessary and immediate consequences of the overthrow of the bank, and the removal from its custody of the public deposits? And is not this proved by the vast multiplication of banks, the increase of the line of their discounts and accommodations, prompted and stimulated by Secretary Taney, and the great augmentation of their circulation which ensued?

What occurred in the State of Kentucky, in consequence of the veto of the re-charter of the bank of the United States, illustrates its effects throughout the Union. That State had suffered greatly by banks. It was generally opposed to the re-establishment of them. It had found the notes of the bank of the United States answering all the purposes of a sound currency, at home and abroad, and it was perfectly contented with them. At the period of the veto it had but a single bank, of limited capital and circulation. After it, the State, reluctant to engage in the banking system, and still cherishing hopes of the creation of a new bank of the United States, encouraged by the supporters of the late president, hesitated about

the incorporation of new banks. But at length, despairing of the establishment of a bank of the United States, and finding itself exposed to a currency in bank notes from adjacent States, it proceeded to establish banks of its own; and since the veto, since 1833, has incorporated for that single State, bank capital to the amount of ten millions of dollars—a sum equal to the capital of the first bank of the United States, created for the whole Union.

That the local banks, to which the deposits were transferred from the bank of the United States, were urged and stimulated freely to discount upon them, we have recorded evidence from the treasury department.

The message, to reconcile us to our misfortunes, and to exonerate the measures of our own government from all blame in producing the present state of things, refers to the condition of Europe, and especially that of Great Britain. It alleges that

"In both countries we have witnessed the same redundancy of paper money, and other facilities of credit; the same spirit of speculation; the same partial success; the same difficulties and reverses; and, at length, nearly the same overwhelming catastrophe."

The very clear and able argument of the senator from Georgia (Mr. King), relieves me from the necessity of saying much upon this part of the subject. It appears that during the period referred to by the message, of 1833–5, there was, in fact, no augmentation, or a very trifling augmentation of the circulation of the country, and that the message has totally misconceived the actual state of things in Great Britain. According to the publications to which I have had access, the bank of England, in fact, diminished its circulation, comparing the first with the last of that period, about two and a half millions sterling; and although the joint-stock and private banks increased theirs, the amount of increase was neutralized by the amount of diminution.

If the state of things were really identical, or similar, in the two countries, it would be fair to trace it to a similarity of causes. But is that the case? In Great Britain a sound currency was preserved by a re-charter of the bank of England, about the same time that the re-charter of the bank of the United States was agitated here. In the United States we have not preserved a sound currency, in consequence of the veto. If Great Britain were near the same catastrophe (the suspension of specie payments), which occurred here, she nevertheless escaped it; and this difference in the condition of the two countries, makes all the difference in the world. Great Britain has recovered from whatever mercantile distresses she experienced; we have not; and when shall we? All is bright, and cheerful, and encouraging, in the prospects which lie before her; and the reverse is our unfortunate situation.

Great Britain has, in truth, experienced only those temporary embarrassments which are incident to commercial transactions, conducted upon

the scale of vast magnitude on which hers are carried on. Prosperous and adverse times, action and reaction, are the lot of all commercial countries. But our distresses sink deeper; they reach the heart, which ceases to perform its office of circulation in the great concerns of our body politic.

Whatever of embarrassment Europe has recently experienced, may be satisfactorily explained by its trade and connections with the United States. The degree of embarrassment has been marked, in the commercial countries there, by the degree of their connection with the United States. All, or almost all, the great failures in Europe have been of houses engaged in the American trade. Great Britain, which, as the message justly observes, maintains the closest relations with us, has suffered most, France next, and so on, in the order of greater or less commercial intercourse with us. Most truly was it said by the senator from Georgia, that the recent embarrassments of Europe were the embarrassments of a creditor, from whom payment was withheld by the debtor, and from whom the precious metals have been unnecessarily withdrawn by the policy of the same debtor.

Since the intensity of suffering, and the disastrous state of things in this country, have far transcended any thing that has occurred in Europe, we must look here for some peculiar and more potent causes than any which have been in operation there. They are to be found in that series of measures to which I have already adverted—

First, the veto of the bank;

Second, the removal of the deposits, with the urgent injunction of Secretary Taney upon the banks to enlarge their accommodations;

Third, the gold bill, and the demand of gold for the foreign indemnities;

Fourth, the clumsy execution of the deposit law; and,

Fifth, the treasury order of July, 1836.

[Here Mr. Clay went into an examination of these measures, to show that the inflated condition of the currency, the wild speculations, which had risen to their height when they began to be checked by the preparations of the local banks necessary to meet the deposit law of June, 1836, the final suspension of specie payments, and the consequent disorders in the currency, commerce, and general business of the country, were all to be traced to the influence of the measures enumerated. All these causes operated immediately, directly, and powerfully upon us, and their effects were indirectly felt in Europe.]

The message imputes to the deposit law an agency in producing the existing embarrassments. This is a charge frequently made by the friends of the administration against that law. It is true, that, the banks having increased their accommodations, in conformity with the orders of Secretary Taney, it might not have been convenient to recall and pay them over for public use. It is true, also, that the manner in which the law was executed by the treasury department, transferring large sums from creditor to debtor portions of the country, without regard to the commerce or busi-

ness of the country, might have aggravated the inconvenience. But what do those who object to the law think ought to have been done with the surpluses which had accumulated, and were daily augmenting to such an enormous amount in the hands of the deposit banks? Were they to be incorporated with their capital, and remain there for the benefit of the stockholders? Was it not proper and just, that they should be applied to the uses of the people from whom they were collected? And whenever and however taken from the deposit banks, would not inconvenience necessarily happen?

The message asserts that the bank of the United States, chartered by Pennsylvania, has not been able to save itself, or to check other institutions, notwithstanding "the still greater strength it has been said to possess under its present charter." That bank is now a mere State or local institution. Why is it referred to more than the bank of Virginia, or any other local institution? The exalted station which the president fills forbids the indulgence of the supposition, that the allusion has been made to enable the administration to profit by the prejudices which have been excited against it. Was it the duty of that bank, more than any other State bank, to check the local institutions? Was it not even under less obligation to do so than the deposit banks, selected and fostered by the general government?

But how could the message venture to assert, that it has greater strength than the late bank of the United States possessed? Whatever may be the liberality of the conditions of its charter, it is impossible that any single State could confer upon it faculties equal to those granted to the late bank of the United States—first, in making it the sole depository of the revenue of the United States; and, secondly, in making its notes receivable in the payment of all public dues. If a bank of the United States had existed, it would have had ample notice of the accumulation of public moneys in the local banks; and, by timely measures of precaution, it could have prevented the speculative uses to which they were applied. Such an institution would have been bound by its relations to the government, to observe its appropriations and financial arrangement and wants, and to hold itself always ready promptly to meet them. It would have drawn together gradually, but certainly, the public moneys, however dispersed. Responsibility would have been concentrated upon it alone, instead of being weakened or lost by diffusion among some eighty or ninety local banks, dispersed throughout the country, and acting without any effective concert.

A subordinate but not unimportant cause of the evils which at present encompass us, has been the course of the late administration toward the compromise act. The great principle of that act, in respect to our domestic industry, was its stability. It was intended and hoped that, by withdrawing the tariff from their annual discussions in Congress, of which it had been the fruitful topic, our manufacturers would have a certainty, for a

long period, as to the measure of protection extended to them by its provisions, which would compensate any reduction in the amount contained in prior acts. For a year or two after it was adopted, the late administration manifested a disposition to respect it, as an arrangement which was to be inviolable. But for some time past it has been constantly threatened from that quarter, and a settled purpose has been displayed to disregard its conditions. Those who had an agency in bringing it forward, and carrying it through Congress, have been held up to animadversion; it has been declared by members, high in the confidence of the administration in both Houses, to possess no obligatory force beyond any ordinary act of legislation, and new adjustments of the tariff have been proposed in both Houses, in direct contravention of the principles of the compromise; and, at the last session, one of them actually passed the Senate, against the most earnest entreaty and remonstrance. A portion of the South has not united in these attacks upon the compromise; and I take pleasure in saying, that the two senators from South Carolina, especially, have uniformly exhibited a resolution to adhere to it with perfect honor and fidelity.

The effect of these constant threats and attacks, coming from those high in power, has been most injurious. They have shown to the manufacturing interest that no certain reliance was to be placed upon the steadiness of the policy of the government, no matter under what solemn circumstances it was adopted. That interest has taken alarm; new enterprises have been arrested, old ones curtailed; and at this moment it is the most prostrate of all the interests in the country. One half in amount, as I have been informed, of the manufacturers throughout the country, have actually suspended operations, and those who have not, chiefly confine themselves to working up their stock on hand.

The consequence has been, that we have made too little at home, and purchased too much abroad. This has augmented that foreign debt, the existence of which so powerfully contributed to the suspension, and yet forms an obstacle to the resumption of specie payments.

The senator from South Carolina (Mr. Calhoun) attributed the creation of the surplus revenue to the tariff policy, and especially to the acts of 1824 and 1828. I do not perceive any advantage, on the present occasion, in reviving or alluding to the former dissensions which prevailed on the subject of that policy. They were all settled and quieted by the great healing measure (the compromise), to which I have referred. By that act I have been willing and ready to abide. And I have desired only that it should be observed and executed in a spirit of good faith and fidelity, similar to that by which I have been ever actuated toward it.

The act of 1828 was no measure of the friends of the manufacturers. Its passage was forced by a coalition between their secret and open opponents. But the system of protection of American industry did not cause the surplus. It proceeded from the extraordinary sales of the public

lands. The receipts, from all sources other than that of the public lands, and expenditures of the years 1833–1836 (during which the surplus was accumulating), both amount to about eighty-seven millions of dollars; thus clearly showing that the customs only supplied the necessary means of public disbursement, and that it was the public domain that produced the surplus.

If the land bill had been allowed to go into operation, it would have distributed generally and regularly among the several States the proceeds of the public lands, as they would have been received from time to time. They would have returned back in small streams, similar to those by which they have been collected, animating, and improving, and fructifying the whole country. There would have been no vast surplus to embarrass the government; no removal of deposits from the bank of the United States to the deposit banks, to disturb the business of the country; no accumulations in the deposit banks of immense sums of public money, augmented by the circuit it was performing between the land offices and the banks, and the banks and the land offices; no occasion for the Secretary of the Treasury to lash the deposit banks into the grant of inordinate accommodations; and possibly there would have been no suspension of specie payments. But that bill was suppressed by a most extraordinary and dangerous exercise of executive power.

The cause of our present difficulties may be stated in another way. During the late administration we have been deprived of the practical benefit of a free government; the forms, it is true, remained and were observed, but the essence did not exist. In a free, or self-government, the collected wisdom, the aggregate wisdom of the whole, or at least of a majority, molds and directs the course of public affairs. In a despotism, the will of a single individual governs. In a practically free government, the nation controls the chief magistrate; in an arbitrary government, the chief magistrate controls the nation. And has not this been our situation in the period mentioned? Has not one man forced his will on the nation? Have not all these disastrous measures—the veto of the bank, the removal of the deposits, the rejection of the land bill, and the treasury order—which have led to our present unfortunate condition, been adopted, in spite of the wishes of the country, and in opposition, probably, to those of the dominant party itself?

Our misfortune has not been the want of wisdom, but of firmness. The party in power would not have governed the country very ill, if it had been allowed its own way. Its fatal error has been to lend its sanction, and to bestow its subsequent applause and support upon executive acts, which, in their origin, it previously deprecated or condemned. We have been shocked and grieved to see whole legislative bodies and communities approving and lauding the rejection of the very measures which previously they had unanimously recommended! To see whole States abandoning their long-cherished policy, and best interests, in subserviency to the ex-

ecutive pleasure! And the numberless examples of individuals who have surrendered their independence, must inflict pain on every patriot bosom. A single case forces itself upon my recollection as an illustration, to which I do not advert from any unkind feelings toward the gentleman to whom I refer, between whom and myself civil and courteous relations have ever existed. The memorial of the late bank of the United States, praying for a re-charter, was placed in his hands, and he presented it to the Senate. He carried the re-charter through the Senate. The veto came; and, in two or three weeks afterward, we behold the same senator at the head of an assembly of the people, in the State House yard, in Philadelphia, applauding the veto, and condemning the bank—condemning his own act! Motives lie beyond the reach of the human eye, and it does not belong to me to say what they were, which prompted this self-castigation, and this praise of the destruction of his own work; but it is impossible to overlook the fact that this same senator, in due time, received from the author of the veto the gift of a splendid foreign mission!

The moral deducible from the past is, that our free institutions are superior to all others, and can be preserved in their purity and excellence only upon the stern condition that we shall forever hold the obligations of patriotism paramount to all the ties of party, and to individual dictation; and that we shall never openly approve what we secretly condemn.

In this rapid and I hope not fatiguing review of the causes which I think have brought upon us existing embarrassments, I repeat that it has been for no purpose of reproaching or criminating those who have had the conduct of our public affairs; but to discover the means by which the present crisis has been produced, with a view to ascertain, if possible, what (which is by far much more important) should be done by Congress to avert its injurious effects. And this brings me to consider the remedy proposed by the administration.

The great evil under which the country, labors is the suspension of the banks to pay specie; the total derangement in all domestic exchanges; and the paralysis which has come over the whole business of the country. In regard to the currency, it is not that a given amount of bank notes will not now command as much as the same amount of specie would have done prior to the suspension; but it is the future, the danger of an inconvertible paper money being indefinitely or permanently fixed upon the people, that fills them with apprehensions. Our great object should be to re-establish a sound currency, and thereby to restore the exchanges, and revive the business of the country.

The first impression which the measures brought forward by the administration make, is, that they consist of temporary expedients, looking to the supply of the necessities of the treasury; or, so far as any of them possess a permanent character, its tendency is rather to aggravate than alleviate the sufferings of the people. None of them proposes to rectify the disor-

ders in the actual currency of the country; but the people, the States, and their banks, are left to shift for themselves, as they may or can. The administration, after having intervened between the States and their banks, and taken them into the federal service, without the consent of the States; after having puffed and praised them; after having brought them, or contributed to bring them, into their present situation; now suddenly turns its back upon them, leaving them to their fate! It is not content with that; it must absolutely discredit their issues. And the very people, who were told by the administration that these banks would supply them with a better currency, are now left to struggle as they can with the very currency which the government recommended to them, but which it now refuses itself to receive!

The professed object of the administration is, to establish what it terms the currency of the Constitution, which it proposes to accomplish by restricting the federal government, in all receipts and payments, to the exclusive use of specie, and by refusing all bank paper, whether convertible or not. It disclaims all purposes of crippling or putting down the banks of the States; but we shall better determine the design or the effect of the measures recommended, by considering them together, as one system.

The first is the sub-treasuries, which are to be made the depositories of all the specie collected and paid out for the service of the general government, discrediting and refusing all the notes of the States, although payable and paid in specie.

Second, a bankrupt law for the United States, leveled at all the State banks, and authorizing the seizure of the effects of any one of them that stop payment, and the administration of their effects under the federal authority exclusively.

Third, a particular law for the District of Columbia, by which all the corporations and people of the District, under severe pains and penalties, are prohibited from circulating, sixty days after the passage of the law, any paper whatever not convertible into specie on demand, and are made liable to prosecution by indictment.

Fourth, and last, the bill to suspend the payment of the fourth installment to the States, by the provisions of which the deposit banks indebted to the government are placed at the discretion of the Secretary of the Treasury.

It is impossible to consider this system without perceiving that it is aimed at, and, if carried out, must terminate in, the total subversion of the State banks; and that they will all be placed at the mercy of the federal government. It is in vain to protest that there exists no design against them. The effect of those measures can not be misunderstood.

And why this new experiment, or untried expedient? The people of this country are tired of experiments. Ought not the administration itself to cease with them? Ought it not to take warning from the events of recent elections? Above all, should not the Senate, constituted as it now

is, be the last body to lend itself to further experiments upon the business and happiness of this great people? According to the latest expression of public opinion in the several States, the Senate is no longer a true exponent of the will of the States or of the people. If it were, there would be thirty-two or thirty-four whigs to eighteen or twenty friends of the administration.

Is it desirable to banish a convertible paper medium, and to substitute the precious metals as the sole currency to be used in all the vast extent of varied business of this entire country? I think not. The quantity of precious metals in the world, looking to our fair distributive share of them, is wholly insufficient. A convertible paper is a great time-saving and labor-saving instrument, independent of its superior advantages in transfers and remittances. A friend, no longer ago than yesterday, informed me of a single bank, whose payments and receipts in one day amounted to two millions of dollars. What time would not have been necessary to count such a vast sum? The payments, in the circle of a year, in the city of New York, were estimated several years ago at fifteen hundred millions. How many men and how many days would be necessary to count such a sum? A young, growing, and enterprising people, like those of the United States, more than any other, need the use of those credits which are incident to a sound paper system. Credit is the friend of indigent merit. Of all nations, Great Britain has most freely used the credit system; and of all, she is the most prosperous. We must cease to be a commercial people; we must separate, divorce ourselves from the commercial world, and throw ourselves back for centuries, if we restrict our business to the exclusive use of specie.

It is objected against a convertible paper system, that it is liable to expansions and contractions; and that the consequence is the rise and fall of prices, and sudden fortunes or sudden ruin. But it is the importation or exportation of specie, which forms the basis of paper, that occasions these fluctuations. If specie alone were the medium of circulation, the same importation of exportation of it would make it plenty or scarce, and affect prices in the same manner. The nominal or apparent prices might vary in figures, but the sensation upon the community would be as great in the one case as in the other. These alternations do not result, therefore, from the nature of the medium, whether that be specie exclusively, or paper convertible into specie, but from the operations of commerce. It is commerce, at last, that is chargeable with expansions and contractions; and against commerce, and not its instrument, should opposition be directed.

I have heard it urged by the senator from South Carolina (Mr. Calhoun) with no little surprise, in the course of this debate, that a convertible paper would not answer for a currency, but that the true standard of value was to be found in a paper medium not convertible into the precious metals. If there be, in regard to currency, one truth which the united experience

of the whole commercial world has established, I had supposed it to be that emissions of paper money constituted the very worst of all conceivable species of currency. The objections to it are, first, that it is impracticable to ascertain, *à priori*, what amount can be issued without depreciation; and, second, that there is no adequate security, and, in the nature of things, none can exist, against excessive issues. The paper money of North Carolina, to which the senator referred, according to the information which I have received, did depreciate. It was called *proc.*, an abbreviation of the authority under which it was put forth, and it took one and a half, and sometimes two dollars of proc. to purchase one in specie. But if any one desires to understand perfectly the operation of a purely paper currency, let him study the history of the bank of the commonwealth of Kentucky. It was established about fifteen or sixteen years ago, with the consent of a majority of the people of that State. It is winding up and closing its career with the almost unanimous approbation of the whole people. It had an authority to issue, and did issue, notes to the amount of about two millions of dollars. These notes, upon their face, purported the obligation of the bank to pay the holder, on demand, the amount in specie; but it was well known that they would not be so paid. As a security for their ultimate payment, there were, first, the notes of individuals supposed to be well secured, every note put out by the bank being represented by an individual note discounted; secondly, the funds of the State in a prior State bank, amounting to about half a million of dollars; thirdly, the proceeds of a large body of waste lands belonging to the State; and, fourthly, the annual revenue of the State, and public dues, all of which were payable in the notes of the commonwealth bank.

Notwithstanding this apparently solid provision for the redemption of the notes of the bank, they began to depreciate shortly after it commenced operation, and in the course of a few months they sunk as low as fifty per centum—two dollars for one specie dollar. They continued depreciating for a long time, until after large amounts of them were called in and burned. They then rose in value, and now, when there is only some fifty or one hundred thousand dollars out, they have risen to about par. This is owing to the demand for them, created by the wants of the remaining debtors to the bank, and their receivability in payment for taxes. The result of the experiment is, that, although it is possible to sustain at about par a purely paper medium to some amount, if the legislative authority which creates it also create a demand for it, it is impracticable to adjust the proportions of supply and demand so as to keep it at par, and that the tendency is always to an excess of issue. The result, with the people of Kentucky, has been a general conviction of the mischiefs of all issues of an irredeemable paper medium.

Is it practicable for the federal government to put down the State banks, and to introduce an exclusive metallic currency? In the operations of this government, we should ever bear in mind that political power is distributed

between it and the States, and that, while our duties are few and clearly defined, the great mass of legislative authority abides with the States. Their banks exist without us, independent of us, and in spite of us. We have no constitutional power or right to put them down. Why, then, seek their destruction, openly or secretly, directly or indirectly, by discrediting their issues, and by bankrupt laws, and bills of pains and penalties. What are these banks, now so decried and denounced? Intruders, aliens, enemies, that have found their way into the bosom of our country against our will? Reduced to their elements, and the analysis shows that they consist, first of stockholders; secondly, debtors; and, thirdly, bill-holders and other creditors. In some one of these three relations, a large majority of the people of the United States stand. In making war upon the banks, therefore, you wage war upon the people of the United States. It is not a mere abstraction that you would kick and cuff, bankrupt and destroy; but a sensitive, generous, confiding people, who are anxiously turning their eyes toward you, and imploring relief. Every blow that you inflict upon the banks, reaches them. Press the banks, and you press them.

True wisdom, it seems to me, requires that we should not seek after, if we could discover, unattainable abstract perfection; but should look to what is practicable in human affairs, and accommodate our legislation to the irreversible condition of things. Since the States and the people have their banks and will have them, and since we have no constitutional authority to put them down, our duty is to come to their relief when in embarassment, and to exert all our legitimate powers to retain and enable them to perform, in the most beneficial manner, the purposes of their institution. We should embank, not destroy, the fertilizing stream which sometimes threatens an inundation.

We are told, that it is necessary to separate, divorce the government from the banks. Let us not be deluded by sounds. Senators might as well talk of separating the government from the States, or from the people, or from the country. We are all—people, States, Union, banks—bound up and interwoven together, united in fortune and destiny, and all, all entitled to the protecting care of a parental government. You may as well attempt to make the government breathe a different air, drink a different water, be lighted and warmed by a different sun from that of the people! A hard-money government and a paper-money people! A government, an official corps—the servants of the people—glittering in gold, and the people themselves, their masters, buried in ruin, and surrounded with rags.

No prudent or practical government, will, in its measures, run counter to the long-settled habits and usages of the people. Religion, language, laws, the established currency and business of a whole country, can not be easily or suddenly uprooted. After the denomination of our coin was changed to dollars and cents, many years elapsed before the old method of keeping accounts, in pounds, shillings, and pence, was abandoned; and, to this day

there are probably some men of the last century who adhere to it. If a fundamental change becomes necessary, it should not be sudden, but conducted by slow and cautious degrees. The people of the United States have been always a paper-money people. It was paper money that carried us through the Revolution, established our liberties, and made us a free and independent people. And if the experience of the revolutionary war convinced our ancestors, as we are convinced, of the evils of an irredeemable paper medium, it was put aside only to give place to that convertible paper, which has so powerfully contributed to our rapid advancement, prosperity, and greatness.

The proposed substitution of an exclusive metallic currency to the mixed medium with which we have been so long familiar, is forbidden by the principles of eternal justice. Assuming the currency of the country to consist of two thirds of paper and one of specie; and assuming, also, that the money of a country, whatever may be its component parts, regulates all values, and expresses the true amount which the debtor has to pay to his creditor, the effect of the change upon that relation, and upon the property of the country, would be most ruinous. All property would be reduced in value to one third of its present nominal amount, and every debtor would, in effect, have to pay three times as much as he had contracted for. The pressure of our foreign debt would be three times as great as it is, while the six hundred millions, which is about the sum now probably due to the banks by the people, would be multiplied into eighteen hundred millions.

But there are some more specific objections to this project of sub-treasuries, which deserve to be noticed. The first is its insecurity. The sub-treasurer and his bondsmen constitute the only guaranty for the safety of the immense sums of public money which pass through his hands. Is this to be compared with that which is possessed through the agency of banks? The collector, who is to be sub-treasurer, pays the money to the bank, and the bank to the disbursing officer. Here are three checks; you propose to destroy two of them; and that most important of all, the bank, with its machinery of president, directors, cashier, teller, and clerks, all of whom are so many sentinels. At the very moment, when the Secretary of the Treasury tells us how his sub-treasury will work, he has communicated to Congress a circular, signed by himself, exhibiting his distrust in it; for he directs in that circular that the public moneys, when they amount to a large sum, shall be specially deposited with these very banks which he would repudiate. In the State of Kentucky (other gentlemen can speak of their respective States), although it has existed but about forty-five years, three treasurers, selected by the Legislature for their established characters of honor and probity, proved faithless. And the history of the delinquency of one is the history of all. It commenced in human weakness, yielding to earnest solicitations for temporary loans, with the most positive assurances of a punctual return. In no instance was there

originally any intention to defraud the public. We should not expose poor human nature to such temptations. How easy will it be, as has been done, to indemnify the sureties out of the public money, and squander the residue?

Second, then there is the liability to favoritism. In the receipts, a political partisan or friend may be accommodated in the payment of duties, in the disbursement, in the purchase of bills, in drafts upon convenient and favorable offices, and in a thousand ways.

Third, the fearful increase of executive patronage. Hundreds and thousands of new officers are to be created; for this bill is a mere commencement of the system, and all are to be placed under the direct control of the president.

The senator from South Carolina (Mr. Calhoun) thinks that the executive is now weak, and that no danger is to be apprehended from its patronage. I wish to God I could see the subject in the same light that he does. I wish that I could feel free from that alarm at executive encroachments by which he and I were so recently animated. Where and how, let me ask, has that power, lately so fearful and formidable, suddenly become so weak and harmless? Where is that corps of one hundred thousand office-holders and dependents, whose organized strength, directed by the will of a single man, was lately held up in such vivid colors and powerful language by a report made by the senator himself? When were they disbanded? What has become of proscription? Its victims may be exhausted, but the spirit and the power which sacrificed them remain unsubdued. What of the dismissing power? What of the veto? Of that practice of withholding bills contrary to the Constitution, still more reprehensible than the abuses of the veto? Of treasury orders, put in force and maintained in defiance and contempt of the legislative authority? And, although last, not least, of that expunging power which degraded the Senate, and placed it at the feet of the executive?

Which of all these numerous powers and pretensions has the present chief magistrate disavowed? So far from disclaiming any one of them, has he not announced his intention to follow in the very footsteps of his predecessor? And has he not done it? Was it against the person of Andrew Jackson, that the senator from South Carolina, so ably co-operated with us? No, sir; no, sir; no. It was against his usurpations, as we believed them, against his arbitrary administration; above all, against that tremendous and frightful augmentation of the power of the executive branch of the government, that we patriotically but vainly contended. The person of the chief magistrate is changed; but there stands the executive power, perpetuated in all its vast magnitude, undiminished, reasserted, and overshadowing all the other departments of the government. Every trophy which the late president won from them, now decorates the executive mansion. Every power, which he tore from a bleeding Constitution, is now in the executive armory, ready, as time and occasion may

prompt the existing incumbent, wherever he may be, to be thundered against the liberties of the people.

Whatever may have been the motives of the course of others, I owe it to myself and to truth to say, that, in deprecating the election of Andrew Jackson to the office of chief magistrate, it was not from any private considerations, but because I considered it would be a great calamity to my country; and that, in whatever opposition I made to the measures of his administration, which more than realized my worst apprehensions, I was guided solely by a sense of public duty. And I do now declare my solemn and unshaken conviction, that, until the executive power, as enlarged, extended, and consolidated by him, is reduced within its true constitutional limits, there is no permanent security for the liberties and happiness of this people.

Fourth; lastly, pass this bill, and whatever divorce its friends may profess to be its aim, that perilous union of the purse and the sword, so justly dreaded by our British and revolutionary ancestors, becomes absolute and complete. And who can doubt it, who knows that over the Secretary of the Treasury at Washington, and every sub-treasurer, the president claims the power to exercise uncontrolled sway, to exact implicit obedience to his will?

The message states that, in the process both of collection and disbursement of the public revenue, the officers who perform it act under the executive commands; and it argues that, therefore, the custody also of the treasury might as well be confided to the executive care. I think the safer conclusion is directly opposite. The possession of so much power over the national treasure is just cause of regret, and furnishes a strong reason for diminishing it, if possible; but none for its increase, none for giving the whole power over the purse to the chief magistrate.

Hitherto I have considered this scheme of sub-treasuries as if it was only what its friends represent it—a system solely for the purpose of collecting, keeping, and disbursing the public money, in specie exclusively, without any bank agency whatever. But it is manifest that it is destined to become, if it be not designed to be, a vast and ramified connection of government banks, of which the principal will be at Washington, and every sub-treasury will be a branch. The secretary is authorized to draw on the several sub-treasurers, in payment for all the disbursements of government. No law restricts him as to the amount or form of his drafts or checks. He may throw them into amounts suited to the purposes of circulation, and give them all the appearance and facilities of bank notes. Of all the branches of this system, that at New York will be the most important, since about one half of the duties is collected there. Drafts on New York are at par, or command a premium from every point of the Union. It is the great money center of the country. Issued in convenient sums, they will circulate throughout the whole Union as bank notes; and as long as confidence is reposed in them, will be preferred to the specie, which their holders have a right to demand. They will supply a general currency, fill

many of the channels of circulation, be a substitute for notes of the bank of the United States, and supplant to a great extent the use of bank notes. The necessities of the people will constrain them to use them. In this way they will remain a long time in circulation; and in a few years we shall see an immense portion of the whole specie of the country concentrated in the hands of the branch bank—that is, the sub-treasurer at New York—and represented by an equal amount of government paper, dispersed throughout the country. The responsibility of the sub-treasurer will be consequently greatly increased, and the government will remain bound to guaranty the redemption of all the drafts, checks, or notes, (whatever may be their denomination), emitted upon the faith of the money in his custody, and of course, will be subject to the hazard of the loss of the amount of specie in the hands of the sub-treasurer. If, in the commencement of this system, the holders of this government paper shall be required to present it for payment in coin, within a specified time, it will be found inconvenient or impracticable to enforce the restriction, and it will be ultimately abandoned.

Is the Senate prepared to consent to place not only all the specie that may be collected for the revenue of the country at the will of the president, or which is the same thing, in the custody of persons acting in obedience to his will, but to put him at the head of the most powerful and influential system of government banks that ever existed?

It is said in the message, that government is not bound to supply the country with the exchanges which are necessary to the transaction of its business. But was that the language held during the progress of the contest with the late bank of the United States? Was not the expectation held out to the people, that they would be supplied with a better currency, and with better regulated exchange? And did not both the late president and the Secretary of the Treasury dwell, with particular satisfaction, in several messages and reports, upon the improvement of the currency, the greater amount in exchange, and the reduction of the rates, under the operation of the State bank system, than existed under the bank of the United States? Instead of fulfilling his promises then held out, the government now wraps itself up in its dignity; tells the people that they expect too much of it; that it is not its business to furnish exchanges; and that they may look to Europe for the manner in which, through the agency of private bankers, the commerce and business of its countries are supplied with exchange. We are advised to give up our American mode of transacting business through the instrumentality of banking corporations, in which the interests of the rich and poor are happily blended, and to establish bankers similar to the Hopes, the Barings, the Rothschilds, the Hontinguers, of Europe—houses which require years or ages to form and to put in successful operation, and whose vast overgrown capitals, possessed by the rich, exclusively of the poor, control the destiny of nations, and determine the fate of empires.

Having, I think, Mr. President, shown that the project of the administration is neither desirable nor practicable, nor within the constitutional power of the general government, nor just; and that it is contrary to the habits of the people of the United States, and is dangerous to their liberties, I might here close my remarks; but I conceive it to be the duty of a patriotic opposition not to confine itself merely to urging objections against measures to promote the general prosperity brought forward by those in power. It has further and higher duties to perform. There may be circumstances in which the opposition is bound formally to present such measures as, in its judgment, are demanded by the exigency of the times; but if it had just reason to believe that they would be unacceptable to those who alone can adopt them and give them effect, the opposition will discharge its duty by suggesting what it believes ought to be done for the public good.

I know, sir, that I have friends whose partiality has induced them to hope that I would be able to bring forward some healing measure for the disorders which unhappily prevail, that might prove acceptable. I wish to God that I could realize this hope, but I can not. The disease is of such an alarming character as to require more skill than I possess; and I regret to be compelled to fear that there is no effectual remedy but that which is in the hands of the suffering patient himself.

Still, under a deep sense of the obligation to which I have referred, I declare that, after the most deliberate and anxious consideration of which I am capable, I can conceive of no adequate remedy which does not comprehend a national bank as an essential part. It appears to me that a national bank, with such modifications as experience has pointed out, and particularly such as would limit its profits, exclude foreign influence in the government of it, and give publicity to its transactions, is the only safe and certain remedy that can be adopted. The great want of the country is a general and uniform currency, and a point of union, a sentinel, a regulator of the issues of the local banks, and that would be supplied by such an institution.

I am not going now to discuss, as an original question, the constitutional power of Congress to establish a national bank. In human affairs there are some questions, and I think this is one, that ought to be held as terminated. Four several decisions of Congress affirming the power, the concurrence of every other department of the government, the approbation of the people, concurrence of both the great parties into which the country has been divided, and forty years of prosperous experience with such a bank, appear to me to settle the controversy, if any controversy is ever to be settled. Twenty years ago, Mr. Madison, whose opposition to the first bank of the United States is well known, in a message to Congress, said:

"Waiving the question of the constitutional authority of the Legislature to establish an incorporated bank, as being precluded, in my judgment, by repeated recognitions, under varied circumstances, of the validity of such an institution,

in acts of the legislative, executive, and judicial branches of the government, accompanied by indications, in different modes, of a correspondence of the general will of the nation; the proposed bank does not appear to be calculated to answer the purposes of reviving the public credit, of providing a national medium of circulation, and of aiding the treasury by facilitating the indispensable anticipations of revenue, and by affording to the public more durable loans."

To all the considerations upon which he then relied, in treating it as a settled question, are now to be added two distinct and distant subsequent expressions of the deliberate opinion of a republican Congress, two solemn decisions of the Supreme Court of the United States, twenty years of successful experience, and disastrous consequences quickly following the discontinuance of the bank.

I have been present, as a member of Congress, on the occasion of the termination of the charters of both the banks of the United States; took part in the discussion to which they gave rise, and had an opportunity of extensively knowing the opinions of members; and I declare my deliberate conviction, that upon neither was there one third of the members in either House who entertained the opinion that Congress did not possess the constitutional power to charter a bank.

But it is contended that, however indispensable a bank of the United State may be to the restoration of the prosperity of the country, the president's opinion against it opposes an insuperable obstacle to the establishment of such an institution.

It will, indeed, be unfortunate, if the only measure which can bring relief to the people should be prevented by the magistrate whose elevated station should render him the most anxious man in the nation to redress existing grievances.

The opinion of the president which is relied upon, is that contained in his celebrated letter to S. Williams, and that which is expressed in the message before us. I must say, with all proper deference, that no man, prior to, or after his election to the chief magistracy, has a right to say, in advance, that he would not approve of a particular bill if it were passed by Congress. An annunciation of such a purpose is premature, and contrary to the spirit, if not the express letter of the Constitution. According to that instrument, the participation of the president in the legislative power—his right to pass upon a bill—is subsequent, and not previous to the deliberations of Congress. The constitutional provision is, that when a bill shall have passed both Houses, it shall be presented to the president for his approval or rejection. His right to pass upon it results from the presentation of the bill, and is not acquired until it is presented. What would be thought of the judge who, before a cause is brought before the court, should announce his intention to decide in favor of a named party? Or of the Senate, which shares the appointing power, if it should, before the nomination of a particular individual is made for an office, pass a resolution that it would not approve the nomination of that individual?

It is clear that the president places his repugnance to a bank of the United States mainly upon the ground that the popular will has been twice "solemnly and unequivocally expressed" against it. In this I think the president is mistaken. The two occasions to which he is understood to refer, are the election of General Andrew Jackson in 1832, and his own election in 1836. Now, as to the first, there was not, before it took place, any unequivocal expression of the opinion of the late president against a national bank. There was, in fact, a contrary expression. In the veto message, President Jackson admitted the public convenience of a bank; stated that he did not find in the renewed charter such modifications as could secure his approbation, and added, that if he had been applied to, he could have furnished the model of a bank that would answer the purposes of such an institution. In supporting his re-election, therefore, the people did not intend, by the exercise of their suffrage, to deprive themselves of a national bank. On the contrary, it is within my knowledge that many voted for him, who believed in the necessity of a bank quite as much as I do. And I am perfectly persuaded, that thousands and tens of thousands sustained his re-election under the full expectation that a national bank would be established during his second term.

Nor, sir, can I think that the election of the present chief magistrate ought to be taken as evidence that the people are against a bank. The most that can be asserted is, that he was elected, the expression of his opinion in the letter to Mr. Williams notwithstanding. The question of the election of a chief magistrate is a complex question, and one of compensations and comparison. All his opinions, all his qualifications are taken into consideration, and compared with those of his competitors. And nothing more is decided by the people, than that the person elected is preferred among the several candidates. They take him as a man takes his wife, for better or for worse, with all the good and bad opinions and qualities which he possesses. You might as well argue, that the election of a particular person to the chief magistracy implies that his figure, form, and appearance, exhibit the standard of human perfection, as to contend that it sanctions and approves every opinion which he may have publicly expressed on public affairs. It is somewhat ungrateful to the people to suppose that the particular opinion of Mr. Van Buren in regard to a United States bank, constituted any, much less the chief recommendation of him to their suffrages. It would be more honorable to him and to them, to suppose that it proceeded from his eminent abilities, and distinguished services at home and abroad. If we are to look beyond them and beyond him, many believe that the most influential cause of his election was the indorsement of that illustrious predecessor, in whose footsteps he stands pledged to follow.

No, sir, no; the simple and naked question of a bank or no bank of the United States was not submitted to the people, and "twice solemnly and unequivocally" decided against by them. I firmly believe, that if

such a question were now submitted to them, the response of a vast majority would be in the affirmative. I hope, however, that no bank will be established or proposed, unless there shall be a clear and undisputed majority of the people and of the States in favor of such an institution. If there be one wanted, and an unequivocal manifestation be made of the popular will that it is desired, a bank will be established. The president's opposition to it is founded principally upon the presumed opposition of the people. Let them demonstrate that he is mistaken, and he will not separate himself from them. He is too good a democrat, and the whole tenor of his life shows that, whatever other divorces he may recommend, the least that he would desire, would be one between him and the people. Should this not prove to be the case, and if a majority should not exist sufficiently large to pass a bank charter in spite of the veto, the ultimate remedy will remain to the people to change their rulers, if their rulers will not change their opinions.

But during this debate it has been contended, that the establishment of a new bank of the United States would aggravate existing distresses; and that the opinion necessary to put it in operation could not be obtained without prejudice to the local banks.

What is the relief for which all hearts are now so anxiously throbbing? It is to put the banks again in motion; to restore exchanges, and revive the drooping business of the country. And, what are the obstacles? They are, first, the foreign debt; and, secondly, a want of confidence. If the banks were to re-open their vaults, it is apprehended that the specie would be immediately exported to Europe to discharge our foreign debt. Now, if a bank of the United States were established, with a suitable capital, the stock of that bank itself would form one of the best subjects of remittance; and an amount of it equal to what remains of the foreign debt would probably be remitted, retaining at home, or drawing from abroad, the equivalent in specie.

A great, if not the greatest, existing evil is the want of confidence, not merely in the government, but in distant banks, and between the banks themselves. There is no tie or connection binding them together, and they are often suspicious of each other. To this want of confidence among the banks themselves, is to be ascribed that extraordinary derangement in the exchanges of the country. How otherwise can we account for the fact, that the paper of the banks of Mississippi can not now be exchanged against the paper of the banks of Louisiana, without a discount on the former of ten or fifteen per centum; nor that of the banks of Nashville, without a discount of eight or ten per centum against the paper of the banks of the adjoining State of Kentucky? It is manifest, that, whatever may be the medium of circulation, whether it be inconvertible paper, or convertible paper and specie, supposing confidence to exist, the rates of exchange in both cases ought to be nearly the same. But, in times

like these, no bank will allow its funds to accumulate, by the operations of exchange, at points where no present use can be made of them.

Now, if a bank of the United States were established, with a proper capital, and it were made the sole depository of the public moneys, and its notes were receivable in all government dues, it might commence operations forthwith, with a small amount of specie, perhaps not more than two millions. That sum would probably be drawn from the community, where it is now hoarded and dormant; or if it were taken even from the local banks, they would be more than compensated in the security which they would enjoy, by the remittance of the stock of the new bank to Europe, as a substitute for their specie.

Such a new bank, once commencing business, would form a rallying-point; confidence would revive, exchanges be again regulated, and the business and prosperity of the country be restored. And it is by no means certain that there would be any actual augmentation of the banking capital of the country, for it is highly probable that the aggregate amount of unsound banks, which can never resume specie payments, would be quite equal to that of the new bank.

An auxiliary resolution might be adopted with salutary effect, similar to that which was adopted in 1816, offering to the State banks, as a motive to resume specie payments, that their paper should be received for the public dues; or, as their number has since that period greatly increased, to make the motive more operative, the offer might be confined to one or two banks in each State, known to be trustworthy. Let them, and a bank of the United States, commence specie payments, and all the other sound banks would be constrained, by the united force of public opinion, and the law, to follow the example.

If, in contrasting the two periods of 1817 and 1837, some advantages for the resumption of specie payments existed at the former epoch, others which distinguish the present greatly preponderate. At the first there were none except the existence of a public debt, and a smaller number of banks. But then an exhausting war had wasted our means. Now we have infinitely greater wealth, our resources are vastly more developed and increased, our population nearly doubled, our knowledge of the disease much better, and, what is of the utmost importance, a remedy, if applied now, would be administered in a much earlier stage of the disorder.

A general currency, of sound and uniform value, is necessary to the well-being of all parts of the confederacy, but it is indispensable to the interior States. The seaboard States have each of them banks, whose paper freely circulates within their respective limits, and serves all the purposes of their business and commerce at their capitals, and throughout their whole ex tent. The variations in the value of this paper, in passing through those States, from one commercial metropolis to another, are not ordinarily very great. But how are we of the interior to come to the Atlantic cities to purchase our supplies of foreign and domestic commodities, without a gen-

eral medium? The paper of our own banks will not be received but at an enormous discount. We want a general currency, which will serve at home and enable us to carry on our accustomed trade with our brethren of the Atlantic States. And such a currency we have a right to expect.

I do not arrogate to myself a right to speak for and in behalf of all the western States; but as a senator from one of them, I am entitled to be heard. This Union was formed to secure certain general, but highly important objects, of which the common defense, commerce, and a uniform currency, were the leading ones. To the interior States none is of more importance than that of currency. Nowhere is the attachment to the Union more ardent than in those States; but if this government should neglect to perform its duty, the value of the Union will become impaired, and its very existence in process of time may become endangered. I do believe, that between a sound general currency, and the preservation of itself, in full vigor and perfect safety, there is the most intimate connection.

If, Mr. President, the remedies which I have suggested were successful, at a former period of our history, there is every reason to hope that they would again prove efficacious; but let me suppose that they should not, and that some unknown cause, which could not then, should now, thwart their operation, we should have, in any event, the consolation of knowing that we had endeavored to profit by the lessons of experience; and if they failed, we should stand acquitted in the judgment of the people. They are heartily tired of visionary schemes and wild experiments. They wish to get out of the woods, into which they have been conducted, back to the plain, beaten, wide road, which they had before trod.

How, and when, without such measures as I have suggested, are the State banks to resume specie payments? They never can resume without concert; and concert springs from confidence; and confidence from knowledge. But what knowledge can eight hundred banks, scattered over our own vast territory, have of the actual condition of each other? It is in vain that statements of it be periodically published. It depends, at last, mainly upon the solvency of the debtors to the bank; and how, whenever their names are not known, can that be ascertained?

Instead of coming to the aid of these prostrate institutions, and assisting them by a mild and parental exercise of your power, in a mode sanctioned and approved by experience, you propose to abandon them and the country to their fate. You propose worse, to discredit their paper, to distrust them even as special depositories, and to denounce against them all the pains and penalties of bankruptcy.

How, and when, will they resume specie payments? Never, as far as my information extends, have exertions been greater than those which the banks have generally made, to open again their vaults. It is wonderful that the community should have been able to bear, with so much composure and resignation, the prodigious curtailments which have been made. Confidence re-established, the foreign debt extinguished, and a national in-

stitution created, most of them could quickly resume specie payments, some of them, urged by a high sense of probity, and smarting under severe reproaches, will no doubt make the experiment of resuming and continuing specie payments. They may even go on awhile; but without the co-operation of the State banks generally, and without the co-operation of a national bank, it is to be apprehended that they will be again seized with a paralysis. It is my deliberate conviction, that the preservation of the existence of the State banks themselves depends upon the institution of a national bank. It is as necessary to them as the Union is to the welfare of the States in our political system. Without it, no human being can foresee when we shall emerge from the difficulties which surround us. It has been my fortune, several times, to see the country involved in great danger, but never before have I beheld it encompassed with any more menacing and portentous.

Entertaining the views which I have presented, it may be asked, why I do not at once propose the establishment of a national bank. I have already adverted to the cause, constituted as Congress now is, I know that such a proposition would be defeated; and that it would be, therefore, useless to make it. I do not desire to force upon the Senate, or upon the country, against its will, if I could, my opinion, however sincerely or strongly entertained. If a national bank be established, its stability and its utility will depend upon the general conviction which is felt of its necessity. And until such a conviction is deeply impressed upon the people, and clearly manifested by them, it would, in my judgment, be unwise even to propose a bank.

Of the scheme of the senator from Virginia (Mr. Rives), I think now as I thought in 1834, I do not believe that any practical connection of State banks can supply a general currency, be a safe depository of the public moneys, or act efficiently as a fiscal agent of the general government. I was not then opposed to the State banks in their proper sphere. I thought that they could not be relied upon to form exclusively a banking system for the country, although they were essential parts of a general system.

The amendment of the senator, considered as a measure to bring about the resumption of specie payments, so much desired, I think must fail. The motive which it holds out of the receivability in all payments to the government of the paper of such banks as may resume at a given day, coupled with the conditions proposed, is wholly inadequate. It is an offer to eight hundred banks; and the revenue, payment of which in their notes is held out as the inducement, amounts to some twenty or twenty-five millions. To entitle them to the inconsiderable extension of their circulation, which would result from the credit given by government to the paper of all of them, they are required to submit to a suppression of all notes below five dollars, and at no very distant period to all below twenty. The enlargement of their circulation, produced by making it receivable by gov-

ernment, would be much less than the contraction which would arise from the suppression of the prohibited notes. Besides, if the quality proposed again to be attached to the notes of these local banks was insufficient to prevent the suspension, how can it be efficacious enough to stimulate a resumption of specie payments?

I shall, nevertheless, if called upon to give a vote between the project of the administration and the amendment of the senator from Virginia, vote for the latter, because it is harmless, if it effects no good, and looks to the preservation of the State banks; while the other is fraught with mischiefs, as I believe, and tends, if it be not designed, to the utter destruction of those institutions. But preferring to either the postponement moved by the senator from Georgia, I shall, in the first instance, vote for that.

Such, Mr. President, are the views which I entertain on the present state of our public affairs. It is with the deepest regret that I can perceive no remedy but such as is in the hands of the people themselves. Whenever they shall impress upon Congress a conviction of that which they wish applied, they will obtain it, and not before. In the mean time, let us go home, and mix and consult with our constituents. And do not, I entreat you, let us carry with us the burning reproach, that our measures here display a selfish solicitude for the government itself, but a cold and heartless insensibility to the sufferings of a bleeding people.

ON THE PRE-EMPTION BILL.

IN SENATE, JANUARY 26, 1838.

[THE only remarkable feature of the following speech is, what is everywhere observed in Mr. Clay's public career, that personal considerations regarding himself always give way to his duty to the public. The pre-emption bill was obviously a bill for popularity among squatters and land speculators. In this point of view, the sparks of indignation at such motives and at pre-emption frauds which fly out from Mr. Clay's hammer in this speech, are interesting, not to say edifying. The speech gives a bird's-eye view of pre-emption legislation and pre-emption squatting.]

MR. CLAY said, that in no shape which should be given to this bill could he give it his vote. In any aspect it was to be considered as a bounty, or a grant of the property of the whole people to a small part of the people; often the speculator; and he would like to know by what authority such a bill could be passed. He regarded it as a reward for the violation of law; as a direct encouragement to intruding lawlessly on the lands of the United States, and for selecting and taking what the trespasser pleased of the property of the whole people; and he was not to be deterred from the most strenuous opposition to such measures by any denunciation, come from what quarter it might, let those measures be supported by whom they might.

But he would not now enter into the consideration of granting the public property in the manner proposed by this bill. He had risen to notice a subject which seemed to have been lost sight of. It had been said the government lost nothing by pre-emption; but he could not conceive how the accounts were made out in proof of this assertion. The president tells us that the whole average amount gained above the minimum price is only about six cents per acre; others state it at two, four, and five cents; and the Secretary of the Treasury asserted, in his annual report, that the revenue would be augmented by the passage of a pre-emption law. The pre-emption law! As if the competition of a fair, open, public sale, would not produce more; as if pre-emptioners would not go to the public sales,

if pre-emption were denied them, and buy their land as reasonably as it could be purchased! Could any one be so stupid as to suppose that the gain on the land could be greater by pre-emption than by public auction?

But Mr. Clay wished especially to call the attention of the Senate to a document to which he would refer. Two years ago a report from the Commissioner of the Land Office had been sent here by this same Secretary of the Treasury, the report of a person more conversant with settlements in the western country than perhaps any man in Congress, and certainly more than any connected with the executive government, the late commissioner, Mr. Brown, the late Governor of the State of Ohio. What did he say of the loss incurred by pre-emption laws? The document was number two hundred and eleven of the session of 1836. The whole of it was well worthy of deliberate perusal, and it was replete with fraud, abominable, execrable fraud, scandalous to the country, scandalous to the government, and scandalous to the perpetrators. In saying this, Mr. Clay would not denounce any whole class; but he would say that the pre-emption system was a scheme of heartless and boundless speculation. What does the commissioner say?

"This office possesses no data whereby to estimate with tolerable accuracy how far the sales of public lands have been effected, in respect to quantity, by the pre-emption act of 19th of June, 1834. Considering the great demand for land within the last two years, it remains to be shown that a greater number of acres has been disposed of in that period in consequence of the privilege it confers. It is quite impossible to estimate with satisfactory accuracy the effect that has been produced on this branch of the revenue by allowing (to those who have, and pretend to, a right of preference) the choice, at the lowest rates, of distinguished sites for towns, and their vicinities, the best mill seats, and the finest farming lands, including those so highly prized for the culture of cotton.

"The general land office has no certain data for a just calculation of the amount which the treasury has been prevented from receiving by the operations of this law, but considering the many tens of thousands of claims that have arisen under it, and the prevailing desire in the mean while to vest money in public land, the conclusion seems fair, that the selected spots would have been sold for a price proportioned to their excellence, if no such law, nor any improper conspiracy, had existed. The estimate of three millions of dollars, which I had the honor to submit to you on the 28th of January last, appears to me now to underrate much rather than magnify the difference between the receipts for pre-emption concessions, and the sum the same lands would have brought into the treasury, had no impediment laid in the way of full and free competition for the purchase.

"It is but just, however, to observe, that the revenue from public lands has not been impaired by pre-emptions alone; and I may be allowed to remark, in this place, that the information, on the subject of the last resolution referred to me, consists of what common fame represents as avowed and notorious, namely: that the public sales are attended by combinations of two kinds, interested in keeping bids down to the minimum; the one composed of those who have and

those who pretend to a right of preference, and resort to intimidation by threats and actual violence, as exemplified most particularly at the public sales at Chicago, in June, 1835, when and where the controlling party is represented to have effectually prevented those from bidding who were not acceptable to themselves; the other description formed of persons associated to frustrate the views of individuals desirous of purchasing, who refuse to join their coalition, or submit to their dictation, by compelling the recusants to forego their intended purchases, or give more than the market value for their lands."

Now, resumed Mr. Clay, how did this conspiracy take place? He would tell. In September last, the Indian title had been extinguished to a tract of most valuable land in Indiana, at one dollar per acre, by the United States. What was the consequence? The instant the Indian title was extinguished, there was a rush upon it from all quarters; and if that land should be exposed at public sale, it would be found that these men, who had seized the property of the people of the United States, would combine to intimidate and overawe all competitors, and thereby acquire the land on their own terms. In this way lawless men had often combined, not only without but against the positive authority of law; and here, while vindicating the rights and guarding the property of the whole people, Mr. Clay would not be awed nor deterred from performing his duty by any personal considerations. He would read no more of this document: senators could read it at their leisure; it was the deliberate judgment of an experienced and intelligent man against the whole system of pre-emption.

But he wished to call the attention of the Senate to some official documents, one of which was from a district attorney, he believed of Louisiana.

"Sir: I present, herewith, a number of affidavits in relation to pre-emptions obtained by Gabriel H. Tutt, to the south-east quarter, Richard Tutt, to the east half of the north-east quarter, and Benjamin Tutt, to the west half of the north-east quarter, of section number three west, in the land district of Dempolis, in the State of Alabama. These affidavits have been taken by some of the most respectable men in the State of Alabama, and have been sent on to me for the purpose of procuring the grant of the above pre-emptions to be set aside, on the ground that they were obtained by fraud and imposition; and that this is the fact, I entertain no doubt whatever. Shortly before I left Alabama, I was in the immediate vicinity of the above lands, and heard a number of persons speaking of the manner in which they had been paid out; and the opinion was general, without exception, that a most shameful and scandalous imposition had been practiced upon the government. There is no doubt that all the lands mentioned were paid out at the instance and for the benefit of James B. Tutt, a man, to my knowledge, of notoriously bad character. Gabriel H. Tutt, as the affidavit shows, is a citizen of Greene county (the county in which I reside myself, and I know him well), and that he never did reside on the quarter section paid out in his name, or near it, his residence in Greene county being at least fifteen or twenty miles from the land paid out in his name. Richard Tutt and Benjamin

Tutt are, I believe, both public paupers, and have been so for years; I am confident as to one, and am satisfied in my own mind as to the other. I have known them for several years; they have lived in Greene county, and have been supported at the charge and expense of the county. Neither of them, as the affidavits show, have resided on the land since they were paid out, and Richard Tutt was not on the land paid out in his name until January, 1834, and had no improvements whatever in 1823."

"If reckless and unprincipled men can succeed in cheating and defrauding government, by appropriating and securing to their own use public lands at the minimum price, under acts of bounty and benevolence, passed for the benefit of honest, enterprising, and industrious settlers, corruption and venality must and will become the order of the day, wherever there is a quarter section of public land left worth contending for; and it is greatly to be feared that this has become too much the case already. May I ask to be informed of any steps taken by the department in this matter, as early as convenient?"

And here are some comments of the Receiver of the Land Office at Mount Salus, who tells us he has been in the public service since 1806.

"It is much to be regretted that the surveys are not made, and the lands offered for sale, before the country is settled. Pre-emption in parts of the country where there are no private claims to adjust, seem to hold out rewards to those who, in the first instance, violate the laws with a view of greatly benefiting themselves, by securing the choice parts at the lowest price, while others, more conscientious, wait for the public sales. It has a very demoralizing effect; the temptation is so great to get land worth five or ten dollars an acre, in many instances, at the government price for the poorest land, that witnesses will be found to prove up the occupancy of the land. It occasions severe disputes between the settlers, and much troublesome, unthankful service for the officers, all of which would be avoided by hastening the surveys, and immediately offering the land for sale. The witnesses are sometimes probably deceived by not knowing where the subdivisional lines would run if extended through the tracts.'

The same officer, in illustrating the subject in another place, says:

"The pre-emption system is not a practicable system to dispose of the public lands; and if the president could see the outrageous uproar and confusion in the register's office for one day, I am well convinced he would never sign another pre-emption law. The pre-emption rights heretofore were confined to small districts, interspersed with private claims, and the right was given only to actual settlers who resided on the very tract claimed by them, and then only to heads of families, and persons over twenty-one years of age. There were no floating rights. Even that system created great confusion and fraud in Louisiana, and was generally believed to do more harm than good. I know one considerable battle royal fought on the occasion, and was told by the deputy surveyors that many of the tracts they surveyed perhaps in the very year the pre-emption right was obtained, were in a wild state, where they did not see the trace of a human being, and were proved to be in a state of cultivation. At present it is customary for the leader of a party of speculators to agree with a number of dealers, with their witnesses, men, women, and children, to meet on

a certain day at the register's office. They come like the locusts of Egypt, and darken the office with clouds of smoke and dust, and an uproar occasioned by whisky and avarice, that a register, at least, can never forget.

"The many different propositions made by members of Congress to dispose of the public lands, makes it probable that some change in the system will be effected; I therefore ask your indulgence to make some general remarks on the subject. I have been engaged in the land business from the year 1806, first as a deputy surveyor, about one year; then about fifteen years as principal deputy for the western district. Louisiana; four years of which, as one of the commissioners for deciding on and adjusting the claims of that district; and have now been more than eight years register for the Choctaw land district. I think it is to be regretted, that there is so much feverish anxiety to make alterations in the land system by members of Congress, who have not the practical experience necessary to enable them to avoid confusion and endless difficulties.

"The pre-emption act of the 29th of May, 1830, is the most unguarded, and in all respects the worst land law that has ever been passed in the United States. In districts where the public land could not be disposed of for many years, on account of private claims, there seemed to be some necessity for allowing pre-emptions; but where there are no private claims to be adjusted, the exclusive advantage given to those who go on the most choice spots, and that in direct violation of an act of Congress, has a very unequal bearing and demoralizing effect. If the whole community, who are equally interested, were authorized by law to make settlements on the public lands, the advantages would seem to be equal; but, if such was the case, I think it likely that it would cause the loss of many lives in the general scramble which would take place. If the pre-emption right only extended to the forfeited lands, or such as had been improved under the credit system, where the tracts paid for had cost the parties a high price, there would seem to be some reason in it; but that a general sweep should be made of the most valuable lands of the United States by intruders, at as low a price as that which the poorest person in the nation would have to pay for the poorest pine barren, is unreasonable in the extreme."

[Mr. Walker. What is the name of that officer?]

Gideon Fitz; and this extract is on the forty-ninth page of the document.

Mr. Clay did not intend at present to go so far into the subject as he had done, hoping for another occasion on which he designed, should God spare his life and health, to speak more fully on the subject, and endeavor to expose this system of iniquity.

Two years ago, according to the official report of commissioner Brown, there was a loss of three millions of dollars, which would not have occurred if the land had been put up fairly in the market—a loss occasioned by this system of iniquity, and the combinations which it occasions to keep down the price, and to prevent all competition. When the Senate should receive the account which Mr. Clay had called for (by a resolution), which he hoped they would receive in time for this bill, they would see what amount was received at the public sales, what was the average price of each acre sold at the public sales, without confounding them with the private sales, and making an average from the whole.

[Mr. Walker, in reply, alluded to a charge made against himself, by an anonymous letter, that he owned half a million of pre-emption in Mississippi, and to his formal denial, in the Senate, that he owned any land whatever in that quarter, or had any interest there, direct or indirect. He proceeded at considerable length to adduce facts and arguments to invalidate the testimony on which Mr. Clay had depended, and made some allusion to the pre-emption part of Mr. Clay's land bill, and charged the old States with grasping after the public lands.

Mr. Clay, of Alabama (rising at the same time with Mr. Clay of Kentucky) said he had a few words for this distinguished commissioner of the public lands.

(Mr. Clay, of Kentucky. A bad, a very bad commissioner).

Mr. Clay, of Alabama, had understood this commissioner to say, that there had been a loss of three millions of dollars, occasioned by pre-emption laws, which prevented the sale of the public lands. But he wished to call the attention of the Senate to some documentary facts, in regard to the assumption that government suffered a loss by allowing pre-emption, and that the land would sell for more under other circumstances. The requisite documents were on the table (Mr. Clay said), by which it would appear, that in 1822, there was an average excess of three cents above the minimum price, in 1823 only of five, and in 1824 no more than of two cents. At that time no general pre-emption law had been enacted. Afterward there was a still further falling off, and in 1828 the excess was only one cent; 1829 the same. These facts would put down the assumption, that government had lost any thing by pre-emption laws. The document to which Mr. Clay referred had been obtained only within the last ten days, and it appeared from that, that up to the present time, the excess had been little more than two cents per acre.

Mr. Clay argued, that the pre-emption laws were calculated to put down fraud instead of encouraging it. The only fraud was that of speculators, and the charge of it against the settlers was utterly groundless. To oppose this system, and to continue that of public auction, was to minister to the cupidity of speculators; and the most effectual remedy against fraud was to be found in pre-emption laws.]

Mr. Clay, of Kentucky, said he knew how unequal this contest was. A number of senators from the new States were ever ready to spring up and eulogize the pre-emption laws; but, unequal as it was, while he had a place here, he would contend for those interests of the people, which he was endeavoring to protect.

He would repel the imputation of the senator from Mississippi against the old States. It was not the old States, but some of the new, that were grasping at the public domain. If there was such a spirit anywhere, it was not in the old States, but somewhere else.

The subject of the public lands had been forced upon him by the political party of the senator from Mississippi several years ago. The land bill for distributing the proceeds of them was the consequence; but was there any thing of grasping, even in that? It did not propose to touch the land system, to alter or affect the price or the mode of sale. The old, the tried system was admirable. Under the auspices of such men as Jeremiah Morrow, nothing human could have been more perfect or just. But what did

that measure propose? To distribute the whole net proceeds of the lands among all the States, old and new, allowing to the new an extra bounty of fifteen per cent. What kind of grasping by the old States was this? And how was the equitable measure received by some of the new States? The senator was mistaken; it was not the old States to whom his imputation would apply; the hand that made the grip was thrust from some other quarter.

He had no part in the charge against the senator in relation to lands in Mississippi; but how had he made out in his vindication of the officers of the government? The commissioner of the land office was not to be believed, because he differed from him; a commissioner appointed by the immortal Jackson, governor of Ohio, and well worthy to be sent on a foreign mission, was not to be believed, because his views did not agree with those of the senator from Mississippi. But could the senator say that two or three million of acres taken up by pre-emptions might not have produced, at public sales, three million of dollars, which the commissioners had estimated to have been lost? Had not the senator himself stated, at a former session, that many of these lands were worth fifty dollars per acre?

Mr. Clay, after a few remarks on certain frauds in Louisiana, and on the alleged frauds in Mississippi, recurred to the case of the valuable land in Indiana, for which there is a contest between individuals and the Legislature. He hoped, if either party should get the land, it would be the whole State. But the Legislature was now in session, and what did they seem themselves to think of individual pre-emption rights, when not the whole Union, but that State alone was concerned? They gave thirty-nine votes against individual pre-emption rights, and only five votes in favor. He would read a short account of the debate on this point.

[Here Mr. Clay read parts of several speeches in the Indiana Legislature, denouncing the pre-emption system, and showing that attempts were made by speculators, under the garb of poor settlers, to appropriate the land which had been recently acquired from the Miami Indians.]

Mr. Clay had taxed his recollection in relation to persons in Kentucky, to whom pre-emption rights had been granted; and he knew of but one man who lived on land granted to him by Virginia as a settler. Mr. Clay was for abiding by, defending, and protecting the land system heretofore existing, against all and every material innovation.

ON THE PLAN OF THE SUB-TREASURY.

IN SENATE, FEBRUARY 19, 1838.

[The indescribable chaos and wide-spread ruin of the commercial affairs of the country, induced by the fatal measures of General Jackson, and the total derangement and prostration of the currency, made relief imperative, if practicable. It was not for General Jackson, while in power, to confess wrong, and Mr. Van Buren succeeded only to carry out the wishes of his predecessor, which had been propounded in a theory of a government or treasury bank, dubbed with the name of Independent Treasury, that is, independent of banks in the usual sense of the term. General Jackson, in 1833, had seized the purse of the nation without law, and held on to it to the last. It was now proposed to legalize that method of administration, by an experiment, or by what, in medical parlance, is called quackery—as if a patient brought to the verge of the grave by bad treatment could afford to risk an experiment. But so it was. The Independent or Sub-Treasury was the grand panacea to save the nation. It was of course a revolution in the financial operations of the government, and not less so in the commercial condition of the people. The supply of a currency by banks was a method which had been tried, and which worked well, till broken down by General Jackson; and being broken down, it was very convenient for those who did the mischief to charge it on the system, in order to reconcile the people to the proposed experiment. "We must not go back to that which has given us so much trouble, but try a new way—the Independent Treasury."

But it is asked, now in 1856, has not the Sub-Treasury worked well? The answer is, that the people submitted to an inevitable doom. They could not contend always with a government which had got them in their power, and they let it go, and have done as well as they could. They have, however, retained the banking system, subject to the screws of the Sub-Treasury. For it must be obvious, that all the specie locked up in the Sub-Treasury vaults, be it twenty, or thirty, or forty millions, is so

much of the people's money withdrawn from bank vaults, where it would be useful as the basis of a circulating medium, and that whenever a tightness in the money-market occurs, it is either occasioned or made tighter by the operation of the Sub-Treasury. The screws of this institution are always on the banks, and mediately on the people. It is also a very expensive institution; whereas all the fiscal operations of the government were done by the bank of the United States, without the cost of a penny. Millions have been lost by defalcations under the Sub-Treasury, and the necessary annual expense for building, rent, salaries, removal of specie, and a variety of contingences, must be a million of dollars, more or less. Under a Sub-Treasury system, the business of the whole country, so far as it depends on a currency—and the currency is its soul—lies at the mercy of two great powers: our foreign indebtedness and the machinery of this institution. The return of one tenth of our present foreign indebtedness, at one time, as a consequence of a money panic in Europe, would prostrate the business of the entire country; and we are at all times liable to an event of this kind under a Sub-Treasury. The debtor is always in the power of his creditor; and if the debtor's friend fail him in time of need, what is he to do? If his friend joins his creditor in the application of the screws, his condition is hopeless. The government, which is the servant of the people, should be the people's friend; but a Sub-Treasury is necessarily an oppressor of the people in a time of general commercial distress; for it has hoarded up and holds on to the specie that is wanted for relief. The idea that the government should have a better currency than the people, is not democracy, but despotism. That the government should fatten on that which is necessary as a currency among the people, is a brutal gratification, not a republican sentiment; and yet this is precisely the character of a Sub-Treasury system. It is to pamper the government, while the people are exposed to impoverishment and distress. It may go on well while the country is prosperous; but when trouble comes, the burden falls on the people alone, and it is all the more grievous because the government refuses to share in it; and not only so, but the government riots in luxury; for while there is any money at all in the country, the government is sure to have it. Such is the Sub-Treasury system; and this is the impeachment which Mr. Clay brings against it in the following speech, showing, first, the means by which it is brought about.]

I HAVE seen some public service, passed through many troubled times, and often addressed public assemblies, in this capitol and elsewhere; but never before have I risen in a deliberative body, under more oppressed feelings, or with a deeper sense of awful responsibility. Never before have I risen to express my opinions upon any public measure, fraught with such tremendous consequences to the welfare and prosperity of the country, and so perilous to the liberties of the people, as I solemnly believe the bill under consideration will be. If you knew, sir, what sleepless hours reflection upon it has cost me, if you knew with what fervor and sincerity I have implored divine assistance to strengthen and sustain me in my opposition to it, I should have credit with you, at least, for the sincerity of my convictions, if I shall be so unfortunate as not to have your concurrence as to the dangerous character of the measure. And I have thanked my God that he has prolonged my life until the present time, to enable me to exert myself in the service of my country, against a project far transcending in pernicious tendency any that I have ever had occasion to consider. I thank him for the health I am permitted to enjoy; I thank him for the soft and sweet repose which I have experienced last night; I thank him for the bright and glorious sun which shines upon us this day.

It is not my purpose, at this time, Mr. President, to go at large into a consideration of the causes which have led to the present most disastrous state of public affairs. The duty was performed by others, and myself, at the extra session of Congress. It was then clearly shown, that it sprung from the ill-advised and unfortunate measures of executive administration. I now will content myself with saying that, on the 4th day of March, 1829, Andrew Jackson, not by the blessing of God, was made president of these United States; that the country then was eminently prosperous; that its currency was as sound and safe as any that a people were ever blessed with; that, throughout the wide extent of this whole Union it possessed a uniform value; and that exchanges were conducted with such regularity and perfection, that funds could be transmitted from one extremity of the Union to the other, with the least possible risk or loss. In this encouraging condition of the business of the country, it remained for several years, until after the war wantonly waged against the late bank of the United States, was completely successful, by the overthrow of that invaluable institution. What our present situation is, is as needless to describe as it is painful to contemplate. First felt in our great commercial marts, distress and embarrassment have penetrated into the interior, and now pervade almost the entire Union. It has been justly remarked by one of the soundest and most practical writers that I have had occasion to consult, that "all convulsions in the circulation and commerce of every country must originate in the operations of the government, or in the mistaken views and erreonous measures of those possessing the power of influencing credit and circulation; for they are not otherwise susceptible of convulsion; and,

if left to themselves, they will find their own level, and flow nearly in one uniform stream."

Yes, Mr. President, we all have but too melancholy a consciousness of the unhappy condition of our country. We all too well know, that our noble and gallant ship lies helpless and immovable upon breakers, dismasted, the surge beating over her venerable sides, and the crew threatened with instantaneous destruction. How came she there? Who was the pilot at the helm when she was stranded? The party in power! The pilot was aided by all the science and skill, by all the charts and instruments, of such distinguished navigators as Washington, the Adamses, Jefferson, Madison, and Monroe; and yet he did not, or could not, save the public vessel. She was placed in her present miserable condition by his bungling navigation, or by his want of skill and judgment. It is impossible for him to escape from one or the other horn of that dilemma. I leave him at liberty to choose between them.

I shall endeavor, Mr. President, in the course of the address I am about making, to establish certain propositions, which I believe to be incontestable; and, for the sake of perspicuity, I will state them severally to the Senate. I shall contend,

First, that it was the deliberate purpose and fixed design of the late administration to establish a government bank—a treasury bank—to be administered and controlled by the executive department.

Secondly, that, with that view, and to that end, it was its aim and intention to overthrow the whole banking system, as existing in the United States when that administration came into power, beginning with the bank of the United States, and ending with the State banks.

Thirdly, that the attack was first confined, from considerations of policy, to the bank of the United States; but that, after its overthrow was accomplished, it was then directed, and has since been continued, against the State banks.

Fourthly, that the present administration, by its acknowledgments, emanating from the highest and most authentic source, has succeeded to the principles, plans, and policy, of the preceding administration, and stands solemnly pledged to complete and perfect them.

And, fifthly, that the bill under consideration is intended to execute the pledge, by establishing, upon the ruins of the late bank of the United States, and the State banks, a government bank, to be managed and controlled by the treasury department, acting under the commands of the President of the United States.

I believe, solemnly believe, the truth of every one of these five propositions. In the support of them, I shall not rely upon any gratuitous surmises or vague conjectures, but upon proofs, clear, positive, undeniable, and demonstrative. To establish the first four, I shall adduce evidence of the highest possible authenticity, of facts admitted or undeniable, and fair reasoning founded on them. And as to the last, the measure under consid

eration, I think the testimony, intrinsic and extrinsic, on which I depend, stamps, beyond all doubt, its true character as a government bank, and ought to carry to the mind of the Senate the conviction which I entertain, and in which I feel perfectly confident the whole country will share.

First. My first proposition is, that it was the deliberate purpose and fixed design of the late administration to establish a government bank—a treasury bank—to be administered and controlled by the executive department. To establish its truth, the first proof which I offer is the following extract from President Jackson's annual message of December, 1829.

"The charter of the bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy, in a measure involving such important principles, and such deep pecuniary interests, I feel that I can not, in justice to the parties interested, too soon present it to the consideration of the Legislature and the people. Both the constitutionality and the expediency of the law creating this bank, are well questioned by a large portion of our fellow-citizens; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency.

"Under these circumstances, if such an institution is deemed essential to the fiscal operations of the government, I submit to the wisdom of the Legislature, whether a national one, founded upon the credit of the government and its revenues, might not be devised, which would avoid all constitutional difficulties, and at the same time, secure all the advantages to the government and the country, that were expected to result from the present bank."

This was the first open declaration of that implacable war against the late bank of the United States, which was afterward waged with so much ferocity. It was the sound of the distant bugle, to collect together the dispersed and scattered forces, and prepare for battle. The country saw with surprise the statement, that "the constitutionality and expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens," when, in truth and in fact, it was well known that but few then doubted the constitutionality, and none the expediency, of it. And the assertion excited much greater surprise, that "it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency." In this message, too, while a doubt is intimated as to the utility of such an institution, President Jackson clearly first discloses his object to establish a national one, founded upon the credit of the government and its revenues. His language is perfectly plain and unequivocal. Such a bank, founded upon the credit of the government and its revenues, would secure all the advantages to the government and the country, he tells us, that were expected to result from the present bank.

In his annual message of the ensuing year, the late president says:

"The importance of the principles involved in the inquiry, whether it will be proper to re-charter the bank of the United States, requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen, in

any degree, the dangers which many of our citizens apprehend from that institution, as at present organized. In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire, whether it be not possible to secure the advantages afforded by the present bank, through the agency of a bank of the United States, so modified in its principles as to obviate constitutional and other objections.

"It is thought practicable to organize such a bank, with the necessary officers, as a branch of the treasury department, based on the public and individual deposits, without power to make loans, or purchase property, which shall remit the funds of government; and the expense of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange, to private individuals, at a moderate premium. Not being a corporate body, having no stockholders, debtors, and property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests, of large masses of the community, it would be shorn of the influence which makes that bank formidable."

In this message President Jackson, after again adverting to the imaginary dangers of a bank of the United States, recurs to his favorite project, and inquires, "Whether it be not possible to secure the advantages afforded by the present bank, through the agency of a bank of the United States, so modified in its principles and structure as to obviate constitutional and other objections." And to dispel all doubts of the timid, and to confirm the wavering, he declares that it is thought practicable to organize such a bank, with the necessary officers, as a branch of the treasury department. As a branch of the treasury department? The very scheme now under consideration. And, to defray the expenses of such an anomalous institution, he suggests that the officers of the treasury department may turn bankers and brokers, and sell bills of exchange to private individuals at a moderate premium!

In his annual message of the year 1831, upon this subject, he was brief and somewhat covered in his expressions. But the fixed purpose which he entertained is sufficiently disclosed to the attentive reader. He announces, that "entertaining the opinions heretofore expressed in relation to the bank of the United States, as at present organized, I felt it to be my duty, in my former messages, frankly to disclose them, in order that the attention of the Legislature and the people should be seasonably directed to that important subject, and that it might be considered, and finally disposed of, in a manner best calculated to promote the ends of the Constitution, and subserve the public interests." What were the opinions "heretofore" expressed, we have clearly seen. They were adverse to the bank of the United States, as at present organized, that is to say, an organization with any independent corporate government; and in favor of a national bank which should be so constituted as to be subject to exclusive executive control.

At the session of 1831–1832, the question of the re-charter of the bank of the United States came up; and although the attention of Congress

and the country had been repeatedly and deliberately before invited to the consideration of it by President Jackson himself, the agitation of it was now declared by him and his partisans to be precipitate and premature. Nevertheless, the country and Congress, conscious of the value of a safe and sound uniform currency, conscious that such a currency had been eminently supplied by the bank of the United States, and unmoved by all the outcry raised against that admirable institution, the re-charter commanded large majorities in both Houses of Congress. Fatally for the interests of this country, the stern self-will of General Jackson prompted him to risk every thing upon its overthrow. On the 10th of July, 1832, the bill was returned with his veto; from which the following extract is submitted to the attentive consideration of the Senate:

"A bank of the United States is, in many respects, convenient for the government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the Constitution, subversive of the rights of the States, and dangerous to the liberties of the people, I felt it my duty, at an early period of my administration, to call the attention of Congress to the practicability of organizing an institution, combining all its advantages, and obviating these objections. I sincerely regret that, in the act before me, I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the Constitution of our country.

"That a bank of the United States, competent to all the duties which may be required by government, might be so organized as not to infringe upon our own delegated powers, or the reserved rights of the States, I do not entertain a doubt. Had the executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call, it is obviously proper that he should confine himself to pointing out those prominent features in the act presented, which, in his opinion, make it incompatible with the Constitution and sound policy."

President Jackson admits, in the citation which has just been made, that a bank of the United States is, in many respects, convenient for the government; and reminds Congress that he had, at an early period of his administration, called its attention to the practicability of so organizing such an institution as to secure all its advantages, without the defects of the existing bank. It is perfectly manifest that he alludes to his previous recommendations of a government, a treasury bank. In the same message he tells Congress, that if he had been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. Thus it appears that he had not only settled in his mind the general principle, but had adjusted the details of a government bank, to be subjected to executive control; and Congress is even chided for not calling upon him to present them. The bill now under consideration, beyond all controversy, is the very project which he had in view, and is to consummate the

work which he began. I think, Mr. President, that you must now concur with me in considering the first proposition as fully maintained. I pass to the second and third, which, on account of their intimate connection, I will consider together.

Second, that with the view of establishing a government bank, it was the settled aim and intention of the late administration, to overthrow the whole banking system of the United States, as existing in the United States when that administration came into power, beginning with the bank of the United States, and ending with the State banks.

Third, that the attack was first confined, from considerations of policy, to the bank of the United States; but that, after its overthrow was accomplished, it was then directed, and has since been continued, against the State banks.

We are not bound to inquire into the motives of President Jackson for desiring to subvert the established monetary and financial system which he found in operation; and yet some examination into those which probably influenced his mind, is not without utility. These are to be found in his peculiar constitution and character. His egotism and vanity prompted him to subject every thing to his will; to change, to remold, and retouch every thing. Hence the proscription which characterized his administration, the universal expulsion from office, at home and abroad, of all who were not devoted to him, and the attempts to render the executive department of government, to use a favorite expression of his own, a complete "unit." Hence his seizure of the public deposits, in the bank of the United States, and his desire to unite the purse with the sword. Hence his attack upon all the systems of policy which he found in practical operation, on that of internal improvements, and on that of the protection of national industry. He was animated by the same sort of ambition which induced the master mind of the age, Napoleon Bonaparte, to impress his name upon every thing in France. When I was in Paris, the sculptors were busily engaged chiseling out the famous "N.," so odious to the Bourbon line, which had been conspicuously carved on the palace of the Tuilleries, and on other public edifices and monuments, in the proud capital of France. When, Mr. President, shall we see effaced all traces of the ravages committed by the administration of Andrew Jackson? Society has been uprooted, virtue punished, vice rewarded, and talents and intellectual endowments despised; brutality, vulgarism, and loco-focoism, upheld, cherished, and countenanced. Ages will roll around before the moral and political ravages which have been committed, will, I fear, cease to be discernible. General Jackson's ambition was to make his administration an era in the history of the American government, and he has accomplished that object of his ambition; but I trust that it will be an era to be shunned as sad and lamentable, and not followed and imitated as supplying sound maxims and principles of administration.

I have heard his hostility to banks ascribed to some collision which he

had with one of them, during the late war, at the city of New Orleans; and it is possible that may have had some influence upon his mind. The immediate cause, more probably, was the refusal of that perverse and unaccommodating gentleman, Nick Biddle, to turn out of the office of President of the New Hampshire branch of the Bank of the United States, at the instance of his excellency Isaac Hill, in the summer of 1829, that giant-like person, Jeremiah Mason—giant in body, and giant in mind. War and strife, endless war and strife, personal or national, foreign or domestic, were the aliment of the president's existence. War against the bank, war against France, and strife and contention with a countless number of individuals. The wars with Black Hawk and the Seminoles were scarcely a luncheon for his voracious appetite. And he made his exit from public life, denouncing war and vengeance against Mexico and the State banks.

My acquaintance with that extraordinary man commenced in this city, in the fall of 1815 or 1816. It was short, but highly respectful, and mutually cordial. I beheld in him the gallant and successful general, who, by the glorious victory of New Orleans, had honorably closed the second war of our independence, and I paid him the homage due to that eminent service. A few years after, it became my painful duty to animadvert, in the House of Representatives, with the independence which belongs to the representative character, upon some of his proceedings, in the conduct of the Seminole war, which I thought illegal, and contrary to the Constitution and the law of nations. A non-intercourse between us ensued, which continued until the fall of 1824, when he, being a member of the Senate, it was sought to bring about an accommodation between us, by the principal part of the delegation from his own State. For that purpose, we were invited to dine with them, at Claxton's boarding-house, on Capitol hill, where my venerable friend from Tennessee (Mr. White), and his colleague on the Spanish commission, were both present. I retired early from dinner, and was followed to the door by General Jackson and the present minister of the United States at the court of Madrid. They pressed me earnestly to take a seat with them in their carriage. My faithful servant and friend Charles, was standing at the door, waiting for me, with my own. I yielded to their urgent politeness, directed Charles to follow with my carriage, and they sat me down at my own door. We afterward frequently met, with mutual respect and cordiality; dined several times together, and reciprocated the hospitality of our respective quarters. This friendly intercourse continued, until the election, in the House of Representatives, of a President of the United States, came on, in February, 1825. I gave the vote which, in the contingency that happened, I told my colleague (Mr. Crittenden), who sits before me, prior to my departure from Kentucky, in November, 1824, and told others that I should give. All intercourse ceased between General Jackson and myself. We have never since, except once accidentally, exchanged salutations, nor met, except on occasions when we were performing the last offices toward deceased members of Congress, or other

officers of government. Immediately after my vote, a rancorous war was commenced against me, and all the barking dogs let loose upon me. I shall not trace it during its ten years' bitter continuance. But I thank my God that I stand here, firm and erect, unbent, unbroken, unsubdued, unawed, ready to denounce the mischievous measures of his administration, and ready to denounce this, its legitimate offspring, the most pernicious of them all.

His administration consisted of a succession of astounding measures, which fell on the public ear like repeated bursts of loud and appalling thunder. Before the reverberations of one peal had ceased, another and another came, louder and louder, and more terrifying. Or rather, it was like a volcanic mountain, emitting frightful eruptions of burning lava. Before one was cold and crusted, before the voices of the inhabitants of buried villages and cities were hushed in eternal silence, another, more desolating, was vomited forth, extending wider and wider the circle of death and destruction.

Mr. President, this is no unnecessary digression. The personal character of such a chief as I have been describing, his passions, his propensities, the character of his mind, should be all thoroughly studied, to comprehend clearly his measures and his administration. But I will now proceed to more direct and strict proofs of my second and third propositions. That he was resolved to break down the bank of the United States, is proved by the same citations from his messages which I have made to exhibit his purpose to establish a treasury bank, is proved by his veto message, and by the fact that he did destroy it. The war against all other banks was not originally announced, because he wished the State banks to be auxiliaries in overthrowing the bank of the United States, and because such an annunciation would have been too rash and shocking, upon the people of the United States, for even his tremendous influence. It was necessary to proceed in the work with caution, and to begin with that institution against which could be embodied the greatest amount of prejudice. The refusal to re-charter the bank of the United States was followed by a determination to remove from its custody the public money of the United States. That determination was first whispered in this place, denied, again intimated, and finally, in September, 1833, executed. The agitation of the American public which ensued, the warm and animated discussions, in the country and in Congress, to which that unconstitutional measure gave rise, are all fresh in our recollection. It was necessary to quiet the public mind, and to reconcile the people to what had been done, before President Jackson seriously entered upon his new career of hostility to the State banks. At the commencement of the session of Congress, in 1834, he imagined a sufficient calm had been produced, and, in his annual message of that year, the war upon the State banks was opened. In that message he says:

"It seems due to the safety of the public funds remaining in that bank, and

to the honor of the American people, that measures be taken to separate the government entirely from an institution so mischievous to the public prosperity, and so regardless of the Constitution and laws. By transferring the public deposits, by appointing other pension agents, as far as it had the power, by ordering the discontinuance of the receipt of bank checks, in payment of the public dues, after the first day of January next, the executive has exerted all its lawful authority, to sever the connection between the government and this faithless corporation."

In this quotation, it will be seen that the first germ is contained of that separation and divorce of the government from banks, which has recently made such a conspicuous figure. It relates, it is true, to the late bank of the United States, and he speaks of separating and severing the connection between the government and that institution. But the idea, once developed, was easily susceptible of application to all banking institutions. In the message of the succeeding year, his meditated attack upon the State banks, is more distinctly disclosed. Speaking of a sound currency, he says:

"In considering the means of obtaining so important an end (that is, a sound currency), we must set aside all calculations of temporary convenience, and be influenced by those only that are in harmony with the true character and permanent interests of the republic. We must recur to first principles, and see what it is that has prevented the legislation of Congress and the States, on the subject of currency, from satisfying the public expectation, and realizing results corresponding to those which have attended the action of our system, when truly consistent with the great principle of equality upon which it rests, and with that spirit of forbearance and mutual concession and generous patriotism, which was originally, and must ever continue to be, the vital element of our Union.

"On this subject, I am sure that I can not be mistaken, in ascribing our want of success to the undue countenance which has been afforded to the spirit of monopoly. All these serious dangers which our system has yet encountered, may be traced to the resort to implied powers, and the use of corporations clothed with privileges, the effect of which is to advance the interests of the few at the expense of the many. We have felt but one class of these dangers, exhibited in the contest waged by the bank of the United States, against the government, for the last four years. Happily they have been obviated for the present, by the indignant resistance of the people; but we should recollect that the principle whence they sprang is an ever active one, which will not fail to renew its efforts in the same and in other forms, so long as there is a hope of success, founded either on the inattention of the people, or the treachery of their representatives, to the subtle progress of its influence."

* * * "We are now to see whether, in the present favorable condition of the country, we can not take an effectual stand against this spirit of monopoly, and practically prove, in respect to the currency, as well as other important interests, that there is no necessity for so extensive a resort to it as that which has been heretofore practiced."

* * * "It has been seen, that without the agency of a great moneyed

monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced, in regard to the suppression of small bills; and which has only to be fostered by proper regulations on the part of Congress, to secure a practical return, to the extent required for the security of the currency, to the constitutional medium."

As in the instance of the attack upon the bank of the United States, the approach to the State banks is slow, cautious, and insidious. He reminds Congress and the country that all calculations of temporary convenience must be set aside; that we must recur to first principles; and that we must see what it is that has prevented the legislation of Congress and the States on the subject of the currency from satisfying public expectation. He declares his conviction that the want of success has proceeded from the undue countenance which has been afforded to the spirit of monopoly. All the serious dangers which our system has yet encountered, may be traced to the resort to implied powers, and to the use of corporations. We have felt, he says, but one class of these dangers in the contest with the bank of the United States, and he clearly intimates that the other class is the State banks. We are now to see, he proceeds, whether in the present favorable condition of the country, we can not take an effectual stand against this spirit of monopoly. Reverting to his favorite scheme of a government bank, he says it is ascertained, that, instead of being made necessary to promote the evils of an unchecked paper system the management of the revenue can be made auxiliary to the reform which he is desirous to introduce. The designs of President Jackson against the State banks are more fully developed and enlarged upon in his annual message of 1836, from which I beg leave to quote the following passages:

"I beg leave to call your attention to another subject, intimately associated with the preceding one—the currency of the country.

"It is apparent, from the whole context of the Constitution, as well as the history of the time that gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals. These, from their peculiar properties, which rendered them the standard of value in all other countries, were adopted in this, as well to establish its commercial standard, in reference to foreign countries, by a permanent rule, as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities, recognized by the statutes of some States, as a tender for debts, or the still more pernicious expedient of a paper currency.

"Variableness must ever be the characteristic of a currency of which the precious metals are not the chief ingredient, or which can be expanded or contracted, without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us, bank issues constitute such a currency, and must ever do so, until they are made dependent on those just proportions of gold and silver, as a circulating medium, which experience

has proved to be necessary, not only in this, but in all other commercial countries. Where those proportions are not infused into the circulation, and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established."

"But although various dangers to our republican institutions have been obviated by the failure of that bank to extort from the government a renewal of its charter, it is obvious that little has been accomplished, except a salutary change of public opinion toward restoring to the country the sound currency provided for in the Constitution. In the acts of several of the States prohibiting the circulation of small notes, and the auxiliary enactments of Congress at the last session, forbidding their reception or payment on public account, the true policy of the country has been advanced, and a larger portion of the precious metals infused into our circulating medium. These measures will probably be followed up, in due time, by the enactment of State laws, banishing from circulation bank notes of still higher denominations; and the object may be materially promoted by further acts of Congress, forbidding the employment, as fiscal agents, of such banks as issue notes of low denominations, and throw impediments in the way of the circulation of gold and silver.

"The effects of an extension of bank credits and over issues of bank paper have been strikingly illustrated in the sales of the public lands. From the returns made by the various registers and receivers in the early part of last summer, it was perceived that the receipts arising from the sales of public lands were increasing to an unprecedented amount. In effect, however, these receipts amount to nothing more than credits in banks. The banks lent out their notes to speculators; they were paid to the receivers, and immediately returned to the banks, to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land, and pay the government by a credit on the books of the banks. Those credits on the books of some of the western banks, usually called deposits, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for no sooner had one individual or company paid in the notes, than they were immediately lent to another for a like purpose; and the banks were extending their business and their issues so largely as to alarm considerate men, and render it doubtful whether these bank credits, if permitted to accumulate, would ultimately be of the least value to the government. The spirit of expansion and speculation was not confined to the deposit banks, but pervaded the whole multitude of banks throughout the Union, and was giving rise to new institutions to aggravate the evil.

"The safety of the public funds, and the interest of the people generally, required that these operations should be checked; and it became the duty of every branch of the general and State governments, to adopt all legitimate and proper means to produce that salutary effect. Under this view of my duty, I directed the issuing of the order, which will be laid before you by the Secretary of the Treasury, requiring payment of the public lands sold, to be made in specie, with an exception until the fifteenth of the present month in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the western banks, and gave them additional strength in anticipation of

the pressure which has since pervaded our eastern as well as the European commercial cities. By preventing the expansion of the credit system, it measurably cut off the means of speculation, and retarded its progress in monopolizing the most valuable of the public lands. It has tended to save the new States from a non-resident proprietorship; one of the greatest obstacles to the advancement of a new country, and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants at government prices, instead of their being compelled to purchase of speculators at double or treble prices. And it is conveying into the interior, large sums in silver and gold, there to enter permanently into the currency of the country, and place it on a firmer foundation. It is confidently believed that the country will find, in the motives which induced that order, and the happy consequences which have ensued, much to commend, and nothing to condemn."

It is seen that he again calls the attention of Congress to the currency of the country, alleges that it was apparent from the whole context of the Constitution, as well as the history of the times, that gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals; imputes variableness and a liability to inordinate contraction and expansion to the existing paper system, and denounces bank issues, as being an uncertain standard. He felicitates himself upon the dangers which have been obviated by the overthrow of the bank of the United States, but declares that little has been yet done, except to produce a salutary change of public opinion, toward restoring to the country the sound currency provided for in the Constitution. I will here say, in passing, that all this outcry about the precious metals, gold, and the constitutional currency, has been put forth to delude the people, and to use the precious metals as an instrument to break down the banking institutions of the States, and to thus pave the way for the ultimate establishment of a great government bank. In the present advanced state of civilization, in the present condition of the commerce of the world, and in the actual relations of trade and intercourse between the different nations of the world, it is perfectly chimerical to suppose that the currency of the United States should consist exclusively, or principally, of the precious metals.

In the quotations which I have made from the last annual message of General Jackson, he speaks of the extension of bank credits, and the over-issues of bank paper, in the operations upon the sales of public lands. In his message of only the preceding year, the vast amount of those sales had been dwelt upon with peculiar complaisance, as illustrating the general prosperity of the country, and as proof of the wisdom of his administration. But now that which has been announced as a blessing, is deprecated as a calamity. Now, his object being to assail the banking institutions of the States, and to justify that fatal treasury order, which I shall hereafter have occasion to notice, he expresses his apprehension of the danger to which we are exposed of losing the public domain, and getting nothing for it but bank credits. He describes, minutely, the circular process by which the notes of the banks passed out of those institutions, to be employed in

the purchase of the public lands, and returned again to them in the form of credits to the government. He forgets that Mr. Secretary Taney, to reconcile the people of the United States to the daring measure of removing the public deposits, had stimulated the banks to the exercise of great liberality in the grant of loans. He informs us, in that message, that the safety of the public funds, and the interests of the people generally, required that these copious issues of the banks should be checked, and that the conversion of the public lands into mere bank credits should be arrested. And his measure to accomplish these objects was that famous treasury order, already adverted to. Let us pause here for a moment, and contemplate the circumstances under which it was issued. The principle of the order had been proposed and discussed in Congress. But one senator, as far as I know, in this branch of the Legislature, and not a solitary member, within my knowledge, in the House of Representatives, was in favor of it. And yet, in about a week after the adjournment of Congress, the principle which met with no countenance from the legislative authority, was embodied in the form of a treasury edict, and promulgated under the executive authority, to the astonishment of the people of the United States!

If we possessed no evidence whatever of the hostility of President Jackson to the State banks of the United States, that order would supply conclusive proof. Bank notes, bank issues, bank credits, were distrusted and denounced by him. It was proclaimed to the people that they were unworthy of confidence. The government could no longer trust in their security. And at a moment when the banking operations were extended, and stretched to their utmost tension; when they were almost all tottering and ready to fall, for the want of that metallic basis on which they all rested, the executive announces his distrust, issues the treasury order, and enters the market for specie, by a demand of an extraordinary amount to supply the means of purchasing the public lands. If the sales had continued in the same ratio they had been made during the previous year, that is, at about the rate of twenty-four millions per annum, this unprecedented demand created by government for specie, must have exhausted the vaults of most of the banks, and produced much sooner the catastrophe which occurred in May last. And, what is most extraordinary, this wanton demand for specie upon all the banks of the commercial capitals, and in the busy and thickly-peopled portions of the country, was that it might be transported into the wilderness, and, after having been used in the purchase of public lands, deposited to the credit of the government in the books of western banks, in some of which, according to the message, there were already credits to the government "greatly beyond their immediate means of payment." Government, therefore, did not itself receive, or rather, did not retain, the very specie which it professed to demand as the only medium worthy of the public lands. The specie, which was so uselessly exacted, was transferred from one set of banks, to the derangement of the

commerce and business of the country, and placed in the vaults of another set of banks in the interior, forming only those bank credits to the government upon which President Jackson placed so slight a value.

Finally, when General Jackson was about to retire from the cares of government, he favored his countrymen with a farewell address. The solemnity of the occasion gives to any opinions which he has expressed in that document a claim to peculiar attention. It will be seen, on perusing it, that he denounces, more emphatically than in any of his previous addresses, the bank paper of the country, corporations, and what he chooses to denominate the spirit of monopoly. The Senate will indulge me in calling its attention to certain parts of that address, in the following extracts:

"The Constitution of the United States unquestionably intended to secure to the people a circulating medium of gold and silver. But the establishment of a national bank by Congress, with the privilege of issuing paper money, receivable in payment for the public dues, and the unfortunate cause of legislation in the several States upon the same subject, drove from general circulation the constitutional currency, and substituted one of paper in its place.

"The mischief springs from the power which the moneyed interest derives from a paper currency, which they are able to control; from the multitude of corporations, with exclusive privileges, which they have succeeded in obtaining in the different States, and which are employed altogether for their benefit; and unless you become more watchful in your States, and check this spirit of monopoly, and thirst for exclusive privileges, you will, in the end, find that the most important powers of government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations.

"But it will require steady and persevering exertions on your part to rid yourselves of the iniquities and mischiefs of the paper system, and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject, that you must not hope that the conflict will be a short one, nor success easy. My humble efforts have not been spared during my administration of the government, to restore the constitutional currency of gold and silver: and something, I trust, has been done toward the accomplishment of this most desirable object. But enough yet remains, to require all your energy and perseverance. The power, however, is in your hands, and the remedy must, and will be applied, if you determine upon it."

The mask is now thrown off, and he boldly says that the Constitution of the United States unquestionably intended to secure to the people a circulating medium of gold and silver. They have not enjoyed, he says, that benefit, because of the establishment of a national bank, and the unfortunate course of legislation in the several States. He does not limit his condemnation of the past policy of his country to the federal government, of which he has just ceased to be the chief, but he extends it to the States also, as if they were incompetent to judge of the interests of their respective

citizens. He tells us that the mischief springs from the power which the moneyed interest derives from a paper currency, which they are able to control, and the multitude of corporations; and he stimulates the people to become more watchful in their several States to check this spirit of monopoly. To invigorate their fortitude, he tells the people that it will require steady and persevering exertions on their part, to rid themselves of the iniquities and mischiefs of the paper system, and to check the spirit of monopoly. They must not hope that the conflict will be a short one, nor success easy. His humble efforts have not been spared, during his administration, to restore the constitutional currency of gold and silver; and although he has been able to do something toward the accomplishment of that object, enough yet remains to require all the energy and perseverance of the people.

Such, Mr. President, are the proofs and the argument on which I rely to establish the second and third propositions which I have been considering. Are they not successfully maintained? Is it possible that any thing could be more conclusive on such a subject?

I pass to the consideration of the fourth proposition.

Fourth, that the present administration, by acknowledgments emanating from the highest and most authentic source, has succeeded to the principles, plans, and policy, of the preceding administration, and stands solemnly pledged to complete and perfect them.

The proofs on this subject are brief; but they are clear, direct, and plenary. It is impossible for any unbiased mind to doubt for a moment about them. You, sir, will be surprised, when I shall array them before you, at their irresistible force. The first that I shall offer is an extract from Mr. Van Buren's letter of acceptance of the nomination of the Baltimore convention, dated May 23d, 1835. In that letter he says:

"I content myself, on this occasion, with saying, that I consider myself the honored instrument, selected by the friends of the present administration, to carry out its principles and policy; and that, as well from inclination as from duty, I shall, if honored with the choice of the American people, endeavor generally to follow in the footsteps of President Jackson; happy if I shall be able to perfect the work which he has so gloriously begun."

Mr. Van Buren announces that he was the honored instrument selected by the friends of the present administration, to carry out its principles and policy. The honored instrument! That word, according to the most approved definition, means tool. He was, then, the honored tool—to do what? to promote the honor, and advance the welfare of the people of the United States, and to add to the glory of his country? No, no; his country was not in his thoughts. Party, party, filled the place in his bosom which country should have occupied. He was the honored tool to carry out the principles and policy of General Jackson's administration; and, if elected, he should, as well from inclination as from duty, endeavor, generally

to tread in the footsteps of General Jackson; happy if he should be able to perfect the work which he had so gloriously begun. Duty to whom? to the country, to the whole people of the United States? No such thing; but to the friends of the then administration; and that duty required him to tread in the footsteps of his illustrious predecessor, and to perfect the work which he had begun! Now, the Senate will bear in mind that the most distinguishing feature in General Jackson's administration related to the currency; that he had denounced the banking institutions of the country; that he had overthrown the bank of the United States; that he had declared, when that object was accomplished, only one half of the work was completed; that he then commenced war against the State banks, in order to finish the other half; that he constantly persevered in, and never abandoned, his favorite project of a great government treasury bank; and that he retired from the office of chief magistrate, pouring out, in his farewell address, anathemas against paper money, corporations, and the spirit of monopoly. When all these things are recollected, it is impossible not to comprehend clearly what Mr. Van Buren means, by carrying out the principles and policy of the late administration. No one can mistake that those principles and that policy require him to break down the local institutions of the States, and to discredit and destroy the paper medium which they issue. No one can be at a loss to understand, that, in following in the footsteps of President Jackson, and in performing the work which he begun, Mr. Van Buren means to continue attacking, systematically, the banks of the States, and to erect, on their ruins, that great government bank, begun by his predecessor, and which he is the honored instrument selected to complete. The next proof which I shall offer is supplied by Mr. Van Buren's inaugural address, from which I request permission of the Senate to read the following extract:

"In receiving from the people the sacred trust twice confided to my illustrious predecessor, and which he has discharged so faithfully and so well, I know that I can not expect to perform the arduous task with equal ability and success. But, united as I have been in his counsels, a daily witness of his exclusive and unsurpassed devotion to his country's welfare, agreeing with him in sentiments which his countrymen have warmly supported, and permitted to partake largely of his confidence, I may hope that somewhat of the same cheering approbation will be found to attend upon my path."

Here we find Mr. Van Buren distinctly avowing, what the American people well knew before, that he had been united in the counsels of General Jackson; that he had agreed with him in sentiments, that he had partaken largely of his confidence. This intimacy and confidential intercourse could not have existed without the concurrence of Mr. Van Buren in all those leading and prominent measures of his friend, which related to the establishment of a government bank, the overthrow of the bank of the United States, the attack upon the State institutions, and the denunciation of the

paper currency, the spirit of monopoly, and corporations. Is it credible that General Jackson should have aimed at the accomplishment of all those objects, and entertained all these sentiments, without Mr. Van Buren's participation?

I proceed to another point of powerful evidence, in the conduct of Mr. Van Buren, in respect to the famous treasury order. That order had been promulgated, originally, in defiance of the opinion of Congress, had been continued in operation, in defiance of the wishes and will of the people, and had been repealed by a bill passed at the last ordinary session of Congress, by overwhelming majorities. The fate of that bill is well known. Instead of being returned to the House in which it originated, according to the requirement of the Constitution, it was sent to one of the pigeonholes of the Department of State, to be filed away with an opinion of a convenient attorney-general, always ready to prepare one in support of executive encroachment. On the 5th of March last, not a doubt was entertained, as far as my knowledge or belief extends, that Mr. Van Buren would rescind the obnoxious order. I appeal to the senator from Missouri, who sits near me (Mr. Linn), to the senator from Mississippi, who sits furthest from me (Mr. Walker), to the senator from Alabama (Mr. King), and to the whole of the administration senators, if such was not the expectation of all of them. Was there ever an occasion in which a new administration had so fine an opportunity to signalize its commencement by an act of grace and wisdom, demanded by the best interests and most anxious wishes of the people? But Mr. Van Buren did not think proper to embrace it. He had shared too largely in the confidence of his predecessor, agreed too fully with him in sentiments, had been too much united with him in his counsels, to rescind an order which constituted so essential a part of the system which had been deliberately adopted to overthrow the State banks.

Another course pursued by the administration, after the catastrophe of the suspension of specie payments by the banks, demonstrates the hostile purposes toward them of the present administration. When a similar event had occurred during the administration of Mr. Madison, did he discredit and discountenance the issues of the banks, by refusing to receive them in payment of the public dues? Did the State governments, upon the former or the late occasion, refuse to receive them in payment of the dues to them, respectively? And if irredeemable bank notes are good enough for State governments and the people, are they not good enough for the federal government of the same people? By exacting specie, in all payments to the general government, that government presented itself in the market as a powerful and formidable competitor with the banks, demanding specie at a moment when the banks were making unexampled struggles to strengthen themselves, and prepare for the resumption of specie payments. The extent of this government demand for specie does not admit of exact ascertainment; but when we reflect that the annual expend-

itures of the government were at the rate, including the post-office department, of about thirty-three millions of dollars, and that its income, made up either of taxes or loans, must be an equal sum, making together an aggregate of sixty-six millions, it will be seen that the amount of specie required for the use of government must be immensely large. It can not be precisely determined, but would not be less, probably, than fifteen or twenty millions of dollars per annum. Now, how is it possible for the banks, coming into the specie market in competition with all the vast power and influence of the government, to provide themselves with specie, in a reasonable time to resume specie payments? That competition would have been avoided, if, upon the stoppage of the banks, the notes of those of whose solidity there was no doubt, had been continued to be received in payment of the public dues, as was done in Mr. Madison's administration. And why, Mr. President, should they not have been? Why should not this government receive the same description of medium which is found to answer all the purposes of the several State governments? Why should they have resorted to the expedient of issuing an inferior paper medium, in the form of treasury notes, and refusing to receive the better notes of safe and solid banks? Do not misunderstand me, Mr. President. No man is more averse than I am to a permanent, inconvertible paper medium. It would have been as a temporary measure only, that I should have thought it expedient to receive the notes of good local banks. If, along with that measure, the treasury order had been repealed, and other measures adopted to encourage and coerce the resumption of specie payments, we should have been much nigher that desirable event, than, I fear, we now are. Indeed, I do not see when it is possible for the banks to resume specie payments, as long as the government is in the field, making war upon them, and in the market demanding specie.

Another conclusive evidence of the hostility to the State banks, on the part of Mr. Van Buren, is to be found in that extraordinary recommendation of a bankrupt law, contained in his message at the extra session. According to all the principles of any bankrupt system with which I am acquainted, the banks, by the stoppage of specie payment, had rendered themselves liable to its operation. If the recommended law had been passed, commissions of bankruptcy could have been immediately sued out against all the suspended banks, their assets seized, and the administration of them transferred from the several corporations to which it is now intrusted, to commissioners appointed by the president himself. Thus, by one blow, would the whole of the State banks have been completely prostrated, and the way cleared for the introduction of the favorite treasury bank; and is it not in the same spirit of unfriendliness to those banks, and with the same view of removing all obstacles to the establishment of a government bank, that the bill was presented to the Senate a few days ago by the senator from Tennessee (Mr. Grundy), against the circulation of the notes of the old bank of the United States? At a time when there is too

much want of confidence, and when every thing that can be done, should be done, to revive and strengthen it, we are called upon to pass a law denouncing the heaviest penalty and ignominious punishment against all who shall re-issue the notes of the old bank of the United States, of which we are told that about seven millions of dollars are in circulation; and they constitute the best portion of the paper medium of the country; the only portion of it which has a credit everywhere, and which serves the purpose of a general circulation; the only portion with which a man can travel from one end of the continent to the other; and I do not doubt that the senator who has fulminated these severe pains and penalties against that best part of our paper medium, provides himself with a sufficient amount of it, whenever he leaves Nashville, to take him to Washington.

Here Mr. Grundy rose and remarked, No, sir; I always travel on specie.]

Ah! continued Mr. Clay, my old friend is always specie-ous. I am quite sure that members from a distance in the interior generally find it indispensable to supply themselves, on commencing their journey, with an adequate amount of these identical notes to defray its expenses. Why, sir, will any man, in his senses deny, that these notes are far better than those which have been issued by that government banker, Mr. Levi Woodbury, aided though he be by the chancellor of the exchequer (I beg his pardon, I mean the ex-chancellor), the senator from New York (Mr. Wright)? I am not going to stop here to inquire into the strict legality of the re-issue of these notes; that question, together with the power of the government to pass the proposed bill, will be taken up when it is considered. I am looking into the motive of such a measure. Nobody doubts the perfect safety of the notes; no one can believe that they will not be fairly and fully paid. What, then, is the design of the bill? It is to assail the only sure general medium which the people possess. It is because it may come in competition with treasury notes or other government paper. Sir, if the bill had not been proposed by my old friend from Tennessee, I would say its author better deserved a penitentiary punishment than those against whom it is directed. I remember to have heard of an illustrious individual, now in retirement, having, on some occasion, burst out into the most patriotic indignation, because of a waggish trick played off upon him, by putting a note of the late bank of the United States into his silk purse with his gold.

But it is unnecessary to dwell longer on the innumerable proofs of the hostility against the State banks, and the deliberate purpose of those in power to overthrow them. We hear and see daily, throughout the country, among their partisans and presses, denunciations against banks, corporations, rag barons, the spirit of monopoly, and so forth; and the howl for gold, hard money, and the constitutional currency; and no one can listen to the speeches of honorable members, friends of the administration, in this

House and the other, without being impressed with a perfect conviction that the destruction of the State banks is meditated.

I have fulfilled my promise, Mr. President, to sustain the first four propositions with which I sat out. I now proceed to the fifth proposition.

Fifth, that the bill under consideration is intended to execute Mr. Van Buren's pledge, to complete and perfect the principles, plans, and policy, of the past administration, by establishing, upon the ruins of the late bank of the United States and the State banks, a government bank, to be managed and controlled by the treasury department, acting under the commands of the president of the United States.

The first impression made by the perusal of the bill is the prodigal and boundless discretion which it grants to the Secretary of the Treasury, irreconcilable with the genius of our free institutions, and contrary to the former cautious practice of the government. As originally reported, he was authorized by the bill to allow any number of clerks he thought proper to the various receivers-general, and to fix their salaries. It will be borne in mind that this is the mere commencement of a system; and it can not be doubted that, if put into operation, the number of receivers-general, and other depositaries of the public money, would be indefinitely multiplied. He is allowed to appoint as many examiners of the public money, and to fix their salaries, as he pleases; he is allowed to erect at pleasure costly buildings; there is no estimate for any thing; and all who are conversant with the operations of the executive branch of the government know the value and importance of previous estimates. There is no other check upon wasteful expenditure but previous estimates; and that was a point always particularly insisted upon by Mr. Jefferson. The Senate will recollect, that a few days ago, when the salary of the receiver-general at New York was fixed, the chairman of the committee on finance rose in his place and stated, that it was suggested by the Secretary of the Treasury, that it should be placed at three thousand dollars; and the blank was accordingly so filled. There was no statement of the nature or extent of the duties to be performed, of the time that he would be occupied, of the extent of his responsibility, or the expense of living at the several points where they were to be located; nothing but the suggestion of the Secretary of the Treasury, and that was deemed all-sufficient by a majority. There is no limit upon the appropriation which is made to carry into effect the bill, contrary to all former usage, which invariably prescribed a sum not to be transcended.

A most remarkable feature in the bill is that to which I have already called the attention of the Senate, and of which no satisfactory explanation has been given. It is that which proceeds upon the idea, that the treasury is a thing distinct from the treasure of the United States, and gives to the treasury a local habitation and a name, in the new building which is erecting for the treasury department in the city of Washington. In the treasury, so constituted, is to be placed that pittance of the public revenue

which is gleaned from the District of Columbia. All else, that is to say, nine hundred and ninety-nine hundredths of the public revenue of the United States, is to be placed in the hands of the receiver-general, and the other depositaries beyond the District of Columbia. Now, the Constitution of the United States, provides that no money shall be drawn from the public treasury, but in virtue of a previous appropriation by law. That trifling portion of it, therefore, which is within the District of Columbia, will be under the safeguard of the Constitution, and all else will be at the arbitrary disposal of the Secretary of the Treasury.

It was deemed necessary, no doubt, to vest in the Secretary of the Treasury this vast and alarming discretionary power. A new and immense government bank is about to be erected. How it would work in all its parts could not be anticipated with certainty; and it was thought proper therefore, to bestow a discretion commensurate with its novelty and complexity, and adapted to any exigences which might arise. The tenth section of the bill is that in which the power to create a bank is more particularly conferred. It is short, and I will read it to the Senate.

"Section 10. And be it further enacted, that it shall be lawful for the Secretary of the Treasury to transfer the moneys in the hands of any depositary hereby constituted, to the treasury of the United States; to the mint at Philadelphia; to the branch mint at New Orleans; or to the offices of either of the receivers-general of public moneys, by this act directed to be appointed; to be there safely kept, according to the provisions of this act; and also to transfer moneys in the hands of any one depositary constituted by this act to any other depositary constituted by the same at his discretion, and as the safety of the public moneys, and the convenience of the public service shall seem to him to require. And for the purpose of payments on the public account, it shall be lawful for the said secretary to draw upon any of the said depositaries, as he may think most conducive to the public interests, or to the convenience of the public creditors, or both."

It will be seen, that it grants a power, perfectly undefined, to the Secretary of the Treasury, to shift and transfer the public money, from depositary to depositary, as he pleases. He is expressly authorized to transfer moneys in the hands of any one depositary, constituted by the act, to any other depositary, constituted by it, at his discretion, and as the safety of the public moneys, and the convenience of the public service, shall seem to him to require. There is no specification of any contingency or contingences, on which he is to act. All is left to his discretion. He is to judge when the public service (and more indefinite terms could not have been employed) shall seem to him to require it. It has been said, that this is nothing more than the customary power of transfer, exercised by the treasury department, from the origin of the government. I deny it; utterly deny it. It is a totally different power from that which was exercised by the cautious Gallatin, and other Secretaries of the Treasury—a power, by-the-by, which, on more than one occasion, has been controverted, and

which is infinitely more questionable than the power to establish a bank of the United States. The transfer was made by them rarely, in large sums, and were left to the banks to remit. When payments were made, they were effected in the notes of banks with which the public money was deposited, or to which it was transferred. The rates of exchange were regulated by the state of the market, and under the responsibility of the banks. But here is a power given to transfer the public moneys without limit, as to sum, place, or time, leaving every thing to the discretion of the Secretary of the Treasury, the receivers-general and other depositaries. What a scope is allowed in the fixation of the rates of exchange, whether of premium or discount, to regulate the whole domestic exchanges of the country, to exercise favoritism! These former transfers were not made for disbursement, but as preparatory to disbursement; and when disbursed, it was generally in bank notes. The transfers of this bill are immediate payments, and payments made not in bank notes, but specie.

The last paragraph in the section provides that, for the purpose of payments on the public account, it shall be lawful for the secretary to draw upon any of the said depositaries, as he may think most conducive to the public interest, or to the convenience of the public creditors, or both. It will be seen, that no limit whatever is imposed upon the amount or form of the draft, or as to the depositary upon which it is drawn. He is made the exclusive judge of what is "most conducive to the public interests." Now let us pause a moment, and trace the operation of the powers thus vested. The government has a revenue of from twenty to thirty millions. The secretary may draw it to any one or more points, as he pleases. More than a moiety of the revenue arising fron the customs is receivable at the port of New York, to which point the secretary may draw all portions of it, if he think it conducive to the public interest. A man has to receive, under an appropriation law, ten thousand dollars, and applies to Mr. Secretary for payment. Where will you receive it? he is asked. On New York. How? In drafts from five dollars to five hundred dollars. Mr. Secretary will give him these drafts accordingly, upon bank note paper, impressed like, and simulating bank notes, having all suitable emblazonry, signed by my friend the treasurer (whose excellent practical sense, and solid and sound judgment, if he had been at the head of the treasury, instead of Mr. Levi Woodbury, when the suspension of specie payments took place, would have relieved or mitigated the pecuniary embarrassments of the government and the people), countersigned by the comptroller, and filled up in the usual way of bank notes. Here is one of them, said Mr. Clay. (He here held up, to the gaze of the Senate, a treasury note, having all the appeaeance of a bank note, colored, engraved, and executed, like any other bank note, for fifty dollars.) This, continued Mr. Clay, is a government post note, put into circulation, paid out as money, and prepared and sent forth, gradually to accustom the people of this country to government paper.

I have supposed ten thousand dollars to be received in the mode stated by a person entitled to receive it under an appropriation law. Now let us suppose what he will do with it. Anywhere to the South or West it will command a premium of from two to five per centum. Nowhere in the United States will it be under par. Do you suppose that the holder of these would be fool enough to convert them into specie, to be carried and transported at his risk? Do you think that he would not prefer that his money should be in the responsible custody of the government, rather than in his own insecure keeping? Do you think that he will deny to himself the opportunity of realizing the premium of which he may be perfectly sure? The greatest want of the country is a medium of general circulation, and of uniform value everywhere. That, especially, is our want in the western and interior States. Now, here is exactly such a medium; and, supposing the government bank to be honestly and faithfully administered, it will, during such an administration, be the best convertible paper money in the world, for two reasons. The first is, that every dollar of paper out will be the representative of a dollar of specie in the hands of the receivers-general, or other depositaries; and, secondly, if the receivers-general should embezzle the public money, the responsibility of the government to pay the drafts issued upon the basis of that money would remain unimpaired. The paper, therefore, would be as far superior to the paper of any private corporation as the ability and resources of the government of the United States are superior to those of such corporations.

The banking capacity may be divided into three faculties: deposits, discount of bills of exchange, and promissory notes, or either, and circulation. This government bank would combine them all, except that it will not discount private notes, or receive private deposits. In payments for the public lands, indeed, individuals are allowed to make deposits, and to receive certificates of their amount. To guard against their negotiability, a clause has been introduced to render them unassignable. But how will it be possible to maintain such an inconvenient restriction, in a country where every description of paper importing an obligation to pay money or deliver property is assignable, at law or in equity, from the commercial nature and trading character of our people?

Of all the faculties which I have stated of a bank, that which creates a circulation is the most important to the community at large. It is that in which thousands may be interested, who never obtained a discount, or made a deposit with a bank. Whatever a government agrees to receive in payment of the public dues is a medium of circulation; is money, current money, no matter what its form may be—treasury notes, drafts drawn at Washington by the treasurer on the receiver-general at New York, or, to use the language employed in various parts of this bill, "such notes, bills, or paper, issued under the authority of the United States." These various provisions were probably inserted not only to cover the case of treasury notes, but that of these drafts in due season. But if there were

no express provision of law, that these drafts should be receiveable in payment of public dues, they would, necessarily, be so employed, from their own intrinsic value.

The want by the community of a general circulation of uniform value everywhere in the United States, would occasion vast amounts of the species of draft which I have described to remain in circulation. The appropriations this year will probably fall not much short of thirty millions. Thirty millions of treasury drafts on receivers-general, of every denomination, and to any amount, may be issued by the Secretary of the Treasury. What amount would remain in circulation can not be determined *à priori;* I suppose not less than ten or fifteen millions; at the end of another year, some ten or fifteen millions more; they would fill all the channels of circulation. The war between the government and State banks continuing, and this mammoth government bank being in the market, constantly demanding specie for its varied and ramified operations, confidence would be lost in the notes of the local banks, their paper would gradually cease to circulate, and the banks themselves would be crippled and broken. The paper of the government bank would ultimately fill the vacuum, as it would instantly occupy the place of the notes of the late bank of the United States.

I am aware, Mr. President, that by the twenty-fifth section of the bill, in order to disguise the purpose of the vast machinery which we are about constructing, it is provided that it shall be the duty of the Secretary of the Treasury, to issue and publish regulations to enforce the speedy presentation of all government drafts for payment at the place where payable, and so forth. Now, what a tremendous power is here vested in the secretary! He is to prescribe rules and regulations to enforce the speedy presentation of all government drafts for payment at the place where payable. The speedy presentation! In the case I have supposed, a man has his ten thousand dollars in drafts on the receiver-general at New York. The secretary is empowered to enact regulations requiring him speedily to present them, and if he do not, the secretary may order them to be paid at St. Louis. At New York they may be worth a premium of five per centum; on St. Louis, they may be liable to a discount of five per centum. Now, in a free government, who would ever think of subjecting the property or money of a citizen to the exercise of such a power by any Secretary of the Treasury? What opportunity does it not afford to reward a partisan, or punish an opponent? It will be impossible to maintain such an odious and useless restriction for any length of time. Why should the debtor (as the government would be, in the case of such drafts as I have supposed), require his creditor (as the holder of the draft would be), to apply within a prescribed time for his payment? No, sir; the system would control you; you could not to control the system. But if such a ridiculous restriction could be continued, the drafts would, nevertheless, while they were out, be the time long or short, perform the office of circulation and money.

Let us trace a little further the operation of this government bank, and

follow it out to its final explosion. I have supposed the appropriation of some thirty millions of dollars annually by the government, to be disbursed in the form of drafts, issued at Washington by the treasury department, upon the depositaries. Of that amount some ten or fifteen millions would remain, the first year, in circulation; at the end of another year, a similar amount would continue in circulation; and so on, from year to year, until, at the end of a series of some five or six years, there would be in circulation, to supply the indispensable wants of commerce and of a general medium of uniform value, not less than some sixty or eighty millions of drafts, issued by the government. These drafts would be generally upon the receiver-general at New York, because on that point, they would be preferred over all others, as they would command a premium, or be at par, throughout the whole extent of the United States; and we have seen that the Secretary of the Treasury is invested with ample authority to concentrate at that point the whole revenue of the United States.

All experience has demonstrated, that in banking operations, a much larger amount of paper can be kept out in circulation than the specie which it is necessary to retain in the vaults to meet it when presented for payment. The proportions which the same experience has ascertained to be entirely safe, are one of specie to three of paper. If, therefore, the executive government had sixty millions of dollars accumulated at the port of New York, in the hands of the receiver-general, represented by sixty millions of government drafts in circulation, it would be known that twenty of that sixty millions would be sufficient to retain to meet any amount of drafts, which, in ordinary times, would be presented for payment. There would then remain forty millions in the vaults, idle and unproductive, and of which no practical use could be made. Well; a great election is at hand in the State of New York, the result of which will seal the fate of the existing administration. If the application of ten millions of that dormant capital could save, at some future day, a corrupt executive from overthrow, can it be doubted that the ten millions would be applied to preserve it in power? Again, let us suppose some great exigency to arise—a season of war, creating severe financial pressure and embarrassment. Would not an issue of paper, founded upon and exceeding the specie in the vaults, in some such proportions as experience had demonstrated might be safely emitted, be authorized? Finally, the whole amount of specie might be exhausted, and then, as it is easier to engrave and issue bank notes than to perform the unpopular office of imposing taxes and burdens, the discovery would be made that the credit of the government was a sufficient basis whereupon to make emissions of paper money, to be redeemed when peace and prosperity returned. Then we should have the days of continental money, and of assignats, restored! Then we should have that government paper medium which the senator from South Carolina (Mr. Calhoun) considers the most perfect of all currency!

Meantime, and during the progress of this vast government machine,

the State banks would be all prostrated. Working well, as it may, if honestly administered, in the first period of its existence, it will be utterly impossible for them to maintain the unequal competition. They could not maintain it, even if the government were actuated by no unfriendly feelings toward them. But when we know the spirit which animates the present executive toward them, who can doubt that they must fall in the unequal contest? Their issues will be discredited and discountenanced, and that system of bankruptcy which the president would even now put into operation against them, will, in the sequel, be passed and enforced without difficulty.

Assuming the downfall of the local banks—the inevitable consequence of the operations of this great government bank; assuming, as I have shown would be the case, that the government would monopolize the paper issues of the country, and obtain the possession of a great portion of the specie of the country, we should then behold a combined and concentrated moneyed power, equal to that of all the existing banks of the United States, with that of the late bank of the United States superadded. This tremendous power would be wielded by the Secretary of the Treasury, acting under the immediate commands of the President of the United States. Here would be a perfect union of the sword and the purse; here would be no imaginary, but an actual, visible, tangible, consolidation of the moneyed power. Who or what could withstand it? These States themselves would become suppliants at the feet of the executive for a portion of those paper emissions, of the power to issue which they had been stripped, and which he now exclusively possessed.

Mr. President, my observation and experience have satisfied me, that the safety of liberty and property consists in the division of power, whether political or pecuniary. In our federative system, our security is to be found in that happy distribution of power which exists between the federal government and the State governments. In our monetary system, as it lately existed, its excellence resulted from that beautiful arrangement, by which the States had their institutions for local purposes, and the general government its institution for the more general purposes of the whole Union. There existed the greatest congeniality between all the parts of this admirable system. All was homogeneous. There was no separation of the federal government from the States or from the people. There was no attempt to execute practically, that absurdity of sustaining, among the same people, two different currencies of unequal value. And how admirably did the whole system, during the forty years of its existence, move and work! And on the two unfortunate occasions of its ceasing to exist, how quickly did the business and transactions of the country run into wild disorder and utter confusion!

Hitherto, I have considered this new project as it is, according to its true nature and character, and what it must inevitably become. I have not examined it as it is not, but as its friends would represent it to be.

They hold out the idea that it is a simple contrivance to collect, to keep, and to disburse, the public revenue. In that view of it, every consideration of safety and security, recommends the agency of responsible corporations, rather than the employment of particular individuals. It has been shown, during the course of this debate, that the amount which has been lost by the defalcation of individuals, has exceeded three or four times the amount of all that has been lost by the local banks, although the sums confided to the care of individuals have not been probably one tenth part of the amount that has been in the custody of the local banks. And we all know, that, during the forty years of existence of the two banks of the United States, not one cent was lost of the public revenue.

I have been curious, Mr. President, to know whence this idea of receivers-general was derived. It has been supposed to have been borrowed from France. It required all the power of that most extraordinary man that ever lived, Napoleon Bonaparte, when he was in his meridian greatness, to displace the farmers-general, and to substitute in their place the receivers-general.

The new system requires, I think I have heard it stated, something like one hundred thousand employées to have it executed. And, nothwithstanding the modesty of the infant promises of this new project, I have no doubt that ultimately we shall have to employ a number of persons approximating to that which is retained in France. That will undoubtedly be the case whenever we shall revive the system of internal taxation. In France what reconciled them to the system was, that Napoleon first, and the Bourbons afterward, were pleased with the immense patronage which it gave them. They liked to have one hundred thousand dependents to add strength to the throne, which had been recently constructed or reascended. I thought, however, that the learned chairman of the committee of finance must have had some other besides the French model for his receivers-general; and, accordingly, upon looking into Smith's history of his own State, I found, that, when it was yet a colony, some century and a half ago, and when its present noble capital still retained the name of New Amsterdam, the historian says: "Among the principal laws enacted at this session, we may mention that for establishing the revenue, which was drawn into precedent. The sums raised by it were made payable into the hands of receivers-general, and issued by the governor's warrant. By this means the governor became, for a season, independent of the people, and hence we find frequent instances of the assemblies contending with him for the discharge of debts to private persons, contracted on the faith of the government." The then governor of the colony was a man of great violence of temper, and arbitrary in his conduct." How the sub-treasury system of that day operated the same historian informs us in a subsequent part of his work. "The revenue," he says, "established the last year, was at this session continued five years longer than was originally intended. This was rendering the governor independent of the people. For, at that day, the assembly

had no treasurer, but the amount of all taxes went, of course, into the hands of the receiver-general, who was appointed by the crown. Out of this fund, moneys were only issuable by the governor's warrant, so that every officer in the government, from Mr. Blaithwait, who drew annually five per centum out of the revenue, as auditor-general, down to the meanest servant of the public, became dependent, solely, on the governor. And hence we find the House, at the close of every session, humbly addressing his excellency, for the trifling wages of their own clerk." And, Mr. President, if this measure should unhappily pass, the day may come, when the Senate of the United States will have humbly to implore some future President of the United States to grant it money to pay the wages of its own sergeant-at-arms, and doorkeeper.

Who, Mr. President, are the most conspicuous of those who perseveringly pressed this bill upon Congress and the American people? Its drawer is the distinguished gentleman in the White House, not far off; its indorser is the distinguished senator from South Carolina, here present. What the drawer thinks of the indorser, his cautious reserve and stifled enmity prevent us from knowing. But the frankness of the indorser has not left us in the same ignorance with respect to his opinion of the drawer. He has often expressed it upon the floor of the Senate. On an occasion not very distant, denying to him any of the nobler qualities of the royal beast of the forest, he attributed to him those which belong to the most crafty, most skulking, and one of the meanest of the quadruped tribe. Mr. President, it is due to myself to say, that I do not altogether share with the senator from South Carolina in this opinion of the President of the United States. I have always found him, in his manners and deportment, civil, courteous, and gentlemanly; and he dispenses, in the noble mansion which he now occupies, one worthy the residence of the chief magistrate of a great people, a generous and liberal hospitality. An acquaintance with him, of more than twenty years' duration, has inspired me with a respect for the man, although, I regret to be compelled to say, I detest the magistrate.

The eloquent senator from South Carolina has intimated that the course of my friends and myself, in opposing this bill, was unpatriotic, and that we ought to have followed in his lead; and, in a late letter of his, he has spoken of his alliance with us, and of his motives for quitting it. I can not admit the justice of his reproach. We united, if, indeed, there were any alliance in the case, to restrain the enormous expansion of executive power; to arrest the progress of corruption; to rebuke usurpation; and to drive the Goths and Vandals from the capital; to expel Brennus and his horde from Rome, who, when he threw his sword into the scale, to augment the ransom demanded from the mistress of the world, showed his preference for gold; that he was a hard-money chieftain. It was by the much more valuable metal of iron that he was driven from her gates. And how often have we witnessed the senator from South Carolina, with

woeful countenance, and in doleful strains, pouring forth touching and mournful eloquence on the degeneracy of the times, and the downward tendency of the republic? Day after day, in the Senate, have we seen the displays of his lofty and impassioned eloquence. Although I shared largely with the senator, in his apprehension for the purity of our institutions, and the permanency of civil liberty, disposed always to look at the brighter side of human affairs, I was sometimes inclined to hope that the vivid imagination of the senator had depicted the dangers by which we were encompassed in somewhat stronger colors than they justified. The arduous contest in which we were so long engaged, was about to terminate in a glorious victory. The very object for which the alliance was formed, was about to be accomplished.

At this critical moment the senator left us; he left us for the very purpose of preventing the success of the common cause. He took up his musket, knapsack, and shot-pouch, and joined the other party. He went, horse, foot, and dragoon, and he himself composed the whole corps. He went, as his present most distinguished ally commenced, with his expunging resolution, solitary and alone. The earliest instance recorded in history, within my recollection, of an ally drawing off his forces from the combined army, was that of Achilles, at the siege of Troy. He withdrew with all his troops, and remained in the neighborhood, in sullen and dignified inactivity. But he did not join the Trojan forces; and when, during the progress of the siege, his faithful friend fell in battle, he raised his avenging arm, drove the Trojans back into the gates of Troy, and satiated his vengeance by slaying Priam's noblest and dearest son, the finest hero in the immortal Iliad. But Achilles had been wronged, or imagined himself wronged, in the person of the fair and beautiful Briseis. We did no wrong to the distinguished senator from South Carolina. On the contrary, we respected him, confided in his great and acknowledged ability, his uncommon genius, his extensive experience, his supposed patriotism; above all, we confided in his stern and inflexible fidelity. Nevertheless, he left us, and joined our common opponents, distrusting and distrusted. He left us, as he tells us in his Edgefield letter, because the victory which our common arms were about to achieve, was not to inure to him and his party, but exclusively to the benefit of his allies and their cause. I thought that, actuated by patriotism, that noblest of human virtues, we had been contending together for our common country, for her violated rights, her threatened liberties, her prostrate Constitution. Never did I suppose that personal or party considerations entered into our views. Whether, if victory shall ever again be about to perch upon the standard of the spoils party (the denomination which the senator from South Carolina has so often given to his present allies), he will not feel himself constrained, by the principles on which he has acted, to leave them, because it may not inure to the benefit of himself and his party, I leave to be adjusted between themselves.

The speech of the senator from South Carolina was plausible, ingenious, abstract, metaphysical, and generalizing. It did not appear to me to be adapted to the bosoms and business of human life. It was aërial, and not very high up in the air, Mr. President, either, not quite as high as Mr. Clayton was in his last ascension in his balloon. The senator announced that there was a single alternative, and no escape from one or the other branch of it. He stated that we must take the bill under consideration, or the substitute proposed by the senator from Virginia. I do not concur in that statement of the case. There is another course embraced in neither branch of the senator's alternative; and that course is, to do nothing; always the wisest, when you are not certain what you ought to do. Let us suppose that neither branch of the alternative is accepted, and that nothing is done. What, then, would be the consequence? There would be a restoration of the law of 1789, with all its cautious provisions and securities, provided by the wisdom of our ancestors, which has been so trampled upon by the late and present administrations. By that law, establishing the treasury department, the treasure of the United States is to be received, kept, and disbursed, by the treasurer, under a bond, with ample security, under a large penalty fixed by law, and not left, as this bill leaves it, to the uncertain discretion of a Secretary of the Treasury. If, therefore, we were to do nothing, that law would be revived; the treasurer would have the custody, as he ought to have, of the public money, and doubtless he would make special dêposits of it, in all instances, with safe and sound State banks, as in some cases the Secretary of the Treasury is now obliged to do. Thus, we should have in operation that very special deposit system, so much desired by some gentlemen, by which the public money would remain separate and unmixed with the money of banks. There is yet another course, unembraced by either branch of the alternative presented by the senator from South Carolina; and that is, to establish a bank of the United States, constituted according to the old and approved method of forming such an institution, tested and sanctioned by experience; a bank of the United States, which should blend public and private interests, and be subject to public and private control, united together in such manner as to present safe and salutary checks against all abuses. The senator mistakes his own abandonment of that institution as ours. I know that the party in power has barricaded itself against the establishment of such a bank. It adopted, at the last extra session, the extraordinary and unprecedented resolution, that the people of the United States should not have had such a bank, although it might be manifest that there was a clear majority of them demanding it. But the day must come, and I trust is not distant, when the will of the people must prevail in the councils of their own government; and, when it does arrive, a bank will be established.

The senator from South Carolina reminds us that we denounced the pet bank system; and so we did, and so we do. But does it therefore follow, that, bad as that system was, we must be driven into the acceptance of a

system infinitely worse? He tells us that the bill under consideration takes the public funds out of the hand of the executive, and places them in the hands of the law. It does no such thing. They are now without law, it is true, in the custody of the executive; and the bill proposes by law to confirm them in that custody, and to convey new and enormous powers of control to the executive over them. Every custodian of the public funds, provided by the bill, is a creature of the executive, dependent upon his breath, and subject to the same breath for removal, whenever the executive, from caprice, from tyranny, or from party motives, shall choose to order it. What safety is there for the public money, if there were a hundred subordinate executive officers charged with its care, while the doctrine of the absolute unity of the whole executive power, promulgated by the last administration, and persisted in by this, remains unrevoked, and unrebuked.

While the senator from South Carolina professes to be the friend of State banks, he has attacked the whole banking system of the United States. He is their friend; he only thinks they are all unconstitutional! Why? Because the coining power is possessed by the general government, and that coining power, he argues, was intended to supply a currency of the precious metals; but the State banks absorb the precious metals, and withdraw them from circulation, and, therefore, are in conflict with the coining power. That power, according to my view of it, is nothing but a naked authority to stamp certain pieces of the precious metals, in fixed proportions of alloy and pure metal, prescribed by law, so that their exact value may be known. When that office is performed, the power is *functus officio;* the money passes out of the mint, and becomes the lawful property of those who legally acquire it. They may do with it as they please, throw it into the ocean, bury it in the earth, or melt it in a crucible, without violating any law. When it has once left the vaults of the mint, the law-maker has nothing to do with it, but to protect it against those who attempt to debase or counterfeit, and, subsequently, to pass it as lawful money. In the sense in which the senator supposes banks to conflict with the coining power, foreign commerce, and especially our commerce with China, conflict with it much more extensively. That is the great absorbent of the precious metals, and is, therefore, much more unconstitutional than the State banks. Foreign commerce sends them out of the country; banks retain them within it. The distinguished senator is no enemy to the banks; he merely thinks them injurious to the morals and industry of the country. He likes them very well, but he nevertheless believes that they levy a tax of twenty-five millions annually on the industry of the country! Let us examine, Mr. President, how this enormous and iniquitous assessment is made, according to the argument of the senator from South Carolina. He states that there is a mass of debt due from the community to the banks, amounting to four hundred and seventy-five millions of dollars, the interest upon which, constituting about the sum of twenty-five millions of dollars, forms the exceptionable tax. Now,

this sum is not paid by the whole community, but only by those individuals who obtain discounts from the banks. They borrow money at six per centum interest, and invest it in profitable adventures, or otherwise employ it. They would not borrow it if they did not suppose they could make profit by it; and the probability is, that they do make profit by it. Instead, therefore, of there being any loss in the operation, there is an actual gain to the community, by the excess of profit made beyond six per centum interest, which they pay. What are banks? They are mere organized agencies, for the loan of money, and the transaction of monetary business; regulated agencies, acting under the prescriptions of law, and subject to a responsibility, moral and legal, far transcending that under which any private capitalist operates. A number of persons, not choosing to lend out their money privately, associate together, bring their respective capitals into a common stock, which is controlled and managed by the corporate government of a bank. If no association whatever had been formed, a large portion of this capital, a large portion, therefore, of that very debt of four hundred and seventy-five millions of dollars, would still exist, in the shape of private loans. The senator from South Carolina might as well collect the aggregate amount of all the mortgages, bonds, and notes, which have been executed in the United States, for loans, and assert that the interest paid upon the total sum, constituted a tax, levied upon the community.

In the liquidation of the debt due to the banks from the community, and from the banks to the community, there would not be as much difficulty as the senator seems to apprehend. From the mass of debts due to the banks are to be deducted, first, the amount of subscriptions which constitute their capitals; secondly, the amount of deposits to the credit of individuals in their custody; and, thirdly, the amount of their notes in circulation. How easily will these mutual debts neutralize each other! The same person, in numberless instances, will combine in himself the relations both of creditor and debtor.

The only general operation of banks beyond their discounts and deposits, which pervades the whole community, is that of furnishing a circulation in redeemable paper, beyond the amount of specie to redeem it in their vaults. And can it be doubted that this additional supply of money furnishes a powerful stimulus to industry and production, fully compensating any casual inconveniences, which sometimes, though rarely, occur? Banks reduce the rate of interest, and repress inordinate usury. The salutary influence of banking operations is demonstrated in countries and sections of country where they prevail, when contrasted with those in which they are not found. In the former, all is bustle, activity, general prosperity. The country is beautiful and adorned by the noble works of internal improvement; the cities are filled with splendid edifices, and the wharves covered with the rich productions of our own or of foreign climates. In the latter, all is sluggishness, slothfulness, and inactivity. England, in modern times, illustrates the great advantages of banks, of credit, and of stimulated indus-

try. Contrast her with Spain, destitute of all those advantages. In ancient times, Athens could present an image of full and active employment of all the energies of man carried to the highest point of civilization, while her neighbor, Sparta, with her iron money, affords another of the boasted benefits of metallic circulation.

The senator from South Carolina would do the banks no harm; but they are deemed by him highly injurious to the planting interest! According to him, they inflate prices, and the poor planter sells his productions for hard money, and has to purchase his supplies at the swollen prices produced by a paper medium. Now, I must dissent altogether from the senator's statement of the case. England, the principal customer of the planter, is quite as much, if not more, a paper country than ours. And the paper money prices of the one country are neutralized by the paper money prices of the other country. If the argument were true, that a paper money country trades disadvantageously with a hard money country, we ought to continue to employ a paper medium, to counterbalance the paper medium of England. And if we were to banish our paper, and substitute altogether a metallic currency, we should be exposed to the very inequality which has been insisted upon. But there is nothing in that view of the matter which is presented by the senator from South Carolina. If, as he asserts, prices were always inflated in this country, beyond their standard in England, the rate of exchange would be constantly against us. An examination, however, into the actual state of exchange between the two countries, for a long series of years, evinces that it has generally been in our favor. In the direct trade between England and this country, I have no doubt there is a large annual balance against us; but that balance is adjusted and liquidated by balances in our favor in other branches of our foreign trade, which have finally concentrated in England, as the great center of the commercial world.

Of all the interests and branches of industry in this country, none has profited more by the use and employment of credit and capital, derived from banks and other sources than the planting interest. It habitually employs credit in all countries where planting agriculture prevails. The States of Alabama, Mississippi, Arkansas, and Louisiana, have almost sprung into existence, as it were, by magic, or, at least, have been vastly improved and extended under the influence of the credit system. Lands, slaves, utensils, beasts of burden, and other supplies, have been constantly bought, and still continue to be purchased upon credit; and bank agency is all essential to give the most beneficial operation to these credits. But the argument of the senator from South Carolina, which I am combating, would not be correct, if it were true that we have inflated prices on this side of the Atlantic, without a corresponding inflation of price on the other side; because the planter generally selling at home, and buying at home, the proceeds of his sale, whatever they may be, constitute the means by which he effects his purchases, and consequently neutralize each other.

In what do we of the West receive payment for the immense quantity of live stock and other produce of our industry, which we annually sell to the South and South-west, but that paper medium now so much decried and denounced? The senator from South Carolina is very fond of the State banks; but he thinks there is no legitimate currency except that of the Constitution. He contends that the power which the government possesses to impose taxes, restricts it, in their payment, to the receipt of the precious metals. But the Constitution does not say so. The power is given in broad and unrestricted terms; and the government is left at liberty to collect the taxes in whatever medium or commodity, from the exigences of the case, it can collect them. It is, doubtless, much the most convenient to collect them in money, because that represents, or can command every thing, the want of which is implied by the power of taxation. But suppose there was no money in the country; none whatever to be extorted by the tax-gatherer from an impoverished people? Is the power of government to cease, and the people be thrown back into a state of nature? The senator asks, if taxes could be levied and collected in tobacco, in cotton, and other commodities? Undoubtedly they could, if the necessity existed for such an inconvenient imposition. Such a case of necessity did exist in the colony of Virginia, and other colonies, prior to the Revolution, and taxes were accordingly levied in tobacco or other commodities, as wolf-scalps, even at this day, compose a part of the revenue of more than one State.

The argument, then, of the senator, against the right of the government to receive bank notes in payment of public dues, a practice coeval with the existence of the government, does not seem to me sound. It is not accurate, for another reason. Bank notes, when convertible at the will of the holder into specie, are so much counted or told specie, like the specie which is counted and put in marked kegs, denoting the quantity of their contents. The senator tells us, that it has been only within a few days that he has discovered that it is illegal to receive bank notes in payment of public dues. Does he think that the usage of the government, under all its administrations, and with every party in power, which has prevailed for nigh fifty years, ought to be set aside by a novel theory of his, just dreamed into existence, even if it possess the merit of ingenuity? The bill under consideration, which has been eulogized by the senator as perfect in structure and details, contains a provision that bank notes shall be received in diminished proportions, during a term of six years. He himself introduced that identical principle. It is the only part of the bill that is emphatically his. How, then, can he contend that it is unconstitutional to receive bank notes in payment of public dues? I appeal from himself to himself.

The senator further contends, that general deposits can not be made with banks, and be thus confounded with the general mass of the funds on which they transact business. The argument supposes that the money collected

for taxes must be preserved in identity; but that is impossible, often, to do. May not a collector give the small change which he has received from one tax-payer, to another tax-payer, to enable him to effect his payment? May he not change gold for silver, or *vice versa*, or both, if he be a distant collector, to obtain an undoubted remittance to the public treasury? What, Mr. President, is the process of making deposits with banks? The deposit is made, and a credit is entered for its amount to the government. That credit is supposed to be the exact equivalent of the amount deposited, ready and forthcoming to the government whenever it is wanted for the purposes of disbursement. It is immaterial to the government whether it receives back again the identical money put in, or other money of equal value. All that it wants is, what it put in the bank, or its equivalent; and that, in ordinary times, with such prudent banks as alone ought to be selected, it is sure of getting. Again: the treasury has frequently to make remittances to foreign countries, to meet the expenditure necessary there for our naval squadrons, and other purposes. They are made to the bankers, to the Barings or the Rothschilds, in the form of bills of exchange, purchased in the market by the agents of the government here, with money drawn out of the treasury. Here is one conversion of the money received from the tax-gatherer into the treasury. The bills are transmitted to the bankers, honored, paid, and the amount credited by them to the United States. Are the bankers bound to retain the proceeds of the bills in identity? Are they bound to do more than credit the government for an equal amount, for which they stand responsible, whenever it is wanted? If they should happen to use any portion of those very proceeds of bills remitted to them in their banking operations, would it be drawing money from the treasury, contrary to the provisions of the Constitution? The senator from South Carolina contends, that there is no constitutional power to contract with the twenty-five selected banks, as proposed in the substitute; yet the deposit act of 1836, which obtained the hearty approbation of that senator, contained a similar provision; and the very bill under consideration, so warmly supported by him, provides, under certain contingencies, for contracts to be made with State banks, to receive deposits of the public money upon compensation. He objects to the substitute, that it converts twenty-five State banks into a system of federal institutions; but the employment of State institutions by the federal authority, no more makes them federal, than the employment of federal institutions by the States, converts them into State institutions. This mutual aid, and this reciprocal employment of the several institutions of the general and particular governments, is one of the results and beauties of our admirable, though complex system of government. The general government has the use of the capitol, court-houses, prisons, and penitentiaries, in the several States. Do they, therefore, cease to appertain to the States? It is to be borne in mind, that although the State banks may occasionally be used by the federal authority, their legal responsibility to the several States remains

unimpaired. They continue to be unaccountable to them, and their existence can only be terminated or prolonged by the State authority. And being governed, as they are, by corporate authority, emanating from, and amenable to, State jurisdiction, and not under the control of the executive of the United States, constitutes at once a greater security for the public money, and more safety to the public liberty. It has been argued that a separation of the government from the banks will diminish the executive power. It must be admitted that the custody of the public money in various banks, subject to the control of State authority, furnishes some check upon the possible abuses of the executive government. But the argument maintains, that the executive has least power when it has most complete possession of the public treasury! The senator from South Carolina contends that the separation in question being once effected, the relation of the federal government and the State banks will be antagonistical. I believe so, Mr. President. That is the very thing I wish to prevent. I want them to live in peace, harmony, and friendship. If they are antagonists, how is it possible that the State banks can maintain their existence against the tremendous influence of this government? Especially, if this government should be backed by such a vast treasury bank, as I verily believe this bill is intended to create! And what becomes of the argument urged by the senator from South Carolina, and the abolition resolutions offered by him at an early period of the session, asserting that the general government is bound to protect the domestic institutions of the several States?

The substitute is not, I think, what the welfare of the country requires. It may serve the purpose of a good half-way house. Its accommodations appear fair; and, with the feelings of a wearied traveler, one may be tempted to stop awhile, and refresh himself there. I shall vote for it as an amendment to the bill, because I believe it the least of two evils, if it should, indeed, inflict any evil; or rather, because I feel myself in the position of a patient, to whom the physician presents, in one hand, a cup of arsenic, and, in the other, a cup of ptisan: I reject the first, because of the instant death with which it is charged; I take the latter, as being, at the most, harmless, and depend upon the *vis medicatrix natura*. It would have been a great improvement, in my opinion, if the mode of bringing about the resumption of specie payments, contained in the substitute, were reversed: that is to say, if instead of fixing on the 1st of July for resumption, it had provided that the notes of a certain number of safe, sound, and unquestionable banks to be selected, should be forthwith received, by the general government, in payment of all public dues; and that, if the selected banks did not resume, by a future designated day, their notes should cease to be taken. Several immediate effects would follow: first, the government would withdraw from the market as a competitor with the banks for specie, and they would be left undisturbed to strengthen themselves. And, secondly, confidence would be restored, by taking off the

discredit, and discountenance thrown upon all banks by the government. And why should these notes not be so received? They are as good as treasury notes, if not better. They answer all purposes of the State governments and the people. They now would buy as much as specie could have commanded at the period of suspension. They could be disbursed by the government. And, finally, the measure would be temporary.

But the true and only efficacious and permanent remedy, I solemnly believe, is to be found in a bank of the United States, properly organized and constituted. We are told that such a bank is fraught with indescribable danger; and that the government must, in the sequel, get possession of the bank, or the bank of the government. I oppose to these imaginary terrors the practical experience of forty years. I oppose to them the issue of the memorable contest, commenced by the late President of the United States, against the late bank of the United States. The administration of that bank had been without serious fault. It had given no just offense to the government, toward which it had faithfully performed every financial duty. Under its able and enlightened president, it had fulfilled every anticipation which had been formed by those who created it. President Jackson pronounced the edict that it must fall, and it did fall, against the wishes of an immense majority of the people of the United States; against the conviction of its utility entertained by a large majority of the States; and to the prejudice of the best interests of the whole country. If an innocent, unoffending, and highly beneficial institution could be thus easily destroyed by the power of one man, where would be the difficulty of crushing it, if it had given any real cause for just animadversion? Finally, I oppose to these imaginary terrors the example deducible from English history. There a bank has existed since the year 1694, and neither has the bank got possession of the government, nor the government of the bank. They have existed in harmony together, both conducing to the prosperity of that great country; and they have so existed, and so contributed, because each has avoided cherishing toward the other that wanton and unnecessary spirit of hostility which was unfortunately engendered in the bosom of the late President of the United States.

I am admonished, sir, by my exhausted strength, and by, I fear, your more exhausted patience, to hasten to a close. Mr. President, a great, novel, and untried measure is perseveringly urged upon the acceptance of Congress. That it is pregnant with tremendous consequences, for good or evil, is undeniable, and admitted by all. We firmly believe that it will be fatal to the best interests of this country, and ultimately subversive of its liberties. You, who have been greatly disappointed in other measures of equal promise, can only hope, in the doubtful and uncertain future, that its operation may prove salutary. Since it was first proposed at the extra session, the whole people have not had an opportunity of passing in judgment upon it at their elections. As far as they have, they have expressed their unqualified disapprobation. From Maine to the State of Mississippi,

its condemnation has been loudly thundered forth. In every intervening election, the administration has been defeated, or its former majorities neutralized. Maine has spoken; New York, Pennsylvania, Maryland, Ohio, Rhode Island, Mississippi, and Michigan; all these States, in tones and terms not to be misunderstood, have denounced the measure. The Key-stone State (God bless her) has twice proclaimed her rejection of it; once at the polls, and once through her Legislature. Friends and foes of the administration have united in condemning it. And, at the very moment when I am addressing you, a large meeting of the late supporters of the administration, headed by the distinguished gentleman who presided in the electoral college which gave the vote of that patriotic State to President Van Buren, are assembling in Philadelphia, to protest solemnly against the passage of this bill. Is it right that, under such circumstances, it should be forced upon a reluctant but free and intelligent people? Is it right that this Senate, constituted as it now is, should give its sanction to the measure? I say it in no disrespectful or taunting sense, but we are entitled, according to the latest expressions of the popular will, and in virtue of manifestations of opinion, deliberately expressed by State Legislatures, to a vote of thirty-five against the bill; and I am ready to enter, with any senator friendly to the administration, into details to prove the assertion. Will the Senate, then, bring upon itself the odium of passing this bill? I implore it to forbear, forbear, forbear! I appeal to the instructed senators. Is this government made for us, or for the people, and the States whose agents we are? Are we not bound so to administer it as to advance their welfare, promote their prosperity, and give general satisfaction? Will that sacred trust be fulfilled, if the known sentiments of large and respectable communities are despised and condemned by those whom they have sent here? I call upon the honorable senator from Alabama (Mr. King), with whom I have so long stood in the public councils, shoulder to shoulder, bearing up the honor and the glory of this great people, to come now to their rescue. I call upon all the senators; let us bury deep and forever the character of the partisan, rise up patriots and statesmen, break the vile chains of party, throw the fragments to the winds, and feel the proud satisfaction that we have made but a small sacrifice to the paramount obligations which we owe to our common country.

ON THE DOCTRINE OF INSTRUCTION.

IN SENATE, JANUARY 14, 1839.

[The following short speech, as will be seen, was delivered in consequence of instructions from the Legislature of North Carolina to their Senators in Congress, on the subject of the Expunging Resolution, which the senators voted for, and the Legislature disapproved. However some have maintained, that instructions of this kind should neither be given nor obeyed, there is, nevertheless, a solid ground for both in a representative government. The theory of such a government supposes that the representative is bound to carry out the will of his constituents; and of course that he starts on his mission with a virtual letter of instructions. His acceptance of the mission is an implied promise to obey its orders; and if unforeseen exigences arise, in any stage of the mission, there is as good reason for forwarding new instructions as for giving an original letter, and it is not easy to justify a disregard of the latest instructions.]

I could have wished that some other senator had thought proper to make the few observations that are called for by the present occasion; but as no one has risen for that purpose, and as the Legislature of North Carolina are on this subject here unrepresented, and as the propositions embraced in these resolutions have not a single sentiment with which I do not most heartily concur, I trust that I shall be indulged, while making a few remarks on this occasion; and I assure the senator from North Carolina last up, that nothing is further from my purpose than to do any injustice to him or his colleague; and I think it was a little unkind and gratuitous in him to say that he never expected to receive justice from his opponents.

The Legislature of North Carolina have been charged by gentlemen with using disrespectful language in these resolutions. But if their language was indecorous, the rules of the Senate prescribe it as their course of duty, that the resolutions ought not to have been submitted; for, as I understand those rules, it is the duty of every member, when he has a memorial or resolution to be presented, to see that they are couched in the proper language. But in what respect are these resolutions disrespectful

to the Senate, as I understood was charged by both senators from North Carolina?

[Mr. Strange said he made no allusion to disrespectful language.]

At least, Mr. Clay understood the other senator (Mr. Brown) to say that one of the resolutions was disrespectful to the Senate.

[Mr. Brown said he so spake of one of the resolutions, but he thought it his duty to his State to present them, notwithstanding, and in no possible contingency could he have refused to present them.]

Mr. Clay said, I so understood the senator, that one of the resolutions was disrespectful; but he now says, that, in deference to his Legislature, he still ought to present them. Sir, if there was indecorum in the language, I repeat, that it was his duty, under the rules of the Senate, not to present the resolutions at all.

[Mr. Brown said there was a very marked distinction between the Legislature of a sovereign State and individuals on this subject.]

I am not aware, said Mr. Clay, that there is any such distinction expressed in the rules; and if the Legislature of a State uses disrespectful language, it is no more to be received than if it were from a private citizen. But let that pass.

In what respect are these resolutions disrespectful? The Senate, two or three years ago, adopted a resolution, by a vote of the majority of the body, which resolution was afterward ordered to be expunged from the journal; and now the Legislature from North Carolina say that it was, in their opinion, an act of party servility to the national executive then in power. Now let us suppose that either branch of Congress had really been guilty of an act of party servility to the executive, have not legislative bodies a right to express it, in this or any other country? But whether that act was one of servility or not, is a question on which history will in due time pass its decision. But as I have said on every occasion, here and elsewhere, it was in my opinion derogatory to this body, and history will pronounce upon it the severest censure.

But the senators from North Carolina have both declared, that they would have obeyed these resolutions, if they had been mandatory in their language, instead of their being a simple expression of the will of their Legislature. But let us examine the nature and extent of this apology. What is the basis, and what the principle of the doctrine of instruction? Sir, to a certain extent, I have always believed in this doctrine, and have been ever ready to conform to it. But I hold to the doctrine as it stood in 1798; that, in general, on questions of expediency, the representative should conform to his instructions, and so gratify the wishes, and obey the will, of his constituents, though on questions of constitutionality his course might

be different; and, therefore, when the senator last up (Mr. Strange) declared that he would rather submit to a certain operation, than to give his vote declaring that there had been a violation of the Constitution, I felt some alarm, lest the true doctrine of instruction should itself be subverted. And it did not appear to occur to him at the time, that there was another alternative besides obeying—that is, to resign.

And what is the doctrine of instructions, as it is held by all? Is it not that we are to conform to the wishes of our constituents? Is it not that we are to act, not in our own, but in a delegated character? And will any who stand here, pretend, that whenever they know the wishes or will of those who sent them here, they are not bound to conform to that will entirely? Is it not the doctrine, that we are nothing more than the mirror to reflect the will of those who called us to our dignified office? That is the view which I take of the doctrine of instruction.

And I now ask, is any peculiar language necessary, other than that by which the will of our constituents may be understood and carried out? Is there but one word that will answer—no other word but the word instruct? Is there no other language tantamount to that? If the Legislature simply express their will, is that not equivalent to the word instruct? Nay, more, is it not more respectful to those receiving the instructions, to avoid, than to use the word instructions? Infinitely more so; and I am more ready to comply with the wishes of any one, if he speaks to me in a courteous and polite manner, than if he make use of mandatory language. Sir, I say to my man Charles, please to do so and so, and he does it instantly, and with much more pleasure, than if I was more peremptory. Suppose I should say, Charles, I instruct you; he would think it very curious language; but if I say, I would be obliged to you for my shoes or boots, he goes down and brings them as quick as possible. I assure the senators it is no purpose of mine to treat them with the smallest disrespect; on the contrary, I sympathize with them, and regret extremely that they can not conform to these resolutions, coming from so respectable a source as the Legislature of North Carolina. I should have been extremely happy if they could have conformed, and I believe the Constitution of North Carolina expressly provides for and secures the right of instruction, requiring the representatives of the people to conform and obey. And it appears to me, that if the Legislature have the right, and choose to give instruction, it is no matter in what words or language those instructions are given; and I should feel myself bound to conform to their wishes, thus communicated. But if the argument of the senior senator (Mr. Brown) from North Carolina is correct, even if the most positive language were used, as has been done on two several occasions, and in my judgment now, I suppose if that were the case, he would not feel bound to obey the will of the Legislature, in opposition to what he might be pleased to consider the will of the people, which he would regard as the paramount authority.

But on one subject, at least, these resolutions speak in decisive language,

on which I have not heard that the people of North Carolina have expressed any prior sentiment adverse to the course now intimated, and that is, the great subject of the public lands, which has been under laborious discussion here, for the last eight or ten days; and I confess, I regretted that these resolutions by the Legislature of North Carolina were not here, that we might have had the benefit of the knowledge of their wishes, during the last week, when the debate on the subject was in progress. But I am glad they have come in before the passage of the bill, and I hope, at least, on the subject of the public lands, we shall have the vote of the senators from North Carolina, in opposition to the wild schemes which have been denounced by the resolutions of the Legislature laid before us.

Mr. Clay said he was exceedingly sorry he had been instrumental in throwing the senator from North Carolina into such a rage, and nothing, he said, was further from his purpose. But if he had intimated that the Legislature of North Carolina had meanly prevaricated, and had made a fraudulent use of the doctrine of instructions—

[Mr. Brown. I did not say so; my remarks were general].

If his remarks were general, I do not see that they can have any specific application, except to this case.

[Mr. Brown, again attempting to speak, was prevented by cries of order.]

Mr. Clay said it was far from his purpose to assume jurisdiction in this case, or any authority over the senator, or his colleague; and he could not more protest against it, than Mr. Clay was unwilling to exercise it. But what was the state of the case? The senators, on presenting the resolutions of their Legislature, had both made speeches addressed to this body, and had spoken of the nature of their instructions, and of the degree of authority and of duty which belonged to them; all this they had done to a body of which Mr. Clay was a member. If they had confined their thoughts on the subject to themselves, or had contented themselves with simply presenting the resolutions, Mr. Clay would have seen no occasion for any remarks on his part. But when they expressed their views of the extent of the obligations due to their instructions, on subjects in which the whole country was interested, Mr. Clay would ask if it was not proper for him to speak in reply? Mr. Clay had spoken with reluctance, and would have been glad if another gentleman had taken it upon him; but as the question was about to be put, and as North Carolina was unrepresented, he had ventured to make a few remarks, and in doing so, had called forth a most violent philippic against him personally. Mr. Clay had not felt the slightest emotion while this was going on; but as the senator had protested against Mr. Clay's jurisdiction in the case, he should have recollected that he was assuming just such a jurisdiction over Mr. Clay; and that it was quite as exceptionable for the senator to arraign Mr. Clay's course, as

for him to arraign that of the senator. But Mr. Clay would say nothing in regard to himself since his colleague (Mr. Crittenden, on the land bill), had disclosed the impossibility of making any adequate defense for Mr. Clay on this floor; and he therefore thought it vain for him to attempt to defend himself. But on this point the people of the country must judge; and if they condemned the course of policy, in regard to the public lands, which Mr. Clay advocated, and which had placed this country fifty years in advance of what it would otherwise have been, Mr. Clay could only submit; and if, as the senior senator from North Carolina had stated, this question had shaken the pillars of this Union, it would be right to give some credit to Mr. Clay, that he had endeavored to compose that controversy, by the bill which he had introduced several years ago.

On the declaration of Mr. Strange, that he generally regarded Mr. Clay's course as one to be avoided, Mr. Clay remarked, that it was not his course of conduct toward Mr. Strange, or any other gentleman; but when they presented any measure, he was ever ready to give it his consideration; and he would not decide against him, merely because he proposed the measure, but he would examine it, and if the ground was good, he would act with him, as Mr. Strange was about to do with Mr. Clay on graduation.

Mr. Clay again disclaimed any intention to interfere between the senators from North Carolina and their Legislature, and expressed the pleasure which these resolutions gave him, especially on account of their reference to the public lands; and he further justified the remarks which he had now made, and especially by the apprehension which he felt, that the true doctrine of instructions, as stated in 1798, was now in danger of being subverted and destroyed.

ON ABOLITION.

IN SENATE, FEBRUARY 7, 1839.

[The immediate occasion of the following speech was a petition from inhabitants of the District of Columbia to be protected from the designs of the abolitionists; but Mr. Clay goes into the subject at large. There are few but ultra-abolitionists who will not approve of his views. He was in favor of treating all abolition petitions respectfully, when couched in respectful terms. He would have them referred to a committee, and reported on, believing that this mode of treatment would be best for all parties. Mr. Clay is correct in the distinction he makes between the classes of people in the free States opposed to slavery, making of the ultra-abolitionists a very small number, as compared with those who, while opposed to slavery, would not interfere with it in the slave States, but leave it where the Constitution of the United States has left it. Interesting and useful as this speech was at the time, it is obvious that the slavery question has passed through several different phases since that period. In 1850 it passed through a long and painful agony of public discussion in Congress, and was supposed to have been permanently settled by the Compromises of that year. But the Kansas-Nebraska bill of 1854, repealing the Missouri Compromise of 1820, scattered the settlements of 1850 to the winds, and opened again the slavery question in its most aggravated forms, and brought into existence the new and great Republican party of 1856, which is likely to unite all the free States against the extension of slavery. Before the party had been six months old, it had brought into its ranks a majority of the popular vote in the free States, and on this sole issue of the non-extension of slavery, it came very near electing the President of the United States. It may be considered, therefore, that all the former phases of the slavery question are thrown into the background, and left out of view, by the results of the act of 1854, and that henceforth, it will be confined, in the free States, to the non-

extension of slavery. The following speech is chiefly interesting as matter of history, having little application to the new forms which the question has assumed. It is not likely that the great debate will travel backward; it can only go forward; and where it will end, it is not now easy to see.]

I HAVE received, Mr. President, a petition to the Senate and House of Representatives of the United States, which I wish to present to the Senate. It is signed by several hundred inhabitants of the District of Columbia, and chiefly of the city of Washington. Among them I recognize the name of the highly esteemed mayor of the city, and other respectable names, some of which are personally and well known to me. They express their regret that the subject of the abolition of slavery within the District of Columbia continues to be pressed upon the consideration of Congress by inconsiderate and misguided individuals in other parts of the United States. They state, that they do not desire the abolition of slavery within the District, even if Congress possess the very questionable power of abolishing it, without the consent of the people whose interests would be immediately and directly affected by the measure; that it is a question solely between the people of the District and their only constitutional Legislature, purely municipal, and one in which no exterior influence or interest can justly interfere; that if, at any future period, the people of this District should desire the abolition of slavery within it, they will doubtless make their wishes known, when it will be time enough to take the matter into consideration; that they do not, on this occasion, present themselves to Congress because they are slaveholders; many of them are not; some of them are conscientiously opposed to slavery; but they appear because they justly respect the rights of those who own that description of property, and because they entertain a deep conviction that the continued agitation of the question by those who have no right to interfere with it, has an injurious influence on the peace and tranquillity of the community, and upon the well-being and happiness of those who are held in subjection; they finally protest as well against the authorized intervention of which they complain, as against any legislation on the part of Congress in compliance therewith. But as I wish these respectable petitioners to be themselves heard, I request that their petition may be read. [It was read accordingly, and Mr. Clay proceeded.] I am informed by the committee which requested me to offer this petition, and believe, that it expresses the almost unanimous sentiments of the people of the District of Columbia.

The performance of this service affords me a legitimate opportunity, of which, with the permission of the Senate, I mean now to avail myself, to say something, not only on the particular objects of the petition, but upon the great and interesting subject with which it is intimately associated.

It is well known to the Senate, that I have thought that the most judicious course with abolition petitions has not been of late pursued by Congress. I have believed that it would have been wisest to receive and refer them, without opposition, and report against their object in a calm, and dispassionate, and argumentative appeal to the good sense of the whole community. It has been supposed, however, by a majority of Congress, that it was most expedient either not to receive the petitions at all, or if formally received, not to act definitively upon them. There is no substantial difference between these opposite opinions, since both look to an absolute rejection of the prayer of the petitioners. But there is a great difference in the form of proceeding; and, Mr. President, some experience in the conduct of human affairs has taught me to believe, that a neglect to observe established forms is often attended with more mischievous consequences than the infliction of a positive injury. We all know that, even in private life, a violation of the existing usages and ceremonies of society can not take place without serious prejudices. I fear, sir, that the abolitionists have acquired a considerable apparent force by blending with the object which they have in view a collateral and totally different question, arising out of an alledged violation of the right of petition. I know full well, and take great pleasure in testifying, that nothing was remoter from the intention of the majority of the Senate, from which I differed, than to violate the right of petition in any case in which, according to its judgment, that right could be constitutionally exercised, or where the object of the petition could be safely or properly granted. Still it must be owned that the abolitionists have seized hold of the fact of the treatment which their petitions have received in Congress, and made injurious impressions upon the minds of a large portion of the community. This, I think, might have been avoided by the course which I should have been glad to see pursued.

And I desire now, Mr. President, to advert to some of those topics which I think might have been usefully embodied in a report by a committee of the Senate, and which, I am persuaded, would have checked the progress, if it had not altogether arrested the efforts of abolition. I am sensible, sir, that this work would have been accomplished with much greater ability and with much happier effect, under the auspices of a committee, than it can be by me. But, anxious as I always am to contribute whatever is in my power to the harmony, concord, and happiness of this great people, I feel myself irresistibly impelled to do whatever is in my power, incompetent as I feel myself to be, to dissuade the public from continuing to agitate a subject fraught with the most direful consequences.

There are three classes of persons opposed, or apparently opposed, to the continued existence of slavery in the United States. The first are those who, from sentiments of philanthropy and humanity, are conscientiously opposed to the existence of slavery, but who are no less opposed, at the same time, to any disturbance of the peace and tranquillity of the Union,

or the infringement of the powers of the States composing the confederacy. In this class may be comprehended that peaceful and exemplary society of "Friends," one of whose established maxims is, an abhorrence of war in all its forms, and the cultivation of peace and good-will among mankind. The next class consists of apparent abolitionists; that is, those who, having been persuaded that the right of petition has been violated by Congress, co-operate with the abolitionists for the sole purpose of asserting and vindicating that right. And the third class are the real ultra-abolitionists, who are resolved to persevere in the pursuit of their object at all hazards, and without regard to any consequences, however calamitous they may be. With them the rights of property are nothing; the deficiency of the powers of the general government is nothing; the acknowledged and incontestable powers of the States are nothing; civil war, a dissolution of the Union, and the overthrow of a government in which are concentrated the fondest hopes of the civilized world, are nothing. A single idea has taken possession of their minds, and onward they pursue it, overlooking all barriers, reckless and regardless of all consequences. With this class, the immediate abolition of slavery in the District of Columbia, and in the Territory of Florida, the prohibition of the removal of slaves from State to State, and the refusal to admit any new State, comprising within its limits the institution of domestic slavery, are but so many means conducing to the accomplishment of the ultimate but perilous end at which they avowedly and boldly aim, are but so many short stages in the long and bloody road to the distant goal at which they would finally arrive. Their purpose is abolition, universal abolition; peaceably if it can, forcibly if it must be. Their object is no longer concealed by the thinnest vail; it is avowed and proclaimed. Utterly destitute of constitutional or other rightful power, living in totally distinct communities, as alien to the communities in which the subject on which they would operate resides, so far as concerns political power over that subject, as if they lived in Africa or Asia, they nevertheless promulgate to the world their purpose to be, to manumit forthwith, and without compensation, and without moral preparation, three millions of negro slaves, under jurisdictions altogether separated from those under which they live. I have said, that immediate abolition of slavery in the District of Columbia and the Territory of Florida, and the exclusion of new States, were only means toward the attainment of a much more important end. Unfortunately they are not the only means. Another, and much more lamentable one, is that which this class is endeavoring to employ, of arraying one portion against another portion of the Union. With that view, in all their leading prints and publications, the alleged horrors of slavery are depicted in the most glowing and exaggerated colors, to excite the imaginations and stimulate the rage of the people in the free States, against the people in the slave States. The slaveholder is held up and represented as the most atrocious of human beings. Advertisements of fugitive slaves and of slaves to be sold, are carefully collected and blazoned

forth, to infuse a spirit of detestation and hatred against one entire, and the largest, section of the Union. And, like a notorious agitator upon another theater, they would hunt down and proscribe from the pale of civilized society, the inhabitants of that entire section. Allow me, Mr. President, to say, that while I recognize in the justly wounded feelings of the minister of the United States at the court of St. James, much to excuse the notice which he was provoked to take of that agitator, in my humble opinion he would better have consulted the dignity of his station and of his country in treating him with contemptuous silence. He would exclude us from European society—he who himself can only obtain a contraband admission, and is received with scornful repugnance into it! If he be no more desirous of our society than we are of his, he may rest assured that a state of eternal non-intercourse will exist between us. Yes, sir, I think the American minister would have best pursued the dictates of true dignity by regarding the language of the member of the British House of Commons as the malignant ravings of the plunderer of his own country, and the libeller of a foreign and kindred people.

But the means to which I have already adverted are not the only ones which this third class of ultra-abolitionists are employing to effect their ultimate end. They began their operations by professing to employ only persuasive means in appealing to the humanity, and enlightening the understandings, of the slaveholding portion of the Union. If there were some kindness in this avowed motive, it must be acknowledged that there was rather a presumptuous display also of an assumed superiority in intelligence and knowledge. For some time they continued to make these appeals to our duty and our interest; but impatient with the slow influence of their logic upon our stupid minds, they recently resolved to change their system of action. To the agency of their powers of persuasion, they now propose to substitute the powers of the ballot-box; and he must be blind to what is passing before us, who does not perceive that the inevitable tendency of their proceedings is, if these should be found insufficient, to invoke, finally, the more potent powers of the bayonet.

Mr. President, it is at this alarming stage of the proceedings of the ultra-abolitionists, that I would seriously invite every considerate man in the country solemnly to pause, and deliberately to reflect, not merely on our existing posture, but upon that dreadful precipice down which they would hurry us. It is because these ultra-abolitionists have ceased to employ the instruments of reason and persuasion, have made their cause political, and have appealed to the ballot-box, that I am induced upon this occasion, to address you.

There have been three epochs in the history of our country, at which the spirit of abolition displayed itself. The first was immediately after the formation of the present federal government. When the Constitution was about going into operation, its powers were not well understood by the community at large, and remained to be accurately interpreted and de-

fined. At that period numerous abolition societies were formed, comprising not merely the society of Friends, but many other good men. Petitions were presented to Congress, praying for the abolition of slavery. They were received without serious opposition, referred and reported upon by a committee. The report stated, that the general government had no power to abolish slavery, as it existed in the several States, and that these States themselves had exclusive jurisdiction over the subject. The report was generally acquiesced in, and satisfaction and tranquillity ensued; the abolition societies thereafter limiting their exertions, in respect to the black population, to offices of humanity within the scope of existing laws.

The next period when the subject of slavery, and abolition incidentally, was brought into notice and discussion, was that on the memorable occasion of the admission of the State of Missouri into the Union. The struggle was long, strenuous, and fearful. It is too recent to make it necessary to do more than merely advert to it, and to say, that it was finally composed by one of those compromises characteristic of our institutions, and of which the Constitution itself is the most signal instance.

The third is that in which we now find ourselves. Various causes, Mr. President, have contributed to produce the existing excitement on the subject of abolition. The principal one, perhaps, is the example of British emancipation of the slaves in the islands adjacent to our country. Such is the similarity in laws, in language, in institutions, and in common origin, between Great Britain and the United States, that no great measure of national policy can be adopted in the one country without producing a considerable degree of influence on the other. Confounding the totally different cases together, of the powers of the British Parliament and those of the Congress of the United States, and the totally different situations of the British West India Islands, and the slaves in the sovereign and independent States of this confederacy, superficial men have inferred, from the undecided British experiment, the practicability of the abolition of slavery in these States. The powers of the British Parliament are unlimited, and are often described to be omnipotent. The powers of the American Congress, on the contrary, are few, cautiously limited, scrupulously excluding all that are not granted, and, above all, carefully and absolutely excluding all power over the existence or continuance of slavery in the several States. The slaves, too, upon which British legislation operated, were not in the bosom of the kingdom, but in remote and feeble colonies having no voice in Parliament. The West India slaveholder was neither represented nor representative in that Parliament. And while I most fervently wish complete success to the British experiment of West India emancipation, I confess, that I have fearful forebodings of a disastrous termination of it. Whatever it may be, I think it must be admitted, that if the British Parliament treated the West India slaves as freemen, it also treated the West India freemen as slaves. If, instead of these slaves being separated by a wide ocean from the parent country, three or four

millions of African negro slaves had been dispersed over England, Scotland, Wales, and Ireland, and their owners had been members of the British Parliament—a case which would have presented some analogy to that of our own country—does any one believe that it would have been expedient or practicable to have emancipated them, leaving them to remain, with all their embittered feelings, in the United Kingdom, boundless as the power of the British Parliament are?

Other causes have conspired with the British example to produce the existing excitement from abolition. I say it with profound regret, but with no intention to occasion irritation here or elsewhere, that there are persons in both parts of the Union who have sought to mingle abolition with politics, and to array one portion of the Union against the other. It is the misfortune in free countries, that, in high party times, a disposition too often prevails to seize hold of every thing which can strengthen the one side or weaken the other. Charges of fostering abolition designs have been heedlessly and unjustly made by one party against the other. Prior to the late election of the present President of the United States, he was charged with being an abolitionist, and abolition designs were imputed to many of his supporters. Much as I was opposed to his election, and am to his administration, I neither shared in making or believing the truth of the charge. He was scarcely installed in office before the same charge was directed against those who opposed his election.

Mr. President, it is not true, and I rejoice that it is not true, that either of the two great parties in this country has any designs or aim at abolition. I should deeply lament if it were true. I should consider, if it were true, that the danger to the stability of our system would be infinitely greater than any which does, I hope, actually exist. While neither party can be, I think, justly accused of any abolition tendency or purpose, both have profited, and both have been injured, in particular localities, by the accession or abstraction of abolition support. If the account were fairly stated, I believe the party to which I am opposed has profited much more, and been injured much less, than that to which I belong. But I am far, for that reason, from being disposed to accuse our adversaries of being abolitionists.

And now, Mr. President, allow me to consider the several cases, in which the authority of Congress is invoked by these abolition petitioners upon the subject of domestic slavery. The first relates to it as it exists in the District of Columbia. The following is the provision of the Constitution of the United States in reference to that matter:

"To exercise exclusive legislation in all cases whatsoever over such district, (not exceeding ten miles square), as may by cession of particular States, and the acceptance of Congress, become the seat of government of the United States."

This provision preceded, in point of time, the actual cessions which were made by the States of Maryland and Virginia. The object of the cession

was, to establish a seat of government of the United States; and the grant in the Constitution, of exclusive legislation, must be understood, and should be always interpreted, as having relation to the object of the cession. It was with a full knowledge of this clause in the Constitution, that those two States ceded to the general government the ten miles square, constituting the District of Columbia. In making the cession, they supposed that it was to be applied, and applied solely, to the purposes of a seat of government, for which it was asked. When it was made, slavery existed in both those commonwealths, and in the ceded territory, as it now continues to exist in all of them. Neither Maryland or Virginia could have anticipated, that, while the institution remained within their respective limits, its abolition would be attempted by Congress without their consent. Neither of them would probably have made an unconditional cession, if they could have anticipated such a result.

From the nature of the provision in the Constitution, and the avowed object of the acquisition of the territory, two duties arise on the part of Congress. The first is, to render the District available, comfortable, and convenient, as a seat of government of the whole Union; the other is, to govern the people within the District, so as best to promote their happiness and prosperity. These objects are totally distinct in their nature, and, in interpreting and exercising the grant of the power of exclusive legislation, that distinction should be constantly borne in mind. Is it necessary, in order to render this place a comfortable seat of the general government, to abolish slavery within its limits? No one can or will advance such a proposition. The government has remained here near forty years without the slightest inconvenience from the presence of domestic slavery. Is it necessary to the well-being of the people of the District, that slavery should be abolished from among them? They not only neither ask nor desire, but are almost unanimously opposed to it. It exists here in the mildest and most mitigated form. In a population of thirty-nine thousand eight hundred and thirty-four, there were, at the last enumeration of the population of the United States, but six thousand one hundred and ten slaves. The number has not probably much increased since. They are dispersed over the ten miles square, engaged in the quiet pursuits of husbandry, or in menial offices in domestic life. If it were necessary to the efficiency of this place as a seat of the general government to abolish slavery, which is utterly denied, the abolition should be confined to the necessity which prompts it, that is, to the limits of the city of Washington itself. Beyond those limits, persons concerned in the government of the United States have no more to do with the inhabitants of the District than they have with the inhabitants of the adjacent counties of Maryland and Virginia, which lie beyond the District.

To abolish slavery within the District of Columbia, while it remains in Virginia and Maryland, situated, as that District is, within the very heart of those States, would expose them to great practical inconvenience and

annoyance. The District would become a place of refuge and escape for fugitive slaves from the two States, and a place from which a spirit of discontent, insubordination, and insurrection, might be fostered and encouraged in the two States. Suppose, as was at one time under consideration, Pennsylvania had granted ten miles square within its limits for the purpose of a seat of the general government; could Congress, without a violation of good faith, have introduced and established slavery within the bosom of that commonwealth, in the ceded territory, after she had abolished it so long ago as the year 1780? Yet the inconvenience to Pennsylvania in the case supposed would have been much less than that to Virginia and Maryland in the case we are arguing.

It was upon this view of the subject, that the Senate, at its last session, solemnly declared that it would be a violation of implied faith, resulting from the transaction of the cession, to abolish slavery within the District of Columbia. And would it not be? By implied faith is meant, that when a grant is made for one avowed and declared purpose, known to the parties, the grant should not be perverted to another purpose, unavowed, and undeclared, and injurious to the grantor. The grant, in the case we are considering, of the territory of Columbia, was for a seat of government. Whatever power is necessary to accomplish that object is carried along by the grant. But the abolition of slavery is not necessary to the enjoyment of this site as a seat of the general government. The grant in the Constitution, of exclusive power of legislation over the District, was made to insure the exercise of an exclusive authority of the general government, to render this place a safe and secure seat of government, and to promote the well-being of the inhabitants of the District. The power granted ought to be interpreted and exercised solely to the end for which it was granted. The language of the grant was necessarily broad, comprehensive, and exclusive, because all the exigences which might arise to render this a secure seat of the general government could not have been foreseen and provided for. The language may possibly be sufficiently comprehensive to include a power of abolition, but it would not at all thence follow, that the power could be rightfully exercised. The case may be resembled to that of a plenipotentiary invested with a plenary power, but who, at the same time, has positive instructions from his government as to the kind of treaty which he is to negotiate and conclude. If he violates those instructions, and concludes a different treaty, this government is not bound by it. And if the foreign government is aware of the violation, it acts in bad faith. Or it may be illustrated by an example drawn from private life. I am an indorser for my friend on a note discounted in bank. He applies to me to indorse another to renew it, which I do in blank. Now, this gives him power to make any other use of my note which he pleases. But if, instead of applying it to the intended purpose, he goes to a broker and sells it, thereby doubling my responsibility for him, he commits a breach of trust, and a violation of the good faith implied in the whole transaction.

But, Mr. President, if this reasoning were as erroneous as I believe it to be correct and conclusive, is the affair of the liberation of six thousand negro slaves in this District, disconnected with the three millions of slaves in the United States, of sufficient magnitude to agitate, distract, and embitter this great confederacy?

The next case in which the petitioners ask the exercise of the power of Congress, relates to slavery in the Territory of Florida.

Florida is the extreme southern portion of the United States. It is bounded on all its land sides by slave States, and is several hundred miles from the nearest free State. It almost extends within the tropics, and the nearest important island to it, on the water side, is Cuba, a slave island. This simple statement of its geographical position should of itself decide the question. When, by the treaty of 1819 with Spain, it was ceded to the United States, slavery existed within it. By the terms of that treaty, the effects and property of the inhabitants are secured to them, and they are allowed to remove and take them away, if they think proper to do so, without limitation as to time. If it were expedient, therefore, to abolish slavery in it, it could not be done consistently with the treaty, without granting to the ancient inhabitants a reasonable time to remove their slaves. But further. By the compromise which took place on the passage of the act for the admission of Missouri into the Union, in the year 1820, it was agreed and understood, that the line of thirty-six degrees thirty minutes of north latitude, should mark the boundary between the free States and the slave States, to be created in the territories of the United States, ceded by the treaty of Louisiana; those situated south of it being slave States, and those north of it, free States. But Florida is south of that line, and consequently, according to the spirit of the understanding which prevailed at the period alluded to, should be a slave State. It may be true, that the compromise does not in terms embrace Florida, and that it is not absolutely binding and obligatory; but all candid and impartial men must agree, that it ought not to be disregarded without the most weighty considerations, and that nothing could be more to be deprecated than to open anew the bleeding wounds which were happily bound up and healed by that compromise. Florida is the only remaining Territory to be admitted into the Union with the institution of domestic slavery, while Wisconsin and Iowa are now nearly ripe for admission without it.

The next instance in which the exercise of the power of Congress is solicited, is that of prohibiting what is denominated by the petitioners the slave-trade between the States, or, as it is described in abolition petitions, the traffic in human beings between the States. This exercise of the power of Congress is claimed under that clause of the Constitution which invests it with authority to regulate commerce with foreign nations, and among the several States, and with the Indian tribes. The power to regulate commerce among the several States, like other powers in the Constitution, has hitherto remained dormant in respect to the interior trade by land

between the States. It was a power granted, like all the otner powers of the general government, to secure peace and harmony among the States. Hitherto it has not been necessary to exercise it. All the cases in which, during the progress of time, it may become expedient to exert the general authority to regulate commerce between the States, can not be conceived. We may easily imagine, however, contingences which, if they were to happen, might require the interposition of the common authority. If, for example, the State of Ohio were, by law, to prohibit any vessel entering the port of Cincinnati, from the port of Louisville, in Kentucky, if that case be not already provided for by the laws which regulate our coasting trade, it would be competent to the general government to annul the prohibition emanating from State authority. Or if the State of Kentucky were to prohibit the introduction, within its limits, of any articles of trade, the production of the industry of the inhabitants of the State of Ohio, the general government might, by its authority, supersede the State enactment. But I deny that the general government has any authority, whatever, from the Constitution, to abolish what is called the slave-trade, or, in other words, to prohibit the removal of slaves from one slave State to another slave State.

The grant in the Constitution is of a power of regulation, and not prohibition. It is conservative, not destructive. Regulation, *ex vi termini*, implies the continued existence or prosecution of the thing regulated. Prohibition implies total discontinuance or annihilation. The regulation intended was designed to facilitate and accommodate, not to obstruct and incommode the commerce to be regulated. Can it be pretended that, under this power to regulate commerce among the States, Congress has the power to prohibit the transportation of live stock, which, in countless numbers are daily passing from the western and interior States, to the southern, south-western, and Atlantic States? The moment the incontestable fact is admitted, that negro slaves are property, the law of movable property irresistibly attaches itself to them, and secures the right of carrying them from one to another State, where they are recognized as property, without any hinderance whatever from Congress.

But, Mr. President, I will not detain the Senate longer on the subject of slavery within the District, and in Florida, and of the right of Congress to prohibit the removal of slaves from one State to another. These, as I have already intimated, with ultra-abolitionists, are but so many masked batteries, concealing the real and ultimate point of attack. That point of attack is the institution of domestic slavery, as it exists in these States. It is to liberate three millions of slaves held in bondage within them. And now allow me, sir, to glance at the insurmountable obstacles which lie in the way of the accomplishment of this end, and at some of the consequences which would ensue if it were possible to attain it.

The first impediment is the utter and absolute want of all power on the part of the general government to effect the purpose. The Constitution of

the United States creates a limited government, comprising comparatively few powers, and leaving the residuary mass of political power in the possession of the several States. It is well known that the subject of slavery interposed one of the greatest difficulties in the formation of the Constitution. It was happily compromised and adjusted in a spirit of harmony and patriotism. According to that compromise, no power whatever was granted to the general government in respect to domestic slavery, but that which relates to taxation and representation, and the power to restore fugitive slaves to their lawful owners. All other power in regard to the institution of slavery was retained exclusively by the States, to be exercised by them severally, according to their respective views of their own peculiar interest. The Constitution of the United States never could have been formed upon the principle of investing the general government with authority to abolish the institution at its pleasure. It never can be continued for a single day, if the exercise of such a power be assumed or usurped.

But it may be contended by these ultra-abolitionists, that their object is, not to stimulate the action of the general government, but to operate upon the States themselves, in which the institution of domestic slavery exists. If that be their object, why are these abolition societies and movements all confined to the free States? Why are the slave States wantonly and cruelly assailed? Why do the abolition presses teem with publications tending to excite hatred and animosity, on the part of the inhabitants of the free States, against those of the slave States? Why is Congress petitioned? The free States have no more power or right to interfere with institutions in the slave States confided to the exclusive jurisdiction of those States, than they would have to interfere with institutions existing in any foreign country. What would be thought of the formation of societies in Great Britain, the issue of numerous inflammatory publications, and the sending out of lecturers throughout the kingdom, denouncing and aiming at the destruction of any of the institutions of France? Would they be regarded as proceedings warranted by good neighborhood? Or what would be thought of the formation of societies in the slave States, the issuing of violent and inflammatory tracts, and the deputation of missionaries, pouring out impassioned denunciations against institutions under the exclusive control of the free States? Is their purpose to appeal to our understandings, and to actuate our humanity? And do they expect to accomplish that purpose by holding us up to the scorn, and contempt, and detestation of the people of the free States and the whole civilized world? The slavery which exists among us is our affair, not theirs; and they have no more just concern with it than they have with slavery as it exists throughout the world. Why not leave it to us, as the common Constitution of our country has left it, to be dealt with, under the guidance of Providence, as best we may or can?

The next obstacle in the way of abolition, arises out of the fact of the presence in the slave States of three millions of slaves. They are there,

dispersed throughout the land, part and parcel of our population. They were brought into the country originally under the authority of the parent government, while we were colonies, and their importation was continued, in spite of all the remonstrances of our ancestors. If the question were an original question, whether, there being no slaves within the country, we should introduce them, and incorporate them into our society, that would be a totally different question. Few, if any, of the citizens of the United States, would be found to favor their introduction. No man in it would oppose, upon that supposition, their admission with more determined resolution and conscientious repugnance than I should. But that is not the question. The slaves are here; no practical scheme for their removal or separation from us has been yet devised or proposed; and the true inquiry is, what is best to be done with them. In human affairs we are often constrained, by the force of circumstances and the actual state of things, to do what we would not do, if that state of things did not exist. The slaves are here, and here must remain, in some condition; and, I repeat, how are they to be best governed? What is best to be done for their happiness and our own? In the slave States the alternative is, that the white man must govern the black, or the black govern the white. In several of those States, the number of the slaves is greater than that of the white population. An immediate abolition of slavery in them, as these ultra abolitionists propose, would be followed by a desperate struggle for immediate ascendancy of the black race over the white race, or rather it would be followed by instantaneous collisions between the two races, which would break out into a civil war, that would end in the extermination or subjugation of the one race or the other. In such an alternative, who can hesitate? Is it not better for both parties that the existing state of things should be preserved, instead of exposing them to the horrible strifes and contests which would inevitably attend an immediate abolition? This is our true ground of defense, for the continued existence of slavery in our country. It is that which our revolutionary ancestors assumed. It is that, which, in my opinion, forms our justification in the eyes of all christendom.

A third impediment to immediate abolition is to be found in the immense amount of capital which is invested in slave property. The total number of slaves in the United States, according to the last enumeration of the population, was a little upward of two millions. Assuming their increase at a ratio, which it probably is, of five per centum per annum, their present number would be three millions. The average value of slaves at this time, is stated by persons well informed, to be as high as five hundred dollars each. To be certainly within the mark, let us suppose that it is only four hundred dollars. The total value, then, by that estimate, of the slave property in the United States, is twelve hundred millions of dollars. This property is diffused throughout all classes and conditions of society. It is owned by widows and orphans, by the aged and infirm, as well as the sound and vigorous. It is the subject of mortgages, deeds

of trust, and family settlements. It has been made the basis of numerous debts contracted upon its faith, and is the sole reliance, in many instances, of creditors, within and without the slave States, for the payment of the debts due to them. And now it is rashly proposed, by a single fiat of legislation, to annihilate this immense amount of property! To annihilate without indemnity and without compensation to its owners! Does any considerate man believe it to be possible to effect such an object, without convulsion, revolution, and bloodshed?

I know that there is a visionary dogma, which holds that negro slaves can not be the subject of property. I shall not dwell long on this speculative abstraction. That is property which the law declares to be property. Two hundred years of legislation have sanctioned and sanctified negro slaves as property. Under all the forms of government which have existed upon this continent during that long space of time—under the British government—under the colonial government—under all the State Constitutions and governments—and under the federal government itself—they have been deliberately and solemnly recognized as the legitimate subjects of property. To the wild speculations of theorists and innovators, stands opposed the fact, that in an uninterrupted period of two hundred years' duration, under every form of human legislation, and by all the departments of human government, African negro slaves have been held and respected, have descended and been transferred, as lawful and indisputable property. They were treated as property in the very British example which is so triumphantly appealed to as worthy of our imitation. Although the West India planters had no voice in the united Parliament of the British isles, an irresistible sense of justice extorted from that Legislature the grant of twenty millions of pounds sterling, to compensate the colonists for their loss of property.

If, therefore, these ultra-abolitionists are seriously determined to pursue their immediate scheme of abolition, they should at once set about raising a fund of twelve hundred millions of dollars, to indemnify the owners of slave property. And the taxes to raise that enormous amount can only be justly assessed upon themselves or upon the free States, if they can persuade them to assent to such an assessment; for it would be a mockery of all justice, and an outrage against all equity, to levy any portion of the tax upon the slave States to pay for their own unquestioned property.

If the considerations to which I have already adverted, are not sufficient to dissuade the abolitionists from further perseverance in their designs, the interest of the very cause which they profess to espouse, ought to check their career. Instead of advancing, by their efforts, that cause, they have thrown back for half a century the prospect of any species of emancipation of the African race, gradual or immediate, in any of the States. They have done more; they have increased the rigors of legislation against slaves in most, if not all, of the slave States. Forty years ago, the question was agitated in the State of Kentucky, of a gradual emancipation of

the slaves within its limits. By gradual emancipation, I mean that slow but safe and cautious liberation of slaves, which was first adopted in Pennsylvania, at the instance of Dr. Franklin,* in the year 1780, and, according to which, the generation in being were to remain in slavery, but all their offspring born after a specified day, were to be free at the age of twenty-eight, and, in the mean time, were to receive preparatory instruction to qualify them for the enjoyment of freedom. That was the species of emancipation which, at the epoch to which I allude, was discussed in Kentucky. No one was rash enough to propose or think of immediate abolition. No one was rash enough to think of throwing loose upon the community, ignorant and unprepared, the untutored slaves of the State. Many thought, and I among them, that as each of the slave States had a right exclusively to judge for itself, in respect to the institution of domestic slavery, the proportion of slaves, compared with the white population in that State, at that time, was so inconsiderable that a system of gradual emancipation might have been safely adopted, without any hazard to the security and interests of the commonwealth. And I still think that the question of such emancipation in the farming States is one whose solution depends upon the relative number of the two races in any given State. If I had been a citizen of the State of Pennsylvania, when Franklin's plan was adopted, I should have voted for it, because by no possibility could the black race ever acquire the ascendancy in that State. But if I had been then, or were now, a citizen of any of the planting States—the southern or south-western States—I should have opposed, and would continue to oppose, any scheme whatever of emancipation, gradual or immediate, because of the danger of an ultimate ascendancy of the black race, or of a civil contest which might terminate in the extinction of one race or the other.

The proposition in Kentucky for a gradual emancipation, did not prevail, but it was sustained by a large and respectable minority. That minority had increased, and was increasing, until the abolitionists commenced their operations. The effect has been to dissipate all prospects whatever, for the present, of any scheme of gradual or other emancipation. The people of that State have become shocked and alarmed by these abolition movements, and the number who would now favor a system even of gradual

* MESSRS. GALES & SEATON:

In the speech which I addressed to the Senate, on the subject of abolition petitions, I ascribed to Dr. Franklin the authorship of the law passed by the State of Pennsylvania, in 1780, for the gradual emancipation of slaves. Such was the impression on my mind; but, from a communication which I have since received, I believe that the measure originated with another distinguished citizen of Pennsylvania, the late honorable George Bryan.

I will thank you to make this correction, unimportant in respect to the use I made of the fact, but otherwise just and proper.

Yours, respectfully,

H. CLAY.

WASHINGTON, March 2, 1839.

emancipation is probably less than it was in the years 1798–9. At the session of the Legislature held in 1837–8, the question of calling a convention was submitted to the consideration of the people by a law passed in conformity with the Constitution of the State. Many motives existed for the passage of the law, and among them that of emancipation had its influence. When the question was passed upon by the people at their last annual election, only about one fourth of the whole voters of the State supported a call of a convention. The apprehension of the danger of abolition was the leading consideration among the people for opposing the call. But for that, but for the agitation of the question of abolition in States whose population had no right, in the opinion of the people of Kentucky, to interfere in the matter, the vote for a convention would have been much larger, if it had not been carried. I felt myself constrained to take immediate, bold, and decided ground against it.

Prior to the agitation of this subject of abolition, there was a progressive melioration in the condition of slaves throughout all the slave States. In some of them, schools of instruction were opened by humane and religious persons. These are all now checked, and a spirit of insubordination having shown itself in some localities, traceable, it is believed, to abolition movements and exertions, the legislative authority has found it expedient to infuse fresh vigor into the police, and laws which regulate the conduct of the slaves.

And now, Mr. President, if it were possible to overcome the insurmountable obstacles which lie in the way of immediate abolition, let us briefly contemplate some of the consequences which would inevitably ensue. One of these has been occasionally alluded to in the progress of these remarks. It is the struggle which would instantaneously arise between the two races in most of the southern and south-western States. And what a dreadful struggle would it not be! Embittered by all the recollections of the past, by the unconquerable prejudices which would prevail between the two races, and stimulated by all the hopes and fears of the future, it would be a contest in which the extermination of the blacks, or their ascendancy over the whites, would be the sole alternative. Prior to the conclusion, or during the progress of such a contest, vast numbers, probably, of the black race would migrate into the free States; and what effect would such a migration have upon the laboring classes in those States?

Now the distribution of labor in the United States is geographical; the free laborers occupying one side of the line, and the slave laborers the other; each class pursuing its own avocations almost altogether unmixed with the other. But on the supposition of immediate abolition, the black class, migrating into the free States, would enter into competition with the white class, diminishing the wages of their labor, and augmenting the hardships of their condition.

This is not all. The abolitionists strenuously oppose all separation of the two races. I confess to you, sir, that I have seen with regret, grief, and

astonishment, their resolute opposition to the project of colonization. No scheme was ever presented to the acceptance of man, which, whether it be entirely practicable or not, is characterized by more unmixed humanity and benevolence, than that of transporting, with their own consent, the free people of color in the United States to the land of their ancestors. It has the powerful recommendation, that whatever it does, is good; and, if it effects nothing, it inflicts no one evil or mischief upon any portion of our society. There is no necessary hostility between the objects of colonization and abolition. Colonization deals only with the free man of color, and that with his own free voluntary consent. It has nothing to do with slavery. It disturbs no man's property, seeks to impair no power in the slave States, nor to attribute any to the general government. All its action, and all its ways and means are voluntary, depending upon the blessing of Providence, which hitherto has graciously smiled upon it. And yet, beneficent and harmless as colonization is, no portion of the people of the United States denounces it with so much persevering zeal, and such unmixed bitterness, as do the abolitionists.

They put themselves in direct opposition to any separation whatever between the two races. They would keep them forever pent up together within the same limits, perpetuating their animosities and constantly endangering the peace of the community. They proclaim, indeed, that color is nothing; that the organic and characteristic differences between the two races ought to be entirely overlooked and disregarded. And, elevating themselves to a sublime but impracticable philosophy, they would teach us to eradicate all the repugnances of our nature, and to take to our bosoms and our boards, the black man as we do the white, on the same footing of equal social condition. Do they not perceive that in thus confounding all the distinctions which God himself has made, they arraign the wisdom and goodness of Providence itself? It has been his divine pleasure to make the black man black, and the white man white, and to distinguish them by other repulsive constitutional differences. It is not necessary for me to maintain, nor shall I endeavor to prove, that it was any part of his divine intention that the one race should be held in perpetual bondage by the other; but this I will say, that those whom he has created different, and has declared, by their physical structure and color, ought to be kept asunder, should not be brought together by any process whatever of unnatural amalgamation.

But if the dangers of the civil contest which I have supposed could be avoided, separation or amalgamation is the only peaceful alternative, if it were possible to effectuate the project of abolition. The abolitionists oppose all colonizatiou, and it irresistibly follows, whatever they may protest or declare, that they are in favor of amalgamation. And who are to bring about this amalgamation? I have heard of none of these ultra-abolitionists furnishing in their own families or persons examples of intermarriage. Who is to begin it? Is it their purpose not only to create a pinching

competition between black labor and white labor, but do they intend also to contaminate the industrious and laborious classes of society at the North by a revolting admixture of the black element?

It is frequently asked, what is to become of the African race among us? Are they forever to remain in bondage? That question was asked more than a half a century ago. It has been answered by fifty years of prosperity but little checkered from this cause. It will be repeated fifty or a hundred years hence. The true answer is, that the same Providence who has hitherto guided and governed us, and averted all serious evils from the existing relation between the two races, will guide and govern our posterity. Sufficient to the day is the evil thereof. We have hitherto, with that blessing, taken care of ourselves. Posterity will find the means of its own preservation and prosperity. It is only in the most direful event which can befall this people, that this great interest, and all other of our greatest interests, would be put in jeopardy. Although in particular districts, the black population is gaining upon the white, it only constitutes one fifth of the whole population of the United States. And taking the aggregate of the two races, the European is constantly, though slowly, gaining upon the African portion. This fact is demonstrated by the periodical returns of our population. Let us cease, then, to indulge in gloomy forebodings about the impenetrable future. But, if we may attempt to lift the vail, and contemplate what lies beyond it, I, too, have ventured on a speculative theory, with which I will not now trouble you, but which has been published to the world. According to that, in the progress of time, some one hundred and fifty or two hundred years hence, but few vestiges of the black race will remain among our posterity.

Mr. President, at the period of the formation of our Constitution, and afterward, our patriotic ancestors, apprehended danger to the Union from two causes. One was, the Alleghany mountains, dividing the waters which flow into the Atlantic ocean from those which found their outlet in the Gulf of Mexico. They seemed to present a natural separation. That danger has vanished before the noble achievements of the spirit of internal improvement, and the immortal genius of Fulton. And now, nowhere is found a more loyal attachment to the Union, than among those very western people, who, it was apprehended, would be the first to burst its ties.

The other cause, domestic slavery, happily the sole remaining cause which is likely to disturb our harmony, continues to exist. It was this which created the greatest obstacle, and the most anxious solicitude in the deliberations of the Convention that adopted the general Constitution. And it is this subject that has ever been regarded with the deepest anxiety by all who are sincerely desirous of the permanency of our Union. The father of his country, in his last affecting and solemn appeal to his fellow-citizens, deprecated, as a most calamitous event, the geographical divisions which it might produce. The Convention wisely left to the several

States the power over the institution of slavery, as a power not necessary to the plan of union which it devised, and as one with which the general government could not be invested without planting the seeds of certain destruction. There let it remain undisturbed by any unhallowed hand.

Sir, I am not in the habit of speaking lightly of the possibility of dissolving this happy Union. The Senate knows that I have deprecated allusions, on ordinary occasions, to that direful event. The country will testify, that, if there be any thing in the history of my public career worthy of recollection, it is the truth and sincerity of my ardent devotion to its lasting preservation. But we should be false in our allegiance to it, if we did not discriminate between the imaginary and real dangers by which it may be assailed. Abolition should no longer be regarded as an imaginary danger. The abolitionists, let me suppose, succeed in their present aim of uniting the inhabitants of the free States, as one man, against the inhabitants of the slave States. Union on the one side will beget union on the other. And this process of reciprocal consolidation will be attended with all the violent prejudices, embittered passions, and implacable animosities, which ever degraded or deformed human nature. A virtual dissolution of the Union will have taken place, while the forms of its existence remain. The most valuable element of union, mutual kindness, the feelings of sympathy, the fraternal bonds, which now happily unite us, will have been extinguished forever. One section will stand in menacing and hostile array against the other. The collision of opinion will be quickly followed by the clash of arms. I will not attempt to describe scenes which now happily lie concealed from our view. Abolitionists themselves would shrink back in dismay and horror at the contemplation of desolated fields, conflagrated cities, murdered inhabitants, and the overthrow of the fairest fabric of human government that ever rose to animate the hopes of civilized man. Nor should these abolitionists flatter themselves that, if they can succeed in their object of uniting the people of the free States, they will enter the contest with a numerical superiority that must insure victory. All history and experience proves the hazard and uncertainty of war. And we are admonished by holy writ, that the race is not to the swift, nor the battle to the strong. But if they were to conquer, whom should they conquer? A foreign foe; one who had insulted our flag, invaded our shores, and laid our country waste? No, sir; no, sir. It would be a conquest without laurels, without glory; a self, a suicidal conquest; a conquest of brothers over brothers, achieved by one over another portion of the descendants of common ancestors, who, nobly pledging their lives, their fortunes, and their sacred honor, had fought and bled, side by side, in many a hard battle on land and ocean, severed our country from the British crown, and established our national independence.

The inhabitants of the slave States are sometimes accused by their north-

ern brethren with displaying too much rashness and sensibility to the operations and proceedings of abolitionists. But, before they can be rightly judged, there should be a reversal of conditions. Let me suppose that the people of the slave States were to form societies, subsidize presses, make large pecuniary contributions, send forth numerous missionaries throughout all their own borders, and enter into machinations to burn the beautiful capitals, destroy the productive manufactories, and sink in the ocean the gallant ships of the northern States. Would these incendiary proceedings be regarded as neighborly and friendly, and consistent with the fraternal sentiments which should ever be cherished by one portion of the Union toward another? Would they excite no emotion? occasion no manifestations of dissatisfaction, nor lead to any acts of retaliatory violence? But the supposed case falls far short of the actual one in a most essential circumstance. In no contingency could these capitals, manufactories, and ships, rise in rebellion, and massacre inhabitants of the northern States.

I am, Mr. President, no friend of slavery. The searcher of all hearts knows that every pulsation of mine beats high and strong in the cause of civil liberty. Wherever it is safe and practicable, I desire to see every portion of the human family in the enjoyment of it. But I prefer the liberty of my own country to that of any other people; and the liberty of my own race to that of any other race. The liberty of the descendants of Africa in the United States is incompatible with the safety and liberty of the European descendants. Their slavery forms an exception—an exception resulting from a stern and inexorable necessity—to the general liberty in the United States. We did not originate, nor are we responsible for this necessity. Their liberty, if it were possible, could only be established by violating the incontestable powers of the States, and subverting the Union. And beneath the ruins of the Union would be buried, sooner or later, the liberty of both races.

But if one dark spot exists on our political horizon, is it not obscured by the bright and effulgent and cheering light that beams all around us? Was ever a people before so blessed as we are, if true to ourselves? Did ever any other nation contain within its bosom so many elements of prosperity, of greatness, and of glory? Our only real danger lies ahead, conspicuous, elevated, and visible. It was clearly discerned at the commencement, and distinctly seen throughout our whole career. Shall we wantonly run upon it, and destroy all the glorious anticipations of the high destiny that awaits us? I beseech the abolitionists themselves, solemnly to pause in their mad and fatal course. Amid the infinite variety of objects of humanity and benevolence which invite the employment of their energies, let them select some one more harmless, that does not threaten to deluge our country in blood. I call upon that small portion of the clergy, which has lent itself to these wild and ruinous schemes, not to forget the holy nature of the divine mission of the founder of our religion,

and to profit by his peaceful examples. I intreat that portion of my countrywomen who have given their countenance to abolition, to remember, that they are ever most loved and honored when moving in their own appropriate and delightful sphere; and to reflect that the ink which they shed in subscribing with their fair hands abolition petitions, may prove but the prelude to the shedding of the blood of their brethren. I adjure all the inhabitants of the free States to rebuke and discountenance, by their opinion and their example, measures which must inevitably lead to the most calamitous consequences. And let us all, as countrymen, as friends, and as brothers, cherish, in unfading memory, the motto which bore our ancestors triumphantly through all the trials of the Revolution, as, if adhered to, it will conduct their posterity through all that may, in the dispensations of Providence, be reserved for them.

A SPEECH AT BUFFALO.

JULY 17, 1839.

[It was now in the third year of Mr. Van Buren's administration, when, but for the fatality which had presided over the destiny of the country in bringing General Jackson into power, and sustaining his extraordinary popularity in the midst of the calamities which his policy had brought upon the country, and which had scarcely abated under his successor, one might have expected that the prospects of Mr. Van Buren's re-election would have been slender. As he had come in as the favorite of General Jackson, and had been sustained hitherto as such, it was not easy to predict what would be the result. Mr. Clay was now almost the sole candidate of the opposite or Whig party, and wherever he appeared, popular enthusiasm in his behalf was raised to the highest pitch. On this occasion, at Buffalo, Mr. Clay declined going at length into the state of the country—for that was sufficiently apparent—and confined himself to a few desultory remarks on public affairs. It was apparent, however, that Mr. Van Buren's popularity, so far as he ever had any, was on the wane. He was a mere satellite of General Jackson, and his light was borrowed. No one, probably, saw the mighty revolution which was at this time working in the minds of the people, by which the Jackson dynasty was to be overthrown in 1840, though the reception of Mr. Clay in a tour he made on the borders of the lakes, in 1839, was a strong symptom of it. Strange that the Harrisburg Convention was so blinded to the interests of the party and of the country, as not to nominate Mr. Clay! This was another fatality of the country. If Mr. Clay had been nominated then, he would of course have been elected, with a strong Whig Congress, and the policy of the country would have been settled for fifty years—that is, forever.]

Mr. Recorder and fellow-citizens, the journey which has brought me in the midst of you, was undertaken to afford me an opportunity which I had

long desired, but never before enjoyed, of viewing some of the lakes, the country bordering upon them, the wonderful cataract in your neighborhood, and the Canadas. I had no wish, during its performance, to attract public attention, or to be the object of any public demonstrations. I expected, indeed, to meet, and I take great pleasure in acknowledging that I have everywhere met with individual kindness, personal respect, and friendly consideration. But, although it is my wish to pass on quietly, without display or parade, I am penetrated with sentiments of gratitude for the manifestations of attachment and confidence with which I am honored in this beautiful city of the lakes. I thank you, most cordially thank you, for them all.

I am happy to learn that the public measures, to which, in the national councils, I have rendered my humble support, here have commanded your approbation. The first of these, in time and importance, was the last war with Great Britain. Upon its causes, and upon its results, we may look back with entire satisfaction. In surveying this theater of gallant deeds, upon the lakes, and upon their shores, I have felt my bosom swell with patriotic pride. Nor can any one fail to recollect the names of Brown, and Scott, and Porter, and Harrison, and Shelby, and Perry, and their brave comrades, who so nobly sustained the honor, and added to the glory of our country. And it is most gratifying to behold the immense augmentation, on this frontier, of its military strength and security, since the last war. The satisfaction which is derived from witnessing the tranquillity which now prevails on our border would be complete, if we were not forced to recollect that the violation of our territorial jurisdiction, in the case of the *Caroline*, remains to be satisfactorily atoned for.

During the progress of that war, as in the war of the Revolution, cut off from the usual supplies of European fabrics, our armies, and our population generally, were subjected to extreme privations and sufferings. It appeared to me, upon its termination, that the wisdom of government was called upon to guard against the recurrence of the evil, and to place the security and prosperity of the country upon a sure basis. Hence, I concurred most heartily in the policy of protecting American manufactures, for a limited time, against foreign competition. Whatever diversity of opinion may have existed as to the propriety of that policy originally, I think that all candid men must now admit, that it has placed this country at least half a century in advance of the position in which it would have been, without its adoption. The value of a home, as well as of a foreign market, is incalculable. It may be illustrated by a single example. Suppose the three hundred thousand bales of cotton now manufactured in the United States, were thrown into the glutted markets of Europe, who can estimate the reduction in the price of that great staple, which would be the inevitable consequence? The compromise of the tariff was proposed to preserve our manufactures from impending ruin, menaced by the administration of General Jackson, and which would have been inflicted at the suc-

ceeding session, and to avert from the Union the threatened danger of civil war. If the compromise be inviolably maintained, as I think it ought to be, I trust that the rate of duty for which it provides, in conjunction with the stipulations for cash duties, home valuation, and the long list of free articles, inserted for the benefit of the manufacturing interest, will insure it reasonable and adequate protection.

Intimately connected with the strength, the prosperity, and the union of our country, was that policy of internal improvements, of which you have expressed approbation. The national road, and the great canal, projected or executed by your Clinton, both having the same object of connecting the eastern and western portions of the Union, have diffused a spirit throughout the land which has impelled the several States to undertake the accomplishment of most of the works which ought to be performed by the present generation. And after the distribution of the large surplus recently made from the common treasury, but little now remains for the general government directly to do, on this great subject, except those works which are intended to provide, on navigable waters, for the security of commerce and navigation, and the completion of the Cumberland road. I have been very glad, during my voyage upon this lake, to find that an erroneous impression had existed in my mind, as to the improvement of harbors. I had feared that the expenditure of public money had been often wasteful and unnecessary, upon works on the lake shores. There are, probably, a few instances in which it might have been properly avoided; but I am now fully persuaded that, in the general, the expenditure has been necessary, wise, and salutary.

In sustaining the great systems of policy to which I have just adverted, I was actuated by the paramount desire which has influenced me throughout my whole public career, of preserving, in all its integrity and vigor, our happy Union. In it is comprehended peace, safety, free institutions, and all that constitutes the pride and hope of our country. If we lift the vail beyond it, we must start back with horror at the scenes of disorder, anarchy, war, and despotism, which rise up before us.

But if it be most proper and expedient to leave to the care of the several States, those internal improvements within their respective limits, which the wants of society require, there is one great and lasting resource to which I think them fairly entitled. The public domain has accomplished the object to which it was dedicated by our revolutionary fathers, in satisfying the land bounties which were granted to the officers and soldiers of the war of independence, and contributing to the extinction of the national debt. It is in danger of being totally lost, by loose and improvident legislation; and, under the plausible pretext of benefiting the poor, of laying, in the hands of speculators, the foundations of principalities. I have thought that the net products of the public domain should be equitably divided among all the States. In their hands, the fund would assist in the execution of those great and costly works which many of them have un-

dertaken, and some find it difficult to complete. The withdrawal of the fund from the danger to which it is exposed, and the corrupting influences which it exerts, fluctuating as the fund does from year to year, would scarcely be felt by the general government in its legitimate operations, and would serve to impress upon it the performance of the necessary duty of economy, and strict accountability.

This is not a suitable occasion, and, perhaps, I am not a fit person, to expatiate here, on the condition of our public affairs; but I trust that I shall be excused for saying a few words to those who concur in opinion with me, without intending the slightest offense to any present, if there be any present, from whom it is my misfortune to differ. We believe that there is a radical maladministration of the government; that great interests of the country are trodden down; that new and dangerous principles and practices have been introduced and continued; that a fearful conjunction of the purse and the sword, in the same hands, already alarmingly strong, is perseveringly attempted; that the Constitution has been grossly violated; and that, by the vast accumulation of executive power, actual and meditated, our system is rapidly tending toward an elective monarchy. These are our convictions, honestly and sincerely entertained. They prescribe to us the duties which we have to perform toward our country. To correct past evils, and to avert impending dangers, we see no effectual remedy, but in a change of our rulers. The opposition constitutes the majority—unquestionably the majority of the nation. A great responsibility, therefore, attaches to it. If defeated, it will be defeated by its own divisions, and not by the merits of the principles of its opponents. These divisions are at the same time our weakness and his strength.

Are we not then called upon, Mr. Recorder and fellow-citizens, by the highest duties to our country, to its free institutions, to posterity, and to the world, to rise above all local prejudices, and personal partialities, to discard all collateral questions, to disregard every subordinate point, and, in a genuine spirit of compromise and concession, uniting heart and hand to preserve for ourselves the blessings of a free government, wisely, honestly, and faithfully administered, and as we received them from our fathers, to transmit them to our children? Should we not justly subject ourselves to eternal reproach, if we permitted our differences about mere men, to bring defeat and disaster upon our cause? Our principles are imperishable, but men have but a fleeting existence, and are themselves liable to change and corruption during its brief continuance.

If my name creates any obstacle to cordial union and harmony, away with it, and concentrate upon some individual more acceptable to all branches of the opposition. What is a public man worth, who is not ever ready to sacrifice himself for the good of his country? I have unaffectedly desired retirement; I yet desire it, when, consistently with the duties and obligations which I owe, I can honorably retire. No veteran soldier, covered with scars and wounds, inflicted in many severe battles, and hard

campaigns, ever received his discharge with more pleasure, than I should mine. But I think that like him, without presumption, I am entitled to an honorable discharge.

In conclusion, Mr. Recorder, allow me to express to the city government, through you, my respectful and especial acknowledgments, for its liberal tender of the hospitalities of the city; and to you, my thanks, for the friendly and flattering manner in which you have communicated it.

ON MR. CALHOUN'S LAND BILL.

IN SENATE, JANUARY 3, 1840.

[This speech is remarkable as a spirited reply to one from Mr. Calhoun. The sharpness and point of some parts of it will ever be read with interest and high zest.]

Agreeably to notice given on Tuesday last, Mr. Calhoun asked leave, and introduced a bill to cede the public lands to the States in which they are respectively situated. The bill was read by its title, and, on motion of Mr. Calhoun, referred to the committee on the public lands soon after.

Mr. Clay, of Kentucky, having given notice of his intention to move to introduce the copy-right bill, stated that he regretted that he was detained by indisposition this morning, and prevented from being present when the bill was introduced by the senator from South Carolina (Mr. Calhoun) for ceding the public lands to certain States, within which they are situated. He had wished to suggest some other reference of it than to the committee on the public lands, but unless some senator would move a reconsideration of the order of reference to that committee, he could not offer the suggestion which he wished to make.

[Mr. Southard moved the reconsideration, Mr. Calhoun objecting to it without some satisfactory reason.]

Mr. Clay went on to observe, that as the committee was constituted, four of its five members were from new States. He meant to offer no disrespect to them; but he must say, that this was a measure which, disguised as it may be, and colorable as its provisions were, was, in effect, a donation of upward of one hundred millions of acres of the common property of all the States of this Union to particular States. He did not think it right that such a measure should be committed in the hands of senators exclusively representing the donees. He thought that a committee ought to be constituted, in which the old States should have a fuller and fairer representation. We should preserve, whatever we may do, the decorum of legislation, and not violate the decencies of justice. While up, Mr. Clay would be glad if any senator would inform him, whether the administration is in favor of or against this measure, or stands neutral and uncommitted. This inquiry he should not make, if the recent relations between the sen-

ator who introduced this bill, and the head of that administration continued to exist; but rumors of which the city, the circles, and the press are full, assert that these relations are entirely changed, and have, within a few days, been substituted by others of an intimate, friendly, and confidential nature. And shortly after the time when this new state of things is alledged to have taken place, the senator gave notice of his intention to move to introduce this bill. Whether this motion has or has not any connection with that adjustment of former differences, the public would, he had no doubt, be glad to know. At all events, it is important to know in what relation of support, opposition, or neutrality, the administration actually stands to this momentous measure; and he (Mr. Clay) supposed that the senator from South Carolina, or some other senator, could communicate the desired information.

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Mr. Clay said, he had understood the senator as felicitating himself on the opportunity which had been now afforded him, by Mr. Clay, of defining, once more, his political position; and Mr. Clay must say, that he had now defined it very clearly, and had apperantly given it a new definition. The senator now declared that all the leading measures of the present administration had met his approbation, and should receive his support. It turned out, then, that the rumor to which Mr. Clay had alluded, was true, and that the senator from South Carolina might be hereafter regarded as a supporter of this administration, since he had declared that all its leading measures were approved by him, and should have his support.

Also, to the allusion which the senator from South Carolina had made, in regard to Mr. Clay's support of the head of another administration (Mr. Adams), it occasioned Mr. Clay no pain whatever. It was an old story, which had long been sunk in oblivion, except when the senator and a few others thought proper to bring it up. But what were the facts of that case? Mr. Clay was then a member of the House of Representatives, to whom three persons had been returned, from whom, it was the duty of the House to make a selection for the presidency. As to one of those three candidates, he was known to be in an unfortunate condition, in which no one sympathized with him more than did Mr. Clay. Certainly the senator from South Carolina did not. That gentleman was, therefore, out of the question as a candidate for the chief magistracy; and Mr. Clay had, consequently, the only alternative of the illustrious individual at the Hermitage, or of the man who was now distinguished in the House of Representatives, and who had held so many public places with honor to himself and benefit to the country; and, if there was any truth in history, the choice which Mr. Clay then made, was precisely the choice which the senator from South Carolina had urged upon his friends. The senator himself had declared his preference of Adams to Jackson. Mr. Clay made the same choice, and experience had approved it from that day to this, and would to eternity. History would ratify and approve it. Let the senator from

South Carolina make any thing out of that part of Mr. Clay's public career if he could. Mr. Clay defied him.

The senator had alluded to Mr. Clay as the advocate of compromise. Certainly he was. This government itself, to a great extent, was founded and rested on compromise; and, in the particular compromise to which allusion had been made, Mr. Clay thought no man ought to be more grateful for it than the senator from South Carolina. But for that compromise, Mr. Clay was not at all confident that he would have now had the honor to meet that senator face to face in this national capitol.

The senator had said, that his own position was that of State rights. But what was the character of this bill? It was a bill to strip seventeen of the States of their rightful inheritance; to sell it for a mess of pottage, to surrender it for a trifle—a mere nominal sum. This bill was, in effect, an attempt to strip and rob seventeen States of this Union of their property, and to assign it over to some eight or nine of these States. If this was what the senator called vindicating the rights of the States, Mr. Clay prayed God to deliver us from all such rights, and all such advocates. * * *

I am sorry to be obliged to prolong this discussion; but I made no allusion to compromise, till it was done by the senator himself. I made no reference to the event of 1825, till he had made it; and I did not, in the most distant manner, allude to nullification; and it is extraordinary that the senator himself should have introduced it, especially at a moment when he is uniting with the authors of the force bill, and of those measures which put down nullification.

The senator says, I was flat on my back, and that he was my master. Sir, I would not own him as my slave. He my master! and I compelled by him! And, as if it were impossible to go far enough in one paragraph, he refers to certain letters of his own, to prove that I was flat on my back! and that I was not only on my back, but another senator and the president had robbed me! I was flat on my back, and unable to do any thing but what the senator from South Carolina permitted me to do!

Sir, what was the case? I introduced the compromise in spite of the opposition of the gentleman who is said to have robbed me of the manufacturers. It met his uncompromising opposition. That measure had, on my part, nothing personal in it. But I saw the condition of the senator from South Carolina and his friends. They had reduced South Carolina by that unwise measure (of nullification), to a state of war; and I, therefore, wished to save the effusion of human blood, and especially the blood of our fellow-citizens. That was one motive with me; and another was a regard for that very interest which the senator says I helped to destroy. I saw that this great interest had so got in the power of the chief magistrate, that it was evident that, at the next session of Congress, the whole protective system would be swept by the board. I therefore desired to give it, at least, a lease of years; and for that purpose, I, in concert with others,

brought forward that measure, which was necessary to save that interest from total annihilation.

But, to display still further the circumstances in which the senator is placed, he says, from the very day of the compromise, all obligations were cancelled that could, on account of it, rest on him, on South Carolina, and on the South. Sir, what right has he to speak in the name of the whole South? or even of South Carolina itself? For, if history is to be called upon, if we may judge of the future from the past, the time will come when the senator can not propose to be the organ even of the chivalrous and enlightened people of South Carolina.

Sir, I am not one of those who are looking out for what may ensue to themselves. My course is nearly run; it is so by nature, and so in the progress of political events. I have nothing to ask of the senator, of the South, nor of South Carolina, nor yet of the country at large. But I will go, when I do go, or when I choose to go, into retirement, with the undying conviction, that, for a quarter of a century, I have endeavored to serve and to save the country, faithfully and honorably, without a view to my own interest, or my own aggrandizement; and of that delightful conviction and consciousness no human being, nor all mankind, can ever deprive me. * * * * *

One word—does not the senator feel that he himself brings his political character into debate? I simply made the inquiry (and I put it to the senators to say if such was the fact), to know whether this measure, which involves, in all, about a thousand millions of the public lands—whether this measure had the sanction of the administration or not. I did it in no way for the purpose of offense; and, by the way, I referred to a rumor which is afloat, of new relations, public and political, with the head of the administration, and stated, that I would not have made the inquiry but for that fact. And is it not right, in regard to a great measure, to know whether or not it has the support of the administration? He would at once have put an end to the discussion if he had simply said he knew nothing of the views of the administration, but had introduced this measure independently. But instead of this, he gets in a passion because I referred to this rumor, and concludes by saying, that the greater part of the measures of the present administration are approved, and they will be supported by him.

ON THE SUB-TREASURY BILL.

IN SENATE, JANUARY 20, 1840.

[THE decree had gone forth, that the Sub-Treasury bill must be passed, if possible. There was a chance for it now, while some vacancies in the Senate were waiting to be filled up, the votes of which would defeat the measure. The bill, therefore, was forced through, having been carried in the Senate by a vote of twenty-four to eighteen, and in the House by a vote of one hundred and twenty-four to one hundred and seven. It was repealed by a Whig Congress in 1841, and re-enacted the first session of Congress under Mr. Polk's administration, in 1846. The character and objects of this measure have never been better analyzed than in the following speech of Mr. Clay. He has proved conclusively, that one of the objects was to destroy the banking system of the country, root and branch, and to establish an exclusive metallic currency, the certain effects of which are so well depicted by him. Fortunately, this part of the plan has never succeeded. It is marvelous that so much quackery should have entered into the heads of the leading democratic statesmen of that day. But they had left all experience so far behind them, as to be out of sight. Theory, new and dangerous experiments, were the order of the day. There was great commercial distress in the country, and the administration was forced to tantalize the people with promises. The people were told that all their troubles came from banks, and that a return to a solid metallic currency would relieve them. This seemed very specious, and a drowning man will catch at a straw. One thing is certain, that the people were in trouble, and they could not understand that the practical round of a Sub-Treasury was necessarily confined to the small circle, to the two great facts, of forcing the people to pay their dues to government in specie, all of which was to be used to pay the officers and creditors of government; and consequently that not a penny of it would ever return to the hands and uses of the people. All the money that goes into the

Sub-Treasury is necessarily withdrawn from the trade and business of the country. It is there in the Sub-Treasury, and nowhere else, except on its travels in the circle to support the officers of government, and pass again into the Sub-Treasury. Under the Sub-Treasury system, the government is sure to have a fat living, while the people may be impoverished by that very means which makes the government rich. True, they did not, as proposed, break down the banking system, any further than to destroy the national bank, which, for forty years, had supplied the best currency which any nation ever had, and so regulated the State banks, that they could never go into any dangerous excesses. The State banks, however, after several years of riot, in the absence of a national bank, gradually came into order, and they have since been useful to the people, though never so good as the old system under a national bank. The State banks, such as they are, are forced to supply the specie of the Sub-Treasury; and whenever there is a great exportation of specie, by the return of the evidences of our debt from Europe, the banks have to bear this additional burden, and refuse accommodation to the people. The Sub-Treasury holds all it has got, and gets all it can, but never accommodates the people. The more they are distressed, the harder it presses upon them. Whoever of the people is without money, the Sub-Treasury can never be without it; but it must have all that is due to it on the instant. There is no mercy in the Sub-Treasury—no pity for the people—no extension of time—but the people must pay all when it is due. The Sub-Treasury puts its screws on the banks, and the banks are forced to refuse accommodation to the people. The Sub-Treasury always has plenty of specie, though it may happen that the people can get none at all—never enough for their business when money is tight; and the sole cause of this distress may be, and often is, the Sub-Treasury; for it always has specie enough in its vaults, which, as the basis of a paper currency of three to one, would relieve the whole country in an ordinary and even a hard pressure for want of money. The following speech demonstrates how the Sub-Treasury operates.]

I HAVE been desirous, Mr. President, before the passage of this bill, not to make a speech, but to say a few words about it. I have come to the Senate to-day unaffectedly indisposed, from a serious cold, and in on condition to address this body; but I regard this bill as so pregnant with injurious, and dangerous, and direful consequences, that I can not reconcile it to a sense of duty to allow it finally to pass without one last, although unavail-

ing effort against it. I am aware that the decree for its passage has gone forth; a decree of urgency, too; so urgent that a short postponement of the consideration of the measure, to admit of the filling of vacant seats in the Senate by legislative bodies now in session—seats which have remained vacant, not by the fault of the people, but from the inability of those bodies to agree in the choice of senators—has been refused by the vote of the Senate; refused, scornfully refused, although, whether the bill be transmitted two or three weeks sooner or later to the House of Representatives, owing to its unorganized condition, and its known habits of business, will not expedite its passage a single hour! Refused by the concurrence of senators who, not representing on this subject the present sentiments and opinions of their respective States, seem unwilling to allow the arrival of those who would fully and fairly represent them!

It is remarkable, sir, that judging from the vote on the engrossment of the bill for a third reading, it is to be hurried through the Senate by less than a majority of the body. And if the two senators from Tennessee had clung to their seats with the same tenacity with which other senators adhere to theirs, who would have been instructed to vote against the bill, and are violating their instructions; and if the Senate were full, the vacant seats being filled, as we have every reason to believe they will be filled; there would be a clear majority against the passage of the bill. Thus is this momentous measure, which both its friends and foes unite in thinking will exert a tremendous, if not revolutionary influence upon the business and concerns of the country—a measure which has so long and so greatly distracted and divided our councils, and against which the people have so often and so signally pronounced their judgment—to be forced through the Senate of the United States.

Mr. President, it is no less the duty of the statesman than of the physician to ascertain the exact state of the body to which he is to minister before he ventures to prescribe any healing remedy. It is with no pleasure, but with profound regret, that I survey the present condition of our country. I have rarely, I think never, known a period of such universal and intense interest. The general government is in debt, and its existing revenue is inadequate to meet its ordinary expenditure. The States are in debt, some of them largely in debt, insomuch that they have been compelled to resort to the ruinous expedient of contracting new loans to meet the interest on prior loans; and the people are surrounded with difficulties, greatly embarrassed, and involved in debt. While this is, unfortunately, the general state of the country, the means of extinguishing this vast mass of debt are in constant diminution. Property is falling in value; all the great staples of the country are declining in price, and destined, I fear, to further decline. The certain tendency of this very measure is to reduce prices. The banks are rapidly decreasing the amount of their circulation. About one half of them, extending from New Jersey to the extreme southwest, have suspended specie payments, presenting an image of a paralytic,

one moiety of whose body is stricken with palsy. The banks are without a head; and instead of union, concert, and co-operation between them, we behold jealousy, distrust, and enmity. We have no currency whatever possessing uniform value throughout the whole country. That which we have, consisting almost entirely of the issue of banks, is in a state of the utmost disorder, insomuch that it varies, in comparison with the specie standard, from par to fifty per centum discount. Exchanges, too, are in the greatest possible confusion; not merely between distant parts of the Union, but between cities and places in the same neighborhood; that between our great commercial marts of New York and Philadelphia, within five or six hours of each other, vacillating between seven and ten per centum. The products of our agricultural industry are unable to find their way to market from the want of means in the hands of traders to purchase them, or from the want of confidence in the stability of things; many of our manufactories stopped or stopping, especially in the important branch of woolens; and a vast accumulation of their fabrics on hand, owing to the destruction of confidence, and the wretched state of exchange between different sections of the Union.

Such is the unexaggerated picture of our present condition; and amid the dark and dense cloud that surrounds us, I perceive not one gleam of light. It gives me nothing but pain to sketch the picture. But duty and truth require that existing diseases should be fearlessly examined and probed to the bottom. We shall otherwise be utterly incapable of conceiving or applying appropriate remedies. If the present unhappy state of our country had been brought upon the people by their folly and extravagance, it ought to be borne with fortitude, and without complaint, and without reproach. But it is my deliberate judgment that it has not been; that the people are not to blame, and that the principal causes of existing embarrassments are not to be traced to them. Sir, it is not my purpose to waste the time or excite the feelings of members of the Senate by dwelling long on what I suppose to be those causes. My object is a better, a higher, and I hope a more acceptable one—to consider the remedies proposed for the present exigency. Still, I should not fulfill my whole duty if I did not briefly say, that, in my conscience, I believe our pecuniary distresses have mainly sprung from the refusal to re-charter the late bank of the United States; the removal of the public deposits from that institution; the multiplication of State banks in consequence, and the treasury stimulus given to them to extend their operations; the bungling manner in which the law depositing the surplus treasure with the States was executed; the treasury circular; and, although last, perhaps not least, the exercise of the power of the veto on the bill for distributing among the States the net proceeds of the sale of the public lands.

What, Mr. President, is needed, at the present crisis, to restore the prosperity of the people? A sound local currency, mixed with a currency possessing uniform value throughout the whole country, a re-establishment

of regular exchanges between different parts of the Union, and a revival of general confidence. The people want, in short, good government at Washington, the abandonment of rash and ruinous experiments, the practice here of economy, and the pursuit of the safe lights of experience. Give us these, and the growth of our population, the enterprise of our people, and the abundance, variety, and richness of the products of our soil, and of our industry, with the blessing of Providence, will carry us triumphantly through all our complicated embarrassments. Deny these, persevere in a mal-administration of government, and it is in vain that the bounties of Heaven are profusely scattered around us.

There is one man, and I lament to say, from the current of events and the progress of executive and party power, but one man at present in the country, who can bring relief to it, and bind up the bleeding wounds of the people. He, of all men in the nation, ought to feel as a parent should feel, most sensibly, the distress and sufferings of his family. But looking to his public course, and his official acts, I am constrained to say, that he surveys the wide-spread ruin, and bankruptcy, and wretchedness before him, without emotion and without sympathy. While all the elements of destruction are at work, and the storm is raging, the chief magistrate, standing in the midst of his unprotected fellow-citizens, on the distinguished position of honor and confidence to which their suffrages have devoted him, deliberately wraps around himself the folds of his India-rubber cloak, and lifting his umbrella over his head, tells them, drenched and shivering as they are under the beating rain, and hail, and snow, falling upon them, that he means to take care of himself and the official corps, and that they are in the habit of expecting too much from the government, and must look out for their own shelter, and security, and salvation.

And now allow me to examine, and carefully and candidly consider, the remedy which this bill offers to a suffering people, for the unparalleled distress under which they are writhing. I will first analyze and investigate it, as its friends and advocates represent it. What is it? What is this measure which has so long and so deeply agitated this country, under the various denominations of sub-treasury, independent treasury, and divorce of the state from banks? What is it? Let us define it truly and clearly. Its whole principle consists in an exaction from the people of specie, in the payment of all their dues to government, and disbursements of specie by the government in the payment of all salaries, and of all the creditors of the government. This is its simple and entire principle. Divest the bill under consideration of all its drapery and paraphernalia, this is its naked, unvarnished, and unexaggerated principle, according to its own friends. This exclusive use of specie, in all receipts and payments of the government, it is true, is not to be instantaneously enforced; but that is the direct and avowed aim and object of the measure, to be accomplished gradually, but in the short space of a little more than three years. The twenty-eight sections of the bill, with all its safes, and vaults, and bars,

and bolts, and receivers-general, and examiners, have nothing more nor less in view than the exaction of specie from the people, and the subsequent distribution of that specie among the officers of the government, and the creditors of the government. It does not touch, nor profess to touch, the actual currency of the country. It leaves the local banks where it found them, unreformed, uncontrolled, unchecked in all their operations. It is a narrow, selfish, heartless measure. It turns away from the people, and abandons them to their hard and inexorable fate; leaving them exposed to all the pernicious consequences of an unsound currency, utterly irregular and disordered exchanges, and the greatest derangement in all business. It is worse; it aggravates and perpetuates the very evils which the government will not redress: for, by going into the market and creating a new and additional demand for specie, it cripples and disables the State banks, and renders them incapable of furnishing that relief to the people which a parental government is bound to exert all its energies and powers to afford. The divorce of the state from banks, of which its friends boast, is not the only separation which it makes; it is a separation of the government from the constituency; a disunion of the interests of the servants of the people, from the interests of the people.

This bill, then, is wholly incommensurate with the evils under which the country is suffering. It leaves them not only altogether unprovided for, but aggravates them. It carries no word of cheering hope or encouragement to a depressed people. It leaves their languishing business in the same state of hopeless discouragement.

But its supporters argue that such a system of convertible paper as this country has so long had is radically wrong; that all our evils are to be traced to the banks; and that the sooner they are put down, and a currency exclusively metallic is established, the better. They further argue, that such a metallic currency will reduce inflated prices, lower the wages of labor, enable us to manufacture cheaper, and thereby admit our manufacturers to maintain a successful competition with foreigners. And all these results, at some future time or other, are to be brought about by the operation of this measure.

Mr. President, in my opinion, a currency purely metallic, is neither desirable, in the present state of the commercial world, nor, if it were, is it practicable, or possible to be attained in this country. And if it were possible, it could not be brought about without the most frightful and disastrous consequences, creating convulsion, if not revolution.

Of all conditions of society, that is most prosperous in which there is a gradual and regular increase of the circulating medium, and a gradual, but not too rapid increase in the value of property, and the price of commodities. In such a state of things, business of all kinds is active and animated, every department of it flourishes, and labor is liberally rewarded. No sacrifices are made of property, and debtors find, without difficulty, the means of discharging promptly their debts. Men hold on to what they

have, without the apprehension of loss, and we behold no glutted markets. Of all conditions of society, that is most adverse in which there is a constant and rapid diminution of the amount of the circulating medium. Debtors become unable to pay their debts, property falls, the market is glutted, business declines, and labor is thrown out of employment. In such a state of things, the imagination goes ahead of the reality. Sellers become numerous, from the apprehension that their property, now falling, will fall still lower; and purchasers scarce, from an unwillingness to make investments with the hazard of almost certain loss.

Have gentlemen reflected upon the consequences of their system of depletion? I have already stated, that the country is borne down by a weight of debt. If the currency be greatly diminished, as beyond all example it has been, how is this debt to be extinguished? Property, the resource on which the debtor relied for his payment, will decline in value, and it may happen that a man, who honestly contracted debt on the faith of property which had a value at the time fully adequate to warrant the debt, will find himself stripped of all his property, and his debt remain unextinguished. The gentleman from Pennsylvania (Mr. Buchanan), has put the case of two nations, in one of which the amount of its currency shall be double what it is in the other, and, as he contends, the prices of all property will be doubled in the former nation of what they are in the latter. If this be true of two nations, it must be equally true of one, whose circulating medium is at one period double what it is at another. Now, as the friends of the bill argue, we have been, and yet are in this inflated state; our currency has been double, or, in something like that proportion, of what was necessary, and we must come down to the lowest standard. Do they not perceive that inevitable ruin to thousands must be the necessary consequence? A man, for example, owning property to the value of five thousand dollars, contracts a debt for five thousand dollars. By the reduction of one half of the currency of the country, his property, in effect, becomes reduced to the value of two thousand five hundred dollars. But his debt undergoes no corresponding reduction. He gives up all his property, and remains still in debt two thousand five hundred dollars. Thus this measure will operate on the debtor class of the nation, always the weaker class, and that which, for that reason, most needs the protection of government.

But if the effect of this hard money policy upon the debtor class be injurious, it is still more disastrous, if possible, on the laboring classes. Enterprise will be checked or stopped, employment will become difficult, and the poorer classes will be subject to the greatest privations and distresses. Heretofore it has been one of the pretensions and boasts of the dominant party, that they sought to elevate the poor by depriving the rich of undue advantages. Now their policy is, to reduce the wages of labor, and this is openly avowed; and it is argued by them, that it is necessary to reduce the wages of American labor to the low standard of European labor, in order to enable the American manufacturer to enter into a suc-

cessful competition with the European manufacturer in the sale of their respective fabrics. Thus is the dominant party perpetually changing, one day cajoling the poor, and fulminating against the rich; and the next, cajoling the rich, and fulminating against the poor. It was but yesterday that we heard that all who were trading on borrowed capital ought to break. It was but yesterday we heard denounced the long-established policy of the country, by which it was alleged, the poor were made poorer, and the rich were made richer.

Mr. President, of all the subjects of national policy, not one ought to be touched with so much delicacy as that of the wages, in other words the bread, of the poor man. In dwelling, as I have often done, with inexpressible satisfaction upon the many advantages of our country, there is not one that has given me more delight than the high price of manual labor. There is not one which indicates more clearly the prosperity of the mass of the community. In all the features of human society there are none, I think, which more decisively display the general welfare than a permanent high rate of wages, and a permanent high rate of interest. Of course, I do not mean those excessive high rates, of temporary existence, which result from sudden and unexpected demands for labor or capital, and which may, and generally do, evince some unnatural and extraordinary state of things; but I mean a settled, steady, and durable high rate of wages of labor, and interest upon money. Such a state demonstrates activity and profits in all the departments of business. It proves that the employer can afford to give high wages to the laborer, in consequence of the profits of his business, and the borrower high interest to the lender, in consequence of the gain which he makes by the use of capital. On the contrary, in countries where business is dull and languishing, and all the walks of society are full, the small profits that are made will not justify high interest or high wages.

Wages of labor will be low where there is no business, and of course but little or no demand for labor; or where, from a density of population, the competition for employment is great, and the demand for labor is not equal to the supply. Similar causes will tend to the reduction of the rate of interest. Our vast unpeopled regions in the West protect us against the evils of a too crowded population. In our country, such is the variety of profitable business and pursuits, that there is scarcely any in which one can engage with diligence, integrity, and ordinary skill, in regular and ordinary times, that he is not sure of being amply rewarded. Surveying our happy condition in this respect, it was, during the last war, remarked by the present Lord Jeffries, that America was the heaven of the poor man, and the hell of the rich. There was extravagance in the observation, mixed with some truth. It would have been more accurate to have said, that, with good government, it was an earthly heaven, both of the rich and poor.

It is contended, however, that the reduction of wages would be only nom-

mal; that an exclusive specie currency being established, the prices of all commodities would fall; and that the laborer would be able to command as many of the necessaries of life with his low wages as he can at present.

The great error of senators on the other side is, that they do not sufficiently regard the existing structure of society, the habits and usages which prevail; in short, the actual state of things. All wise legislation should be founded upon the condition of society as it is, and even where reform is necessary, it should be introduced slowly, cautiously, and with a careful and vigilant attention to all consequences. But gentlemen seem disposed to consider themselves at liberty to legislate for a new people, just sprung into existence, and commencing its career—one for which they may, without reference to what they see all around them, speculate and theorize at pleasure. Now if we were such a people, and were deliberating on the question of what was the best medium of circulation to represent the property, and transact the business of the country, it is far from being certain that it would be deemed wisest to adopt an exclusive specie standard. But when we glance at society as it actually exists, with all its relations and ramifications, its engagements, debts, wants, habits, customs, nothing can be more unwise, it seems to me, than to attempt so radical a change as that which is contemplated.

I can not admit that the laborer, with his low wages, would be in as eligible a situation as he now is; the argument excludes all consideration of his condition, during the transition from the paper to the specie medium. In the descending process, from an abundant to a scarce circulation, there would be nothing before him but distress and wretchedness; and he would be in the greatest danger of starvation, before the El Dorado of gentlemen was reached. The adjustment of prices to the state of the currency, is not so sudden a work as is imagined. Long after the specie standard should be established, the old prices of many articles would remain; and all foreign productions, which enter into the consumption of the poor man, would continue unaffected by our domestic currency. If it be true, that there would be no alteration in the condition of the laborer, if he would really get as much, in value, in the new state of things as in the old, how is that of the capitalist, engaged in manufactures, to be improved? Would not his situation also remain unaltered? The assumption, that an exclusive hard money circulation is best for the laborer, best for the manufacturer, best for the country, is against all the experience of the world. Beyond all doubt, England is the most prosperous of all the nations of the old world, and England is the greatest paper money country that exists. Her manufactures find a market in every portion of the globe; her operatives and laborers are paid better, and fed better, than any in Europe. Have the manufactures of the hard money countries of the continent prevailed over those of England, and driven them out of the markets, in fair competition? Far from it. Their policy is to exclude, by prohibitions and heavy duties, the entry of British goods into their ports. England has

sought to make treaties with them all, and especially with France, upon the basis of free trade, and France has replied, that her manufactures are too much behind those of England to admit of their being placed upon a footing of equality. Paper money, inflated England, manufactures about two thirds of all the cotton exported from the United States; and her cotton manufacture alone, is probably greater than that of all the rest of Europe.

But, Mr. President, if the banishment from circulation of all bank paper, and the exclusive use of specie in this country were desirable, is it practicable, can it be possibly brought about? I have said that the legislator is bound to have due regard to the wants, wishes, necessities, and condition of the country for which he acts. But a practical American statesman has a further duty to perform: that of attentively considering the distribution of the powers of government in this confederacy. Here we have local governments for the respective States, and a general government for the whole. The general government has but few, limited, and well-defined powers, the States severally possessing all power not denied to them, or delegated by the federal Constitution. Whatever difference of opinion might exist, if it were a new question, it can not now be controverted, that each of the twenty-six State governments has the power to bring into existence as many State banks as it pleases. Banks have accordingly been created, and will continue, and must exist, in spite of the general government. The paper of banks will, therefore, remain, as it has been, a part of the general circulation, in defiance of any policy which this government may proclaim. And if one or more of the States were to adopt the hard money policy, there would be others which would find, in the forbearance of certain members of the confederacy to establish or continue banks, a fresh motive to create and sustain them; for the issues of their banks would run into the States which had them not, and they would thus appropriate to themselves, at the expense of others, all the benefits of banking. I recollect well how banks were originally first introduced into many of the southern and western States. They found themselves exposed to all the inconveniences, without enjoying the benefits, of the banking system; and they were reduced to the necessity of establishing banks, to share the advantages, as well as the disadvantages, of the system.

Banks, bank notes, a convertible paper money, are, therefore, inevitable. There is no escape from them. You may deliver as many homilies as you please, send forth from this capitol as many essays and disquisitions as you think proper, circulate presidents' messages denouncing them as widely as you choose, and thunder forth from a party press, as loud and as long as you can, against banks, and they will continue to exist in spite of you. What, then, is it the duty of a wise, practical, federal statesman to do? Since he finds a state of things which is unalterable, to which he must submit, however convinced he may be of the utility of a change, his duty is to accommodate his measures to this immutable state of public affairs. And, if he can not trust the eight or nine hundred local banks which are

dispersed through the country, create a federal bank, amenable to the general government, subject to its inspection and authority, and capable of supplying a general currency worthy of its confidence; make, in short, the government of the whole partake of the genius, and conform to the fixed character, of the party.

Mr. President, I never have believed that the local banks were competent to supply such a general currency, of uniform value, as this people wants, or to perform those financial offices which are necessary to a successful administration of this government. I pronounced them incompetent, at the period of the removal of the deposits; and we foretold the unfortunate state of things that now exists. But the party in power, which now denounce them, proclaimed their entire ability, not only to supply as good, but a better currency, than that which was furnished by the bank of the United States, and to perform all the financial duties which that institution fulfilled. After that party had succeeded in putting down the bank of the United States, and got their system of State banks into full operation, it continued, year after year, to announce to the public that all its expectations had been fully realized.

A bank of the United States established by this government would not only furnish it a currency in which it might safely confide, in all receipts and payments, and execute every financial office, but it would serve as a sentinel; a cement, and a regulator to the State banks. The senator from Pennsylvania has urged that the present bank of the United States of Pennsylvania, has a charter more extensive than that of the late bank of the United States; that it is, in fact, the old bank with a new charter; and that, with all its vast resources and means, it has been not only unable to act as a regulator of the local banks, but was recently the first to set the pernicious example of a suspension of specie payments.

Mr. President, can the distinguished senator be serious in his description of these attributes of the Pennsylvania bank? Surely he must have intended that part of his speech for some other theater. In the first place, Pennsylvania, besides sundry other onerous conditions of loans and subscriptions to objects of internal improvements, levied upon the present bank, in the form of bonus, some four or five millions of dollars. Then the general government has withdrawn from it the seven millions of stock which it held in the old bank—a circumstance which I have no doubt has tended to cripple its operations. And it is wholly without the deposits of the government, which the former bank possessed. Instead of being an ally, the general government has been in the relation of an enemy to it. And it has had to encounter all the enmity of a powerful party, within the bosom of the commonwealth. So far from assuming the office of a regulator of the local banks, its late distinguished president, upon whose authority the senator relies for proof of the extent and liberality of its new charter, expressly declared that it had ceased to be a general agent, and had retired within the circle of its State duties. So far from having

derived any strength from its connection with the late bank of the United States, there can not be a doubt that that connection rendered it far less efficient than it would have been, if it had gone into operation with an unencumbered capital, freshly subscribed, of thirty-five millions of dollars.

To guard against all misconception or misrepresentation, I repeat, what I said on a former occasion, that, although I am convinced, thoroughly convinced, that this country can not get along well without a bank of the United States, I have no thought of proposing such a bank, and have no wish to see it proposed by any other, until it is demanded by a clear and undisputed majority of the people of the United States.

Seeing that a bank of the United States could not be established, two years ago, I expressed my willingness to make an experiment with the State banks, rather than resort to this perilous measure. And now, such are my deep convictions of the fatal tendency of this project of a subtreasury, that I would greatly prefer the employment of the agency of State banks. But while I should entertain hopes of their success, I confess that I should not be without strong apprehensions of their failure. My belief is, that the State banks would be constantly exposed to disorder and derangement, without the co-operation of a bank of the United States; and that our banking system will only be safe and complete, when we shall have both a bank of the United States, and State banks.

We are told by the President of the United States, in his message at the opening of the session, that a great moneyed power exists in London, that exerts a powerful influence on this country; that it is the result of the credit system; and that every bank established in a remote village in this country, becomes bound to that power by a cord which it touches at its pleasure.

There is, sir, some truth in this representation, and every genuine American must feel it with shame and regret. It is a melancholy fact, that the arrival of steam vessels in the port of New York, from England, is looked for with more curiosity and interest, on account of the financial intelligence which they bear from London and the bank of England, than the arrival of the mail from Congress. Our people have been taught, by sad experience, to expect nothing good from the councils of their own country, and turn their attention toward the operations in a foreign country. Was this eager inquiry into the transactions of the bank of England made during the existence of the bank of the United States? No sir, no sir. You denounced this bank as a monster, destroyed it; and you have thrown us into the jaws of a foreign monster, which we can neither cage nor control. You tore from us our best shield against the bank of England, and now profess to be surprised at the influence which it exercises upon our interests! We do not find that the continental nations of Europe, that have

national banks, complain of the influence of the bank of England upon them. On the contrary, the bank of England has recently been compelled to apply to the bank of France for a large sum of specie to sustain its credit and character.

But, sir, we must look to higher and much more potent causes than the operations of any bank, foreign or domestic, for the lively interest which is felt in this country, in the monetary transactions of England. In England, the credit system, as it is called, exists in a much more extensive degree than in this country; and, if it were true of the nature of that system, as it is alledged, to render one country dependent upon another, why should not England be more dependent upon us, than we upon England? The real cause of our dependence arises out of the unfavorable balance of our foreign trade. We import too much, and export too little. We buy too much abroad, make too little at home. If we would shake off this degrading foreign dependence, we must produce more, or buy less. Increase our productions, in all the variety of forms in which our industry can be employed; augment the products of our soil, extend our manufactures, give new stimulus to our tonnage and fishing interests, sell more than we buy, get out of debt and keep out of debt to the foreigner, and he will no longer exert an influence upon our destiny.

And this unfavorable balance of our foreign trade is wholly independent of, and unconnected with, the nature of the character of the currency of the country, whether it be exclusively metallic, or mixed with paper and the precious metals. England, in a great measure, by means of that credit or paper system, now so much denounced, has become the center of the commerce, the exchanges, and the moneyed operations of the world. By the extent, variety, and perfection of her manufactures, she lays most nations that admit them freely, under contribution to her. And if we had no currency but specie, we should be just as much exposed to the moneyed power of London, or, which is the true state of the case, to the effects of an unfavorable balance of trade, as we now are. We should probably be more so; because a large portion of the specie of the country being in the vaults of a few depositaries, it would be easier then to obtain it for exportation in the operations of commerce, than now, when it is dispersed among nine hundred or a thousand banks. What was our condition during the colonial state, when, with the exception of small amounts of government paper money, we had no currency but specie, and no banks? Were we not constantly and largely in debt to England? Was not our specie perpetually drained to obtain supplies of British goods? Do you not recollect that the subject of the British debts formed one of those matters which were embraced in the negotiations and treaty of peace, which terminated the revolutionary war? And that it was a topic of angry and protracted discussion long after, until it was finally arranged by Mr. Jay's treaty of 1794?

Look into the works of Doctor Franklin, in which there is more practi-

cal good sense to be found, than is to be met with in the same compass anywhere. He was the agent of Pennsylvania, from about the middle of the last century until the breaking out of the revolutionary war, and a part of the time the agent, also, of the colonies of Georgia and Massachusetts. His correspondence shows, that the specie of the colonies was constantly flowing from them for the purchase of British goods, insomuch that the colonies were left absolutely destitute of a local currency; and one of the main objects of his agency was to obtain the sanction of the parent country to those issues of paper money, which the necessities of Pennsylvania compelled her to make. The issue was strenuously opposed by the merchants engaged in the American trade, on account of the difficulty which it created in making collections and remittances home. So great was that drain of specie, that we know that Virginia and other colonies were constrained to adopt tobacco as a substitute for money.

The principal cause, therefore, of the influence of the moneyed power of London over this country, is to be found in the vast extent of our dealings with her. The true remedy is, to increase our manufactures and purchase less of hers, and to augment our exports by all the means in our power, and to diminish our imports as much as possible. We must increase our productions, or economise much more than we have done. New Jersey, before the Revolution, being much pressed for one hundred thousand pounds sterling, Doctor Franklin proposed a plan, by which she could in one year make up that sum. The plan was this: she was in the habit of importing annually from England merchandise to the amount of two hundred thousand pounds. He recommended that the ladies should buy only one half the amount of silks, calicoes, teas, and so forth, during the year, which they had been in the habit of consuming; and in this way, by saving, the colony would make the required sum of one hundred thousand pounds. If we would, for a few years, import only one half the amount from England that we have been in the habit of doing, we should no longer feel the influence of the London money power.

Mr. President, gentlemen, in my humble opinion, utterly deceive themselves, in supposing that this measure is demanded by a majority of the people of the United States, and in alledging that this is proved by the result of the elections of the past year. That there were a vast majority of them opposed to it was demonstrated incontestably by previous elections. The elections of last year did not in many, perhaps in most instances, turn at all upon the merits of this measure. In several States the people were deceived by assurances that the sub-treasury was at an end, and would be no longer agitated. In others, the people had reason to be dissatisfied with the conduct of their banks; and they were artfully led to believe this bill would supply a corrective of the errors of the banking system. And where they have apparently yielded their assent to the bill, it has been that sort of assent which the patient yields whose constitution has been exhausted and destroyed by the experiments of empiricism, and who finally consents

to take the last quack medicine offered to him in the hope of saving his life. I know the people of the United States well. They are ever ready cheerfully to submit to any burden demanded by the interest, the honor, or the glory of their country. But what people ever consented to increase their own burdens unecessarily? The effect of this measure is, by exacting specie exclusively from the people, and paying it out to the official corps and the public creditor, to augment the burdens of the people, and to swell the emoluments of office. It is an insult to the understanding and judgment of the enlightened people of the United States, to assert that they can approve such a measure.

No true patriot can contemplate the course of the party in power without the most painful and mortified feelings. They began some years ago their war on the bank of the United States. It was dangerous to liberty; it had failed to fulfil the purposes of its institution; it did not furnish a sound currency, although the sun, in all its course, never shone upon a better. In short, it was a monster, which was condemned to death, and it was executed accordingly. During the progress of that war, the State banks were the constant theme of praise, in speech and song, of the dominant party. They were the best institutions in the world, free from all danger to public liberty, capable of carrying on the exchanges of the country, and of performing the financial duties to government, and of supplying a far better currency for the people than the bank of the United States. We told you that the State banks would not do, without the co-operation of a bank of the United States. We told you that you would find them a weak league—a mere fleet of open boats tied together by a hickory withe, and which the first storm would disperse and upset. But you scorned all our warnings, and continued, year after year, to puff and praise the operations of these banks. You had the boldness, in the face of this abused nation, to aver that the country had been supplied by them with a better currency, and better exchanges, than it had been by the bank of the United States. Well, by your own measures, by your treasury circular, distribution of the surplus, and so forth, you accelerated the catastrophe of the suspension of the banks. You began with promises to the people of a better currency, better times, more security to civil liberty; and you end with no currency at all, the worst possible times, an increase of executive power and a consequent increase of danger to civil liberty. You began with promises to fill the pockets of the people, and you end by emptying theirs and filling your own.

I now proceed, sir, to the object which constituted the main purpose of my rising at this time. I have hitherto considered the bill, as its friends in the Senate represent it, as a measure simply for exacting specie, keeping it in the custody of officers of the government, and disbursing it in a course of administration. I mean now to show that, whatever its friends here may profess or believe, the bill lays the foundations, deep and broad, of a government bank—a treasury bank, under the sole management of the president.

Let us first define a bank. It may have three faculties, separately, or combined: the faculty of issues, entering into and forming a part of the circulating medium of the country; that of receiving deposits, and that of making discounts. Any one of these three faculties makes it a bank; and by far the most important of the three, is that of the power of issues. That this bill creates a bank of issues, I most sincerely believe, and shall now attempt to prove; and the proof will be first extraneous, and secondly intrinsic.

As to the extraneous proof, I rely upon the repeated declarations of the late President of the United States, in his annual messages. On more than one occasion, he stated the practicability of establishing a bank on the revenue of the government, and to be under the superintendence of the Secretary of the Treasury. And when he vetoed the charter of the late bank of the United States, he expressly declared, that, if Congress had applied to him, he could have furnished the scheme of a bank, free from all constitutional objections; doubtless meaning a treasury bank. The present chief magistrate and the present Secretary of the Treasury have also, repeatedly, in language, in their messages and reports, characteristically ambiguous, it is true, but sufficiently intelligible, intimated the facilities which the commerce and business of the country would derive from the drafts issued by the treasury in virtue of this bill. The party, its press, and its leaders, have constantly put this sub-treasury scheme in competition with a bank of the United States, and contended that the issue was sub-treasury or bank of the United States. But how can they be compared, or come in competition with each other, if the most important function of a bank of the United States—that of supplying a medium of general circulation and uniform value—is not to be performed under this bill?

I pass to the more important, and, I think, conclusive proof, supplied by the provisions themselves of the bill. After providing that all money paid to government for duties, public lands, and other dues, shall be deposited with the Treasurer of the United States, the receivers-general, and the mints, the tenth section enacts:

"That it shall be lawful for the Secretary of the Treasury to transfer the moneys in the hands of any depositary hereby constituted, to the Treasury of the United States; to the mint at Philadelphia; to the branch mint at New Orleans; or to the offices of either of the receivers-general of public moneys, by this act directed to be appointed; to be there safely kept, according to the provisions of this act; and also to transfer moneys in the hands of any one depositary constituted by this act, to any other depositary constituted by the same, at his discretion, and as the safety of the public moneys, and the convenience of the public service, shall seem to him to require; which authority to transfer the moneys belonging to the post-office department is also hereby conferred upon the postmaster-general, so far as its exercise by him may be consistent with the provisions of existing laws; and every depositary constituted by this act, shall keep his account of the moneys paid to or deposited with him, belonging to the

post-office department, separate and distinct from the account kept by him of other public moneys so paid or deposited. And for the purpose of payments on the public account, it shall be lawful for the Treasurer of the United States to draw upon any of the said depositaries, as he may think most conducive to the public interests, or to the convenience of the public creditors, or both."

Thus is the Secretary invested with unlimited authority to transfer the public money from one depositary to another, and to concentrate it all, if he pleases, at a single point. But, without this provision, the city of New York necessarily must be the place at which the largest portion of the public money will be constantly in deposit. It collects alone about two thirds of the duties on imports, and is becoming, if it be not already, the money center of the United States. It is not indispensable, to create a bank of issues, that the place of issue and the place of payment should be identical. The issue of the paper may be at one city, and the place of payment may be a different and even distant city. Nor is the form of the paper material, so as to carry it into the general circulation of the money of the country. Whether it be in the shape of bank notes, bank checks, post-notes, or treasury drafts, is of no consequence. If there be confidence in it, and the paper be of convenient amount, passes by delivery, and entitles the holder to demand the specie upon its face, at his pleasure, it will enter into the general circulation; and the extent of its circulation will be governed by the amount issued, and the confidence which it enjoys.

I presume that no one will contest these principles. Let us apply them to the provisions of this bill. The last clause of the tenth section, already cited, declares:

"And for the purpose of payments on the public account, it shall be lawful for the Treasurer of the United States to draw upon any of the said depositaries as he may think most conducive to the public interests, or to the convenience of the public creditors, or both."

Here is no restriction whatever as to the amount or form of the draft. There is nothing to prevent his making it for one hundred dollars, or fifty dollars, or ten dollars. There is nothing to prevent the use of bank paper; and the draft will have the number of signatures usual to bank paper. It will or may be signed by the treasurer, register, and comptroller.

Now, sir, let me suppose that a citizen has a demand upon the government for five thousand dollars, and applies to the treasurer for payment. On what receiver-general will you, he will be asked, have the amount? On the receiver-general at New York. In what sums? One half of the sum in drafts of one hundred dollars, and the other in drafts of fifty dollars. The treasurer can not lawfully decline furnishing the required drafts. He is bound by law to consult the convenience of the public creditor. The drafts are given to him. What will he do with them? There is not a spot in the whole circumference of the United States, in which these

drafts will not command a premium, or be at par. Everywhere to the south and west of New York they will command a premium of from one fourth to two and a half per centum. Everywhere east and north they will be at par. What, I again ask, will the holder do with them? Will he commit the indiscretion or folly of cashing these drafts, and expose himself to the hazard and inconvenience of losing or carrying the specie about him? No such thing. Being everywhere better than or equal to specie, he will retain the drafts, and carry them with him to his home, and use them in his business. What I have supposed likely to be done by one, will be done by every creditor of the government. These drafts, to a considerable extent, will remain out, enter the general circulation, and compose a part of the common currency of the country, commanding, at particular places, as notes of the bank of the United States have done, and now do, a premium, but anywhere being certainly good for the amount on their face. All this is perfectly plain and inevitable; and the amount of this element of government drafts, in the general currency of the country, will be somewhat governed by the amount of the annual disbursements of the government. In the early administration of this treasury bank, its paper will command general and implicit confidence. It will be as much better than the paper of the bank of the United States or the bank of England, as the resources of the United States are superior to those of any mere private corporation. Sub-treasurers and receivers-general may fly with the public money committed to their charge—may peculate or speculate as they please, and, unlike the condition of banks, whose fraudulent officers squander the means of those institutions, the nation remains bound for the redemption of all paper issued under its authority. But the paper of the late bank of the United States acquired a confidence everywhere, more or less, in and out of the United States. It was received in Canada, in Europe, and at Canton. The government drafts upon receivers-general will have a much more sure and extensive circulation. Who will doubt their payment? Who will question the honor and good faith of the United States in their redemption? The bankers of Europe, the Rothschilds and the Barings, will receive them without hesitation, and prefer them to the specie they represent, whenever the rate of exchange is not decidedly against this country, because they can be more safely and conveniently kept than specie itself. And with respect to our State banks, the treasury drafts will form the basis of their operations. They will be preferred to specie, because they will be more convenient, and free from the hazards incident to the possession of specie. The banks will require no more specie than the wants of the community for change make necessary.

Thus, sir, will these government drafts, or bank notes, as they may be called, remain out in circulation. The issues of the first year, under appropriations of the public revenue, will be followed by the issues of succeeding years. More and more will it be perceived to be needless and

indiscreet to cash them; and more and more will the specie of the country accumulate in the custody of the receivers-general, until, after a few years, the greater part of the specie of the country will be found in the vaults of the depositaries, represented by an equal amount of government paper in circulation. I can conceive of no case or motive, but one, for withdrawing the specie from the vaults of the depositaries, and that is, when, from an unfavorable state of our foreign trade, the course of foreign exchange is much against us; and then this system will furnish great facilities to the export of the precious metals.

In process of time, it will be seen, as was observed with respect to the bank of Amsterdam, that there is a much larger amount of specie in deposit with the receiver-general, than is likely to be called for by the paper representing it in circulation, in the common transactions of the business and commerce of the country; and what has been done before, will be done again. Government, in a time of necessity, will be tempted to increase its paper issues upon the credit of this dormant specie capital. It will be tempted again and again to resort to this expedient, since it is easier to make emissions of paper, than to lay the burden of taxation on the people. The history of American paper money, during the Revolution, of French assignats, and of government banks, throughout the world, tells the whole tale, and gives you the denouement.

But we shall be informed, as has been insisted, that this bill cautiously guards against the degeneracy of the system into a government bank, by the provision contained in the twenty-third section, enjoining the Secretary of the Treasury "to issue and publish regulations to enforce the speedy presentation of all government drafts for payment at the places where payable; and to prescribe the time, according to the different distances of the depositaries from the seat of government, within which all drafts upon them respectively, shall be presented for payment; and in default of such presentation, to direct any other mode and place of payment which he may deem proper."

Then it is to depend on the Secretary of the Treasury whether we have a government bank or not! We are delivered over to the tender mercies of his legislation, in the form of the regulations which he may choose to issue and publish! And the extraordinary power is vested in him, if any dare violate his regulation, of denouncing the severe penalty of receiving payment "in any other mode and place which he may deem proper." Now, sir, between a draft on the receivers-general at St. Louis, and at New York, there will be a difference at all times of at least two per centum; and at some periods a much greater difference. Is it fitting; is it in accordance with the genius of free institutions, with the spirit of a country of laws, to confide such a power to a mere Secretary of the Treasury? What a power is it not to reward political friends or punish political enemies!

But, sir, I look at the matter of this restriction in a higher point of view.

You can not maintain it; why should you? You have provided all the means, as you profess to believe, of perfect security for the custody of the public money in these public depositories. Why should you require the holder of a government draft, often ignorant of the legislation of the Secretary of the Treasury, to present it for payment by a given day, under a severe penalty depending upon his discretion? Will not the inconvenience to the community, of a precise day and a short day, for the presentation of the draft, be vastly greater than that of the public in retaining the money for an indefinite day, until it suits the holder's convenience to demand payment? And will you not be tempted to keep possession of the specie for the incidental advantages which it affords? Ah! sir; are we to overlook the possible uses to which, in corrupt days of the republic, this dormant specie may be applied in the crisis of a political election, or the crisis of the existence of a party in power? Congress will be called upon, imperatively called upon, by the people, to abolish all restrictions which the Secretary of the Treasury may promulgate for the speedy presentation for payment of government drafts. The wants of the people, and the necessity of the country for a paper medium, possessing a uniform value, and capable of general circulation, will demand it at your hands, and you will be most ready to grant the required boon. We should regard the system according to its true and inherent character, and not be deceived by provisions, inevitably temporary in their nature, which the policy or the prudence of its authors may throw around it. The greatest want of this country, at the present period, in its circulating medium, is some convertible paper, which, at every extremity of the Union, will command the confidence of the public, and circulate without depreciation. Such a paper will be supplied in the form of these government drafts.

But if the restriction which I have been considering could be enforced and continued, it would not alter the bank character of this measure. Bank or no bank, is a question not depending upon the duration of time which its issues remain out, but upon the office which they perform while out. The notes of the bank of the United States of Pennsylvania are not deprived of their character of composing a part of the circulating medium of the country, although they might be returned to the bank in some ten or twenty days after their issue.

I know that it has been argued, and will be argued again, that at all times, since the commencement of the government, the practice of the treasury has been, to issue its drafts upon the public depositaries; that these drafts have not heretofore circulated as money; and that if they now do, it is an incident which attaches no blame to the government.

But heretofore these drafts were issued upon banks, and the holders of them passed to their credit with the banks or received payment in bank notes. The habit of the country—and habit was a great thing—was to use bank notes. Moreover, there were bank notes of every kind in use; those which were local and those which were general in their credit and

circulation. Now, having no bank of the United States in existence, there are no bank notes which maintain the same value, and command the public confidence, throughout the Union. You create, therefore, an inexorable necessity for the use of government drafts as a medium of general circulation, and argue from a state of things when no such necessity existed!

The protestation of the friends of the bill in this chamber, the denunciations of its opponents, and the just horror which the people entertain of a government bank, may prompt the Secretary of the Treasury, slowly and slyly to lift the vail which masks its true features. A government bank may not suddenly burst upon us, but there it is, embodied in this bill; and it is not the least objection to the measure that it depends upon the discretion of a Secretary of the Treasury to retard or accelerate the commencement of its operation at his pleasure. Let the re-election of the present chief magistrate be secured, and you will soon see the bank disclosing its genuine character. But, thanks be to God, there is a day of reckoning at hand. All the signs of the times clearly indicate its approach; and on the 4th day of March, in the year of our Lord 1841, I trust that the long account of the abuses and corruptions of this administration, in which this measure will be a conspicuous item, will be finally and forever adjusted.

Mr. President, who is to have the absolute control of this government bank? We have seen, within a few years past, a most extraordinary power asserted and exercised. We have seen in a free, representative, republican government, the power claimed by the executive, and it is now daily inforced, of dismissing all officers of the government without any other cause than a mere difference of opinion. No matter what may be the merits of the officer; no matter how long and how faithfully he may have served the public; no matter what sacrifices he may have made; no matter how incompetent, from age and poverty, he may be to gain a subsistence for himself and family, he is driven out to indigence and want for no other reason than that he differs in opinion with the president on the sub-treasury, or some other of the various experiments upon the prosperity of this people. But this is not all; if you call upon the president to state the reasons which induced him, in any particular instance, to exercise this tremendous power of dismission, wrapping himself up in all the dignity and arrogance of royal majesty, he refuses to assign any reason whatever, and tells you it is his prerogative! that you have no right to interrogate him as to the motives which have prompted him in the exercise of any of his constitutional powers! Nay, more; if you apply to a subordinate—a mere minion of power—to inform you why he has dismissed any of his subordinates, he replies, that he will not communicate the grounds of his action. I have understood that in more cases than one, the person acting as postmaster-general, has refused, this session, to inform members of Congress of the grounds on which he has dismissed deputy-

postmasters. We have witnessed the application of this power to a treasurer of the United States recently, without the pretense of his failure to discharge his public duties, all of which he performed with scrupulous exactness, honor, and probity.

And what, sir, is the consequence of a power so claimed and so exercised? The first is, that, in a country of Constitution and laws, the basis and genius of which are, that there is and should be the most perfect responsibility on the part of every, even the highest functionary, here is a vast power, daily exercised with the most perfect impunity, and without the possibility of arraigning a guilty chief magistrate. For how can he be impeached or brought to trial if he will not disclose, and you have no adequate means of ascertaining the grounds on which he has acted?

The next consequence is, that as all the officers of government, who hold their offices by the tenure to which I allude, hold them at the president's mercy and without the possibility of finding any redress, if they are dismissed without cause, they become his pliant creatures, and feel that they are bound implicitly to obey his will.

Now, sir, put this government bank into operation, and who are to be charged with the administration of its operations? The Secretary of the Treasury, the Treasurer of the United States, the register and comptroller of the treasury, and the receivers-general, and so forth; every one of them holding his office at the pleasure and mercy of the president; every one of them, perhaps, depending for his bread upon the will of the president; every one of them taught, by sad experience, to know that his safest course is to mold his opinions, and shape his conduct so as to please the president; every one of them knowing perfectly that, if dismissed, he is without the possibility of any remedy or redress whatever. In such a deplorable state of things, this government bank will be the mere bank of the President of the United States. He will be the president, cashier, and teller. Yes, sir, this complete subjection of all the subordinate officers of the government to the will of the president, will make him sole director, president, cashier, and teller of this government bank. The so much-dreaded union of the purse and the sword will at last be consummated, and the usurpation, by which the public deposits, in 1833, were removed by the advancement of the one, and the removal of another Secretary of the Treasury, will not only be finally legalized and sanctioned, but the enormity of the danger of that precedent will be transcended by a deliberate act of the Congress of the United States!

Mr. President, for ten long years we have been warring against the alarming growth of executive power; but, although we have been occasionally cheered, it has been constantly advancing, and never receding. You may talk as you please about bank expansions. There has been no pernicious expansion in this country like that of executive power; and, unlike the operations of banks, this power never has any periods of contraction. You may denounce, as you please, the usurpations of

Congress. There has been no usurpation but that of the executive, which has been both of the powers of other co-ordinate departments of this government, and upon the States. There scarcely remains any power in this government but that of the president. He suggests, originates, controls, checks every thing. The insatiable spirit of the Stuarts, for power and prerogative, was brought upon our American throne on the 4th of March, 1829. It came under all the usual false and hypocritical pretenses and disguises, of love of the people, desire of reform, and diffidence of power. The Scotch dynasty still continues. We have had Charles the First, and now we have Charles the Second. But I again thank God that our deliverance is not distant; and that, on the 4th of March, 1841, a great and glorious revolution, without blood and without convulsion, will be achieved.

AT THE WHIG NATIONAL CONVENTION OF YOUNG MEN.

BALTIMORE, MAY 4, 1840.

[In December, 1839, William Henry Harrison was nominated by the Harrisburg National Whig Convention as candidate for the presidency; and to promote this object there was held at Baltimore, May 4, 1840, a National Convention of Whig young men, on which occasion Mr. Clay delivered the following speech. His full and cheerful acquiescence in the nomination of General Harrison was characteristic alike of his nature, and prudence, and patriotism; for he could not but feel that a great wrong had been done to himself in that nomination. That Convention would never have committed so great a folly—we might call it a political crime—if they had been aware of the popular revolution then in progress against the Jackson dynasty, and if they had not been overruled by leaders of the party unworthy of the influence which they wielded, and who afterward repented in dust and ashes for their great fault. For that was the grand mistake which, by the death of Harrison and the treason of Tyler, lost to the Whig party and to the country forever all the advantages of the great Whig victory of 1840. They rallied in 1844 on Mr. Clay; but it was too late. They were demoralized as a party by their rejection of Mr. Clay in 1840, and were soon disbanded beyond hope of reorganization. It was no longer a Whig party in 1848, and General Taylor was elected as a no-party man.*]

Mr. Clay commenced by a reference to the north-west wind, which blew almost a gale, and compared it happily to the popular voice of the immense multitude who were present. Difficult as it was to be heard by such a throng, he said he could not refrain from obeying the general summons, and responding to the call. He was truly grateful for the honor

* See Chapter IV., on *The Fall of the Whig Party*, in The Last Seven Years of Henry Clay.

conferred upon him. This, said he, is no time to argue; the time for discussion has passed, the nation has already pronounced its sentence. I behold here the advanced guard. A revolution, by the grace of God and the will of the people, will be achieved. William Henry Harrison will be elected President of the United States.

We behold, continued Mr. Clay, in his emphatic and eloquent manner, the ravages brought upon our country under the revolutionary administrations of the present and the past. We see them in a disturbed country, in broken hopes, in deranged exchanges, in the mutilation of the highest constitutional records of the country. All these are the fruits of the party in power, and a part of that revolution which has been in progress for the last ten years. But this party, Mr. Clay thought he could say, had been, or was demolished. As it had demolished the institutions of the country, so it had fallen itself. As institution after institution had fallen by it, and with them interest after interest, until a general and wide-spread ruin had come upon the country, so now the revolution was to end in the destruction of the party and the principles which had been instrumental in our national sufferings.

This, said Mr. Clay, is a proud day for the patriot. It animated his own bosom with hope, and I, he added, am here to mingle my hopes with yours, my heart with yours, and my exertions with your exertions. Our enemies hope to conquer us, but they are deluded, and doomed to disappointment.

Mr. Clay then alluded most happily, and amid the cheers of all around him, to the union of the whigs. We are, said he, all whigs, we are all Harrison men. We are united. We must triumph.

One word of myself, he said, referring to the national convention which met at Harrisburg in December last. That convention was composed of as enlightened and as respectable a body of men as were ever assembled in the country. They met, deliberated, and after a full and impartial deliberation, decided that William Henry Harrison was the man best calculated to unite the whigs of the Union against the present executive. General Harrison was nominated, and cheerfully, and without a moment's hesitation, I gave my hearty concurrence in that nomination. From that moment to the present, I have had but one wish, one object, one desire, and that is, to secure the election of the distinguished citizen who received the suffrages of the convention.

Allow me here to say, continued Mr. Clay, that his election is certain. This I say, not in any boasting or over-confident sense, far from it. But I feel sure, almost, that there are twenty States who will give their votes for Harrison. Do not the glories of this day authorize the anticipation of such a victory? I behold before me more than twenty thousand freemen, and is it anticipating too much to say that such an assembly as this is a sign ominous of triumph?

Mr. Clay then warned his friends of two great errors in political warfare

—too much confidence, and too much despondency. Both were to be feared. There should be no relaxation. The enemy were yet powerful in numbers, and strong in organization. It became the whigs, therefore, to abstain from no laudable exertion necessary to success. Should we fail, he added, should Mr. Van Buren be re-elected—which calamity God avert—though he would be the last man to despair of the republic, he believed the struggle of restoring the country to its former glory would be almost a hopeless one. That calamity, however, or the alternative, was left with the twenty thousand whigs here assembled.

We received our liberty, said Mr. Clay, in conclusion, from our revolutionary ancestors, and we are bound in all honor, to transfer it unimpaired to our posterity. The breeze which this day blows from the right quarter, is the promise of that popular breeze which will defeat our adversaries, and make William Henry Harrison the President of the United States.

STATE OF THE COUNTRY UNDER MR. VAN BUREN.

HANOVER COUNTY, VIRGINIA, JUNE 27, 1840.

[HERE we find Mr. Clay in a very interesting position—in his native State and native county, surrounded by those who were native to the same soil that gave him birth. It was also in the height of a most interesting and eventful presidential campaign —that of 1840. For twelve, we may say for sixteen years, Mr. Clay had been battling for his country against the strongest and most popular man that ever rose to eminence in the councils of the nation, and who, as Mr. Clay believed, had not only greatly wronged himself, but wronged his country more. These views are fully expressed in this speech, as well as elsewhere. But, for some cause or causes, the country, after General Jackson's advent to power, had been getting into great and still greater commercial and financial difficulties, when naturally and under good government, it should have gone forward in a career of the greatest prosperity. He who has attentively read Mr. Clay's speeches during this period, and been an attentive observer of the political history of the time, will have no difficulty in ascertaining the true causes of those public calamities, which, running through General Jackson's, had culminated under Mr. Van Buren's, administration. The country could bear it no longer, and was at this moment in the midst of a great political revolution on this account. The people had trusted in General Jackson and Mr. Van Buren till they saw that no relief came, but that things were waxing worse and worse. They came at last to the resolution of having a change of government and of public policy, and General Harrison was elected in 1840 by an overwhelming majority. Unfortunately, General Harrison died in thirty days after he was inaugurated, and John Tyler, the vice-president, succeeded to the presidential chair. A vain, weak, and ambitious man, instead of devoting himself patriotically, in conjunction with the party that had raised him to power, to

carry out Whig policy by the adoption of Whig measures, he immediately took counsel of himself to adopt a policy and pursue a course that should make himself president for the next term of four years, by quarreling with the Whigs, embarrassing the legislation of a Whig Congress, vetoing some of their most important measures, and utterly defeating the great object of the people in a change of administration. The nation was confounded by the treason of a man whom the people had elected as vice-president, and who succeeded to the chair of president by the death of his principal; who affected to weep because Mr. Clay was not nominated at Harrisburg, but who, finding himself unexpectedly chief magistrate of the republic, and hoping to be elected to that place at the end of four years, took the first opportunity to forfeit Mr. Clay's confidence by his infidelity, and to set up his own policy against that of the Whig party. His apostacy and treachery brought out the following strong language from the Hon. John Davis, senator from Massachusetts —commonly called "honest John"—in a letter to Mr. Clay, dated Worcester, Mass., Oct. 14, 1843: "Corruption and Tyler, and Tyler and corruption, will stick together as long as Cataline and treason. The name of Tyler will stink in the nostrils of the people; for the history of our government affords no such palpable example of the prostitution of executive patronage to the wicked purposes of bribery."* The Whig Congress found itself thwarted by Mr. Tyler at almost every point of important legislation. They repealed the Sub-Treasury act, which Mr. Tyler approved; but he vetoed the fiscal (national) bank bill, which was intended to take the place of the Sub-Treasury, and which was vitally important to the country. The tariff of 1842 was also permitted to remain, till it was superseded by the tariff of 1846. But in the main, Mr. Tyler set himself in vigorous opposition to the Whig party, and prevented their policy from being carried out; and in this way, the nation had not half recovered from the disasters of the Jackson dynasty, before the same old incubus was replaced on its bosom by the election and inauguration of James K. Polk, and the Sub-Treasury was re-enacted, with the tariff of 1846. Such was the result of the great Whig triumph of 1840, through the treason of John Tyler; for if Tyler had been true to the party that raised him to power, the Whig policy would have been carried out, and Mr. Clay would have succeeded to the presidency in 1844.]

* Private Correspondence of Henry Clay, p. 480.

The sentiment in compliment to Mr. Clay was received with a long-continued applause. That gentleman rose and addressed the company substantially as follows:

I think, friends and fellow-citizens, that, availing myself of the privilege of my long service in the public councils, just adverted to, the resolution, which I have adopted, is not unreasonable, of leaving the younger men, generally, the performance of the duty, and the enjoyment of the pleasure, of addressing the people in their primary assemblies. After the event which occurred last winter at the capital of Pennsylvania, I believed it due to myself, to the whig cause, and to the country, to announce to the public, with perfect truth and sincerity, and without any reserve, my fixed determination heartily to support the nomination of William Henry Harrison there made. To put down all misrepresentations, I have, on suitable occasions, repeated this annunciation; and now declare my solemn conviction, that the purity and security of our free institutions, and the prosperity of the country, imperatively demand the election of that citizen to the office of chief magistrate of the United States.

But the occasion forms an exception from the rule which I have prescribed to myself. I have come here to the county of my nativity in the spirit of a pilgrim, to meet, perhaps for the last time, the companions, and the descendants of the companions, of my youth. Wherever we roam, in whatever climate or land we are cast by the accidents of human life, beyond the mountains or beyond the ocean, in the legislative halls of the capital, or in the retreats and shades of private life, our hearts turn with an irresistible instinct to the cherished spot which ushered us into existence. And we dwell with delightful associations on the recollection of the streams in which, during our boyish days, we bathed, the fountains at which we drank, the piny fields, the hills and the valleys where we sported, and the friends who shared these enjoyments with us. Alas! too many of these friends of mine have gone whither we must all shortly go, and the presence here of the small remnant left behind, attests both our loss and our early attachment. I would greatly prefer, my friends, to employ the time which this visit affords in friendly and familiar conversation on the virtues of our departed companions, and on the scenes and adventures of our younger days; but the expectation which prevails, the awful state of our beloved country, and the opportunities which I have enjoyed in its public councils, impose on me the obligation of touching on topics less congenial with the feelings of my heart, but possessing higher public interest. I assure you, fellow-citizens, however, that I present myself before you for no purpose of exciting prejudices or inflaming passions, but to speak to you in all soberness and truth, and to testify to the things which I know, or the convictions which I entertain, as an ancient friend, who has lived long, and whose career is rapidly drawing to a close. Throughout an arduous life, I have endeavored to make truth and the good of our country the guides of my public conduct; but in Hanover county, for

which I cherish sentiments of respect, gratitude, and veneration, above all other places, would I avoid saying any thing that I did not sincerely and truly believe.

Why is the plow deserted, the tools of the mechanic laid aside, and all are seen rushing to gatherings of the people? What occasions those vast and unusual assemblages, which we behold in every State, and in almost every neighborhood? Why those conventions of the people, at a common center, from all the extremities of this vast Union, to consult together upon the sufferings of the community, and to deliberate upon the means of deliverance? Why this rabid appetite for public discussions? What is the solution for the phenomenon, which we observe, of a great nation agitated upon its whole surface, and at its lowest depths, like the ocean when convulsed by some terrible storm? There must be a cause, and no ordinary cause.

It has been truly said, in the most memorable document that ever issued from the pen of man, that "all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed." The recent history of our people furnishes confirmation of that truth. They are active, enterprising, and intelligent; but are not prone to make groundless complaints against public servants. If we now everywhere behold them in motion, it is because they feel that the grievances under which they are writhing can be no longer tolerated. They feel the absolute necessity of a change, that no change can render their condition worse, and that any change must better it. This is the judgment to which they have come; this the brief and compendious logic which we daily hear. They know that, in all the dispensations of Providence, they have reason to be thankful and grateful; and if they had not, they would be borne with fortitude and resignation. But there is a prevailing conviction and persuasion, that in the administration of government, there has been something wrong, radically wrong, and that the vessel of state has been in the hands of selfish, faithless, and unskillful pilots, who have conducted it amidst the breakers.

In my deliberate opinion, the present distressed and distracted state of the country may be traced to the single cause of the action, the encroachments, and the usurpations of the executive branch of the government. I have not time here to exhibit and to dwell upon all the instances of these, as they have occurred in succession, during the last twelve years. They have been again and again exposed, on other more fit occasions. But I have thought this a proper opportunity to point out the enormity of the pretensions, principles, and practices of that department, as they have been, from time to time, disclosed, in these late years, and to show the rapid progress which has been made in the fulfillment of the remarkable language of our illustrious countryman, that the federal executive had an awful squinting toward monarchy. Here, in the country of his birth,

surrounded by sons, some of whose sires with him were the first to raise their arms in defense of American liberty against a foreign monarch, is an appropriate place to expose the impending danger of creating a domestic monarch. And may I not, without presumption, indulge the hope, that the warning voice of another, although far humbler, son of Hanover, may not pass unheeded?

The late President of the United States advanced certain new and alarming pretensions for the executive department of the government, the effect of which, if established and recognized by the people, must inevitably convert it into a monarchy. The first of these, and it was a favorite principle with him, was, that the executive department should be regarded as a unit. By this principle of unity, he meant and intended, that all the executive officers of government should be bound to obey the commands and execute the orders of the President of the United States, and that they should be amenable to him, and he be responsible for them. Prior to his administration, it had been considered that they were bound to observe and obey the Constitution and laws, subject only to the general superintendence of the president, and responsible by impeachment, and to the tribunals of justice, for injuries inflicted on private citizens.

But the annunciation of this new and extraordinary principle was not of itself sufficient for the purpose of President Jackson; it was essential that the subjection to his will, which was its object, should be secured by some adequate sanction. That he sought to effect by an extension of another principle, that of dismission from office, beyond all precedent, and to cases and under circumstances which would have furnished just grounds of his impeachment, according to the solemn opinion of Mr. Madison, and other members of the first Congress, under the present Constitution.

Now, if the whole official corps, subordinate to the President of the United States, are made to know and to feel that they hold their respective offices by the tenure of conformity and obedience to his will, it is manifest that they must look to that will, and not to the Constitution and laws, as the guide of their official conduct. The weakness of human nature, the love and emoluments of office, perhaps the bread necessary to the support of their families, would make this result absolutely certain.

The development of this new character to the power of dismission, would have fallen short of the aims in view, without the exercise of it were held to be a prerogative, for which the president was to be wholly irresponsible. If he were compelled to expose the grounds and reasons upon which he acted, in dismissals from office, the apprehension of public censure would temper the arbitrary nature of the power, and throw some protection around the subordinate officer. Hence the new and monstrous pretension has been advanced, that, although the concurrence of the Senate is necessary by the Constitution to the confirmation of an appointment, the president may subsequently dismiss the person appointed, not only without communicating the grounds on which he has acted to the Senate, but without any such communication to the people themselves, for whose benefit all offices are

created! And so bold and daring has the executive branch of the government become, that one of its cabinet ministers, himself a subordinate officer, has contemptuously refused, to members of the House of Representatives, to disclose the grounds on which he has undertaken to dismiss from office persons acting as deputy-postmasters in his department!

As to the gratuitous assumption by President Jackson, of responsibility for all the subordinate executive officers, it is the merest mockery that was ever put forth. They will escape punishment by pleading his orders, and he, by alleging the hardship of being punished, not for his own acts, but for theirs. We have a practical exposition of this principle in the case of the two hundred thousand militia. The Secretary of War comes out to screen the president, by testifying that he never saw what he strongly recommended; and the president reciprocates that favor by retaining the secretary in place, notwithstanding he has proposed a plan for organizing the militia, which is acknowledged to be unconstitutional. If the president is not to be held responsible for a cabinet minister in daily intercourse with him, how is he to be rendered so for a receiver in Wisconsin or Iowa? To concentrate all responsibility in the president, is to annihilate all responsibility. For who ever expects to see the day arrive when a President of the United States will be impeached; or, if impeached, when he can not command more than one third of the Senate to defeat the impeachment?

But to construct the scheme of practical despotism, while all the forms of free government remained, it was necessary to take one further step. By the Constitution, the president is enjoined to take care that the laws be executed. This injunction was merely intended to impose on him the duty of a general superintendence; to see that offices were filled; officers at their respective posts, in the discharge of their official functions; and all obstructions to the enforcement of the laws were removed, and, when necessary for that purpose, to call out the militia. No one ever imagined, prior to the administration of President Jackson, that a president of the United States was to occupy himself with supervising and attending to the execution of all the minute details of every one of the hosts of offices in the United States.

Under the constitutional injunction just mentioned, the late president put forward that most extraordinary pretension that the Constitution and laws of the United States were to be executed *as he understood them;* and this pretension was attempted to be sustained, by an argument equally extraordinary, that the president, being a sworn officer, must carry them into effect, according to his sense of their meaning. The Constitution and laws were to be executed, not according to their import, as handed down to us by our ancestors, as interpreted by cotemporaneous expositions, as expounded by concurrent judicial decisions, as fixed by an uninterrupted course of congressional legislation, but in that sense in which a president of the United States happened to understand them!

To complete this executive usurpation, one further object remained. By

the Constitution, the command of the army and the navy is conferred on the president. If he could unite the purse with the sword, nothing would be left to gratify the insatiable thirst for power, In 1833 the president seized the treasury of the United States, and from that day to this it has continued substantially under his control. The seizure was effected by the removal of one Secretary of the Treasury, understood to be opposed to the measure, and by the dismissal of another, who refused to violate the law of the land upon the orders of the president.

It is, indeed, said, that not a dollar in the treasury can be touched without a previous appropriation by law, nor drawn out of the treasury without the concurrence and signature of the secretary, the treasurer, the register, and the comptroller. But are not all these pretended securities idle and unavailing forms? We have seen, that by the operation of the irresponsible power of dismission, all those officers are reduced to mere automata, absolutely subjected to the will of the president. What resistance would any of them make, with the penalty of dismission suspended over their heads, to any orders of the president, to pour out the treasury of the United States, whether an act of appropriation existed or not? Do not mock us with the vain assurance of the honor and probity of a president, nor remind us of the confidence which we ought to repose in his imagined virtues. The pervading principles of our sytem of government—of all free government—is not merely the possibility, but the absolute certainty of infidelity and treachery, with even the highest functionary of the State; and hence all the restrictions, securities, and guaranties, which the wisdom of our ancestors or the sad experience of history had inculcated, have been devised and thrown around the chief magistrate.

Here, friends and fellow-citizens, let us pause and contemplate this stupendous structure of executive machinery and despotism, which has been reared in our young republic. The executive branch of the government is a unit; throughout all its arteries and veins, there is to be but one heart, one head, one will. The number of the subordinate executive officers and dependents in the United States has been estimated, in an official report, founded on public documents, made by a senator from South Carolina (Mr. Calhoun), at one hundred thousand. Whatever it may be, all of them, wherever they are situated, are bound implicitly to obey the orders of the president. And absolute obedience to his will is secured and enforced, by the power of dismissing them, at his pleasure, from their respective places. To make this terrible power of dismission more certain and efficacious, its exercise is covered up in mysterious secrecy, without exposure, without the smallest responsibility. The Constitution and laws of the United States are to be executed in the sense in which the president understands them, although that sense may be at variance with the understanding of every other man in the United States. It follows, as a necessary consequence, from the principles, deduced by the president from the constitutional injunction as to the execution of the laws, that, if an

act of Congress be passed, in his opinion, contrary to the Constitution, or if a decision be pronounced by the courts, in his opinion, contrary to the Constitution or the laws, that act or that decision the president is not obliged to enforce, and he could not cause it to be enforced, without a violation, as is pretended, of his official oath. Candor requires the admission that the principle has not yet been pushed in practice in these cases; but it manifestly comprehends them; and who doubts that, if the spirit of usurpation is not arrested and rebuked, they will be finally reached? The march of power is ever onward. As times and seasons admonished, it openly and boldly, in broad day, makes its progress; or, if alarm be excited by the enormity of its pretensions, it silently and secretly, in the dark of the night, steals its devious way. It now storms and mounts the ramparts of the fortress of liberty; it now saps and undermines its foundations. Finally, the command of the army and navy being already in the president, and having acquired a perfect control over the treasury of the United States, he has consummated that frightful union of purse and sword, so long, so much, so earnestly deprecated by all true lovers of civil liberty. And our present chief magistrate stands solemnly and voluntarily pledged, in the face of the whole world, to follow in the footsteps, and carry out the measures and the principles of his illustrious predecessor!

The sum of the whole is, that there is but one power, one control, one will, in the state. All is concentrated in the president. He directs, orders, commands, the whole machinery of the state. Through the official agencies, scattered throughout the land, and absolutely subjected to his will, he executes, according to his pleasure or caprice, the whole power of the commonwealth, which has been absorbed and engrossed by him. And one sole will predominates in, and animates the whole of, this vast community. If this be not practical despotism, I am incapable of conceiving or defining it. Names are nothing. The existence or non-existence of arbitrary government does not depend upon the title or denomination bestowed on the chief of the state, but upon the quantum of power which he possesses and wields. Autocrat, sultan, emperor, dictator, king, doge, president, are all mere names, in which the power respectively possessed by them is not to be found, but is to be looked for in the Constitution, or the established usages and practices, of the several States which they govern and control. If the autocrat of Russia were called president of all the Russias, the actual power remaining unchanged, his authority, under this new denomination, would continue undiminished; and if the president of the United States were to receive the title of autocrat of the United States, the amount of his authority would not be increased, without an alteration of the Constitution.

General Jackson was a bold and fearless reaper, carrying a wide row, but he did not gather the whole harvest; he left some gleanings to his faithful successor, and he seems resolved to sweep clean the field of power. The duty of inculcating on the official corps the active exertion of their

personal and official influence, was left by him to be enforced by Mr. Van Buren, in all popular elections. It was not sufficient that the official corps was bound implicitly to obey the will of the president. It was not sufficient that this obedience was coerced by the tremendous power of dismission. It soon became apparent, that the corps might be beneficially employed, to promote, in other matters, than the business of their offices, the views and interests of the president and his party. They are far more efficient than any standing army of equal numbers. A standing army would be separated, and stand out from the people, would be an object of jealousy and suspicion; and, being always in corps, or in detachments, could exert no influence on popular elections. But the official corps is dispersed throughout the country, in every town, village, and city, mixing with the people, attending their meetings and conventions, becoming chairmen and members of committees, and urging and stimulating partisans to active and vigorous exertion. Acting in concert, and, throughout the whole Union, obeying orders issued from the center, their influence, aided by executive patronage, by the post-office department, and all the vast other means of the executive, is almost irresistible.

To correct this procedure, and to restrain the subordinates of the executive from all interference with popular elections, my colleague (Mr. Crittenden), now present, introduced a bill in the Senate. He had the weight of Mr. Jefferson's opinion, who issued a circular to restrain federal officers from intermeddling in popular elections. He had before him the British example, according to which, place-men and pensioners were not only forbidden to interfere, but were not, some of them, even allowed to vote at popular elections. But his bill left them free to exercise the elective franchise, prohibiting only the use of their official influence. And how was this bill received in the Senate? Passed by those who profess to admire the character, and to pursue the principles of Mr. Jefferson? No such thing. It was denounced as a sedition bill. And the just odium of that sedition bill, which was intended to protect office-holders against the people, was successfully used to defeat a measure of protection of the people against the office-holders! Not only were they left unrestrained, but they were urged and stimulated by an official report, to employ their influence in behalf of the administration, at the elections of the people.

Hitherto, the army and navy have remained unaffected by the power of dismission, and they have not been called into the political service of the executive. But no attentive observer of the principles and proceedings of the men in power could fail to see that the day was not distant when they, too, would be required to perform the partizan offices of the president. Accordingly, the process of converting them into executive instruments has commenced in a court-martial assembled at Baltimore. Two officers of the army of the United States have been there put upon their solemn trial, on the charge of prejudicing the democratic party, by making purchases for the supply of the army, from members of the whig

party! It is not pretended that the United States were prejudiced by those purchases; on the contrary, it was, I believe, established that they were cheaper than could have been made from the supporters of the administration. But the charge was, that to purchase at all from the opponents, instead of the friends of the administration, was an injury to the democratic party, which required that the offenders should be put upon their trial before a court-martial! And this trial was commenced at the instance of a committee of a democratic convention, and conducted and prosecuted by them! The scandalous spectacle is presented to an enlightened world, of the chief magistrate of a great people executing the orders of a self-created power, organized within the bosom of the State; and, upon such an accusation, arraigning, before a military tribunal, gallant men who are charged with the defense of the honor and the interest of their country, and with bearing its eagles in the presence of an enemy!

But the army and navy are too small, and, in composition, are too patriotic to subserve all the purposes of this administration. Hence, the recent proposition of the Secretary of War, strongly recommended by the president, under color of a new organization of the militia, to create a standing force of two hundred thousand men, an amount which no conceivable foreign exigency can ever make necessary. It is not my purpose now to enter upon an examination of that alarming and most dangerous plan of the executive department of the federal government. It has justly excited a burst of general indignation; and nowhere has the disapprobation of it been more emphatically expressed than in this ancient and venerable commonwealth.

The monstrous project may be described in a few words. It proposes to create the force by breaking down Mason and Dixon's line, expunging the boundaries of States; melting them up in a confluent mass, to be subsequently cut up into ten military parts, alienates the militia from its natural association, withdraws it from the authority and command and sympathy of its constitutional officers, appointed by the States, puts it under the command of the president, authorizes him to cause it to be trained, in palpable violation of the Constitution, and subjects it to be called out from remote and distant places, at his pleasure, and on occasions not warranted by the Constitution!

Indefensible as this project is, fellow-citizens, do not be deceived by supposing that it has been or will be abandoned. It is a principle of those who are now in power, that an election or a re-eletion of the president implies the sanction of the people to all the measures which he had proposed, and all the opinions which he had expressed, on public affairs, prior to that event. We have seen this principle applied on various occasions. Let Mr. Van Buren be re-elected in November next, and it will be claimed that the people have thereby approved of this plan of the Secretary of War. All entertain the opinion that it is important to train the militia, and render it effective; and it will be insisted, in the contingency,

mentioned, that the people have demonstrated that they approve of that specific plan. There is more reason to apprehend such a consequence, from the fact that a committee of the Senate, to which this subject was referred, instead of denouncing the scheme as unconstitutional, and dangerous to liberty, presented a labored apologetic report, and the administration majority in that body ordered twenty thousand copies of the apology to be printed, for circulation among the people. I take pleasure in testifying, that one administration senator had the manly independence to denounce, in his place, the project as unconstitutional. That senator was from your own State.

I have thus, fellow-citizens, exhibited to you a true and faithful picture of executive power, as it has been enlarged and expanded within the last few years, and as it has been proposed further to extend it. It overshadows every other branch of the government. The source of legislative power is no longer to be found in the capitol, but in the palace of the president. In assuming to be a part of the legislative power, as the president recently did, contrary to the Constitution, he would have been nearer the actual fact if he had alledged that he was the sole legislative power of the Union. How is it possible for public liberty to be preserved, and the constitutional distributions of power, among the departments of government, to be maintained, unless the executive career be checked and restrained?

It may be urged that two securities exist: first, that the presidential term is of short duration; and, second, the elective franchise. But it has been already shown, that whether a depository of power be arbitrary or compatible with liberty, does not depend upon the duration of the official term, but upon the amount of power invested. The dictatorship in Rome, was an office of brief existence, generally shorter than the presidential term. Whether the elective franchise be an adequate security or not, is a problem to be solved next November. I hope and believe it yet is. But if Mr. Van Buren should be re-elected, the power already acquired by the executive be retained, and that which is in progress be added to that department, it is my deliberate judgment that there will be no hope remaining for the continuance of the liberties of the country.

And yet the partisans of this tremendous executive power arrogate to themselves the name of democrats, and bestow upon us, who are opposed to it, the denomination of federalists! In the Senate of the United States, there are five gentlemen who were members of the federal party, and four of them have been suddenly transformed into democrats, and are now warm supporters of this administration, while I, who had exerted the utmost of my humble abilities to arouse the nation to a vindication of its insulted honor, and its violated rights, and to the vigorous prosecution of the war against Great Britain, to which they were violently opposed, find myself, by a sort of magical influence, converted into a federalist! The only American citizen that ever I met with, who was an avowed

monarchist, was a supporter of the administration of General Jackson; and he acknowledged to me, that his motive was to bring about the system of monarchy, which his judgment preferred.

There were other points of difference between the federalists and the democratic, or rather republican party, of 1798, but the great, leading, prominent discrimination between them, related to the Constitution of the executive department of the government. The federalists believed that, in its structure, it was too weak, and was in danger of being crushed by the preponderating weight of the legislative branch. Hence they rallied around the executive, and sought to give to it strength and energy. A strong government, an energetic executive was, among them, the common language and the great object of that day. The republicans, on the contrary, believed that the real danger lay on the side of the executive; that, having a continuous and uninterrupted existence, it was always on the alert, ready to defend the power it had, and prompt in acquiring more; and that the experience of history demonstrated that it was the encroaching and usurping department. They, therefore, rallied around the people and the Legislature.

What are the positions of the two great parties of the present day? Modern democracy has reduced the federal theory of a strong and energetic executive to practical operation. It has turned from the people, the natural ally of genuine democracy, to the executive, and, instead of vigilance, jealousy, and distrust, has given to that department all its confidence, and made to it a virtual surrender of all the powers of government. The recognized maxim of royal infallibility is transplanted from the British monarchy into modern American democracy, and the president can do no wrong! This new school adopts, modifies, changes, renounces, renews opinions at the pleasure of the executive. Is the bank of the United States a useful and valuable institution? Yes, unanimously pronounces the democratic Legislature of Pennsylvania. The president vetoes it as a pernicious and dangerous establishment. The democratic majority in the same Legislature pronounce it to be pernicious and dangerous. The democratic majority of the House of Representatives of the United States, declare the deposits of the public money in the bank of the United States to be safe. The president says they are unsafe, and removes them. The democracy say they are unsafe, and approve the removal. The president says that a scheme of a sub-treasury is revolutionary and disorganizing. The democracy say it is revolutionary and disorganizing. The president says it is wise and salutary. The democracy say it is wise and salutary.

The whigs of 1840 stand where the republicans of 1798 stood, and where the whigs of the Revolution were, battling for liberty, for the people, for free institutions, against power, against corruption, against executive incroachments, against monarchy.

We are reproached with struggling for offices and their emoluments. If we acted on the avowed and acknowledged principle of our opponents,

"that the spoils belong to the victors," we should indeed be unworthy of the support of the people. No! fellow-citizens; higher, nobler, more patriotic motives actuate the whig party. Their object is the restoration of the Constitution, the preservation of liberty, and rescue of the country. If they were governed by the sordid and selfish motives acted upon by their opponents, and unjustly imputed to them, to acquire office and emolument, they have only to change their names, and enter the presidential palace. The gate is always wide open, and the path is no narrow one which leads through it. The last comer, too, often fares best.

On a re-survey of the few past years we behold enough to sicken and sadden the hearts of true patriots. Executive encroachment has quickly followed upon executive encroachment; persons honored by public confidence, and from whom nothing but grateful and parental measures should have flowed, have inflicted stunning blow after blow, in such rapid succession, that, before the people could recover from the reeling effects of one, another has fallen heavily upon them. Had either of various instances of executive misrule stood out separate and alone, so that its enormity might have been seen and dwelt upon with composure, the condemnation of the executive would have long since been pronounced; but it has hitherto found safety and impunity in the bewildering effects of the multitude of its misdeeds. The nation has been in the condition of a man who, having gone to bed after his barn has been consumed by fire, is aroused in the morning to witness his dwelling-house wrapped in flames. So bold and presumptuous had the executive become, that, penetrating in its influence the hall of a co-ordinate branch of the government, by means of a submissive or instructed majority of the Senate, it has caused a record of the country to be effaced and expunged, the inviolability of which was guarantied by a solemn injunction of the Constitution! And that memorable and scandalous scene was enacted only because the offensive record contained an expression of disapprobation of an executive proceeding.

If this state of things were to remain—if the progress of executive usurpation were to continue unchecked, hopeless despair would seize the public mind, or the people would be goaded to acts of open and violent resistance. But, thank God, the power of the president, fearful and rapid as its strides have been, is not yet too great for the power of the elective franchise; and a bright and glorious prospect, in the election of William Henry Harrison, has opened upon the country. The necessity of a change of rulers has deeply penetrated the hearts of the people; and we everywhere behold cheering manifestations of that happy event. The fact of his election alone, without reference to the measures of his administration, will powerfully contribute to the security and happiness of the people. It will bring assurance of the cessation of that long series of disastrous experiments which have so greatly afflicted the people. Confidence will immediately revive, credit be restored, active business will return, prices of products will rise; and the people will feel and know that, instead of

their servants being occupied in devising measures for their ruin and destruction, they will be assiduously employed in promoting their welfare and prosperity.

But grave and serious measures will, unquestionably, early and anxiously command the earnest attention of the new administration. I have no authority to announce, and do not pretend to announce, the purposes of the new president. I have no knowledge of them, other than that which is accessible to every citizen. In what I shall say as to the course of a new administration, therefore, I mean to express my own sentiments, to speak for myself, without compromising any other person. Upon such an interesting occasion as this is, in the midst of the companions of my youth, or their descendants, I have felt that it is due to them and to myself, explicitly to declare my sentiments, without reserve, and to show that I have been, and, as I sincerely believe, the friends with whom I have acted have been, animated by the disinterested desire to advance the best interests of the country, and to preserve its free institutions.

The first, and, in my opinion, the most important object, which should engage the serious attention of a new administration, is that of circumscribing the executive power, and throwing around it such limitations and safeguards as will render it no longer dangerous to the public liberties.

Whatever is the work of man necessarily partakes of his imperfections; and it was not to be expected, that, with all the acknowledged wisdom and virtues of the framers of our Constitution, they could have sent forth a plan of government, so free from all defect, and so full of guaranties, that it should not, in the conflict of embittered parties and of excited passions, be perverted and misinterpreted. Misconceptions or erroneous constructions of the powers granted in the Constitution, would probably have occurred, after the lapse of many years, in seasons of entire calm, and with a regular and temperate administration of the government; but, during the last twelve years, the machine, driven by a reckless charioteer, with frightful impetuosity, has been greatly jarred and jolted, and it needs careful examination and a thorough repair.

With the view, therefore, to the fundamental character of the government itself, and especially of the executive branch, it seems to me that, either by amendments of the Constitution, when they are necessary, or by remedial legislation, when the object falls within the scope of the powers of Congress, there should be,

First, a provision to render a person ineligible to the office of President of the United States, after a service of one term.

Much observation and deliberate reflection have satisfied me that too much of the time, the thoughts, and the exertions of the incumbent, are occupied, during his first term, in securing his re-election. The public business, consequently, suffers; and measures are proposed or executed with less regard to the general prosperity than to their influence upon

the approaching election. If the limitation to one term existed; the president would be exclusively devoted to the discharge of his public duties; and he would endeavor to signalize his administration by the beneficence and wisdom of its measures.

Secondly, the veto power should be more precisely defined, and be subjected to further limitations and qualifications. Although a large, perhaps the largest, proportion of all the acts of Congress, passed at the short session of Congress since the commencement of the government, were passed within the three last days of the session, and when, of course, the president for the time being had not the ten days for consideration, allowed by the Constitution, President Jackson, availing himself of that allowance, has failed to return important bills. When not returned by the president, within the ten days, it is questionable whether they are laws or not. It is very certain that the next Congress can not act upon them by deciding whether or not they shall become laws, the president's objections notwithstanding. All this ought to be provided for.

At present, a bill, returned by the president, can only become a law by the concurrence of two thirds of the members of each House. I think if Congress passes a bill after discussion and consideration, and, after weighing the objections of the president, still believes it ought to pass, it should become a law, provided a majority of *all* the members of each House concur in its passage. If the weight of his argument, and the weight of his influence conjointly, can not prevail on a majority, against their previous convictions, in my opinion, the bill ought not to be arrested. Such is the provision of the Constitutions of several of the States, and that of Kentucky among them.

Thirdly, the power of dismission from office, should be restricted, and the exercise of it be rendered responsible.

The constitutional concurrence of the Senate is necessary to the confirmation of all important appointments; but, without consulting the Senate, without any other motive than resentment or caprice, the president may dismiss, at his sole pleasure, an officer created by the joint action of himself and the Senate. The practical effect is, to nullify the agency of the Senate. There may be, occasionally, cases in which the public interest requires an immediate dismission without waiting for the assembling of the Senate; but, in all such cases, the president should be bound to communicate fully the grounds and motives of the dismission. The power would be thus rendered responsible. Without it, the exercise of the power is utterly repugnant to free institutions, the basis of which is perfect responsibility, and dangerous to the public liberty, as has been already shown.

Fourthly, the control over the treasury of the United States should be confided and confined exclusively to Congress; and all authority of the president over it, by means of dismissing the Secretary of the Treasury, or other persons having the immediate charge of it, be rigorously precluded.

You have heard much, fellow-citizens, of the divorce of banks and government. After crippling them and impairing their utility, the executive and its partisans have systematically denounced them. The executive and the country were warned again and again of the fatal course that has been pursued; but the executive nevertheless persevered, commencing by praising, and ending by decrying, the State banks. Under cover of the smoke which has been raised, the real object all along has been, and yet is, to obtain the possession of the money power of the Union. That accomplished and sanctioned by the people—the union of the sword and the purse in the hands of the president effectually secured—and farewell to American liberty. The sub-treasury is the scheme for effecting that union; and, I am told, that of all the days in the year, that which gave birth to our national existence and freedom, is the selected day to be disgraced by ushering into existence a measure imminently perilous to the liberty, which, on that anniversary, we commemorate in joyous festivals. Thus, in the spirit of destruction which animates our rulers, would they convert a day of gladness and of glory, into a day of sadness and mourning. Fellow-citizens, there is one divorce urgently demanded by the safety and the highest interests of the country—a divorce of the president from the treasury of the United States.

And, fifthly, the appointment of members of Congress to any office, or any but a few specific offices, during their continuance in office, and for one year thereafter, should be prohibited.

This is a hackneyed theme, but it is not less deserving of serious consideration. The Constitution now interdicts the appointment of a member of Congress to any office created, or the emoluments of which have been increased while he was in office. In the purer days of the republic, that restriction might have been sufficient, but in these more degenerate times, it is necessary, by an amendment of the Constitution, to give the principle greater extent.

These are the subjects, in relation to the permanent character of the government itself, which, it seems to me, are worthy of the serious attention of the people, and of a new administration. There are others of an administrative nature, which require prompt and careful consideration.

First, the currency of the country, its stability and uniform value, and as intimately and indissolubly connected with it, the insurance of the faithful performance of the fiscal services, necessary to the government, should be maintained and secured by exercising all the powers requisite to those objects with which Congress is constitutionally invested. These are the great ends to be aimed at; the means are of subordinate importance. Whether these ends, indispensable to the well-being of both the people and the government, are to be attained by sound and safe State banks, carefully selected, and properly distributed, or by a new bank of the United States, with such limitations, conditions, and restrictions, as have been in-

dicated by experience, should be left to the arbitrament of enlightened public opinion.

Candor and truth require me to say, that, in my judgment, while banks continue to exist in the country, the services of a bank of the United States can not be safely dispensed with. I think that the power to establish such a bank is a settled question; settled by Washington and by Madison, by the people, by forty years' acquiescence, by the judiciary, and by both of the great parties which so long held sway in this country. I know and I respect the contrary opinion, which is entertained in this State. But, in my deliberate view of the matter, the power to establish such a bank being settled, and being a necessary and proper power, the only question is, as to the expediency of its exercise. And on questions of mere expediency, public opinion ought to have a controlling influence. Without banks, I believe we can not have a sufficient currency; without a bank of the United States, I fear we can not have a sound currency. But it is the end, that of a sound and sufficient currency, and a faithful execution of the fiscal duties of government, that should engage the dispassionate and candid consideration of the whole community. There is nothing in the name of the bank of the United States which has any magical charm, or to which any one need be wedded. It is to secure certain great objects, without which society can not prosper; and if, contrary to my apprehension, these objects can be accomplished by dispensing with the agency of a bank of the United States, and employing that of State banks, all ought to rejoice, and heartily acquiesce, and none would more than I should.

Second, that the public lands, in conformity with the trusts created expressly, or by just implication, on their acquisition, be administered in a spirit of liberality toward the new States and Territories, and a spirit of justice toward all the States.

The land bill which was rejected by President Jackson, and acts of occasional legislation, will accomplish both these objects. I regret that the time does not admit of my exposing here the nefarious plans and purposes of the administration as to this vast national resource. That, like every other great interest of the country, is administered with the sole view of the effect upon the interests of the party in power. A bill has passed the Senate, and is now pending before the House, according to which, forty millions of dollars are stricken from the real value of a certain portion of the public lands by a short process; and a citizen of Virginia, residing on the south-west side of the Ohio, is not allowed to purchase lands as cheap, by half a dollar per acre, as a citizen living on the north-west side of that river. I have no hesitation in expressing my conviction, that the whole public domain is gone if Mr. Van Buren be re-elected.

Third, that the policy of protecting and encouraging the production of American industry, entering into competition with the rival productions of foreign industry, be adhered to and maintained on the basis of the principles and in the spirit of the compromise of March, 1833.

Protection and national independence are, in my opinion, identical and synonymous. The principle of abandonment of the one can not be surrendered without a forfeiture of the other. Who, with just pride and national sensibility, can think of subjecting the products of our industry to all the taxation and restraints of foreign powers, without effort, on our part, to counteract their prohibitions and burdens, by suitable countervailing legislation? The question can not be, ought not to be, one of principle, but of measure and degree. I adopt that of the compromise act, not because that act is irrepealable, but because it met with the sanction of the nation. Stability, with moderate and certain protection, is far more important than instability, the necessary consequence of high protection. But the protection of the compromise act will be adequate, in most, if not as to all interests. The twenty per centum which it stipulates, cash duties, home valuations, and the list of free articles inserted in the act for the particular advantage of the manufacturer, will insure, I trust, sufficient protection. All together, they will amount probably to no less than thirty per centum, a greater extent of protection than was secured prior to the act of 1828, which no one stands up to defend. Now the valuation of foreign goods is made not by the American authority, except in suspected cases, but by foreigners and abroad. They assess the value, and we the duty; but, as the duty depends, in most cases, upon the value, it is manifest that those who assess the value fix the duty. The home valuation will give our government what it rightfully possesses, both the power to ascertain the true value of the thing which it taxes, as well as the amount of that tax.

Fourth, that a strict and wise economy in the disbursement of the public money be steadily enforced; and that, to that end, all useless establishments, all unnecessary offices and places, foreign and domestic, and all extravagance, either in the collection or expenditure of the public revenue, be abolished and repressed.

I have not time to dwell on details in the application of this principle. I will say that a pruning-knife, long, broad, and sharp, should be applied to every department of the government. There is abundant scope for honest and skillful surgery. The annual expenditure may, in reasonable time, be brought down from its present amount of about forty millions to nearly one third of that sum.

Fifth, the several States have made such great and gratifying progress in their respective systems of internal improvement, and have been so aided by the distribution under the deposit act, that, in future, the erection of new roads and canals should be left to them, with such further aid only from the general government, as they would derive from the payment of the last installment under that act, from an absolute relinquishment of the right of Congress to call upon them to refund the previous installments, and from their equal and just quotas, to be received by a future distribution of the net proceeds from the sales of the public lands.

And, sixth, that the right to slave property, being guarantied by the Constitution, and recognized as one of the compromises incorporated in that instrument by our ancestors, should be left where the Constitution has placed it, undisturbed and unagitated by Congress.

These, fellow-citizens, are views both of the structure of the government and of its administration, which appear to me worthy of commanding the grave attention of the public and its new servants. Although, I repeat, I have neither authority nor purpose to commit any body else, I believe most, if not all, of them are entertained by the political friends with whom I have acted. Whether the salutary reforms which they include will be effected or considered, depends upon the issue of that great struggle which is now going on throughout all this country. This contest has had no parallel since the period of the Revolution. In both instances, there is a similarity of object. That was to achieve, this is to preserve the liberties of the country. Let us catch the spirit which animated, and imitate the virtues which adorned our noble ancestors. Their devotion, their constancy, their untiring activity, their perseverance, their indomitable resolution, their sacrifices, their valor! If they fought for liberty or death, in the memorable language of one of the most illustrious of them, let us never forget that the prize now at hazard, is liberty or slavery. We should be encouraged by the fact, that the contest, to the success of which they solemnly pledged their fortunes, their lives, and their sacred honors, was far more unequal than that in which we are engaged. But, on the other hand, let us cautiously guard against too much confidence. History and experience prove that more has been lost by self-confidence and contempt of enemies than won by skill and courage. Our opponents are powerful in numbers, and in organization, active, insidious, possessed of ample means, and wholly unscrupulous in the use of them. They count upon success by the use of two words, democracy and federalism; democracy, which, in violation of all truth, they appropriate to themselves, and federalism, which, in violation of all justice, they apply to us. And allow me to conjure you not to suffer yourselves to be diverted, deceived, or discouraged by the false rumors which will be industriously circulated, between the present time and the period of the election, by our opponents. They will put them forth in every variety, and without number, in the most imposing forms, certified and sworn to by conspicuous names. They will brag, they will boast, they will threaten. Regardless of all their arts, let us keep steadily and faithfully and fearlessly at work.

But if the opposition perform its whole duty; if every member of it act as in the celebrated battle of Lord Nelson, as if the eyes of the whole nation were fixed on him, and as if on his sole exertions depended the issues of the day, I sincerely believe, that at least twenty of the States of the Union will unite in the glorious work of the salvation of the Constitution, and the redemption of the country.

Friends, and fellow-citizens, I have detained you too long. Accept my

cordial thanks, and my profound acknowledgments for the honors of this day, and for all your feelings of attachment and confidence toward me; and allow me, in conclusion, to propose a sentiment:

Hanover County—it was the first, in the commencement of the Revolution, to raise its arms, under the lead of Patrick Henry, in defense of American liberty; it will be the last to prove false or recreant to the holy cause.

AT A HARRISON CONVENTION.

NASHVILLE, TENNESSEE, AUGUST 17, 1840.

[There is much life, spirit, wit, and sarcasm in this speech, mixed up with a consciousness of a certain triumph for the Whigs in the then pending presidential campaign. The old hero of the Hermitage was within almost arm's length of the speaker, and came in for a slight but civil notice, mixed with pleasantry. Mr. Clay was in excellent spirits, and well he might be, with such a vast concourse of devoted friends before him. "Where is my old friend, Felix Grundy? Ah! at his old occupation, defending criminals." He was off in East Tennessee, stumping for Mr. Van Buren.]

Mr. Clay was called for, with an enthusiasm which seemed to have no bounds; and, when he came forward, with those characteristic smiles playing all over his remarkable countenance, the air was rent with nine such cheers as it has seldom fallen to the lot of any man to receive. When those had subsided, he commenced somewhat as follows:

Mr. President, gentlemen of the convention, ladies, friends, and fellow-citizens. This day may be likened to the glorious and genial sun that now shines upon us. Clouds are occasionally flitting over it, and obscuring, for the moment, its beaming rays, but truth will break through the mist, and shine the brighter for having been for a time obscured. By November next, the dark clouds which have been lowering above the political horizon, will all disappear. I congratulate this vast multitude upon the glorious prospect before us.

This, said Mr. Clay, is a convention of the people, and he asked if he might not, without arrogance, revert to the cause of his appearing before them. During the arduous contest in which he had been long engaged, occasional clouds lowered about him, but, conscious of the correctness of his motives, of the purity of his intentions, he had stood out from the beginning dauntless, erect, and undismayed.

Had he visited Tennessee during the campaign to which he had alluded, he would have disabused the public mind in relation to the charges which were made against him. In giving his vote, in 1825, for Mr. John Quincy Adams, he obeyed the wishes of his constituents. It had been charged

that he did not do this, but the charge was unfounded. It was true that the Legislature of Kentucky at the time, made a request that he should give a different vote; but that body, in making the request, went beyond its province; it had no right to interfere in the matter; the right belonged exclusively to his constituents, in the counties of Fayette, Woodford, and Jessamine. Each of these counties sustained, approved, and ratified his conduct at the time, and neither of them has ever, to this day, revoked or annulled that approbation. With respect to his motives, for the course he pursued, he had nothing, on this occasion, to offer. Those motives were known to, and would be adjudged by, his God. He never doubted that the day would come when justice would be done him. Yes, he never doubted that brave, generous, patriotic Tennesseeans would be among the first to do him justice. This, he felt they had done. The welcome with which he was greeted on his arrival; the procession, the banners, and last, though not least, the many bright eyes that beamed, and the handkerchiefs that waved on the occasion, all spoke to him a language of true and heartfelt welcome, as grateful as it was flattering to his feelings.

It was true, that he had some reluctance, some misgivings, about making this visit at this time, which grew out of a supposition that his motives might be misconstrued. The relations which had for a long time existed between himself and the illustrious captain in this neighborhood, were well understood. He feared, if he accepted the invitation to make the visit now, that it might be thought by some that his motives were less patriotic than sinister or selfish. But he assured that great assemblage, that toward that illustrious individual, their fellow-citizen and friend, he cherished, he possessed no unkind feelings. He was a great chieftain; he had fought well and bravely for his country; he hoped he would live long, and enjoy much happiness, and, when he departed from this fleeting vale of tears, that he would enter into the abode of the just, made perfect.

Mr. Clay said, that in addressing an assembly of so many thousands as he now saw around him, when so many topics were crowding into his mind, he was at a loss to select a theme. Shall I, he asked, dwell upon a ruined currency, upon the prostration of business, the stagnation of trade, and the destruction of commerce? Or shall I speak of the wasteful extravagance of the present powers that be?

A paper had just been put into his hands, which he had never seen before, that represented, in the form of a pyramid, the expenditures of the last three administrations. He held it up to view, and explained its meaning. He read some of the items of expenditure, under the present administration, which is so characteristically economical, and contrasted them with expenditures, under the same heads, made by the administration of John Quincy Adams, an administration whose extravagance so shocked the sensibilities of the whole nation!

But Mr. Clay said, this was not one of the themes he had selected to address the audience upon. He had thought to refer to, among other things,

some of the very extraordinary doctrines now advanced, by those who profess to entertain the greatest veneration and regard for the State rights doctrines. In this connection, he brought up the ridiculous manœuver, in the United States Senate, at the late session, on the subject of the debts of the several States. A long report was made, that the general government would not assume the payment of those debts—a thing that nobody ever dreamed of! This report, of which an extraordinary number of copies was ordered to be printed for circulation, was drawn up, said Mr. Clay, by your fellow-citizen, and an old acquaintance of mine (honorable Felix Grundy). And one of the pleasures which I promised myself, in making this visit to your beautiful town, was to meet and talk over matters with him. But, on my inquiry for him, I learned that he was in East Tennessee, making speeches in favor of the present administration! Ah! said I, at his old occupation, defending criminals! (The manner in which this was said, surpasses description. Those only who saw it, or who are acquainted with Mr. Clay's gesticulations and style of speaking, can imagine any thing approaching the reality.)

But there is this difference, said Mr. Clay, between my distinguished friend's present and past defense of criminals. He is now defending great criminals of State, not before a carefully packed jury, but before the free, enlightened, virtuous, and patriotic people; and, therefore, we may well hope that his present defense will not be attended with his hitherto usual success!

Mr. Clay referred to Mr. Van Buren's recommendation, in 1837, of a bankrupt law, bearing exclusively upon State banks, as an evidence of his regard for State rights, and mirrored forth the evils of such a law.

He reverted to the progress of the sub-treasury bill, through its several stages, and descanted upon the manner in which it was finally got first through the Senate, and then the House, with great ability and eloquence; in which connection he gave a clear and succint accounct of the manner, and for what cause, New Jersey was so disgracefully disfranchised.

Mr. Clay said, the party in power profess to be democrats *par excellence!* Among all their usurpations, he knew of none more absurd than the usurpation of this name. He professed himself to be a true democrat. He learned his democracy in the school of '98 and '99. It was very different, he confessed, from the democracy taught now-a-days, in high places. It did not say, in the language of the motto upon the Bedford county banner, which he just read, "the people expect too much from the government;" "let the government take care of itself, and the people of themselves." No! the democracy that he had learned was the reverse of this language of the present democratic president. But the new democracy does not stop here. It asks for allegiance to the powers that be. The democracy of Jefferson asked a candidate for office if he was capable, and honest, and would support the Constitution. But the new democracy asks very differ-

ent questions. It asks, how many votes can you bring to the polls? What's your influence? Are you boisterous partisans? It also holds out inducements, or bribes, which Jefferson's democracy did not. It says, If you labor in my cause, and the people reject you, I will take care that your reward shall be certain. He instanced the appointment of Mr. Grundy, and then referred to the appointment of John M. Niles, as post-master-general, who, not four months ago, was rejected by the people by four thousand five hundred votes. To be thus beaten, was a sure passport to an executive office. By-the-by, he said, the office conferred upon Mr. Niles was not a very enviable one, for he had to take a seat previously occupied by a creature, than whom a more despicable creeping reptile could not be named. His fellow-citizens, he presumed, would know to whom he alluded.

Mr. Clay here dwelt for some minutes upon the immoral tendency to which such a course of administration as he had been alluding to would lead. But he trusted it would be checked—that the great physician, the ballot-box, was near at hand, and that by November, the disease would be met by an effective and most salutary remedy. When before had such a state of things as now exists been known? When before such a disregard of obligations? When before have sixty-four out of sixty-seven land officers proved to be defaulters? When before have defaulters not only been retained in office after their defalcations were known, but absolutely re-appointed? He referred to the appointment of Mr. Livingston, as Secretary of State, at a time when he was a defaulter, but said, he presumed the president did not reflect sufficiently upon the tendency such an appointment would have. He referred to the Moore and Letcher case, and to the appointment of Mr. Hocker, to the best office in the country, for his services in the dark transaction. He had heard that Hocker had since proved a defaulter.

Mr. Clay said, he would like to address himself directly to the democrats within the sound of his voice. He wished to address them, not as enemies, but as brothers, as men equally patriotic, and equally devoted with the whigs, to the best interests of the country. We differ, said he, but upon what subjects do men not differ? Have all your hopes been realized, in regard to the administration of the government? Have the pledges that were made you been fulfilled? Take, for example, the one term for the presidency. Did not the great captain promise you that one term was enough for a president to serve? Was it carried out? How was the promise, not to appoint members of Congress to office, carried out? How was the promise, to reduce the extravagant expenditures fulfilled? What principle was carried out? what promise kept? what pledge redeemed? Is there an administration man in this vast assemblage that will answer, shouted the Kentucky orator, in the loudest tones of his musical voice.

Mr. Clay said, he had called the present a vast assemblage, and he would

take that occasion to declare, that there were more people, and more banners there, than there were at the great Baltimore convention. And why are there so many people here, coming together from almost every State in the Union?

Mr. Clay said, he claimed to be a democrat, in the true sense of the word—a democrat ready to stand by or die for his country. He referred to the great contest now going on, and asked that nothing should be done to the injury of our opponents. All, he said, were interested alike; all were on board the great ship of State; all were alike interested in the success of the voyage. But there were exceptions to the general rule; there were beings in the lead of the party who could not be hung too high—beings who set all the baser passions of men at work, and labor constantly and solely for no good. There was another class; the boisterous office-holders, the prætorian band, the palace slaves, he was about to say, of Martin Van Buren! But then, to call such a man a king over such a people as this great concourse! oh, he would not so insult them! . .

Mr. Clay, in conclusion, addressed the Tennesseeans particularly. He reverted to the position of Tennessee and Kentucky. They stood side by side; their sons fought side by side at New Orleans. Kentuckians and Tennesseeans now fight another and a different kind of battle. But they are fighting now, as then, a band of mercenaries, the cohorts of power. They are fighting a band of office-holders, who call General Harrison a coward, an imbecile, an old woman!

Yes, General Harrison is a coward! but he fought more battles than any other general during the last war, and never sustained a defeat! He is no statesman! and yet he has filled more civil offices of trust and importance than almost any other man in the Union!

[A man in the crowd here cried out, "Tell us of Van Buren's battles!"]

Ah! said Mr. Clay, I will have to use my colleague's language, and tell you of Mr. Van Buren's three great battles! He says that he fought general commerce, and conquered him; that he fought general currency, and conquered him; and that, with his Cuba allies, he fought the Seminoles, and got conquered!

Mr. Clay referred, with great good humor, to the seventeen thousand whig majority of Kentucky, and asked, if generous, chivalric Tennessee would not enter the lists of competition with her? He doubted not she would make a gallant effort to not only run up alongside, but to come out ahead of her!

ON THE REPEAL OF THE SUB-TREASURY LAW.

IN SENATE, DECEMBER 15, 1840.

[As a decided majority of the State Legislatures had already instructed their senators to vote for a repeal of the Sub-Treasury law, it was quite suitable that Mr. Clay should try them by bringing a resolution into the Senate having that object, which he did at the date above specified, while Mr. Van Buren still occupied the chair of State, and his friends still made a majority in both Houses of Congress. Of course, Mr. Clay had no expectation that this law would be repealed, till the new administration should be installed in power; but it was not unjust that they who had treated the country so cruelly, as to impose the law upon it, should have a dose of the same physic, in being thus annoyed by Mr. Clay's resolution. Nor was that resolution mere mockery of a party in distress; it was retributive justice for a criminal act; for the law was passed in obedience to order from another branch of the government, and not by the independent action of the Legislature. It was desired by General Jackson, and it was the pleasure of Mr. Van Buren, that Congress should register that decree; and so it did. But times had changed, and the people decided in 1840 that they were entitled to a voice in so momentous a question, bearing upon all their interests. Mr. Clay, therefore, proposed to see what senators would say in response to such a decision.]

Mr. Clay said it had never been his purpose, in offering this resolution, to invite or partake in an argument on the great measure to which the resolution related, nor was it his purpose now. He would as lief argue to the convicted criminal, when the rope was around his neck, and the cart was about to remove from under his body, to persuade him to escape from the gallows, as to argue now to prove that this measure of the sub-treasury ought to be abandoned. But Mr. Clay had offered the proposition which he wished to submit as a resolution, and it was now due to the Senate that he should say why he had presented it in that shape.

It was the ordinary course in repealing laws, either to move a resolution for an inquiry by a committee on the subject of repeal, or else ask leave to bring in a bill to repeal the measure which they wished to be rid of.

But there were occasions when these ordinary forms might be and ought to be dispensed with. And if they should look for examples to the only period which bore any analogy to this, that was the time when Mr. Jefferson came into power, but under circumstances far different from those attending the accession of the resident of North Bend. If at that time the alien law had not been limited in time, but had been made permanent as to its duration, would it not have been supposed ridiculous to have moved a resolution of inquiry as to the expediency of repealing that most odious measure? Besides, the sub-treasury had now been three years and three months the subject of incessant and reiterated arguments; a term longer than that of the duration of the last war. Under these circumstances, a discussion of the measure would be both unnecessary and misapplied. It was sufficient that the nation now willed and commanded the repeal of the measure, and that the senators of nineteen States had been instructed to repeal it. It might, indeed, be contended that the presidential election had decided this or that measure, when there might well be a dispute about it. Gentlemen on the other side had said, that such and such an election had decided this or that measure, one instance of which related to a bank of the United States, and about them all there might well have been controversy. But on one point there could not be a diversity of opinion; and that was, that this nation, by a tremendous majority, had decided against the sub-treasury measure. And, when the nation speaks, and wills, and commands, what was to be done? There was no necessity of the forms of sending to a committee for a slow process of inquiry; but there was a necessity of doing what the country required, and to reform what senators had been instructed to reform. The only question now was, who would act against the will of the nineteen States; and Mr. Clay thought gentlemen who professed to be guided by the popular sentiment could have no hesitation to comply with it now.

Sir (said Mr. Clay), I had hoped, for one, that the President of the United States, when he communicated his late message to Congress, would announce the fact which I have stated, and would have conformed to it in his suggestions to Congress. I would not, indeed, have asked the president to present himself before Congress, and say to the nation and to Congress, "I have been wrong all this time, and I now retract my error." Sir, it would have been unmanly to urge him to such a step, and I would not have required it of him. But we had a right to expect that the president would have said what was the fact on this subject, that the nation had decided against this measure, and he ought to have recommended that the will of the country should be obeyed. But least of all could we expect that he would recommend, as he did, certain improvements of this measure, and that senators should concur in amending a measure against which the nation had decided. And, even if they should persevere in such a course till March next, they know perfectly well that this measure can not be continued after the new president shall commence his administration.

One word as to the effect of the repeal. What has been said of this measure? It is said to have been very successful, by the report of the Secretary of the Treasury. Sir, I would have been much better pleased if that document had gone into detail, and had told us what effects had been produced, and what changes had really taken place, arising out of this measure. All this he has omitted, and he has only told us that the measure has so far satisfied all their expectations, and that it has been most favorable in its operation. But what is its operation? Sir, I am far from the receivers-general, and wish I was much further; but what is its operation. Perhaps the honorable senator from New Hampshire (Mr. Hubbard) can tell, who, on all occasions, has stood forth the ready protector and advocate of the Secretary of the Treasury, though I must say it was a most ungrateful return for the Secretary of the Treasury to beat him in the late senatorial election. Or, I should be glad to learn from the honorable chairman of the committee on finance, (Mr. Wright), who is one of those instructed against the measure, and let him give it in detail, how the sub-treasury has acted, and how it is now working, how it is varying the financial and commercial concerns of this country. Sir, I can tell myself, though I am remote from its operations, and I understand there is not the slightest difference now from what was going on before the 4th of July last, in the operation of this system. Now, as then, the notes of all the specie-paying banks are received, and these notes pass into the hands of the receiver-general. The process is this: a merchant in New York who has to pay say four hundred dollars, gives two checks, of two hundred dollars each, but no specie. One of these checks is indorsed "specie," but the other has no such indorsement; and both these checks are carried to the bank and credited, not to the government, but to the receiver-general, on his own private account. That is the action of the sub-treasury. Both checks are cashed paper, convertible at the will of the holder into specie, and the one with the indorsement of specie is no more specie than the one without the indorsement. And such was, in fact, the usage before the 4th of July last. Prior to that, the paper of no bank not paying specie was received, and it is so now; and that is the amount of the whole operation of this measure. Prior to the 4th of July last, in New York, for example, the money was received and placed in the banks on private account, and the government had no control over it. And so it is now. Jesse Hoyt passes it over to Saul or Paul Allen, and government has no control over it. The result is, that the whole revenue passes under the care and custody of a private individual, into some bank. If I am right in this, it is very clear that the operation of this system is extremely limited, and very inconsiderable, and must so continue. But I trust, if the account is to be kept with the banks, that, instead of individuals, it will be opened, as it formerly always was, with the Treasurer of the United States.

I think, then, Mr. President, that no sort of inconvenience can possibly result from the repeal of this measure. But even if it could, that is now

no consideration for us; but when we have our instructions, I, at least, shall obey the will of nineteen States.

Forbearing, then, from a general discussion, which has been continued three years and three months, I am now ready for the vote on the resolution, though I shall not urge it. If gentlemen want further time to consider, or for any other purpose, I will be the last to deny them a request so reasonable as that.

Mr. Clay, said in reply to Mr. Wright, of New York, Mr. President, it is always pleasant to me when I have the honor to submit a proposition in a form so acceptable to the honorable senator from New York; and I am disposed to allow the largest possible accommodation, even on the point desired by the senator, of postponing this measure till the Senate shall be more full. And, as I am a Christian, or endeavor to be so, I will not return evil for good. Though I recollect, when this measure was on the verge of passing here, how the senator from New York would not allow a single day to the senator from Delaware (Mr. Clayton), though he would not then, though earnestly intreated to do so, delay the question even over night; though all this was denied with the concurrence of that senator, still I am for returning good for evil, and I am very happy that better days and more liberal sentiments are coming. I will concur in any reasonable postponement which the senator may desire.

But while up, I will notice a few remarks of the senator from New York. He says, this is a very convenient party now coming into power, because it is without avowed principles—a coon-skin, log-cabin party. And before I proceed further on this subject, let me ask, what sort of a party those must be, who have been driven out of power by a party whose residence is a log cabin, and whose covering is coon skins? Sir, there must be something wrong about it, or the defeated party would have never met so hard a fate from a party which they hold so much in contempt, and which is so contemptible, if the senator is correct. But does he in fact want to know my principles, or the principles of my friends, with respect to this sub-treasury measure? Have not we been battling with the whole country on our side against this identical measure? The senator tells us, that the popular voice was in favor of this measure, and that it was consequently carried in the popular branch. Sir, I hope he will relieve me of the necessity of looking into that New Jersey affair, and of discussing the manner in which that gallant State was stripped of her sacred rights, and her authority trampled under foot, in a manner degrading to a deliberative assembly, and disgraceful to the age in which we live. But I will not go into it. In the progress of the war gentlemen did gain a little, and we were subject to reverses prior to 1840. But who that regards the truth, and has been attentive to the progress of events, can rise in his place and deny that the elections of 1840 repealed the sub-treasury measure? They were avowedly against it; the object was to put it down, and to dispense with a measure which had disturbed the community, and deranged the affairs of the country for more than three long years. It is not at all like

the cases alluded to by the senator under former elections. The election of 1832, for instance, was construed into an expression of public opinion against the bank of the United States. But we all know that General Jackson was then in favor of a bank of the United States. He so said in his message, and he was then supported on the ground that he was friendly to the establishment of a bank of the United States. And I then denied, as I do now, that the inference of gentlemen from those elections was justly drawn. But now, whether the late election is favorable to a bank of the United States or to a league of banks, on one point, and that is as respects this measure, it is utterly impossible there can be two opinions here.

The honorable senator calls on us to say what other measure is to be resorted to after that is destroyed; a bank of the United States or local banks? Sir, "sufficient to the day is the evil thereof." We have nothing now but the sub-treasury to handle. That is an obstacle in the way of any measure. Let us first remove that, and it will then be time for the senator from New York to be heard in his inquiries.

But he says the party coming into power are without principle. But does he not know that they are against the sub-treasury, and in favor of some sound and safe regulation of the currency? That they are for economy? That they are against the extravagance of the downfallen administration? That retrenchment is their aim? And that they are opposed to the late fearful usurpations and abuses of executive power? Sir, the gentleman forgets that the election is over. I assure him, that it terminated November second, 1840. He seems to think that he is addressing an assembly in New York, at Poughkeepsie, or elsewhere. Because General Harrison did not choose to reply to impertinence, the gentleman charges him and the whole party with want of principles. But, on all subjects, he was manly and open, and it was on principle that the people brought him into power. But do gentlemen really mean to assert that they are without principle? No, sir, no. They know the principles of the new administration well enough. They know that it will not denounce bank paper and then give us treasury notes; that it is against all expedients of this kind; that the administration will be openly and fairly conducted; that it will not have debts to a large amount surrounding the government in all its departments—to the Indians, for State stocks made for political purposes, and reduced to two thirds of their original value; for the Florida war—literally covered over with debts, and all the time preaching against debts, and all the time using treasury notes; and they know, if they do not tell us how much of debts they have to pay, we, when we have the means of investigating, will cast up the aggregate to a great amount—an enormous and mystified amount.

Sir, if it is the will and pleasure of the majority to vote down the resolution, let them do it manfully, and say that their will, and not the will of the people, shall prevail. But if the will of the people is to be carried out, there is no reason for delay; the sub-treasury should be repealed, and forthwith.

ON THE DISTRIBUTION OF PROCEEDS OF THE PUBLIC LANDS.

IN SENATE, JANUARY 28, 1841.

[Though Mr. Clay was often, for many years, engaged in debate on this subject, the following may emphatically be called his great argument upon it. He was stirred up to it by the wicked attempt, on the part of Mr. Van Buren and his party in Congress, to squander the immense estate of the public domain by a new pre-emption bill, just as that party was going out of power, and General Harrison and the Whigs were to succeed—the latter party having been already elected, with a large majority in both Houses of Congress, and General Harrison as president. Mr. Van Buren had a majority in this, the Twenty-sixth Congress, which could pass any bill they pleased. Indignant at this attempt thus to use a power which had already been sentenced by the voice of the people, Mr. Clay rose in his majesty, and in an argument of two days, cast more light on this subject than had ever been done by himself and all others. It was a subject on which he was perfectly at home. He had been obliged to fight this battle ever since General Jackson's accession to power. Some eight years before the present occasion, he had effected a distribution of twenty-eight millions of dollars of land proceeds among the States, as a loan in trust, though perfectly understood to be a final distribution, as it proved. It was the Jackson policy to husband power in the new States, by giving them the public lands lying in their own limits; and the argument was, that, if the price of the public lands went into the national treasury, it was so much money drawn from the States where they lay. This was a direct appeal to the cupidity of the new States, and the argument thus addressed seemed to them plausible. No account was taken of the injustice done by this policy to the old States, which originally owned this property, but surrendered it for the common benefit of all the States, on the condition that all should share in it; thus constituting, by

the deed of cession, the general government a trustee for these parties and for this object. Nor was it considered, that they who bought the public lands still held the *quid pro quo*, which was not easy to be lifted up and carried out of a new State. It was still there, with all its value, and increasing in value by cultivation. A perverse purpose will always invent a perverse argument, and the people of the new States would readily argue that, being independent States, they had a right to the public lands within their bounds, and that any part of the price of them, paid to other States, was so much taken from them. But Mr. Clay gave a terrible blow to this reasoning, when he showed, that, on this plan, the State of Ohio would lose a hundred times as much as she would gain, by parting with her common right in the public domain, and taking the public lands within her own limits, though not at that time inconsiderable in quantity.

Some have thought it a pity that Mr. Clay should have been so long, and almost always, on the losing side of national politics; and so all would say, who can not appreciate the self-sacrificing character that lives and acts for the good of others, for his country, and not for himself. Some, too, have greatly undervalued Mr. Clay's public services, in being so often and so long on the unsuccessful side. They do not consider, that he was always in the gap, to battle with the enemies of his country, and that, in such a position, he was always successful, in keeping the enemy at bay, if not in overthrowing him. For the eight long years of General Jackson's two terms of office, in all that Mr. Clay thought it his duty to oppose that extraordinary and rash man, he always kept him at bay, and often defeated him. No one can estimate the amount of influence which Mr. Clay wielded, as the opponent of General Jackson, or what would have been the consequences if Mr. Clay had not been there. It is true that, when Mr. Van Buren came into power, Mr. Clay had an easier task, and the Jackson dynasty was utterly overthrown at the end of Mr. Van Buren's four years' administration; and all the world will confess, that to no other man, nor to all other men put together, was this final result so much owing as to Mr. Clay. His single arm maintained the fight, and he was always in the van, doing his own duty, and leading and urging on his friends to the conflict. It is not alone, therefore, what Mr. Clay actually accomplished of a positive character, that should enter into the estimate of his public services; but his

warding-off of mischief, his confounding of pernicious counsels, and the final crushing out, in 1840, of the worst scheme of national policy that was ever devised for a free people, and which, if it had succeeded, would have destroyed American freedom—all this, too, must be taken into the account of Mr. Clay's public services. Grant that the Tyler treason prevented much, nearly all of the good that should have followed, still the entire discomfiture, for the time being, of that great system of iniquity and of State quackery, opening a chance to the nation for a new start, was an advantage which can never be over-estimated. The following speech is a standing and proud historical monument of one of Mr. Clay's great efforts in this line of movement, which promised little indeed with the majorities of the Twenty-sixth Congress; but which, nevertheless, told mightily on the country for the future. It was delivered at the moment of the last breath of an expiring dynasty, which for twelve years had rested as an incubus on the bosom of the nation.]

With the measure of the distribution of the proceeds of the sales of the public lands among the States of the Union, I have been so associated for the last eight or ten years, that, although it had not been my original purpose to say one word in respect to that measure at the present session of Congress, the debate on my colleague's motion has taken such a wide range, that my silence might be construed into indifference, or an abandonment, on my part, of what I conscientiously believe to be one of the most important and beneficial measures ever submitted to the consideration of an American Congress. I did not intend to move in the matter at this session, because of the extraordinary state of parties and of public affairs. The party against which the people of the United States had recently pronounced decisive judgment, was still in power, and had majorities in both Houses of Congress. It had been always opposed to the distribution bill. The new administration, to which a majority of the people of the United States had given its confidence, had not yet the possession of power, and, prior to the 4th of March next, can do nothing to fulfill the just expectations of the country. The treasury is exhausted, and in a wretched condition. I was aware, that its state would be urged as a plausible plea against present distribution; urged even by a party, prominent members of which had heretofore protested against any reliance whatever on the public lands as a source of revenue. Now, although I do not admit the right of Congress to apply the proceeds of all the public lands, consistently with the terms of the deeds of cession from Virginia and the other ceding States, to the purposes of ordinary revenue of government, yet Congress being in the habit of making such an application, I was willing to acquiesce in the continuation of the habit until, I hope at some early day, a

suitable provision can be made for the exchequer out of some more appropriate and legitimate source than the public lands.

The distribution proposed by my colleague can be made, and, if no other senator does, I will propose to make it, to commence on the 1st day of January next, leaving the proceeds of the lands of the current year applicable to the uses of the treasury. This will avoid the financial objection, as I hope, prior to that day, that some permanent and adequate provision will be made to supply government with the necessary revenue. I shall, therefore, vote for the proposition with that qualification, since it has been introduced, although I had not intended to move it myself at this session.

I came to the present session of Congress under the hope, that it would dedicate itself earnestly to the urgent and necessary work of such a repair of the shattered vessel of State as would put it in a condition to perform the glorious voyage which it will begin on the 4th of March next. I supposed, indeed, that all new and doubtful measures of policy would be avoided; but persuaded myself that a spirit of manliness, of honor, and of patriotism, would prompt those who yet linger in power and authority at least to provide the necessary ways and means to defray the expenses of government in the hands of their successors, during the present year, if not permanently. But I confess with pain, that my worst fears are about to be realized. The administration not only perseveres in the errors which have lost it the public confidence, but refuses to allow its opponents to minister, in any way, to the sufferings of the community, or the necessities of the government. Our Constitution is defective, in allowing those to remain in authority three or four months after the people have pronounced judgment against them; or rather the convention did not foresee the possibility of the existence of an administration, which would deliberately treat with neglect and contempt the manifest sentiments of their constituents. It did not imagine that an administration could be so formed, as that, although smarting under a terrible but merited defeat, it would, in the spirit of the ancient fable, doggedly hold on to power, refusing to use it, or to permit others to use it, for the benefit of the people.

We have just had read to us a lecture from the honorable and highly respectable senator from New Hampshire (Mr. Pierce), which ought to have been exclusively addressed to his own friends. He tells us that we are wasting our time in party debate, and that a measure is always got up at the commencement of every session, on which a general political battle is fought, to the exclusion of all important public business. There is some truth in the charge; and, if it be wrong, who ought to be held responsible for it? Clearly, those to whom the administration of the government has been intrusted, and who have majorities in both Houses of Congress. What has been the engrossing subject of this session? The permanent pre-emption bill. Who introduced it, and why was it introduced? Not my friends, but the senator's. And it has been brought up when there is an operating pre-emption law in existence, which has a long

time to run. After the debate had been greatly protracted, and after one administration senator had notified the officers of the chamber, that they might get their lamps in order, and another had declared that they were ready to encamp on the ground until the bill was passed, why has the debate been permitted to continue weeks longer, without explanation, and to the surprise of every one on this side of the Senate? Why has more than half the session been consumed with this single and unnecessary subject? I would ask that senator, who assumes the right to lecture us all, why he concurred in pressing on the Senate this uncalled-for measure? Yes, sir, my worst fears are about to be realized. Nothing will be done for the country during this session. I did hope that, if the party in power would not, in some degree, atone for past misdeeds during the remnant of their power, they would at least give the new administration a fair trial, and forbear all denunciation or condemnation of it in advance. But has this been their equitable course? Before the new president had entered upon the duties of his office, gentlemen who have themselves contributed to bring the country to the brink of ruin (they will pardon me for saying it, but the truth must be spoken), these very gentlemen are decrying beforehand those measures of the coming administration which are indispensable, and which they must know to be indispensable, to restore the public happiness and prosperity! The honorable senator in my eye (Mr. Wright), said, in so many words, that he meant to condemn this measure of distribution in advance. (Mr. Wright shook his head).

I have taken down the senator's words, and have them here on my notes.

[Mr. Wright. If the honorable senator will permit me, I will tell him what I said. I said that the course of his friends had forced the consideration of this measure on us in advance.]

Forced it on them in advance! How? Projects to squander the public domain are brought forward by friends of the administration, in the form of a graduation bill, by which fifty millions in value of a portion of it would have been suddenly annihilated; pre-emption bills; cessions to a few of the States of the whole within their limits. Under these circumstances, my colleague presents a conservative measure, and proposes, in lieu of one of these wasteful projects, by way of amendment, an equitable distribution among all the States of the avails of the public lands. With what propriety, then, can it be said, that we, who are acting solely on the defensive, have forced the measures upon our opponents? Let them withdraw their bill, and I will answer for it that my colleague will withdraw his amendment, and will not, at this session, press any measure of distribution. No, sir, no. The policy of gentlemen on the other side, the clearly-defined and distinctly-marked policy is, to condemn in advance those measures which their own sagacity enables them to perceive that the new administration, faithful to their own principles and to the best in-

terests of the country, must bring forward to build up once more the public prosperity. How, otherwise, are we to account for opposition, from leading friends of the administration, and to the imposition of duties on the merest luxuries in the world? It is absolutely necessary to increase the public revenue. That is incontestable. It can only be done by the imposition of duties on the protected articles, or on the free articles, including those of luxury; for no one, I believe, in the Senate, dreams of laying a direct tax. Well; if duties were proposed on the protected articles, the proposition would instantly be denounced as reviving a high tariff. And when they are proposed on silks and wines, senators on the other side raise their voices in opposition to duties, on these articles of incontestable luxury. These, moreover, are objects of consumption chiefly with the rich, and they, of course, would pay the principal part of the duty. But the exemption of the poor from the burden does not commend the measure to the acceptance of the friends of this expiring administration. And yet, they, sometimes, assume to be guardians of the interests of the poor. Guardians of the poor! Their friendship was demonstrated at a former session by espousing a measure which was to have the tendency of reducing wages, and now they put themselves in opposition to a tax which would benefit the poor, and fall almost exclusively on the rich.

I will not detain the Senate now by dwelling on the ruinous state of the trade with France, in silks and wines, especially, as it is now carried on. But I cannot forbear observing, that we import from France and her dependencies thirty-three millions of dollars annually, while we export in return only about nineteen millions, leaving a balance against us, in the whole trade, of fourteen millions of dollars; and, excluding the French dependencies, the balance against us in the direct trade, with France, is seventeen millions. Yet, gentlemen say we must not touch this trade! We must not touch a trade with such a heavy and ruinous balance against us; a balance, a large part, if not the whole, of which is paid in specie. I have been informed, and believe, that the greater part of the gold which was obtained from France under the treaty of indemnity, and which, during General Jackson's administration, was with so much care and parade introduced into the United States, perhaps under the vain hope that it would remain here, in less than eighteen months was re-exported to France in the very boxes in which it was brought, to liquidate our commercial debt. Yet we must not supply the indispensable wants of the treasury by taxing any of the articles of this disadvantageous commerce! And some gentlemen, assuming not merely the guardianship of the poor, but of the South also (with about as much fidelity in the one case as in the other), object to the imposition of duties upon these luxuries, because they might affect somewhat the trade with France in a southern staple. But duties upon any foreign imports may affect, in some small degree, our exports. If the objection, therefore, be sustained, we must forbear to lay any imposts, and rely, as some gentlemen are understood to desire, on

direct taxes. But to this neither the country nor Congress will ever consent. We have hitherto resorted mainly, and I have no doubt always will resort, to our foreign imports for revenue. And can any objects be selected, with more propriety, than those which enter so largely into the consumption of the opulent? It is of more consequence to the community, in the consideration of duties, who consumes the articles charged with them, and consequently, who pays them, than how the dutied articles are purchased abroad. The South is the last place from which an objection should come on the score of disproportionate consumption. I venture to assert that there is more champagne wine consumed in the Astor House, in the city of New York, in one year, than in any State south of the Potomac. [A laugh.] Our total amount of imports last year was one hundred and four millions of dollars. Deducting the free articles, the amount of goods subject to duty was probably not more than between fifty and sixty millions. Now, if we are to adhere to the compromise of the tariff, which it is my wish to be able to do, but concerning which, I have remarked lately a portentous silence on the part of some of its professing friends on the other side, it will be recollected, that the maximum of any duty to be imposed is twenty per centum, after June, 1842. It would not be safe to assume our imports in future of articles that would remain for consumption, and not be re-exported, higher than one hundred millions, twenty per centum on which would yield a gross revenue annually of twenty millions. But I think that we ought not to estimate our imports at more than ninety millions; for, besides other causes that must tend to diminish them, some ten or twelve millions of our exports will be applied annually to the payment of interest or principal of our State debts held abroad, and will not return in the form of imports. Twenty per centum upon ninety millions would yield a gross revenue of eighteen millions only. Thus it is manifest, that there must be additional duties. And I think it quite certain, that the amount of necessary revenue can not be raised without going up to the limit of the compromise upon all articles whatever, which, by its terms, are liable to duty. And these additional duties ought to be laid now, forthwith, clearly before the close of the session. The revenue is now deficient, compelling the administration to resort to the questionable and dangerous use of treasury notes. Of this deficient revenue there will go off five millions during the next session of Congress, according to the estimate of the Secretary of the Treasury, two and a half millions on the 31st of December, 1841, and two and a half millions more on the 30th of June, 1842. This reduction takes place under that provision of the compromise act, by which one half the excess of all duties beyond twenty per centum is repealed on the last day of this year, and the other moiety of that excess on the last day of June, 1842. Now, if Congress does not provide for this great deficiency in the revenue prior to the close of the present session, how is it possible to provide for it in season at the session which begins on the first Monday in December next? No great

change in the customs ought to be made without reasonable notice to the merchant, to enable him to adapt his operations to the change. How is it possible to give this notice, if nothing is done until the next regular meeting of Congress? Waiving all notice to the merchant, and adverting merely to the habits of Congress, is it not manifest, that no revenue bill can be passed by the last day of December, at a session commencing on the first Monday of that month? How, then, can gentlemen who have, at least, the temporary possession of the government, reconcile it to duty and to patriotism, to go home and leave it in this condition? I heard the senator from Pennsylvania (Mr. Buchanan), at the last session, express himself in favor of a duty on wines and silks. Why is he now silent? Has he, too, changed his opinion?

[Mr. Buchanan. I have changed none of my opinions on the subject.]

I am glad, most happy, to hear it. Then the senator ought to unite with us in the imposition of duties sufficient to produce an adequate revenue. Yet his friends denounce, in advance, the idea of imposing duties on articles of luxury! They denounce distribution! They denounce an extra session, after creating an absolute necessity for it? They denounce all measures to give us a sound currency, but the sub-treasury, denounced by the people! They denounce the administration of President Harrison before it has commenced! Parting from the power, of which the people have stripped them, with regret, and reluctance, and looking all around them with sullenness, they refuse to his administration that fair trial, which the laws allow to every arraigned culprit. I hope that gentlemen will reconsider this course, and that, out of deference to the choice of the people, if not from feelings of justice and propriety, they will forbear to condemn before they have heard President Harrison's administration. If gentlemen are for peace and harmony, we are prepared to meet them in a spirit of peace and harmony, to unite with them in healing the wounds and building up the prosperity of the country. But if they are for war, as it seems they are, I say, "Lay on, Macduff." (Sensation and a general murmuring sound throughout the chamber and galleries.)

One argument of the honorable senator, who has just taken his seat (Mr. Wright) I wish to detach from the residue of his speech, that I may, at once put it to sleep forever. With all his well-known ability, and without meaning to be disrespectful, I may add, with all his characteristic ingenuity and subtlety, he has urged, that if you distribute the proceeds of the public lands, you arrogate to yourselves the power of taxing the people to raise money for distribution among the States; that there is no difference between revenue proceeding from the public lands and revenue from the customs; and that there is nothing in the Constitution which allows you to lay duties on imports for the purpose of making up a deficiency produced by distributing the proceeds of the public lands.

I deny the position, utterly deny it, and I will refute it from the express

language of the Constitution. From the first I have been of those who protested against the existence of any power in this government to tax the people for the purpose of a subsequent distribution of the money among the States. I still protest against it. There exists no such power. We invoke the aid of no such power in maintenance of the principle of distribution, as applied to the proceeds of the sales of the public domain. But if such a power clearly existed, there would not be the slightest ground for the apprehension of its exercise. The imposition of taxes is always an unpleasant, sometimes a painful duty. What government will ever voluntarily incur the odium and consent to lay taxes, and become a tax-gatherer, not to have the satisfaction of expending the money itself, but to distribute it among other governments, to be expended by them? But to the Constitution. Let us see whether the taxing power and the land power are, as the argument of the senator assumes, identical and the same. What is the language of the Constitution? "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States." Here is ample power to impose taxes; but the object for which the money is to be raised is specified. There is no authority whatever conveyed to raise money by taxation for the purpose of subsequent distribution among the States, unless the phrase "general welfare" includes such a power. The doctrine, once held by a party upon whose principles the senator and his friends now act, in relation to the executive department, that those phrases included a grant of power, has been long since exploded and abandoned. They are now, by common consent, understood to indicate a purpose, and not to vest a power. The clause of the Constitution, fairly construed and understood, means that the taxing power is to be exerted to raise money to enable Congress to pay the debts and provide for the common defense and general welfare. And it is to provide for the general welfare, in any exigency, by a fair exercise of the powers granted in the Constitution. The republican party of 1798, in whose school I was brought up, and to whose rules of interpreting the Constitution I have ever adhered, maintained that this was a limited government; that it had no powers but granted powers, or powers necessary and proper to carry into effect the granted powers; and that, in any given instance of the exercise of power, it was necessary to show the specific grant of it, or that the proposed measure was necessary and proper to carry into effect a specifically granted power or powers.

There is, then, I repeat, no power or authority in the general government to lay and collect taxes in order to distribute the proceeds among the States. Such a financial project, if any administration were mad enough to adopt it, would be a flagrant usurpation. But how stands the case as to the land power? There is not, in the whole Constitution, a single line or word that indicates an intention that the proceeds of the public lands

should come into the public treasury, to be used as a portion of the revenue of the government. On the contrary, the unlimited grant of power to raise revenue in all the forms of taxation, would seem to manifest that that was to be the source of supply, and not the public lands. But the grant of power to Congress over the public lands in the Constitution is ample and comprehensive. "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." This is a broad, unlimited, and plenary power, subject to no restriction other than a sound, practical, and statesmanlike discretion, to be exercised by Congress. It applies to all the territory and property of the United States, whether acquired by treaty with foreign powers, or by cessions of particular States, or however obtained. It can not be denied, that the right to dispose of the territory and property of the United States, includes a right to dispose of the proceeds of their territory and property, and consequently a right to distribute those proceeds among the States. If the general clause in the Constitution allows and authorizes, as I think it clearly does, distribution among the several States, I will hereafter show that the conditions on which the States ceded to the United States can only now receive their just and equitable fulfillment by distribution.

The senator from New York argued, that if the power contended for, to dispose of the territory and property of the United States, or their proceeds, existed, it would embrace the national ships, public buildings, magazines, dock-yards, and whatever else belonged to the government. And so it would. There is not a doubt of it: but when will Congress ever perpetrate such a folly as to distribute this national property. It annually distributes arms, according to a fixed rule, among the States, with great propriety. Are they not property belonging to the United States? To whose authority is the use of them assigned? To that of the States. And we may safely conclude, that when it is expedient to distribute, Congress will make distribution, and when it is best to retain any national property, under the common authority, it will remain subject to it. I challenge the senator, or any other person, to show any limitation on the power of Congress to dispose of the territory or property of the United States, or their proceeds, but that which may be found in the terms of the deeds of cession, or in a sound and just discretion. Come on; who can show it? Has it not been shown that the taxing power, by a specification of the objects for which it is to be exercised, excludes all idea of raising money for the purpose of distribution? And that the land power places distribution on a totally different footing? That no part of the proceeds of the public domain compose necessarily, or perhaps properly, a portion of the public revenue? What is the language of the Constitution? That to pay the debts, provide for the common defense and general welfare of the United States, you may take the proceeds of the public lands? No, no. It says for these ends, in other words, for the conduct of the government of the

Union, you shall have power unlimited as to amount and objects, to lay taxes. That is what it says; and if you go to the Constitution, this is its answer. You have no right to go for power anywhere else.

Hereafter, I shall endeavor further to show, that, by adopting the distribution principle, you do not exercise or affect the taxing power; that you will be setting no dangerous precedent, as is alledged; and that you will, in fact, only pay an honest debt to the States, too long withheld from them, and of which some of them now stand in the greatest need.

In the opposition to distribution, we find associated together the friends of pre-emption, the friends of graduation, and the friends of the cession of the whole of the public lands to a few of the States. Instead of reproaching us with a want of constitutional power to make an equitable and just distribution of the proceeds of the sales of the public lands among all the States, they would do well to point to the constitutional authority, or to the page in the code of justice, by which their projects are to be maintained. But it is not my purpose now to dwell on these matters. My present object is with the argument of the senator from New York, and his friends, founded on financial considerations.

All at once these gentlemen seem to be deeply interested in the revenue derivable from the public lands. Listen to them now, and you would suppose that heretofore they had always been, and hereafter would continue to be, decidedly and warmly in favor of carefully husbanding the public domain, and obtaining from it the greatest practicable amount of revenue, for the exclusive use of the general government. You would imagine that none of them had ever espoused or sanctioned any scheme for wasting or squandering the public lands; that they regarded them as a sacred and inviolable fund, to be preserved for the benefit of posterity, as well as this generation.

It is my intention now to unmask these gentlemen, and to show that their real system for the administration of the public lands embraces no object of revenue, either in the general government or the States; that their purpose is otherwise to dispose of them; that the fever for revenue is an intermittent, which appears only when a bill to distribute the proceeds equally among all the States is pending; and that, as soon as that bill is got rid of, gentlemen relapse into their old projects of throwing away the public lands, and denouncing all objects of revenue from the public lands as unwise, illiberal, and unjust toward the new States. I will make all this good by the most incontrovertible testimony. I will go to the very highest authority in the dominant party, during the last twelve years, and from that I will come down to the honorable senator from New York, and other members of the party. (I should not say come down; it is certainly not descending from the late President of the United States, to approach the senator from New York. If intellect is the standard by which to measure elevation, he would certainly stand far above the measure of the Hermitage.) I will show, by the most authentic documents, that

the opponents of distribution, upon the principle now so urgently pressed, of revenue, are no *bonâ fide* friends of revenue from the public lands. I am afraid I shall weary the Senate, but I entreat it to bear patiently with me, while I retrace the history of this measure of distribution.

You will recollect, sir, that some nine or ten years ago, the subject of the public lands, by one of the most singular associations that was ever witnessed, was referred to the committee on manufactures, by one of the strangest parliamentary maneuvers that was ever practiced, for no other purpose than to embarrass the individual who now has the honor to address you, and who happened at that time to be a member of that committee. It was in vain that I protested against the reference, showed the total incongruity between the manufactures of the country and the public lands, and entreated gentlemen to spare us, and to spare themselves the reproaches which such a forced and unnatural connection would bring upon them. It was all to no purpose; the subject was thrown upon the committee on manufactures, in other words, it was thrown upon me; for it was well known, that although among my colleagues of the committee, there might be those who were my superiors in other respects, owing to my local position, it was supposed that I possessed a more familiar knowledge with the public lands than any of them, when, in truth, mine was not considerable. There was another more weighty motive with the majority of the Senate, for devolving the business on me. The zeal, and, perhaps, too great partiality of my friends, had, about that time, presented my name for a high office. And it was supposed that no measure, for permanently settling the question of the public lands, could emanate from me, that would not affect injuriously my popularity, either with the new or the old States, or with both. I felt the embarrassment of the position in which I was placed; but I resolved not to sink under it. I pulled off my coat, and went hard to work. I manufactured the measure for distributing equitably, in just proportions, the proceeds of the public lands among the several States. When reported from the committee, its reception in the Senate, in Congress, and in the country, was triumphant. I had every reason to be satisfied with the result of my labors, and my political opponents had abundant cause for bitter regrets at their indiscretion, in wantonly throwing the subject on me. The bill passed the Senate, but was not acted upon in the House at that session. At the succeeding session, it passed both Houses. In spite of all those party connections, which are, perhaps, the strongest ties that bind the human race, Jackson men, breaking loose from party thralldom, united with anti-Jackson men, and voted the bill by overwhelming majorities, in both Houses. If it had been returned by the president, it would have passed both Houses by constitutional majorities, his veto notwithstanding. But it was a measure suggested, although not voluntarily, by an individual who shared no part in the president's counsels, or his affections; and although he had himself, in his annual message, recommended a similar measure, he did not hesitate to change his ground,

in order to thwart my views. He knew, as I have always believed and have understood, that if he returned the bill, as by the Constitution he was bound to do, it would become a law, by the sanction of the requisite majorities in the two Houses. He resolved, therefore, upon an arbitrary course, and to defeat, by an irregular and unprecedented proceeding, what he could not prevent by reason, and the legitimate action of the Constitution. He resolved not to return the bill, and did not return it to Congress, but pocketed it!

I proceed now to the documentary proof which I promised. In his annual message of December 4th, 1832, President Jackson says:

"Previously to the formation of our present Constitution, it was recommended by Congress that a portion of the waste lands owned by the States should be ceded to the United States, for the purposes of general harmony, and as a fund to meet the expenses of the war. The recommendation was adopted, and, at different periods of time, the States of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the uses for which they have been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people," and so forth. "It seems to me to be our true policy, that the public lands shall cease, as soon as practicable, to be a source of revenue," and so forth.

Thus, in December, 1832, President Jackson was of opinion, first, that the public lands were released from the pledge of them to the expenses of the revolutionary war; secondly, that it was in the power of Congress to dispose of them according to its discretion, in such way as best to conduce to the quiet, harmony, and general interest of the American people; and, thirdly, that the public lands should cease, as soon as practicable, to be a source of revenue.

So far from concurring in the argument now insisted upon by his friends, for the sole purpose of defeating distribution, that the public lands should be regarded and cherished as a source of revenue, he was clearly of opinion that they should altogether cease to be considered as a source of revenue.

The measure of distribution was reported by me from the committee on manufactures, in April, 1832, and what was done with it? The same majority of the Senate which had so strangely discovered a congeniality between American manufactures and the public lands, instead of acting on the report, resolved to refer it to the committee on public lands, of which the senator from Alabama (Mr. King), was chairman; thus exhibiting the curious parliamentary anomaly of referring the report of one standing committee to another standing committee.

The chairman, on the 18th of May, made a report from which many pertinent extracts might be made, but I shall content myself with one.

"This committee turn with confidence from the land-offices to the custom-houses, and say, here are the true sources of federal revenue! Give lands to the cultivator! And tell him to keep his money, and lay it out in their cultivation!"

Now, Mr. President, bear in mind that this report, made by the senator from Alabama, embodies the sentiments of his party; that the measure of distribution which came from the committee on manufactures, exhibited one system for the administration of the public lands, and that it was referred to the committee on public lands, to enable that committee to make an argumentative report against it, and to present their system—a counter or antagonistic system. Well, this counter-system is exhibited, and what is it? Does it propose to retain and husband the public lands as a source of revenue? Do we hear any thing from that committee about the wants of the exchequer, and the expediency of economizing and preserving the public lands to supply them? No such thing. No such recommendation. On the contrary, we are deliberately told to avert our eyes from the land-offices, and to fix them exclusively on the custom-houses, as the true sources of federal revenue! Give away the public land was the doctrine of that report. Give it to the cultivator, and tell him to keep his money! And the party of the senator from New York, from that day to this, have adhered to that doctrine, except at occasional short periods, when the revenue fit has come upon them, and they have found it convenient, in order to defeat distribution, to profess great solicitude for the interests of the revenue.

Some of them, indeed, are too frank to make any such profession. I should be glad to know from the senator from Alabama if he adheres to the sentiments of his report of 1832, and still thinks that the custom-houses, and not the land-offices, are the true sources of federal revenue. (Mr. King here nodded assent.)

I expected it. This reavowal is honorable to the candor and independence of the senator. He does not go, then, with the revenue arguers. He does not go with the senator from New York, who speaks strongly in favor of the revenue from the public lands, and votes for every proposition to throw away the public land.

During the whole progress of the bill of distribution through the Senate, as far as their sentiments were to be inferred from their votes, or were to be known by the positive declarations of some of them, the party dominant then and now acted in conformity with the doctrines contained in the report of their organ (Mr. King). Nevertheless, the bill passed both Houses of Congress by decisive majorities.

Smothered, as already stated, by President Jackson, he did not return it to the Senate, until the 4th of December, 1833. With it came his memorable veto message—one of the most singular omnibusses that was ever beheld—a strange vehicle, that seemed to challenge wonder and admira-

tion, on account of the multitude of hands evidently employed in its construction, the impress of some of them smeared and soiled, as if they were fresh from the kitchen. Hear how President Jackson lays down the law in this message.

"On the whole I adhere to the opinion expressed by me in my annual message of 1832, that it is our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey and sale." "I do not doubt that it is the real interest of each and all of the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated; and that, after they have been offered for a certain number of years, the refuse, remaining unsold, shall be abandoned to the States, and the machinery of our land system entirely withdrawn."

These are the conclusions of the head of that party which has been dominant in this country for twelve years past. I say twelve, for the last four have been but as a codicil to the will, evincing a mere continuation of the same policy, purposes, and designs, with that which preceded it. During that long and dismal period, we all know too well, that the commands of no major-general were ever executed with more implicit obedience, than were the orders of President Jackson, or, if you please, the public policy as indicated by him. Now, in this message, he repeats, that the public lands should cease to be a source of revenue, with a slight limitation as to the reimbursement of the charges of their administration; and adds that their price should be reduced and graduated, and what he terms the refuse land, should be ceded to the States within which it is situated. By-the-by, these refuse lands, according to statements which I have recently seen from the land office, have been the source of nearly one half—upward of forty millions of dollars—of all the receipts from the public lands, and that, too, principally since the date of that veto message.

It is perfectly manifest, that the consideration of revenue, now so earnestly pressed upon us by the friends of General Jackson, was no object with him in the administration of the public lands, and that it was his policy, by reduction of the price, by graduation, by pre-emptions, and by ultimate cessions, to get rid of them as soon as practicable. We have seen that the committee on the public lands and his party coincided with him. Of this, further testimony is furnished in the debates, in the early part of the year 1833, which took place on the distribution bill.

Mr. Kane, of Illinois (a prominent administration senator) in that debate, said:

"Should any further excuse be demanded for renewing again this discussion, I refer to the message of the President of the United States, at the commencement of the present session, which, upon a comprehensive view of the general substantial interests of the confederacy, has, for the first time on the part of any executive magistrate of this country, declared: 'It seems to me,' says the

president, 'to be our true policy, that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they should be sold to settlers in limited parcels, at a price barely sufficient to reimburse the United States the expense of the present system, and the cost arising under our Indian treaties,'" and so forth.

Mr. Buckner (an administration senator from Missouri) also refers to the same message of President Jackson, with approbation and commendation.

His colleague (Mr. Benton) in alluding, on that occasion, to the same message, says:

"The president was right. His views were wise, patriotic, and statesman-like." "He had made it clear, as he hoped and believed, that the president's plan was right; that all idea of profit from the lands ought to be given up," and so forth.

I might multiply these proofs, but there is no necessity for it. Why go back eight or nine years? We need only trust to our own ears, and rely upon what we almost now daily hear. Senators from the new States frequently express their determination to wrest from this government the whole of the public lands, denounce its alledged illiberality, and point exultingly to the strength which the next census is to bring to their policy. It was but the other day we heard the senator from Arkansas (Mr. Sevier) express some of these sentiments. What were we told by that senator? "We will have the public lands. We must have them, and we will take them in a few years."

[Mr. Sevier. So we will.]

Hear him! Hear him! He repeats it. Utters it in the ears of the revenue-pleading senator (Mr. Wright), on my left. And yet he will vote against distribution.

I will come now to a document of more recent origin. Here it is—the work, nominally, of the senator from Michigan (Mr. Norvell), but I take it, from the internal evidence it bears, to be the production of the senator from South Carolina, over the way (Mr. Calhoun). This report, in favor of cession, proposes to cede, to the States within which the public lands are situated, one third, retaining, nominally, two thirds to the Union. Now, if this precedent of cession be once established, it is manifest that it will be applied to all new States, as they are hereafter successively admitted into the Union. We begin with ceding one third; we shall end in granting the whole.

[Mr. Calhoun asked Mr. Clay to read the portions of the report to which he alluded.]

I should be very glad to accommodate the senator, but I should have

to read the whole of his report, and I am too much indisposed and exhausted for that. But I will read one or two paragraphs.

"It belongs to the nature of things, that the old and new States should take different views, have different feelings, and favor a different course of policy, in reference to the lands within their limits. It is natural for the one to regard them chiefly as a source of revenue, and to estimate them according to the amount of income annually derived from them; while the other as naturally regards them, almost exclusively, as a portion of their domain, and as the foundation of their population, wealth, power, and importance. They have more emphatically the feelings of ownership, accompanied by the impression that they ought to have the principal control, and the greater share of benefits derived from them." "To sum up the whole in a few words: of all subjects of legislation, land is that which more emphatically requires a local superintendence and administration; and, therefore, ought pre-eminently to belong, under our system, to State legislation, to which this bill proposes to subject it exclusively, in the new States, as it has always been in the old."

It must be acknowledged, that the new States will find some good reading in this report. What is the reasoning? That it is natural for the old States to regard the public lands as a source of revenue, and as natural for the new States to take a different view of the matter; *ergo*, let us give the lands to the new States, making them, of course, cease any longer to be a source of revenue. It is discovered, too, that land is a subject which emphatically requires a local superintendence and administration. It therefore proposes to subject it exclusively to the new States, as (according to the assertion of the report) it always has been in the old. The public lands of the United States, theoretically have been subject to the joint authority of the two classes of States, in Congress assembled, but, practically, have been more under the control of the members, from the new States, than those from the old. I do not think that the history of the administration of public domain in this country, sustains the assertion that the States have exhibited more competency and wisdom for the management of it, than the general government.

I stated that I would come down (I should have said, go up) from the late President of the United States, to the senator from New York. Let us see what sort of notions he had on this matter of revenue from the public lands, when acting in his character of chairman of the committee of finance, during this very session, on another bill. There has been, as you are aware, sir, before the Senate, at times, during the last twelve or fifteen years, a proposition for the reduction of the price of the public lands, under the imposing guise of "graduation." A bill, according to custom, has been introduced during the present session, for that object. To give it eclat, and as a matter of form and dignity, it was referred to the committee of finance, of which the honorable senator from New York is the distinguished chairman; the same gentleman who, for these two days, has been defending these lands from waste and spoliation, according

to the scheme of distributing their proceeds, in order to preserve them as a fruitful source of revenue for the general government. Here was a fine occasion for the display of the financial abilities of the senator. He and his friends had exhausted the most ample treasures that any administration ever succeeded to. They were about retiring from office, leaving the public coffers perfectly empty. Gentlemanly conduct toward their successors, to say nothing of the duties of office or of patriotism, required of them to do all in their power—to pick up and gather together, whenever they could, any means, however scattered or little the bits might be—to supply the urgent wants of the treasury. At all events, if the financial skill of the honorable senator was incompetent to suggest any plan for augmenting the public revenue, he was, under actual circumstances, bound, by every consideration of honor and of duty, to refrain from espousing or sanctioning any measure that would diminish the national income.

Well; what did the honorable senator do with the graduation bill?—a bill which, I assert, with a single stroke of the pen, by a short process, consummated in April, 1842, annihilates fifty millions of dollars of the avails of the public lands! What did the senator do with this bill, which takes off fifty cents from the very moderate price of one dollar and a quarter per acre, at which the public lands are now sold? The bill was in the hands of the able chairman of the committee of finance some time. He examined it, no doubt, carefully, deliberated upon it attentively and anxiously. What report did he make upon it? If uninformed upon the subject, Mr. President, after witnessing, during these two days, the patriotic solicitude of the senator in respect to the revenue derivable from the public lands, you would surely conclude that he had made a decisive, if not indignant report, against the wanton waste of the public lands by the graduation bill. I am sorry to say that he made no such report. Neither did he make an elaborate report to prove that, by taking off fifty cents per acre on one hundred millions of acres, reducing two fifths of their entire value, the revenue would be increased. Oh, no; that was a work he was not prepared to commit, even to his logic. He did not attempt to prove that. But what did he do? Why, simply presented a verbal compendious report, recommending that the bill do pass! [A general laugh.] And yet that senator can rise here, in the light of day, in the face of this Senate, in the face of his country, and in the presence of his God, and argue for retaining and husbanding the public lands, to raise revenue from them!

But let us follow these revenue gentlemen a little further. By one of the strangest phenomena in legislation and logic that was ever witnessed, these very senators, who are so utterly opposed to the distribution of the proceeds of the public lands among all the States, because it is distribution, are themselves for all other sorts of distribution—for cessions, for pre-emptions, for grants to the new States to aid them in education and improve-

ment, and even for distribution of the proceeds of the public lands among particular States. They are for distribution in all conceivable forms and shapes, so long as the lands are to be gotten rid of, to particular persons or particular States. But when an equal, general, broad, and just distribution is proposed, embracing all the States, they are electrified and horror-struck. You may distribute, and distribute among States, too, as long as you please, and as much as you please, but not among all the States.

And here, sir, allow me to examine more minutely the project of cession brought forward as the rival of the plan of distribution.

There are upward of one billion of acres of public land belonging to the United States, situated within and without the limits of the States and Territories, stretching from the Atlantic ocean and the Gulf of Mexico to the Pacific; they have been ceded by seven of the old thirteen States to the United States, or acquired by treaties with foreign powers. The senator from South Carolina (Mr. Calhoun) proposes by his bill to cede one hundred and sixty millions of acres of this land to the nine States wherein they lie, granting to those States thirty-five per centum, and reserving to the United States sixty-five per centum of the proceeds of those lands.

Now what I wish to say in the first place, is, that, if you commence by applying the principle of cession to the nine land States now in the Union, you must extend it to other new States, as they shall be, hereafter, from time to time, admitted into the Union, until the whole public land is exhausted. You will have to make similar cessions to Wisconsin, to Iowa, to Florida (in two States, perhaps, at least one), and so to every new State, as it shall be organized and received. How could you refuse? When other States to the north and to the west of Missouri, Arkansas, Iowa, and Wisconsin, to the very shores of the Pacific, shall be admittted into the confederacy, will you not be bound, by all the principles of equality and justice, to make them respectively similiar cessions of the public land, situated within their limits, to those which you will have made to the nine States? Thus your present grant, although extending nominally to but one hundred and sixty millions of acres, virtually, and by inevitable consequence, embraces the whole of the public domain. And you bestow a gratuity of thirty-five per centum of the proceeds of this vast national property upon a portion of the States, to the exclusion and to the prejudice of the revolutionary States, by whose valor a large part of it was achieved.

Will the senator state whence he derives the power to do this? Will he pretend that it is to cover the expenses and charges of managing and administering the public lands? On much the greater part, nearly the whole of the one hundred and sixty millions of acres, the Indian title has been extinguished, and they have been surveyed. Nothing but a trifling expense is to be incurred on either of those objects; and nothing remains but to sell the land. I understand, that the total expense of sale and collection is only about two per centum. Why, what are the charges?

There is one per centum allowed by law to the receivers, and the salaries of the registers and receivers in each land district, with some other inconsiderable incidental charges. Put all together, and they will not amount to three per centum on the aggregate of sales. Thus the senator is prepared to depart from the title and control of the whole public domain upon these terms! To give thirty-five per centum to cover an expenditure not exceeding three! Where does he get a power to make this cession to particular States, which would not authorize distribution among all the States? And when he has found the power, will he tell me why, in virtue of it, and in the same spirit of wasteful extravagance or boundless generosity, he may not give to the new States, instead of thirty-five per centum, fifty, eighty, or a hundred? Surrender at once the whole public domain to the new States? The per centage proposed to be allowed, seems to be founded on no just basis, the result of no official data or calculation, but fixed by mere arbitrary discretion. I should be exceedingly amused to see the senator from South Carolina rising in his place, and maintaining before the Senate an authority in Congress to cede the public lands to particular States, on the terms proposed, and at the same time denying its power to distribute the proceeds equally and equitably among all the States.

Now, in the second place, although there is a nominal reservation of sixty-five per centum of the proceeds of the United States, in the sequel, I venture to predict, we should part with the whole. You vest in the nine States the title. They are to sell the land and grant titles to the purchasers. Now what security have you for the faithful collection and payment into the common treasury of the reserved sixty-five per centum? In what medium would the payment be made? Can there be a doubt that there would be delinquency, collisions, ultimate surrender of the whole debt? It is proposed, indeed, to retain a sort of mortgage upon the lands, in the possession of purchasers from the State, to secure the payment to the United States of their sixty-five per centum. But how could you enforce such a mortgage? Could you expel from their home some, perhaps one hundred thousand settlers, under State authority, because the State, possibly without any fault of theirs, had neglected to pay over to the United States, the sixty-five per centum? The remedy of expulsion would be far worse than the relinquishment of the debt, and you would relinquish it.

There is no novelty in this idea of cession to the new States. The form of it is somewhat varied, by the proposal of the senator to divide the proceeds between the new States and the United States, but it is still substantially the same thing; a present cession of thirty-five per centum, and an ultimate cession of the whole! When the subject of the public lands was before the committee on manufactures, it considered the scheme of cession among the other various projects then afloat. The report made in April, 1832, presents the views entertained by the committee on that topic;

and, although I am not in the habit of quoting from my own productions, I trust the Senate will excuse me on this occasion for availing myself of what was then said, as it will at least enable me to economize my breath and strength. I ask some friend to read the following passages (which were accordingly read by another senator):

"Whether the question of a transfer of the public lands be considered in a limited or more extensive view of it which has been stated, it is one of the highest importance, and demanding the most deliberate consideration. From the statements founded on official reports, made in the preceding part of this report, it has been seen, that the quantity of unsold and unappropriated lands lying within the limits of the new States and Territories, is three hundred and forty million eight hundred and seventy-one thousand seven hundred and fifty-three acres, and the quantity beyond those limits, is seven hundred and fifty millions, presenting an aggregate of one billion ninety million eight hundred and seventy-one thousand seven hundred and fifty-three acres. It is difficult to conceive a question of greater magnitude than that of relinquishing this immense amount of national property. Estimating its value according to the minimum price, it presents the enormous sum of one billion three hundred and sixty-three million five hundred and eighty-nine thousand six hundred and ninety-one dollars. If it be said that a large portion of it will never command that price, it is to be observed, on the other hand, that, as fresh lands are brought into market and exposed to sale at public auction, many of them sell at prices exceeding one dollar and a quarter per acre. Supposing the public lands to be worth, on the average, one half of the minimum price, they would still present the immense sum of six hundred and eighty-one million seven hundred and ninety-four thousand eight hundred and forty-five dollars. The least favorable view which can be taken of them is, that of considering them a capital, yielding, at present, an income of three millions of dollars annually. Assuming the ordinary rate of six per centum interest per annum as the standard, to ascertain the amount of that capital, it would be fifty millions of dollars. But this income has been progressively increasing. The average increase during the last six years has been at the rate of twenty-three per centum per annum. Supposing it to continue in the same ratio, at the end of a little more than four years the income would be double, and make the capital one hundred millions of dollars. While the population of the United States increases only three per centum per annum, the increase of the demand for the public lands is at the rate of twenty-three per centum, furnishing another evidence that the progress of emigration and the activity of sales have not been checked by the price demanded by government.

"In whatever light, therefore, this great subject be viewed, the transfer of the public lands from the whole people of the United States, for whose benefit they are now held, to the people inhabiting the new States, must be regarded as the most momentous measure ever presented to the consideration of Congress. If such a measure could find any justification, it must arise out of some radical and incurable defect in the construction of the general government properly to administer the public domain. But the existence of any such defect is contradicted by the most successful experience. No branch of the public service has evinced more system, uniformity, and wisdom, or

given more general satisfaction, than that of the administration of the public lands.

"If the proposed cession to the new States were to be made at a fair price, such as the general government could obtain from individual purchases under the present system, there would be no motive for it, unless the new States are more competent to dispose of the public lands than the common government. They are now sold under one uniform plan, regulated and controlled by a single legislative authority, and the practical operation is perfectly understood. If they were transferred to the new States, the subsequent disposition would be according to laws emanating from various legislative sources. Competition would probably arise between the new States, in the terms which they would offer to purchasers. Each State would be desirous of inviting the greatest number of emigrants, not only for the laudable purpose of populating rapidly its own Territories, but with the view to the acquisition of funds to enable it to fulfill its engagements with the general government. Collisions between the States would probably arise, and their injurious consequences may be imagined. A spirit of hazardous speculation would be engendered. Various schemes in the new States would be put afloat to sell or divide the public lands. Companies and combinations would be formed in this country, if not in foreign countries, presenting gigantic and tempting but delusive projects; and the history of legislation, in some of the States of the Union, admonishes us that a too ready ear is sometimes given by a majority, in a legislative assembly, to such projects.

"A decisive objection to such a transfer, for a fair equivalent, is, that it would establish a new and dangerous relation between the general government and the new States. In abolishing the credit which had been allowed to purchasers of the public lands prior to the year 1820, Congress was principally governed by the consideration of the expediency and hazard of accumulating a large amount of debt in the new States, all bordering each other. Such an accumulation was deemed unwise and unsafe. It presented a new bond of interest, of sympathy, and of union, partially operating to the possible prejudice of the common bond of the whole Union. But that debt was a debt due from individuals, and it was attended with this encouraging security, that purchasers, as they successively completed the payments for their lands, would naturally be disposed to aid the government in enforcing payments from delinquents. The project which the committee are now considering, is, to sell to the States, in this sovereign character, and consequently, to render them public debtors to the general government to an immense amount. This would inevitably create between the debtor States a common feeling and a common interest, distinct from the rest of the Union. These States are all in the western and southwestern quarter of the Union, remotest from the center of federal power. The debt would be felt as a load from which they would constantly be desirous to relieve themselves; and it would operate as a strong temptation, weakening, if not dangerous, to the existing confederacy. The committee have the most animating hopes and the greatest confidence in the strength, and power, and durability of our happy Union; and the attachment and warm affection of every member of the confederacy can not be doubted; but we have authority, higher than human, for the instruction, that it is wise to avoid all temptation.

"In the State of Illinois, with a population, at the last census, of one hundred and fifty-seven thousand four hundred and forty-five, there are thirty-one million three hundred and ninety-five thousand six hundred and sixty-nine acres of public land, including that part on which the Indian title remains to be extinguished. If we suppose it to be worth only half the minimum price, it would amount to nineteen million six hundred and twenty-two thousand four hundred and eighty dollars. How would that State be able to pay such an enormous debt? How could it pay even the annual interest upon it?

"Supposing the debtor States to fail to comply with their engagements, in what mode could they be enforced by the general government? In treaties between independent nations, the ultimate remedy is well known. The apprehension of an appeal to that remedy, seconding the sense of justice and the regard for character which prevail among Christian and civilized nations, constitutes, generally, adequate security for the performance of national compacts. But this last remedy would be totally inadmissible in case of a delinquency on the part of the debtor States. The relations between the general government and the members of the confederacy are happily those of peace, friendship, and fraternity, and exclude all idea of force and war. Could the judiciary coerce the debtor States? On what could their process operate? Could the property of innocent citizens, residing within the limits of those States, be justly seized by the general government, and held responsible for debts contracted by the States themselves in their sovereign character? If a mortgage upon the lands ceded, were retained, that mortgage would prevent or retard subsequent sales by the States; and if individuals bought, subject to the incumbrance, a parental government could never resort to the painful measure of disturbing them in their possessions.

"Delinquency, on the part of the debtor States, would be inevitable, and there would be no effectual remedy for the delinquency. They would come again and again to Congress, soliciting time and indulgence, until, finding the weight of the debt intolerable, Congress, wearied by reiterated applications for relief, would finally resolve to expunge the debt; or, if Congress attempted to force its payment, another and a worse alternative would be embraced.

"If the proposed cession be made for a price merely nominal, it would be contrary to the express conditions of the original cessions from primitive States to Congress, and contrary to the obligations which the general government stands under to the whole people of these United States, arising out of the fact, that the acquisitions of Louisiana and Florida, and from Georgia, were obtained at a great expense, borne from the common treasure, and incurred for the common benefit. Such a gratuitous cession could not be made without a positive violation of a solemn trust, and without manifest injustice to the old States. And its inequality among the new States would be as marked as its injustice to the old would be indefensible. Thus Missouri, with a population of one hundred and forty thousand four hundred and fifty-five, would acquire thirty-eight million two hundred and ninety-two thousand one hundred and fifty-one acres; and the State of Ohio, with a population of nine hundred and thirty-five thousand eight hundred and eighty-four, would obtain only five million five hundred and eighty-six thousand eight hundred and thirty-four acres. Supposing a division of the land among the citizens of these two States respectively; the citizen of Ohio would obtain less than six acres for his share, and the

citizen of Missouri upward of two hundred and seventy-two acres as his proportion.

"Upon full and thorough consideration, the committee have come to the conclusion, that it is inexpedient either to reduce the price of the public lands, or to cede them to the new States. They believe, on the contrary, that sound policy coincides with the duty which has devolved on the general government to the whole of the States, and the whole of the people of the Union, and enjoins the preservation of the existing system, as having been tried and approved, after a long and triumphant experience. But, in consequence of the extraordinary financial prosperity which the United States enjoys, the question merits examination, whether, while the general government steadily retains the control of this great national resource in its own hands, after the payment of the public debt, the proceeds of the sales of the public lands, no longer needed to meet the ordinary expenses of government, may not be beneficially appropriated to some other objects for a limited time."

The senator from New York has adverted, for another purpose, to the twenty-eight millions of surplus divided a few years ago among the States. He has said, truly, that it arose from the public lands. Was not that, in effect, distribution? Was it not so understood at the time? Was it not voted for, by senators, as practical distribution? The senator from North Carolina (Mr. Mangum) has stated that he did. I did. Other senators did; and no one, not the boldest, will have the temerity to rise here and propose to require or compel the States to refund that money. If, in form, it was a deposit with the States, in fact, and in truth, it was distribution. So it was then regarded. So it will ever remain.

Let us now see, Mr. President, how this plan of cession will operate among the new States themselves. And I appeal more especially to the senators from Ohio. That State has about a million and a half of inhabitants. The United States have (as will probably be shown when the returns are published of the late census) a population of about fifteen millions. Ohio, then, has within her limits one tenth part of the population of the United States. Now, let us see what sort of a bargain the proposed cession makes for Ohio.

[Mr. Allen here interposed, to explain, that the vote he gave for Mr. Calhoun's plan of cession to the new States, was on the ground of substituting that in preference to the plan of distribution among all the States.]

Oh! ho!—ah! is that the ground of the senator's vote?

[Mr. Allen said he had had a choice between two evils—the amendment of the senator from South Carolina, and the amendment of the senator from Kentucky; and it was well known on this side of the House, that he took the first only as a less evil than the last.]

Well; all I will say is, that the side of the House kept the secret remarkably well. [Loud laughter.] And no one better than the senator

himself. There were seventeen votes given in favor of the plan of the senator from South Carolina, to my utter astonishment at the time. I had not expected any other vote for it but that of the senator from South Carolina himself, and the senator from Michigan (Mr. Norvil). No other did, or I suppose would rise to vote to cede away, without any just or certain equivalent, more than a billion of acres of public land of the people of the United States. If the vote of the other fifteen senators was also misunderstood, in the same way as the senator's from Ohio, I shall be very glad of it.

But I was going to show what sort of a bargain for Ohio her two senators, by their votes, appeared to be assenting to. There are eight hundred thousand acres of public land remaining in Ohio, after being culled for near half a century, thirty-five per centum of the proceeds of which are to be assigned to that State, by the plan of cession. For this trifling consideration, she is to surrender her interest in one hundred and sixty millions of acres; in other words, she is to give sixteen millions (that being her tenth) for the small interest secured to her in the eight hundred thousand acres. If, as I believe and have contended, the principle of cession, being once established, would be finally extended to the whole public domain, then Ohio would give one hundred millions of acres of land (that being her tenth part of the whole of the public lands), for the comparatively contemptible consideration that she would acquire in the eight hundred thousand acres. A capital bargain this, to which I supposed the two senators had assented, by which, in behalf of their State, they exchanged one hundred millions of acres of land against eight hundred thousand. [A laugh.]

I do not think that the senator's explanation mends the matter much. According to that, he did not vote for cession because he liked cession. No! that is very bad; but, bad as it may be, it is not so great an evil as distribution, and he preferred it to distribution. Let us see what Ohio would get by distribution. Assuming that the public lands will yield only five millions of dollars annually, her proportion, being one tenth, would be half a million of dollars. But I entertain no doubt that, under proper management, in a few years the public lands will produce a much larger sum, perhaps ten or fifteen millions of dollars; so that the honorable senator prefers giving away for a song the interests of his State, presently, in one hundred and sixty millions of acres, and eventually in a billion, to receiving annually, in perpetuity, half a million of dollars, with an encouraging prospect of a large augmentation of that sum. That is the notion which the two senators from Ohio entertain of her interest! Go home, Messieurs Senators from Ohio, and tell your constituents of your votes. Tell them of your preference of a cession of all their interest in the public lands, with the exception of that inconsiderable portion remaining in Ohio, to the reception of Ohio's fair distributive share of the proceeds of all the public lands of the United States, now and hereafter. I do not seek to interfere in the delicate relation between senators and their constituents; but I think I

know something of the feelings and views of my neighbors, the people of Ohio. I have recently read an exposition of her true interests and views, in the message of her enlightened governor, directly contrary to those which appear to be entertained by her two senators; and I am greatly deceived if a large majority of the people of that State do not coincide with their governor.

The unequal operation of the plan of cession among the nine new States has been, perhaps, sufficiently exposed by others. The States with the smallest population get the most land. Thus, Arkansas, with only about one fifteenth part of the population of Ohio, will receive upward of twenty-eight times as much land as Ohio. The scheme proceeds upon the idea of reversing the maxim of the greatest good to the greatest number, and of substituting the greatest good to the smallest number.

There can be every species of partial distribution of public land or its proceeds, but an honest, impartial, straight-forward distribution among all the States. Can the senator from New York, with his profound knowledge of the Constitution, tell me on what constitutional authority it is that lands are granted to the Indians beyond the Mississippi?

[Mr. Wright said, that there was no property acquired and therefore no constitutional obligation applied.]

And that is the amount of the senator's information of our Indian relations! Why, sir, we send them across the Mississippi, and put them upon our lands, from which all Indian title had been removed. We promise them even the fee simple; but, if we did not, they are at least to retain the possession and enjoy the use of the lands, until they choose to sell them; and the whole amount of our right would be a pre-emption privilege of purchase, to the exclusion of all private persons or public authorities, foreign or domestic. This is the doctrine coeval with the colonization of this continent, proclaimed by the King of Great Britain, in his proclamation of 1763, asserted in the conferences at Ghent, and sustained by the Supreme Court of the United States. Now, such an allotment of public lands to the Indians, whether they acquire the fee or a right of possession, indefinite as to time, is equivalent to any distribution.

Thus, sir, we perceive, that all kinds of distribution of the public lands or their proceeds may be made—to particular States, to pre-emptioners, to charities, to objects of education or internal improvement, to foreigners, to Indians, to black, red, white, and gray, to every body, but among all the States of the Union. There is an old adage, according to which, charity should begin at home; but, according to the doctrines of the opponents of distribution, it neither begins nor ends at home.

[Here Mr. Clay gave way to an adjournment.]

It is not my intention to inflict upon the Senate even a recapitulation

of the heads of argument which I had the honor to address to it yesterday. On one collateral point I desire to supply an omission, as to the trade between this country and France. I stated the fact that, according to the returns of imports and exports, there existed an unfavorable balance against the United States, amounting, exclusively of what is re-exported, to seventeen millions of dollars; but I omitted another important fact, namely, that, by the laws of France, there is imposed on the raw material imported into that kingdom a duty of twenty francs on every hundred kilogrammes, equal to about two cents per pound on American cotton, at the present market price. Now, what is the fact as to the comparative rate of duties in the two countries? France imposes on the raw product (which is the mere commencement of value in articles which, when wrought and finally touched, will be worth two or three hundred fold) a duty of nearly twenty-five per centum; while we admit, free of duty, or with nominal duties, costly luxuries, the product of French industry and taste, wholly unsusceptible of any additional value by any exertion of American skill or industry. In any thing I have said on this occasion, nothing is further from my intention than to utter one word unfriendly to France. On the contrary, it has been always my desire to see our trade with France increased and extended upon terms of reciprocal benefit. With that view, I was in favor of an arrangement in the tariff of 1832, by which silks imported into the United States from beyond the Cape of Good Hope, were charged with a duty of ten per centum higher than those brought from France, and countries this side the Cape, especially to encourage the commerce with France.

While speaking of France, allow me to make an observation, although it has no immediate or legitimate connection with any thing before the Senate. It is to embrace the opportunity of expressing my deep regret at a sentiment attributed, by the public journals, to a highly distinguished and estimable countryman of ours, in another part of the capitol, which implied a doubt as to the validity of the title of Louis Philippe to the throne of France, inasmuch as it was neither acquired by conquest nor descent, and raising a question as to his being the lawful monarch of the French people. It appears to me, that, after the memorable revolution of July, in which our illustrious and lamented friend, Lafayette, bore a part so eminent and effectual, and the subsequent hearty acquiescence of all France, in the establishment of the Orleans branch of the house of Bourbon upon the throne, the present king has as good a title to his crown as any of the other sovereigns of Europe have to theirs, and quite as good as any which force, or the mere circumstance of birth could confer. And if an individual so humble and at such a distance as I am, might be allowed to express an opinion on the public concerns of another country and another hemisphere, I would add, that no chief magistrate of any nation, amid difficulties, public and personal, the most complicated and appalling, could have governed with more ability, wisdom, and firmness, than have been

displayed by Louis Philippe. All Christendom owes him an acknowledgment for his recent successful efforts to prevent a war which would have been disgraceful to Christian Europe—a war arising from the inordinate pretensions of an upstart Mohammedan pacha, a rebel against his lawful sovereign, and a usurper of his rights—a war which, if once lighted up, must have involved all Europe, and have led to consequences which it is impossible to foresee.

I return to the subject immediately before us.

In tracing the history of that portion of our public domain which was acquired by the war of the Revolution, we should always recollect the danger to the peace and harmony among the members of the confederacy with which it was pregnant. It prevented for a long time, the ratification of the articles of confederation, by all the States, some of them refusing their assent until a just and equitable settlement was made of the question of the crown-lands. The argument they urged as to these lands, in a waste and unappropriated state, was, that they had been conquered by the common valor, the common exertions, and the common sacrifices of all the States; that they ought therefore to be the common property of all the States, and that it would be manifestly wrong and unjust that the States within whose limits these crown-lands happened to lie, should exclusively enjoy the benefit of them. Virginia, within whose boundaries by far the greater part of these crown-lands were situated, and by whose separate and unaided exertions on the bloody theater of Kentucky, and beyond the Ohio, under the direction of the renowned George Rogers Clarke, the conquest of most of them was achieved, was, to her immortal honor, among the first to yield to these just and patriotic views, and by her magnificent grant to the Union, powerfully contributed to restore harmony, and quiet all apprehensions among the several States.

Among the objects to be attained by the cession from the States to the confederation, of these crown-lands, a very important one was to provide a fund to pay the debts of the Revolution. The senator from New York (Mr. Wright) made it the object of a large part of the argument which he addressed to the Senate, to show the contrary; and so far as the mere terms of the deeds of cession are concerned, I admit the argument was sustained. No such purpose appears on the face of the deeds, as far as I have examined them.

[Mr. Wright here interposed, and said that he had not undertaken to argue that the cessions made by the States to the Union, were not for the purpose of extinguishing the public debt, but that they were not exclusively for that purpose.]

It is not material whether they were made for the sole purpose of extinguishing the revolutionary debt or not. I think I shall be able to show, in the progress of my argument, that, from the moment of the adoption

of the federal Constitution, the proceeds of the public lands ought to have been divided among the States.

But that the payment of the revolutionary debt was one of the objects of the cession, is a matter of incontestable history. We should have an imperfect idea of the intentions of the parties, if we confined our attention to the mere language of the deeds. In order to ascertain their views, we must examine cotemporaneous acts, resolutions, and proceedings. One of these resolutions, clearly manifesting the purpose I have stated, has probably escaped the notice of the senator from New York. It was a resolution of the old Congress, adopted in April, 1783, preceding the final cession from Virginia, which was in March, 1784. There had been an attempt to make the cession as early as 1781, but, owing to the conditions with which it was embarrassed, and other difficulties, the cession was not consummated until March, 1784. The resolution I refer to, bears a date prior to that of the cession, and must be taken with it, as indicative of the motives which probably operated on Virginia to make, and the confederation to accept, that memorable grant. I will read it.

"Resolved, that as a further mean, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States, it be recommended to the States which have passed no acts toward complying with the resolutions of Congress of the 6th of September and 10th of October, 1780, relative to the cession of territorial claims, to make the liberal cessions therein recommended, and to the States which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance."

That was one of the great objects of the cession. Seven of the old thirteen States had waste crown-lands within their limits; the other six had none. These complained that what ought to be regarded as property common to them all, would accrue exclusively to the seven States, by the operation of the articles of confederation; and, therefore, for the double purpose of extinguishing the revolutionary debt, and of establishing harmony among the States of the Union, the cession of those lands to the United States was recommended by Congress.

And here let us pause for a moment, and contemplate the proposition of the senator from South Carolina, and its possible consequences. We have seen that the possession by seven States of these public lands, won by the valor of the whole thirteen, was cause of so much dissatisfaction to the other six as to have occasioned a serious impediment to the formation of the confederacy; and we have seen that, to remove all jealousy and disquietude on that account, in conformity with the recommendation of Congress, the seven States, Virginia taking the lead, animated by a noble spirit of justice and patriotism, ceded the waste lands to the United States, for the benefit of all the States. Now what is the measure of the senator from South Carolina? It is in effect to restore the discordant and menacing state of things which existed in 1783, prior to any cession from the

States. It is worse than that. For it proposes that seventeen States shall give up immediately or eventually all their interest in the public lands, lying in nine States, to those nine States. Now if the seven States had refused to cede at all, they could at least have asserted that they fought Great Britain for these lands, as hard as the six. They would have had, therefore, the apparent right of conquest, although it was a common conquest. But the senator's proposition is, to cede these public lands from the States which fought for them in the revolutionary war, to States that neither fought for them nor had existence during that war. If the apprehension of an appropriation of these lands, to the exclusive advantage of the seven States, was nigh preventing the establishment of the Union, can it be supposed that its security and harmony will be unaffected by a transfer of them from seventeen to nine States? But the senator's proposition goes yet further. It has been shown that it will establish a precedent, which must lead to a cession from the United States of all the public domain, whether won by the sword or acquired by treaties with foreign powers, to new States, as they shall be admitted into the Union.

In the second volume of the laws of the United States will be found the act, known as the funding act, which passed in the year 1790. By the last section of that act the public lands are pledged, and pledged exclusively to the payment of the revolutionary debt, until it should be satisfied. Thus, we find, prior to the cession, an invitation from Congress to the States, to cede the waste lands, among other objects, for the purpose of paying the public debt; and, after the cessions were made, one of the earliest acts of Congress pledged them to that object. So the matter stood while that debt hung over us. During all that time, there was a general acquiescence in the dedication of the public lands to that just object. No one thought of disturbing the arrangement. But when the debt was discharged, or rather when, from the rapidity of the process of its extinction, it was evident that it would soon be discharged, attention was directed to a proper disposition of the public lands. No one doubted the power of Congress to dispose of them according to its sound discretion. Such was the view of President Jackson, distinctly communicated to Congress, in the message which I have already cited.

"As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people."

Can the power of Congress, to dispose of the public domain, be more broadly asserted? What was then said about revenue? That it should cease to be a source of revenue! We never hear of the revenue argument, but when the proposition is up to make an equal and just distribution of the proceeds. When the favorable, but, as I regard them,

wild and squandering projects of gentlemen, are under consideration, they are profoundly silent as to that argument.

I come now to an examination of the terms on which the cession was made by the States, as contained in the deeds of cession. And I shall take that from Virginia, because it was, in some measure, the model deed, and because it conveyed by far the most important part of the public lands, acquired from the ceding States. I will first dispose of a preliminary difficulty, raised by the senator from New York. That senator imagined a case, and then combated it, with great force. The case he supposed was, that the senator from Massachusetts and I had maintained, that, under that deed, there was a reversion to the States; and much of his argument was directed to prove that there is no reversion, but that, if there were, it could only be to the ceding States. Now, neither the senator from Massachusetts, nor I attempted to erect any such windmill, as the senator from New York has imagined; and he might have spared himself the heavy blows, which, like another famed hero, not less valorous than himself, he dealt upon it. What I really maintain, and have always maintained, is, that, according to the terms themselves, of the deed of cession, although there is conveyed a common property, to be held for the common benefit, there is, nevertheless, an assignment of a separate use. The ceded land, I admit, is to remain a common fund for all the States, to be administered by a common authority; but the proceeds, or profits, were to be appropriated to the States in severalty, according to a certain prescribed rule. I contend this is manifestly true, from the words of the deed. What are they? "That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered a common fund, for the use and benefit of such of the United States as have become, or shall become, members of the confederation, or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bonâ fide* disposed of for that purpose, and for no other use or purpose whatsoever."

The territory conveyed was to be regarded as an inviolable fund, for the use and benefit of such States as were admitted, or might be admitted into the Union, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure. It was to be faithfully and *bonâ fide* administered for that sole purpose, and for no other purpose whatever.

Where, then, is the authority for all those wild, extravagant, and unjust projects, by which, instead of administration of the ceded territory for all the States, and all the people of the Union, it is to be granted to particular States, wasted in schemes of graduation and pre-emption, for the benefit of the trespasser, the alien, and the speculator?

The senator from New York, pressed by the argument as to the appli-

cation of the fund to the separate use of the States, deducible from the phrases in the deed, "Virginia inclusive," said, that they were necessary, because, without them, Virginia would have been entitled to no part of the ceded lands. No? Were they not ceded to the United States? was she not one of those States? and did not the grant to them include her? Why, then, were the words inserted? Can any other purpose be imagined than that of securing to Virginia her separate or "respective" proportion? The whole paragraph, cautiously and carefully composed, clearly demonstrates, that, although the fund was to be common, the title common, the administration common, the use and benefit were to be separate among the several States, in the defined proportions.

The grant was for the benefit of the States, "according to their usual respective proportions in the common charge and expenditure." Bear in mind the date of the deed; it was in 1784—before the adoption of the present Constitution, and while the articles of confederation were in force. What, according to them, was the mode of assessing the quotas of the different States toward the common charge and expenditure? It was made upon the basis of the value of all the surveyed land, and the improvements in each State. Each State was assessed according to the aggregate value of surveyed land, and improvements within its limits. After that was ascertained, the process of assessment was this; suppose there were five millions of dollars required to be raised, for the use of the general government, and one million of that five were the proportion of Virginia; there would be an account stated on the books of the general government with the State of Virginia, in which she would be charged with that million. Then there would be an account kept for the proceeds of the sales of the public lands; and, if these amounted to five millions of dollars also, Virginia would be credited with one million, being her fair proportion; and thus the account would be balanced. It is unnecessary to pursue the process with all the other States; this is enough to show that, according to the original contemplation of the grant, the common fund was for the separate benefit of the States; and that, if there had been no change in the form of government, each would have been credited with its share of the proceeds of the public lands in its account with the general government. Is not this indisputable? But let me suppose that Virginia, or any other State, had said to the general government, "I choose to receive my share of the proceeds of the public lands into my separate treasury; pay it to me, and I will provide in some other mode agreeable to me, for the payment of my assessed quota of the expenses of the general government;" can it be doubted that such a demand would have been legitimate, and perfectly compatible with the deed of cession? Even under our present system, you will recollect, sir, that, during the last war, any State was allowed to assume the payment of its share of the direct tax, and raise it according to its own pleasure or convenience, from its own people, instead of the general government's collecting of it.

From the period of the adoption of the present Constitution of the United States, the mode of raising revenue for the expenses of the general government has been changed. Instead of acting upon the States, and through them upon the people of the several States, in the form of assessed quotas or contributions, the general government now acts directly upon the people themselves, in the form of taxes, duties, or excises. Now, as the chief source of revenue raised by this government is from foreign imports, and as the consumer pays the duty, it is entirely impracticable to ascertain how much of the common charge and general expenditure is contributed by any one State to the Union.

By the deed of cession, a great and sacred trust was created. The general government was the trustee, and the States were the *cestui que* trust. According to the trust, the measure of benefit accruing to each State from the ceded lands, was to be the measure of burden which it bore in the general charge and expenditure. But, by the substitution of a new rule of raising revenue to that which was in contemplation at the time of the execution of the deed of cession, it has become impossible to adjust the exact proportion of burden and benefit with each other. The measure of burden is lost, although the subject remains, which was to be apportioned according to that measure. Who can now ascertain whether any one of the States has received, or is receiving a benefit from the ceded lands, proportionate to its burden in the general government? Who can know that we are not daily violating the rule of apportionment prescribed by the deed of cession? To me, it appears clear, that, either from the epoch of the establishment of the present Constitution, or certainly from that of the payment of the revolutionary debt, the proceeds of the public lands being no longer applied by the general government, according to that rule, they ought to have been transferred to the States upon some equitable principle of division, conforming as nearly as possible to the spirit of the cessions. The trustee not being able, by the change of government, to execute the trust agreeably to the terms of the trust, ought to have done, and ought yet to do, that which a chancellor would decree, if he had jurisdiction of the case, make a division of the proceeds among the States, upon some rule, approximating as nearly as practicable to that of the trust. And what rule can so well fulfill this condition as that which was introduced in the bill which I presented to the Senate, and which is contained in my colleague's amendment? That rule is founded on federal numbers, which are made up of all the inhabitants of the United States other than the slaves, and three fifths of them. The South, surely, should be the last section to object to a distribution founded on that rule. And yet, if I rightly understood one of the dark allusions of the senator from South Carolina (Mr. Calhoun), he has attempted to excite the jealousy of the North on that very ground. Be that as it may, I can conceive of no rule more equitable than that compound one, and I think that will be the judgment of all parts of the country, the objection of that senator notwithstanding. Although

slaves are, in a limited proportion, one of the elements that enter into the rule, it will be recollected that they are both consumers and the objects of taxation.

It has been argued that since the fund was to be a common one, and its administration was to be by the general government, the fund ought to be used also by that government to the exclusion of the States separately. But that is a *non sequitur*. It may be a common fund, a common title, and a common or single administration; but is there any thing, in all that, incompatible with a periodical distribution of the profits of the fund among the parties for whose benefit the trust was created? What is the ordinary case of tenants in common? There the estate is common, the title is common, the defense against all attacks is common; but the profits of the estate go to the separate use of, and are enjoyed by, each tenant. Does it therefore cease to be an estate in common?

Again. There is another view. It has been argued from the fact that the ceded lands in the hands of the trustee were for the common benefit, that that object could be no otherwise accomplished than to use them in the disbursements of the general government; that the general government only must expend them. Now, I do not admit that. In point of fact, the general government would continue to collect and receive the fund, and as a trustee, would pay over to each State its distributive share.

The public domain would still remain in common. Then, as to the expenditure, there may be different modes of expenditure. One is, for the general government itself to dispense it, in payments to the civil list, the army, the navy, and so forth. Another is, by distributing it among the States, to constitute them so many agencies, through which the expenditure is effected. If the general government and the State governments were in two different countries, if they had entirely distinct and distant theaters of action, and operated upon different races of men, it would be another case; but here the two systems of government, although for different purposes, are among the same people, and the constituency of both of them is the same. The expenditure, whether made by the one government directly, or through the State governments as agencies, is all for the happiness and prosperity, the honor and the glory, of one and the same people.

The subject is susceptible of other illustrations, of which I will add one or two. Here is a fountain of water held in common by several neighbors living around it. It is a perennial fountain—deep, pure, copious and salubrious. Does it cease to be common because some equal division is made by which the members of each adjacent family dip their vessels into it, and take out as much as they want? A tract of land is held in common by the inhabitants of a neighboring village. Does it cease to be a common property because each villager uses it for his particular beasts? A river is the common highroad of navigation to coterminous powers or States. Does it cease to be common because on its bosom are borne vessels bearing the stripes and the stars, or the British cross? These, and

other examples which might be given, prove that the argument, on which so much reliance has been placed, is not well founded, that, because the public domain is held for the common benefit of the States, there can be no other just application of its proceeds than through the direct expenditures of the general government.

I might have avoided most of this consumption of time by following the bad example of quoting from my own productions; and I ask the Senate to excuse one or two citations from the report I made in 1834, in answer to the veto message of President Jackson, as they present a condensed view of the argument which I have been urging. Speaking of the cession from Virginia, the report says:

"This deed created a trust in the United States which they are not at liberty to violate. But the deed does not require that the fund should be disbursed in the payment of the expenses of the general government. It makes no such provision in express terms, nor is such a duty on the part of the trustee fairly deducible from the language of the deed. On the contrary, the language of the deed seems to contemplate a separate use and enjoyment of the fund by the States individually, rather than a preservation of it for common expenditure. The fund itself is to be a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance, Virginia inclusive. The grant is not for the benefit of the confederation, but for that of the several States which compose the confederation. The fund is to be under the management of the confederation collectively, and is so far a common fund; but it is to be managed for the use and benefit of the States individually, and is so far a separate fund under a joint management. While there was a heavy debt existing, created by the war of the Revolution, and by a subsequent war, there was a fitness in applying the proceeds of a common fund to the discharge of a common debt, which reconciled all; but the debt being now discharged, and the general government no longer standing in need of the fund, there is evident propriety in a division of it among those for whose use and benefit it was originally designed, and whose wants require it. And the committee can not conceive how this appropriation of it, upon principles of equality and justice among the several States, can be regarded as contrary to either the letter or spirit of the deed."

The senator from New York, assuming that the whole debt of the Revolution has not yet been paid by the proceeds of the public lands, insists that we should continue to retain the avails of them until a reimbursement shall have been effected of all that has been applied to that object. But the public lands were never set apart or relied upon as the exclusive resource for the payment of the revolutionary debt. To give confidence to public creditors, and credit to the government, they were pledged to that object, along with other means applicable to its discharge. The debt is paid, and the pledge of the public lands has performed its office. And who paid what the lands did not? Was it not the people of the United States?—those very people to whose use, under the guardianship of their

States, it is now proposed to dedicate the proceeds of the public lands? If the money had been paid by a foreign government, the proceeds of the public lands, in honor and good faith, would have been bound to reimburse it. But our revolutionary debt, if not wholly paid by the public lands, was otherwise paid out of the pockets of the people who own the lands; and if money has been drawn from their pockets for a purpose to which these lands were destined, it creates an additional obligation upon Congress to replace the amount so abstracted, by distributing the proceeds among the States for the benefit and reimbursement of the people.

But the senator from New York has exhibited a most formidable account against the public domain, tending to show, if it be correct, that what has been heretofore regarded, at home and abroad, as a source of great national wealth, has been a constant charge upon the treasury, and a great loss to the country. The credit side, according to his statement, was, I believe, one hundred and twenty millions, but the debit side was much larger.

It is scarcely necessary to remark, that it is easy to state an account presenting a balance on one side or the other, as may suit the taste or views of the person making it up. This may be done by making charges that have no foundation, or omitting credits that ought to be allowed, or by both. The most certain operation is the latter, and the senator, who is a pretty thorough-going gentleman, adopted it.

The first item that I shall notice, with which, I think, he improperly debits the public lands, is a charge of eighty odd millions of dollars for the expense of conducting our Indian relations. Now, if this single item can be satisfactorily expunged, no more need be done to turn a large balance in favor of the public lands. I ask, then, with what color of propriety can the public lands be charged with the entire expense incident to our Indian relations? If the government did not own an acre of public lands, this expense would have been incurred. The aborigines are here; our fathers found them in possession of this land, these woods, and these waters. The preservation of peace with them; the fulfillment of the duties of humanity toward them; their civilization, education, conversion to Christianity, friendly and commercial intercourse; these are the causes of the chief expenditure on their account, and they are quite distinct from the fact of our possessing the public domain. When every acre of that domain has gone from you, the Indian tribes, if not in the mean time extinct, may yet remain, imploring you, for charity's sake, to assist them, and to share with them those blessings, of which, by the weakness of their nature, or the cruelty of your policy, they have been stripped. Why, especially, should the public lands be chargeable with that large portion of the eighty odd millions of dollars, arising from the removal of the Indians from the east to the west side of the Mississippi? They protested against it. They entreated you to allow them to remain at the homes and by the sides of the graves of their ancestors; but your stern and rigorous policy would not allow you to listen to their supplication. The public domain,

instead of being justly chargeable with the expense of their removal, is entitled to a large credit for the vast territorial districts beyond the Mississippi, which it furnished for the settlement of the emigrant Indians.

I feel that I have not strength to go through all the items of the senator's account, nor need I. The deduction of this single item will leave a net balance in favor of the public lands of between sixty and seventy millions of dollars.

What, after all, is the senator's mode of stating the account with the public lands? Has he taken any other than a mere counting-house view of them? Has he exhibited any thing more than any sub-accountant or clerk might make out in any of the departments, as probably it was prepared, cut and dry, to the senator's hands? Are there no higher or more statesman-like views to be taken of the public lands, and of the acquisitions of Louisiana and Florida, than the account of dollars and cents which the senator has presented? I have said that the senator, by the double process of erroneous insertion, and unjust suppression of items, has shaped an account to suit his argument, which presents any thing but a full and fair statement of the case. And is it not so? Louisiana cost fifteen millions of dollars. And if you had the power of selling, how many hundred millions of dollars would you now ask for the States of Louisiana, Missouri, and Arkansas—people, land, and all? Is the sovereignty which you acquired of the two provinces of Louisiana and Florida nothing? Are the public buildings, and works, the fortifications, cannon, and other arms, independent of the public lands, nothing? Is the navigation of the great father of waters, which you secured from the head to the mouth, on both sides of the river, by the purchase of Louisiana, to the total exclusion of all foreign powers, not worthy of being taken into the senator's estimate of the advantages of the acquisition? Who, at all acquainted with the history and geography of this continent, does not know that the Mississippi could not have remained in the hands, and its navigation continued subject to the control, of a foreign power, without imminent danger to the stability of the Union? Is the cost of the public domain undeserving of any credit on account of the vast sums which, during the greater part of this century, you have been receiving into the public treasury from the custom-houses of New Orleans and Mobile? Or on account of the augmentation of the revenue of the government, from the consumption of dutiable articles by the population within the boundaries of the two former provinces? The national benefits and advantages accruing from their possession have been so various and immense, that it would be impossible to make any mere pecuniary estimate of them. In any aspect of the subject, the senator's petty items of Indian annuities must appear contemptible in comparison with these splendid national acquisitions.

But the public lands are redeemed. They have long been redeemed. President Jackson announced, more than eight years ago, an incontestable

truth, when he stated that they might be considered as relieved from the pledge which had been made of them, the object having been accomplished for which they were ceded, and that it was in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people. That which Congress has the power to do, by an express grant of authority in the Constitution, it is, in my humble opinion, imperatively bound to do by the terms of the deed of cession. Distribution, and only distribution, of the proceeds of the public lands, among the States, upon the principles proposed, will conform to the spirit, and execute the trust, created in the deeds of cession. Each State, upon grounds of strict justice, as well as equity, has a right to demand its distributive share of those proceeds. It is a debt which this government owes to every State—a debt, payment of which might be enforced by process of law, if there were any forum, before which the United States could be brought.

And are there not, sir, existing at this moment the most urgent and powerful motives for this dispensation of justice to the States at the hands of the general government? A stranger listening to the argument of the senator from New York, would conclude that we were not one united people, but that there were two separate and distinct nations; one acted upon by the general government, and the other by the State governments. But is that a fair representation of the case? Are we not one and the same people, acted upon, it is true, by two systems of government, two sets of public agents; the one established for general, and the other for local purposes? The constituency is identical, although it is doubly governed. It is the bounden duty of those who are charged with the administration of each system, so to administer it as to do as much good and as little harm as possible, within the scope of their respective powers. They should also each take into view the defects in the powers, or defects in the administration of the powers, of the other, and endeavor to supply them, as far as its legitimate authority extends, and the wants or necessities of the people require. For, if distress, adversity, and ruin come upon our constituents from any quarter, should they not have our active exertions to relieve them, as well as all our sympathies and our deepest regrets? It would be but a poor consolation to the general government, if such were the fact, that this unhappy state of things was produced by the measures and operation of the State governments, and not by its own. And if the general government, by a seasonable and legitimate exercise of its authority, could relieve the people, and would not relieve them, the reproaches due to it would be twice as great as if that government itself, and not the State governments, had brought these distresses upon the people.

The powers of taxation possessed by the general government are unlimited. The most fruitful and the least burdensome modes of taxation are confided to this government exclusive of the States. The power of laying duties on foreign imports is entirely monopolized by the federal

government. The States have only the power of direct or internal taxation. They have none to impose duties on imports, not even luxuries; we have. And what is their condition at this moment? Some of them are greatly in debt, at a loss even to raise means to pay the interests upon their bonds. These debts were contracted under the joint encouragement of the recommendation of this government and prosperous times, in the prosecution of the laudable object of internal improvements. They may have pushed, in some instances, their schemes too far; but it was in a good cause, and it is easy to make reproaches when things turn out ill.

And here let me say, that, looking to the patriotic object of these State debts, and the circumstances under which they were contracted, I saw with astonished and indignant feelings a resolution submitted to the Senate, at the last session, declaring that the general government would not assume the payment of them. A more wicked, malignant, Danton-like proposition was never offered to the consideration of any deliberative assembly. It was a negative proposition, not a negative of any affirmative resolution presented to the Senate; for no such affirmative resolution was offered by any one, nor do I believe was ever thought or dreamed of by any one. When, where, by whom, was the extravagant idea ever entertained, of an assumption of the State debts by the general government? There was not a solitary voice raised in favor of such a measure in this Senate. Would it not have been time enough to have denounced assumption when it was seriously proposed? Yet, at a moment when the States were greatly embarrassed, when their credit was sinking, at this critical moment, was a measure brought forward, unnecessarily, wantonly, and gratuitously, made the subject of an elaborate report, and exciting a protracted debate, the inevitable effect of all which must have been to create abroad distrust in the ability and good faith of the debtor States. Can it be doubted, that a serious injury was inflicted upon them by this unprecedented proceeding? Nothing is more delicate than credit or character. Their credit can not fail to have suffered in the only place where capital could be obtained, and where at that very time some of the agents of the States were negotiating with foreign bankers. About that period, one of the senators of this body had in person gone abroad for the purpose of obtaining advances of money on Illinois stock.

The senator from New York said, that the European capitalists had fixed the value of the State bonds of this country at fifty per centum; and therefore it was a matter of no consequence what might be said about the credit of the States here. But the senator is mistaken, or I have been entirely misinformed. I understand that some bankers have limited their advances upon the amount of State bonds, prior to their actual sale, to fifty per centum, in like manner as commission merchants will advance on the goods consigned to them, prior to their sale. But in such an operation it is manifestly for the interest of the States, as well as the bankers, that the bonds should command in the market as much as possible above the fifty

per centum; and any proceeding which impairs the value of the bonds must be injurious to both. In any event, the loss would fall upon the States; and that this loss was aggravated by what occurred here, on the resolution to which I have referred, no one, at all acquainted with the sensitiveness of credit and of capitalists, can hesitate to believe. My friends and I made the most strenuous opposition to the resolution, but it was all unavailing, and a majority of the Senate adopted a report of the committee, to which the resolution had been referred. We urged the impolicy and injustice of the proceeding; that no man in his senses would ever propose the assumption of the State debts; that no such proposal had, in fact, been made; that the debts of the States were unequal in amount, contracted by States of unequal population, and that some States were not in debt at all. How, then, was it possible to think of a general assumption of State debts? Who could conceive of such a proposal? But there is a vast difference between our paying their debts for them, and paying our own debts to them, in conformity with the trusts arising out of the public domain, which the general government is bound to execute.

Language has been held in this chamber, which would lead any one who heard it to believe, that some gentlemen would take delight in seeing States dishonored, and unable to pay their bonds. If such a feeling does really exist, I trust it will find no sympathy with the people of this country, as it can have none in the breast of any honest man.

When the honorable senator from Massachusetts (Mr. Webster) the other day uttered, in such thrilling language, the sentiment, that honor and probity bound the States to the faithful payment of all their debts, and that they would do it, I felt my bosom swelling with patriotic pride; pride, on account of the just and manly sentiment itself; and pride, on account of the beautiful and eloquent language, in which that noble sentiment was clothed. Dishonor American credit! Dishonor the American name! Dishonor the whole country! Why, sir, what is national character, national credit, national honor, national glory, but the aggregate of the character, the credit, the honor, the glory, of the parts of the nation? Can the parts be dishonored, and the whole remain unsullied? Or can the whole be blemished, and the parts stand pure and untainted? Can a younger sister be disgraced, without bringing blushes and shame upon the whole family? Can our young sister, Illinois (I mention her only for illustration, but with all feelings and sentiments of eternal regard), can she degrade her character as a State, without bringing reproach and obloquy upon all of us? What has made England, our country's glorious parent—although she has taught us the duty of eternal watchfulness, to repel aggression, and maintain our rights against even her—what has made England the wonder of the world? What has raised her to such pre-eminence in wealth, power, empire, and greatness, at once the awe and the admiration of nations? Undoubtedly, among the prominent causes, have been the preservation of her credit, the maintenance of her honor, and the scru-

pulous fidelity with which she has fulfilled her pecuniary engagements, foreign as well as domestic. An opposite example of a disregard of national faith and character presents itself in the pages of ancient history. Every schoolboy is familiar with the phrase, "Punic faith," which at Rome became a by-word and a reproach against Carthage, in consequence of her notorious violations of her public engagements. The stigma has been transmitted down to the present time, and will remain forever uneffaced. Who would not lament that a similiar stigma should be affixed to any member of our confederacy? If there be any one so thoroughly imbued with party spirit, so destitute of honor and morality, so regardless of just feelings of national dignity and character, as to desire to see any of the States of this glorious Union dishonored, by violating her engagements to foreigners, and refusing to pay their just debts, I repel and repudiate him and his sentiments as unworthy of the American name, as sentiments dishonest in themselves, and neither entertained nor approved by the people of the United States.

Let us not be misunderstood, or our feelings and opinions be perverted. What is it that we ask? That this government shall assume the debts of the States? Oh! no, no. The debts of Pennsylvania, for example? (which is, I believe, the most indebted of all the States). No, no; far from it. But, seeing that this government has the power, and, as I think, is under a duty, to distribute the proceeds, of the public lands; and that it has the power, which the States have not, to lay duties on foreign luxuries; we propose to make that distribution, pay our debt to the States, and save the States, to that extent at least, from the necessity of resorting to direct taxation, the most onerous of all modes of levying money upon the people. We propose to supply the deficiency produced from the withdrawal of the land fund by duties on luxuries, which the wealthy only will pay, and so far save the States from the necessity of burdening the poor. We propose, that, by a just exercise of incontestable powers possessed by this government, we shall go to the succor of all the States, and by a fair distribution of the proceeds of the public lands among them, avert, as far as that may avert, the ruin and dishonor with which some of them are menaced. We propose, in short, such an administration of the powers of this government as shall protect and relieve our common constituents from the embarassments to which they may be exposed from the defects in the powers or in the administration of the State governments.

Let us look a little more minutely at consequences. The distributive share of the State of Illinois in the land proceeds would be, according to the present receipts from the public lands, about one hundred thousand dollars. We make distribution, and she receives it. To that extent it would, then, relieve her from direct taxation, to meet the debt which she has contracted, or it would form the basis of new loans to an amount equal to about two millions. We refuse to make distribution. She must levy the hundred thousand dollars upon her population, in the form of

direct taxation. And, if I am rightly informed, her chief source of revenue is a land tax, the most burdensome of all taxes. If I am misinformed, the senators from Illinois can correct me.

[Here Messrs. Robinson and Young explained, stating that there was an additional source in a tax on the stock in the State bank.]

Still the land tax is, as I had understood, the principal source of the revenue of Illinois.

We make distribution, and if necessary, we supply the deficiency which it produces by an imposition of duties on luxuries, which Illinois can not tax. We refuse it, and, having no power herself to lay duty on any foreign imports, she is compelled to resort to the most inconvenient and oppressive of all the modes of taxation. Every vote, therefore, which is given against distribution, is a vote in effect, given to lay a land tax on the people of Illinois. Worse than that, it is a vote, in effect refusing to tax the luxuries of the rich, and rendering inevitable the taxation of the poor—that poor in whose behalf we hear, from the other side of the chamber, professions of such deep sympathy, interest, and devotion! In what attitude do gentlemen place themselves who oppose this measure—gentlemen who taunt us as the aristocracy, as the friends of the banks, and so forth—gentlemen who claim to be the peculiar guardians of the democracy? How do they treat the poor? We have seen, at former sessions, a measure warmly espoused, and finally carried by them, which they represented would reduce the wages of labor. At this session, a tax, which would be borne exclusively by the rich, encounters their opposition. And now we have proposed another mode of benefiting the poor, by distribution of the land proceeds, to prevent their being borne down and oppressed by direct taxation; and this, too, is opposed from the same quarter! These gentlemen will not consent to lay a tax on the luxuries of the affluent, and, by their votes, insist upon leaving the States under the necessity of imposing direct taxes on the farmer, the laboring man, the poor, and all the while set up to be the exclusive friends of the poor! [A general laugh.] Really, sir, the best friends appear to be the worst enemies of the poor, and their greatest enemies their best friends.

The gentlemen opposed to us have frightened themselves, and have sought to alarm others, by imaginary dangers to spring from this measure of distribution. Corruption, it seems, is to be the order of the day! If I did not misunderstand the senator from South Carolina, he apprised us of the precise sum—one million of dollars—which was adequate to the corruption of his own State. He knows best about that; but I should be sorry to think that fifty millions of dollars could corrupt my State. What may be the condition of South Carolina at this time I know not; there is so much fog enveloping the dominant party that it is difficult to discern her present latitude and longitude. What she was in her better days—in the days of her Rutledges, Pinckneys, Sumpters, Lowndeses, Cheveses—we all well

know, and I will not inflict pain on the senator by dwelling on it. It is not for me to vindicate her from a charge so degrading and humiliating. She has another senator here, far more able and eloquent than I am, to defend her. Certainly I do not believe, and should be most unwilling to think, that her senator had made a correct estimate of her moral power.

It has been, indeed, said that our whole country is corrupt; that the results of recent elections were brought about by fraudulent means; and that a foreign influence has produced the great political revolution which has just taken place. I pronounce that charge a gross, atrocious, treasonable libel on the people of this country, on the institutions of this country, and on liberty itself. I do not attribute this calumny to any member of this body. I hope there is none who would give it the slightest countenance. But I do charge it upon some of the newspapers in the support of the other party. And it is remarkable, that the very press which originates and propagates this foul calumny of foreign influence, has indicated the right of unnaturalized foreigners to mingle, at the polls, in our elections; and maintained the expediency of their owning portions of the soil of our country before they have renounced their allegiance to foreign sovereigns.

I will not consume the time of the Senate in dwelling long upon the idle and ridiculous story about the correspondence between the London bankers and some Missouri bankers—a correspondence which was kept safely until after the presidential election, in the custody of the directors of what is vaunted as a genuine loco-foco bank in that State, when it was dragged out by a resolution of the Legislature, authorizing the sending for persons and papers. It was then blazed forth as conclusive and damning evidence of the existence of a foreign influence in our presidential election. And what did it all amount to? These British bankers are really strange fellows. They are foolish enough to look to the safety of their money advanced to foreigners! If they see a man going to ruin, they will not lend him; and if they see a nation pursuing the same road, they are so unreasonable as to decline vesting their funds in its bonds. If they find war threatened, they will speculate on the consequences; and they will indulge in conjectures about the future condition of a country in given contingences! Very strange! They have seen—all the world is too familiar with—these embarrassments and distresses brought upon the people of the United States by the measures of Mr. Van Buren and his illustrious predecessor. They conclude, that, if he be re-elected, there will be no change of those measures, and no better times in the United States. On the contrary, if General Harrison be elected, they argue that a sound currency may be restored, confidence return, and business once more be active and prosperous. They therefore tell their Missouri banking correspondents, that American bonds and stocks will continue to depreciate if Mr. Van Buren be re-elected; but that, if his competitor should succeed, they will rise in value, and sell more readily in the market. And these opinions and speculations of the English bankers, carefully concealed from the vulgar gaze of the people, and locked

up in the vaults of a loco-foco bank (what wonders they may have wrought there, have not been disclosed), are dragged out and paraded, as full proof of the corrupt exercise of a foreign influence in the election of General Harrison as President of the United States. Why, sir, the amount of the whole of it is, that the gentlemen, calling themselves, most erroneously, the democratic party, have administered the government so badly, that they have lost all credit and confidence at home and abroad, and because the people of the United States have refused to trust them any longer, and foreign bankers will not trust them either, they utter a whining cry that their recent signal defeat has been the work of foreign influence! [Loud laughter in the galleries.]

Democratic party! They have not the slightest pretension to this denomination. In the school of 1798, in which I was taught, and to which I have ever faithfully adhered, we were instructed to be watchful and jealous of executive power, enjoined to practice economy in the public disbursements, and urged to rally around the people, and not attach ourselves to the presidential car. This was Jefferson's democracy. But the modern democrats, who have assumed the name, have reversed all these wholesome maxims, and have given to democracy a totally different version. They have run it down, as they have run down, or at least endangered, State rights, the right of instruction—admirable in their proper sphere—and all other rights, by perversion and extravagance. But, thank God, true democracy and true democrats have not been run down. Thousands of those who have been deceived and deluded by false colors, will now eagerly return to their ancient faith, and unite, under Harrison's banner, with their old and genuine friends and principles, as they were held at the epoch of 1798. We shall, I trust, be all once more united as a fraternal band, ready to defend liberty against all dangers that may threaten it at home, and the country against all that shall menace it from abroad.

But to return from this digression to the patriotic apprehension, entertained by senators, of corruption, if the proceeds of the public lands should be distributed among the States. If, in the hands of the general government, the land fund does not lead to corruption, why should it in the hands of the State governments? Is there less danger from the fund if it remain undivided and concentrated, than if it be distributed? Are the State governments more prone to corruption than the federal government? Are they more wasteful and extravagant in the expenditure of the money of the people? I think that if we are to consult purity and economy, we shall find fresh motives for distribution.

Mr. President, two plans of disposing of the vast public domain belonging to the United States, have been, from time to time, submitted to the consideration of Congress and the public. According to one of them, it should not be regarded as a source of revenue, either to the general or to the State governments. That, I have, I think, clearly demonstrated, although the supporters of that plan do press the argument of revenue

whenever the rival plan is brought forward. They contend that the general government, being unfit, or less competent than the State governments, to manage the public lands, it ought to hasten to get rid of them, either by reduction of the price, by donation, by pre-emption, or by cessions to certain States, or by all these methods together.

Now, sir, it is manifest that the public lands can not be all settled in a century or centuries to come. The progress of their settlement is indicated by the growth of the population of the United States. There have not been, on an average, five millions of acres per annum sold, during the last half century. Larger quantities will be probably hereafter, although not immediately, annually sold. Now, when we recollect that we have at least a billion of acres to dispose of, some idea may be entertained, judging from the past, of the probable length of time before the whole is sold. Prior to their sale and settlement, the unoccupied portion of the public domain must remain either in the hands of the general government, or in the hands of the State governments, or pass into the hands of speculators. In the hands of the general government, if that government shall perform its duty, we know that the public lands will be distributed on liberal, equal, and moderate terms. The worst fate that can befall them, would be for them to be acquired by speculators. The emigrant and settler would always prefer purchasing from government, at fixed and known rates, rather than from the speculator, at unknown rates, fixed by his cupidity or caprice. But, if they are transferred from the general government, the best of them will be engrossed by speculators. That is the inevitable tendency of reduction of the price by graduation, and of cession to the States within which they lie.

The rival plan is, for the general government to retain the public domain, and make distribution of the proceeds, in time of peace, among the several States, upon equal and just principles, according to the rule of federal numbers, and, in time of war, to resume the proceeds for its vigorous prosecution. We think that the administration of the public lands had better remain with the common government, to be regulated by uniform principles, than confided to the States, to be administered according to various, and, perhaps, conflicting views. As to that important part of them which was ceded by certain States to the United States, for the common benefit of all the States, a trust was thereby created, which has been voluntarily accepted by the United States, and which they are not at liberty now to decide or transfer. The history of public lands held in the United States, demonstrates that they have been wasted or thrown away by most of the States that owned any, and that the general government has displayed more judgment and wisdom in the administration of them than any of the States. While it is readily admitted that revenue should not be regarded as the sole or exclusive object, the pecuniary advantages which may be derived from this great national property, to both the States and the Union, ought not to be altogether overlooked.

The measure which I have had the honor to propose, settles this great and agitating question forever. It is founded upon no partial and unequal basis, aggrandizing a few of the States to the prejudice of the rest. It stands on a just, broad and liberal foundation. It is a measure applicable not only to the States now in being, but to the Territories, as States shall hereafter be formed out of them, and to all new States, as they shall rise, tier behind tier, to the Pacific ocean. It is a system operating upon a space almost boundless and adapted to all future time. It was a noble spirit of harmony and union that prompted the revolutionary States originally to cede to the United States.

How admirably does this measure conform to that spirit, and tend to the perpetuity of our glorious Union! The imagination can hardly conceive one fraught with more harmony and union among the States. If to the other ties that bind us together as one people be superadded the powerful interest springing out of a just administration of our exhaustless public domain, by which, for a long succession of ages, in seasons of peace, the States will enjoy the benefit of the great and growing revenue which it produces, and in periods of war that revenue will be applied to the prosecution of the war, we shall be forever linked together with the strength of adamantine chains. No section, no State, would ever be mad enough to break off from the Union, and deprive itself of the inestimable advantages which it secures. Although thirty or forty more new States should be admitted into this Union, this measure would cement them all fast together. The honorable senator from Missouri, near me (Mr. Linn) is very anxious to have a settlement formed at the mouth of the Oregon, and he will probably be gratified at no very distant day. Then will be seen members of Congress from the Pacific States scaling the Rocky Mountains, passing through the country of the grizzly bear, descending the turbid Missouri, entering the father of rivers, ascending the beautiful Ohio, and coming to this capitol, to take their seats in its spacious and magnificent halls. Proud of the commission they bear, and happy to find themselves here in council with friends, and brothers, and countrymen, enjoying the incalculable benefits of this great confederacy, and, among them, their annual distributive share of the issues of a nation's inheritance, would even they, the remote people of the Pacific, ever desire to separate themselves from such a high and glorious destiny? The fund which is to be dedicated to these great and salutary purposes, does not proceed from a few thousand acres of land, soon to be disposed of; but of more than ten hundred millions of acres; and age after age may roll away, State after State arise, generation succeed generation, and still the fund will remain not only unexhausted, but improved and increasing, for the benefit of our children's children, to the remotest posterity. The measure is not one pregnant with jealousy, discord, or division, but it is a far-reaching, comprehensive, healing measure of compromise and composure, having for its patriotic object the harmony, the stability, and the prosperity of the States and of the Union.

DEFENSE OF MR. WEBSTER.

IN SENATE, MARCH 1, 1841.

[When Mr. Webster resigned his seat in the Senate, preparatory to his assumption of the duties of the State Department, under General Harrison, Mr. Cuthbert, senator from Georgia, made an attack upon him, alleging, among other things, that he had uttered the opinion, that Congress had power to prohibit the slave-trade between the States; and in the course of his remarks, when the subject was up again, he blamed Mr. Clay somewhat for having spoken in complimentary terms of Mr. Webster when he took leave of the Senate. The incidents of this occasion, and Mr. Clay's reply to Mr. Cuthbert, are stated as follows.]

Mr. Cuthbert said, that on the resignation of the late senator from Massachusetts (Mr. Webster), he had charged upon that senator certain opinions on the subject of southern institutions. This had led to a discussion, in the course of which he (Mr. Cuthbert) had pledged himself to prove certain points. The most important point was, that Mr. Webster had avowed the doctrine, that Congress had full power to prohibit the slave-trade between the States. The next point was, that the Legislature of Massachusetts had maintained the same doctrine, and quoted the opinion of that senator (Mr. Webster) to sustain them. He had pledged himself to produce the document to support and justify the charge.

After some discussion as to the point of order, and Mr. Cuthbert being permitted to proceed, he then desired the clerk to read an extract from a paper which he sent to the desk. It purported to be a memorial drawn up by a committee, of which Mr. Webster was a member, expressing the opinion that Congress had the power to prohibit the slave-trade between the States.

Mr. Cuthbert then animadverted upon the remark made by Mr. Clay, on the 22d of February, complimentary to Mr. Webster, and spoke of three great crises in the history of the two gentlemen when they differed in opinion—namely, on the late war with Great Britain; on the compromise tariff; and on the subject of abolition petitions.

Mr. Clay regretted extremely that he had been called out in this way. The discussion of the other day had, he ventured to say, satisfied every member of that body, with the exception of the senator from Georgia. He agreed with the senator from Vermont (Mr. Phelps) that it was all out of order. There was no necessity to create an occasion for the discussion. The distinguished gentleman from Massachusetts was soon to be nominated to that body, and then would be the proper time to bring out all the opposition to him. But the senator from Georgia had appealed to the courtesy of gentlemen, and he (Mr. Clay) was not willing to refuse the request.

No error could be greater than to judge of human character by a single act, a single sentiment or opinion. We were not to expect perfect coincidence in every thing abstract and practical.

[Mr. Cuthbert here addressed the chair.]

Mr. Clay said, I can not be interrupted, Mr. President. I will not permit an interruption. The practice is much too common, and especially at the other end of the capitol. The senator from Georgia will have ample opportunity to reply when I have concluded. What was the question? what the subject of difference in the discussion? The senator from Georgia alledges that the distinguished gentleman from Massachusetts has expressed an opinion in Faneuil Hall, it was believed, that Congress had the power to regulate the trade in slaves between the States. On this subject great diversity of opinion exists. The power to regulate did not imply the power to prohibit. Congress possesses the power to regulate foreign commerce, but it has no right to prohibit it.

But the senator from Georgia has adverted to the fact, that I and my distinguished friend (Mr. Webster) have agreed on some questions, and disagreed on others. Is there any thing unusual or singular in this? The senator from South Carolina (Mr. Calhoun), and the senator from Georgia, are now on the same side; have they always agreed? Was the gentleman from Georgia ever a nullifier? [Mr. Cuthbert said, no.] No. I presume there are many points of policy on which those gentlemen differ. The only correct method of judging, is, to take human nature in the *tout ensemble*, and not undertake to determine by a single instance.

The senator from Georgia has referred to three subjects in which I have differed with the gentleman from Massachusetts. The first was, the late war with Great Britain. Mr. Webster had regarded that war as unnecessary, and in that I think he was wrong. But there was another war; a domestic war; a war waged by General Jackson against the prosperity of the country; and where stood the senator from Georgia in that war? The gallant Webster contended for the people through this long war, with persevering ability, but the senator from Georgia was on the other side.

In regard to the compromise act, the gentleman from Massachusetts had

been opposed to that healing measure. But how was it with other senators, with whom the gentleman from Georgia was now co-operating? The senator from Missouri (Mr. Benton), and the senator from New York (Mr. Wright), both voted against the compromise; but the gentleman finds no difficulty in acting with those gentlemen because they disagreed with him on that measure.

As it regards abolition, so far as I know the opinions of Mr. Webster, he is just as much averse to it as the senator from Georgia himself. That there is danger impending, no one will deny. The danger is in ultraism: the ultraism of a portion of the South on the one hand, and from abolition on the other. It is to be averted by a moderate but firm course; not being led off into extremes on the one side, or frightened on the other. Mr. Webster and myself have differed on some subjects, have coincided on others; and the senator from Georgia might have referred to an instance in which he himself had voted with Mr. Webster, and in opposition to me. I allude to the tariff of 1824. The substance of the charge is, that Mr. Webster and myself have agreed on certain matters, and disagreed on others; and if the senator from Georgia should undertake to compute the several agreements and disagreements, he would have to work out a more difficult problem than a friend of mine in the other House, who had tried to ascertain whether Vermont or Kentucky was the banner State.

ON MR. TYLER'S VETO OF THE BANK BILL.

IN SENATE, AUGUST 19, 1841.

[Between parties in controversy, to deal with supposed motives of an opponent, is not generally considered proper; but when controversy is at an end, it is the province of history to record motives, so far as they are apparent. To have said at the time, that Mr. Tyler, who succeeded to the presidential chair after the lamented death of General Harrison, had suddenly fallen into a dream of ambition, stifled the motives of honorable conduct, and resolved to quarrel with the party that raised him to power, with the view of forming a Tyler party, and be elected president in 1844, would have been to say that which could not be proved, though it was in fact clearly seen and firmly believed. He must quarrel with Mr. Clay, the leader of the Whig party, and quarrel with a Whig Congress, that he might have an apology for setting up for himself. He had not been long in the chair of State before he began to make demonstrations of this kind, and his veto of the fiscal bank bill was the consummation of this purpose. The Whig party came into power with an overwhelming majority, and it was evidently the settled purpose of the people, that a thorough Whig policy should be tried, and among the items of that policy, as Mr. Clay maintains in the following speech, they intended to have a national bank. In the way to that end, Mr. Van Buren's Sub-Treasury had been repealed by this Congress; but when the bank bill was passed by a majority of twenty-six to twenty-three in the Senate, and one hundred and twenty-eight to ninety-one in the House, Mr. Tyler vetoed it. In the progress of the bill, Mr. Tyler had manifested symptoms of discontent, and pains were taken to give the bill a shape to remove his objections. To please him, it was called a *fiscal* bank, and the power of the bank to establish branches in the States, was limited to the consent of the States. The faculty of discount was also struck out. But he had resolved to disappoint Congress and the nation, and make a new party for

himself. As the democratic party were always opposed to a national bank, he doubtless hoped to gain them to his side; but though they approved of his veto, and rejoiced at it, they despised the man. He pandered to the democratic party during the four years of his administration, hoping ever that they would give him the nomination in 1844; but they took James K. Polk, and left the traitor to universal contempt of the generation then upon the stage, and of all future generations. The only thing in which Mr. Tyler succeeded, was to disorganize the Whig party, by breaking faith with them, and seeking by his high functionary powers to thwart their counsels. The utter contempt of all parties and of all men, into which he fell, is a striking instance of public retribution for the breach of a public trust. He went out of power to the equal joy, and with equal disrespect—and that most profound—of all parties.

The following is one of the most eloquent speeches of Mr. Clay. The argument is close and convincing, and the sentiments are stirring. The false statements of Mr. Tyler's message, and its school-boy declamation, glare out as from a mirror, notwithstanding that Mr. Clay's treatment is perfectly respectful and dignified. As the reasoning of the message was all false, it could only be founded on false assumptions, while passionate diction stripped it of all that dignity that properly belongs to a State paper.

But Mr. Clay's reply to Mr. Rives is scorching, as the reading of it will show. It is said, by those who heard it, to have been surpassing in eloquence. We have conversed with a gentleman of high culture and of good taste, who was present on that occasion, and who avers that the manner and effect were altogether indescribable, and that the impression will abide with him forever. Certainly, one would think that the impression on Mr. Rives must be very abiding.]

Mr. President, the bill which forms the present subject of our deliberations had passed both Houses of Congress by decisive majorities, and, in conformity with the requirement of the Constitution, was presented to the President of the United States for his consideration. He has returned it to the Senate, in which it originated, according to the direction of the Constitution, with a message announcing his veto of the bill, and containing his objections to its passage. And the question now to be decided is, shall the bill pass, by the required constitutional majority of two thirds, the president's objections notwithstanding?

Knowing, sir, but too well, that no such majority can be obtained, and

that the bill must fall, I would have been rejoiced to have found myself at liberty to abstain from saying one word on this painful occasion. But the president has not allowed me to give a silent vote. I think, with all respect and deference to him, he has not reciprocated the friendly spirit of concession and compromise which animated Congress in the provisions of this bill, and especially in the modification of the sixteenth fundamental condition of the bank. He has commented, I think, with undeserved severity on that part of the bill; he has used, I am sure unintentionally, harsh if not reproachful language; and he has made the very concession, which was prompted as a peace-offering, and from friendly considerations, the cause of stronger and more decided disapprobation of the bill. Standing in the relation to that bill which I do, and especially to the exceptionable clause, the duty which I owe to the Senate and to the country, and self-respect, impose upon me the obligation of at least attempting the vindication of a measure which has met with a fate so unmerited, and so unexpected.

On the 4th of April last, the lamented Harrison, the President of the United States, paid the debt of nature. President Tyler, who, as vice-president, succeeded to the duties of that office, arrived in the city of Washington on the 6th of that month. He found the whole metropolis wrapped in gloom, every heart filled with sorrow and sadness, every eye streaming with tears, and the surrounding hills yet flinging back the echo of the bells which were tolled on that melancholy occasion. On entering the presidential mansion, he contemplated the pale body of his predecessor stretched before him, and clothed in the black habiliments of death. At that solemn moment, I have no doubt that the heart of President Tyler was overflowing with mingled emotions of grief, of patriotism, and of gratitude—above all, of gratitude to that country, by a majority of whose suffrages, bestowed at the preceding November, he then stood the most distinguished, the most elevated, the most honored of all living whigs of the United States.

It was under these circumstances, and in this probable state of mind, that President Tyler, on the 10th day of the same month of April, voluntarily promulgated an address to the people of the United States. That address was in the nature of a coronation oath, which the chief of the State in other countries, and under other forms, takes, upon ascending the throne. It referred to the solemn obligations, and the profound sense of duty, under which the new president entered upon the high trust which had devolved upon him, by the joint acts of the people and of Providence, and it stated the principles, and delineated the policy by which he would be governed in his exalted station. It was emphatically a whig address, from beginning to end—every inch of it was whig, and was patriotic.

In that address the president, in respect to the subject-matter embraced in the present bill, held the following conclusive and emphatic language:

"I shall promptly give my sanction to any constitutional measure which, originating in Congress, shall have for its object the restoration of a sound circulating medium, so essentially necessary to give confidence in all the transactions of life, to secure to industry its just and adequate rewards, and to re-establish the public prosperity. In deciding upon the adaptation of any such measure to the end proposed, as well as its conformity to the Constitution, I shall resort to the fathers of the great republican school for advice and instruction, to be drawn from their sage views of our system of government, and the light of their ever-glorious example."

To this clause in the address of the president, I believe but one interpretation was given throughout this whole country, by friend and foe, by whig and democrat, and by the presses of both parties. It was, by every man with whom I conversed on the subject at the time of its appearance, or of whom I have since inquired, construed to mean that the president intended to occupy the Madison ground, and to regard the question of the power to establish a national bank as immovably settled. And I think I may confidently appeal to the Senate and to the country, to sustain the fact, that this was the cotemporaneous and unanimous judgment of the public. Reverting back to the period of the promulgation of the address, could any other construction have been given to its language. What is it? "I shall promptly give my sanction to any constitutional measure, which, originating in Congress, shall have certain defined objects in view." He concedes the vital importance of a sound circulating medium to industry, and to the public prosperity. He concedes that its origin must be in Congress. And to prevent any inference from the qualification, which he prefixes to the measure, being interpreted to mean that a United States bank was unconstitutional, he declares, that in deciding on the adaptation of the measure to the end proposed, and its conformity to the Constitution, he will resort to the fathers of the great republican school. And who were they? If the father of his country is to be excluded, are Madison, (the father of the Constitution) Jefferson, Monroe, Gerry, Gallatin, and the long list of republicans who acted with them, not to be regarded as among those fathers? But President Tyler declares, not only that he should appeal to them for advice and instruction, but to the light of their ever-glorious example. What example? What other meaning could have been possibly applied to the phrase, than that he intended to refer to what had been done during the administrations of Jefferson, Madison, and Monroe?

Entertaining this opinion of the address, I came to Washington at the commencement of the session, with the most confident and buoyant hopes that the whigs would be able to carry all their prominent measures, and especially a bank of the United States, by far that one of the greatest immediate importance. I anticipated nothing but cordial co-operation between the two departments of government; and I reflected with pleasure, that I should find, at the head of the executive branch, a personal and

political friend, whom I had long and intimately known, and highly esteemed. It will not be my fault, if our amicable relations should unhappily cease, in consequence of any difference of opinion between us on this occasion. The president has been always perfectly familiar with my opinion on this bank question.

Upon the opening of the session, but especially on the receipt of a plan of a national bank, as proposed by the Secretary of the Treasury, fears were excited that the president had been misunderstood in his address, and that he had not waived but adhered to his constitutional scruples. Under these circumstances, it was hoped, that, by the indulgence of a mutual spirit of compromise and concession, a bank, competent to fulfill the expectations, and satisfy the wants, of the people, might be established.

Under the influence of that spirit, the Senate and the House agreed, first, as to the name of the proposed bank. I confess, sir, that there was something exceedingly *outré* and revolting to my ears, in the term "fiscal bank;" but I thought, "what is there in a name? A rose by any other name would smell as sweet." Looking, therefore, rather to the utility of the substantial faculties, than to the name of the contemplated institution, we consented to that which was proposed.

Secondly, as to the place of location of the bank. Although Washington had passed through my mind as among the cities in which it might be expedient to place the bank, it was believed to be the least eligible of some four or five other cities. Nevertheless we consented to fix it here.

And, lastly, in respect to the branching power, there was not, probably, a solitary vote given in either House of Congress for the bill, that did not greatly prefer the unqualified branching power, as asserted in the charters of the two former banks of the United States, to the sixteenth fundamental condition, as finally incorporated in this bill. It is perfectly manifest, therefore, that it was not in conformity with the opinion and wish of majorities in Congress, but in a friendly spirit of concession toward the president and his particular friends, that the clause assumed that form. So repugnant was it to some of the best friends of a national bank in the other House, that they finally voted against the bill, because it contained that compromise of the branching power.

It is true, that in presenting the compromise to the Senate, I stated, as was the fact, that I did not know whether it would be acceptable to the president or not; that, according to my opinion, each department of the government should act upon its own responsibility, independently of the other; and that I presented the modification of the branching power because it was necessary to insure the passage of the bill in the Senate, having ascertained that the vote would stand twenty-six against it to twenty-five, if the form of that power which had been reported by the committee were persisted in. But I nevertheless did entertain the most confident hopes and expectations, that the bill would receive the sanction

of the president; and this motive, although not the immediate one, had great weight in the introduction and adoption of the compromise clause. I knew that our friends who would not vote for the bill as reported, were actuated, as they avowed, by considerations of union and harmony, growing out of supposed views of the president, and I presumed that he would not fail to feel and appreciate their sacrifices. But I deeply regret that we were mistaken. Notwithstanding all our concessions, made in a genuine and sincere spirit of conciliation, the sanction of the president could not be obtained, and the bill has been returned by him with his objections.

And I shall now proceed to consider those objections, with as much brevity as possible, but with the most perfect respect, official and personal, toward the chief magistrate.

After stating that the power of Congress to establish a national bank, to operate *per se*, has been a controverted question from the origin of the government, the president remarks:

"Men most justly and deservedly esteemed for their high intellectual endowments, their virtue, and their patriotism, have, in regard to it, entertained different and conflicting opinions. Congresses have differed. The approval of one president has been followed by the disapproval of another."

From this statement of the case it must be inferred, that the president considers the weight of authority, pro and con., to be equal and balanced. But if he intended to make such an array of it, if he intended to say that it was an equilibrium, I must respectfully, but most decidedly, dissent from him. I think the conjoint testimony of history, tradition, and the knowledge of living witnesses proves the contrary. How stands the question as to the opinion of Congresses? The Congress of 1791, the Congress of 1813–14, the Congress of 1815–16, the Congress of 1831–32, and, finally, the present Congress, have all respectively and unequivocally, affirmed the existence of a power in Congress to establish a national bank to operate *per se*. We behold, then, the concurrent opinion of five different Congresses on one side. And what Congress is there on the opposite side? The Congress of 1811? I was a member of the Senate in that year, when it decided, by the casting vote of the vice-president, against the renewal of the charter of the old bank of the United States. And I now here, in my place, add to the testimony already before the public, by declaring that it is within my certain knowledge, that that decision of the Senate did not proceed from a disbelief of a majority of the Senate in the power of Congress to establish a national bank, but from combined considerations of expediency and constitutionality. A majority of the Senate, on the contrary, as I know, entertained no doubt as to the power of Congress. Thus the account, as to Congresses, stands five for and not one, or, at most, not more than one, against the power.

Let us now look into the state of authority derivable from the opinions of presidents of the United States. President Washington believed in the

power of Congress, and approved a bank bill. President Jefferson approved acts to extend branches into other parts of the United States, and to punish counterfeiters of the notes of the bank—acts which were devoid of all justification, whatever, upon the assumption of the unconstitutionality of the bank. For how could branches be extended, or punishment be lawfully inflicted, upon the counterfeiters of the paper of a corporation which came into existence without any authority, and in violation of the Constitution of the land? James Madison, notwithstanding those early scruples which he had entertained, and which he probably still cherished, sanctioned and signed a bill to charter the late bank of the United States. It is perfectly well known that Mr. Monroe never did entertain any scruples or doubts in regard to the power of Congress. Here, then, are four presidents of the United States who have directly or collaterally borne official testimony to the existence of the bank power in Congress. And what president is there, that ever bore unequivocally opposite testimony—that disapproved a bank charter, in the sense intended by President Tyler? General Jackson, although he did apply the veto power to the bill for rechartering the late bank of the United States in 1832, it is within the perfect recollection of us all, not only testified to the utility of a bank of the United States, but declared, that, if he had been applied to by Congress, he could have furnished the plan of such a bank.

Thus, Mr. President, we perceive, that, in reviewing the action of the legislative and executive departments of the government, there is a vast preponderance of the weight of authority maintaining the existence of the power in Congress. But President Tyler has, I presume unintentionally, wholly omitted to notice the judgment and decision of the third co-ordinate department of the government upon this controverted question—that department, whose interpretations of the Constitution, within its proper jurisdiction and sphere of action, are binding upon all; and which, therefore, may be considered as exercising a controlling power over both the other departments. The Supreme Court of the United States, with its late chief justice, the illustrious Marshall, at its head, unanimously decided that Congress possessed this bank power; and this adjudication was sustained and reaffirmed whenever afterward the question arose before the court.

After recounting the occasions, during his public career, on which he had expressed an opinion against the power of Congress to charter a bank of the United States, the president proceeds to say:

"Entertaining the opinions alluded to, and having taken this oath, the Senate and the country will see that I could not give my sanction to a measure of the character described, without surrendering all claim to the respect of honorable men—all confidence on the part of the people, all self-respect, all regard for moral and religious obligations; without an observance of which no government can be prosperous, and no people can be happy. It would be to commit a crime, which I would not willfully commit to gain any earthly reward, and which would justly subject me to the ridicule and scorn of all virtuous men."

Mr. President, I must think, and hope I may be allowed to say, with profound deference to the chief magistrate, that it appears to me, he has viewed with too lively sensibility the personal consequences to himself of his approval of the bill; and that, surrendering himself to a vivid imagination, he has depicted them in much too glowing and exaggerated colors, and that it would have been most happy, if he had looked more to the deplorable consequences of a veto upon the hopes, the interests, and the happiness of his country. Does it follow that a magistrate who yields his private judgment to the concurring authority of numerous decisions, repeatedly and deliberately pronounced, after the lapse of long intervals, by all the departments of government, and by all parties, incurs the dreadful penalties described by the president? Can any man be disgraced and dishonored, who yields his private opinion to the judgment of the nation? In this case, the country (I mean a majority), Congress, and, according to common fame, a unanimous cabinet, were all united in favor of the bill. Should any man feel himself humbled and degraded in yielding to the conjoint force of such high authority? Does any man, who at one period of his life shall have expressed a particular opinion, and at a subsequent period shall act upon the opposite opinion, expose himself to the terrible consequences which have been portrayed by the president? How is it with the judge, in the case by no means rare, who bows to the authority of repeated precedents, settling a particular question, while in his private judgment, the law was otherwise? How is it with that numerous class of public men in this country, and with the two great parties that have divided it, who, at different periods have maintained and acted on opposite opinions in respect to this very bank question?

How is it with James Madison, the father of the Constitution—that great man whose services to his country placed him only second to Washington; whose virtues and purity in private life, whose patriotism, intelligence, and wisdom in public councils, stand unsurpassed? He was a member of the national convention that formed, and of the Virginia convention that adopted, the Constitution. No man understood it better than he did. He was opposed, in 1791, to the establishment of the bank of the United States, upon constitutional ground; and, in 1816, he approved and signed the charter of the late bank of the United States. It is a part of the secret history connected with the first bank, that James Madison had, at the instance of General Washington, prepared a veto for him in the contingency of his rejection of the bill. Thus stood James Madison, when, in 1815, he applied the veto to a bill to charter a bank upon considerations of expediency, but with a clear and express admission of the existence of a constitutional power of Congress to charter one. In 1816, the bill which was then presented to him being free from the objections applicable to that of the previous year, he sanctioned and signed it. Did James Madison surrender "all claim to the respect of honorable men, all confidence on the part of the people, all self-respect, all regard for moral

and religious obligations?" Did the pure, the virtuous, the gifted James Madison, by his sanction and signature to the charter of the late bank of the United States, commit a crime, which justly subjected him "to the ridicule and scorn of all virtuous men?"

Not only did the president, as it respectfully appears to me, state entirely too strongly the consequences of his approval of the bill, but is he perfectly correct in treating the question (as he seems to me to have done), which he was called upon to decide, as presenting the sole alternative of his direct approval or rejection of the bill? Was the preservation of the consistency and the conscience of the president wholly irreconcilable with the restoration of the blessings of a sound currency, regular and moderate exchanges, and the revival of confidence and business, which Congress believes will be secured by a national bank? Was there no alternative but to prolong the sufferings of a bleeding country, or to send us this veto? From the administration of the executive department of the government, during the last twelve years, has sprung most of the public ills which have afflicted the people. Was it necessary that that source of suffering should continue to operate, in order to preserve the conscience of the president unviolated? Was that the only sad and deplorable alternative? I think, Mr. President, there were other alternatives worthy of the serious and patriotic consideration of the president. The bill might have become a law, in virtue of the provision which required its return within ten days. If the president had retained it three days longer, it would have been a law, without his sanction and without his signature. In such a contingency, the president would have remained passive, and would not have been liable to any accusation of having himself violated the Constitution. All that could have been justly said would be, that he did not choose to throw himself in the way as an obstacle to the passage of a measure indispensable to the prosperity of the nation, in the judgment of the party which brought him into power, of the whig Congress which he first met, and, if public fame speaks true, of the cabinet which the lamented Harrison called around him, and which he voluntarily continued. In an analogous case, Thomas McKean, when Governor of Pennsylvania, than whom the United States have produced but few men of equal vigor of mind and firmness of purpose, permitted a bill to become a law, although, in his opinion, it was contrary to the Constitution of that State. And I have heard, and, from the creditable nature of the source, I am inclined to believe, although I will not vouch for the fact, that toward the close of the charter of the first bank of the United States during the second term of Mr. Jefferson, some consideration of the question of the renewal of the charter was entertained, and that he expressed a wish, that if the charter were renewed, it might be effected by the operation of the ten days' provision, and his consistency thus preserved.

If it were possible to disinter the venerated remains of James Madison, reanimate his perishing form, and place him once more in that chair of

State, which he so much adorned, what would have been his course, if this bill had been presented to him, even supposing him never to have announced his acquiescence in the settled judgment of the nation? He would have said, that human controversy, in regard to a single question, should not be perpetual, and ought to have a termination. This, about the power to establish a bank of the United States, has been long enough continued. The nation, under all the forms of its public action, has often and deliberately decided it. A bank, and associated financial and currency questions, which had long slept, were revived, and have divided the nation during the last ten years of arduous and bitter struggle; and the party which put down the bank, and which occasioned all the disorders in our currency and finances, has itself been signally put down, by one of those great moral and political revolutions which a free, a patriotic people can but seldom arouse itself to make. Human infallibility has not been granted by God; and the chances of error are much greater on the side of one man, than on that of the majority of a whole people and their successive Legislatures during a long period of time. I yield to the irresistible force of authority. I will not put myself in opposition to a measure so imperatively demanded by the public voice, and so essential to elevate my depressed and suffering countrymen.

And why should not President Tyler have suffered the bill to become a law without his signature? Without meaning the slightest possible disrespect to him (nothing is further from my heart than the exhibition of any such feeling toward that distinguished citizen, long my personal friend), it can not be forgotten that he came into his present office under peculiar circumstances. The people did not foresee the contingency which has happened. They voted for him as vice-president. They did not, therefore, scrutinize his opinions with the care which they probably ought to have done, and would have done, if they could have looked into futurity. If the present state of the fact could have been anticipated—if at Harrisburg, or at the polls, it had been foreseen, that General Harrison would die in one short month after the commencement of his administration; that Vice-President Tyler would be elevated to the presidential chair; that a bill, passed by decisive majorities of the first whig Congress, chartering a national bank, would be presented for his sanction, and that he would veto the bill, do I hazard any thing, when I express the conviction, that he would not have received a solitary vote in the nominating convention, nor one solitary electoral vote in any State of the Union?

Shall I be told that the honor, the firmness, the independence of the chief magistrate might have been drawn in question if he had remained passive, and so permitted the bill to become a law? I answer, that the office of chief magistrate is a sacred and exalted trust, created and conferred for the benefit of the nation, and not for the private advantage of the person who fills it. Can any man's reputation for firmness, independence, and honor, be of more importance than the welfare of a great people?

There is nothing, in my humble judgment, in such a course, incompatible with honor, with firmness, with independence, properly understood. Certainly, I most respectfully think, in reference to a measure like this, recommended by such high sanctions—by five Congresses, by the authority of four presidents, by repeated decisions of the Supreme Court, by the acquiescence and judgment of the people of the United States during long periods of time, by its salutary operation on the interests of the community for a space of forty years, and demanded by the people whose suffrages placed President Tyler in that second office from whence he was translated to the first that he might have suppressed the promptings of all personal pride of private opinion, if any arose in his bosom, and yielded to the wishes and wants of his country. Nor do I believe, that, in such a course, he would have made the smallest sacrifice, in a just sense, of personal honor, firmness, or independence.

But, sir, there was still a third alternative, to which I allude, not because I mean to intimate that it should be embraced, but because I am reminded of it by a memorable event in the life of President Tyler. It will be recollected, that, after the Senate had passed the resolutions declaring the removal of the public deposits from the late bank of the United States to have been derogatory to the Constitution and laws of the United States, for which resolution, president, then senator Tyler, had voted, the General Assembly of Virginia instructed the senators from that State to vote for the expunging of that resolution. Senator Tyler declined voting in conformity with that instruction, and resigned his seat in the Senate of the United States. This he did because he could not conform, and did not think it right to go counter, to the wishes of those who had placed him in the Senate. If, when the people of Virginia, or the General Assembly of Virginia, were his only constituency, he would not set up his own particular opinion, in opposition to theirs, what ought to be the rule of his conduct when the people of twenty-six States—a whole nation—compose his constituency? Is the will of the constituency of one State to be respected, and that of twenty-six to be wholly disregarded? Is obedience due only to the single State of Virginia? The president admits, that the bank question deeply agitated and continues to agitate, the nation. It is incontestable, that it was the great, absorbing, and controlling question, in all our recent divisions and exertions. I am firmly convinced, and it is my deliberate judgment, that an immense majority, no less than two thirds of the nation, desire such an institution. All doubts in this respect ought to be dispelled, by the recent decisions of the two Houses of Congress. I speak of them as evidence of popular opinion. In the House of Representatives the majority was one hundred and thirty-one to one hundred. If the House had been full, and but for the modification of the sixteenth fundamental condition, there would have been a probable majority of forty-seven. Is it to be believed that this large majority of the immediate representatives of the people, fresh from among them, and to whom the

president seemed inclined, in his opening message, to refer this very question, have mistaken the wishes of their constituents?

I pass the sixteenth fundamental condition, in respect to the branching power, on which I regret to feel myself obliged to say, that I think the president has commented with unexampled severity, and with a harshness of language not favorable to the maintenance of that friendly and harmonious intercourse, which is so desirable between co-ordinate departments of the government. The president could not have been uninformed, that every one of the twenty-six senators, and every one of the hundred and thirty-one representatives who voted for the bill, if left to his own separate wishes, would have preferred the branching power to have been conferred unconditionally, as it was in the charters of the two former banks of the United States. In consenting to the restrictions upon the exercise of that power, he must have been perfectly aware that they were actuated by a friendly spirit of compromise and concession. Yet nowhere in his message does he reciprocate or return the spirit. Speaking of the assent or dissent which the clause requires, he says, "This iron rule is to give way to no circumstances—it is unbending and inflexible. It is the language of the master to the vassal. An unconditional answer is claimed forthwith." The "high privilege" of a submission of the question, on the part of the State representatives, to their constituents, according to the message, is denied. He puts the cases of a popular branch of a State Legislature, expressing its dissent "by a unanimous vote, and its resolution may be defeated by a tie vote in the Senate," and "both branches of the Legislature may concur in a resolution of decided dissent, and yet the governor may exert the veto power conferred on him by the State Constitution, and their legislative action be defeated." "The State may afterward protest against any such unjust inference, but its authority is gone." The president continues: "To inferences so violent, and as they seem to me irrational, I can not yield my consent. No court of justice would or could sanction them, without reversing all that is established in judicial proceeding, by introducing presumptions at variance with fact, and inferences at the expense of reason. A State in a condition of *duresse* would be presumed to speak as an individual, manacled and in prison, might be presumed to be in the enjoyment of freedom. Far better to say to the States, boldly and frankly, Congress wills, and submission is demanded."

Now, Mr. President, I will not ask whether these animadversions were prompted by a reciprocal spirit of amity and kindness, but I inquire whether all of them are perfectly just.

Beyond all question, those who believed in the constitutional right of Congress to exercise the branching power within the States, unconditionally and without limitation, did make no small concession when they consented that it should be subjected to the restrictions specified in the compromise clause. They did not, it is true, concede every thing; they did not absolutely renounce the power to establish branches without the

authority of the States, during the whole period of the existence of the charter; but they did agree that reasonable time should be allowed to the several States to determine whether they would or would not give their assent to the establishment of branches within their respective limits. They did not think it right to leave it an open question, for the space of twenty years; nor that a State should be permitted to grant to-day and revoke to-morrow its assent; nor that it should annex onerous or impracticable conditions to its assent, but that it should definitely decide the question, after the lapse of ample time for full deliberation. And what was that time? No State would have had less time than four months, and some of them from five to nine months, for consideration. Was it, therefore, entirely correct for the president to say, that an "unconditional answer is claimed forthwith?" Forthwith means immediately, instantly, without delay, which can not be affirmed of a space of time varying from four to nine months. And the president supposes, that the "high privilege" of the members of the State Legislatures' submitting the question to their constituents is denied. But could they not, at any time during that space, have consulted their constituents?

The president proceeds to put what I must, with the greatest deference and respect, consider as extreme cases. He supposes the popular branch to express its dissent by a unanimous vote, which is overruled by a tie in the Senate. He supposes that "both branches of the Legislature may concur in a resolution of decided dissent, and yet the governor may exert the veto power." The unfortunate case of the State whose legislative will should be so checked by executive authority, would not be worse than that of the Union, the will of whose Legislature, in establishing this bank, is checked and controlled by the president.

But did it not occur to him, that extreme cases brought forward on the one side, might be met by the extreme cases suggested on the other? Suppose the popular branch were to express its assent to the establishment of a branch bank by a unanimous vote, which is overruled by an equal vote in the Senate. Or suppose that both branches of the Legislature, by majorities in each, exactly wanting one vote to make them two thirds, were to concur in a resolution inviting the introduction of a branch within the limits of the State, and the governor were to exercise the veto power, and defeat the resolution. Would it be very unreasonable, in these two cases, to infer the assent of the State to the establishment of a branch?

Extreme cases should never be resorted to. Happily for mankind, their affairs are but seldom affected or influenced by them, in consequence of the rarity of the occurrence.

The plain, simple, unvarnished statement of the case is this. Congress believes itself invested with constitutional power to authorize, unconditionally, the establishment of a bank of the United States and branches, anywhere in the United States, without asking any other consent of the States than that which is already expressed in the Constitution. The president

does not concur in the existence of that power, and was supposed to entertain an opinion, that the previous assent of the States was necessary. Here was an unfortunate conflict of opinion. Here was a case for compromise and mutual concession, if the difference could be reconciled. Congress advanced so far toward a compromise as to allow the States to express their assent or dissent, but then it thought that this should be done within some limited but reasonable time; and it believed, since the bank and its branches were established for the benefit of twenty-six States, if the authorities of any one of them really could not make up their mind within that limited time, either to assent or dissent to the introduction of a branch, that it was not unreasonable, after the lapse of the appointed time, without any positive action, one way or the other, on the part of the State, to proceed as if it had assented. Now, if the power contended for by Congress really exists, it must be admitted that here was a concession—a concession according to which an unconditional power is placed under temporary restrictions—a privilege offered to the States, which was not extended to them by either of the charters of the two former banks of the United States. And I am totally at a loss to comprehend how the president reached the conclusion, that it would have been "far better to say to the States, boldy and frankly, Congress wills, and submission is demanded." Was it better for the States that the power of branching should be exerted without consulting them at all? Was it nothing to afford them an opportunity of saying whether they desired branches or not? How can it be believed, that a clause which qualifies, restricts, and limits the branching power, is more derogatory to the dignity, independence, and sovereignty of the States, than if it inexorably refused to the States any power whatever to deliberate and decide on the introduction of branches? Limited as the time was, and unconditionally as they were required to express themselves, still those States (and that probably would have been the case with the greater number) that chose to announce their assent or dissent, could do so, and get or prevent the introduction of a branch. But the president remarks, that "the State may express, after the most solemn form of legislation, its dissent, which may from time to time thereafter be repeated, in full view of its own interest, which can never be separated from the wise and beneficent operation of this government; and yet Congress may, by virtue of the last proviso, overrule its law, and upon grounds which, to such State, will appear to rest on a constructive necessity and propriety, and nothing more."

Even if the dissent of a State should be overruled, in the manner supposed by the president, how is the condition of that State worse than it would have been if the branching power had been absolutely and unconditionally asserted in the charter? There would have been, at least, the power of dissenting conceded, with a high degree of probability, that if the dissent were expressed, no branch would be introduced.

The last proviso to which the president refers is in these words: "and

provided, nevertheless, that whenever it shall become necessary and proper for carrying into execution any of the powers granted by the Constitution, to establish an office or offices in any of the States whatever, and the establishment thereof shall be directed by law, it shall be the duty of the said directors to establish such office or offices accordingly."

This proviso was intended to reserve a power to Congress to compel the bank to establish branches, if the establishment of them should be necessary to the great purposes of this government, notwithstanding the dissent of a State. If, for example, a State had once unconditionally dissented to the establishment of a branch, and afterward assented, the bank could not have been compelled, without this reservation of power, to establish the branch, however urgent the wants of the treasury might be.

The president, I think, ought to have seen, in the form and language of the proviso, the spirit of conciliation in which it was drawn, as I know. It does not assert the power; it employs the language of the Constitution itself, leaving every one free to interpret that language according to his own sense of the instrument.

Why was it deemed necessary to speak of its being "the language of the master to the vassal," of "this iron rule," that "Congress wills, and submission is demanded?" What is this whole federal government but a mass of powers abstracted from the sovereignty of the several States, and wielded by an organized government for their common defense and general welfare, according to the grants of the Constitution? These powers are necessarily supreme; the Constitution, the acts of Congress, and treaties being so declared by the express words of the Constitution. Whenever, therefore, this government acts within the powers granted to it by the Constitution, submission and obedience are due from all; from States as well as from persons. And if this present the image of a master and a vassal, of State subjection and congressional domination, it is the Constitution, created or consented to by the States, that ordains these relations. Nor can it be said, in the contingency supposed, that an act of Congress has repealed an act of State legislation. Undoubtedly in case of a conflict between a State constitution or State law, and the Constitution of the United States, or an act of Congress passed in pursuance of it, the State Constitution or State law would yield. But it could not, at least, be formally or technically said, that the State Constitution or law was repealed. Its operation would be suspended or abrogated by the necessary predominance of the paramount authority.

The president seems to have regarded as objectionable that provision in the clause which declares, that a branch being once established, it should not afterward be withdrawn or removed without the previous consent of Congress. That provision was intended to operate both upon the bank and the States. And, considering the changes and fluctuations in public sentiment in some of the States within the last few years, was the security against them to be found in that provision unreasonable? One Legislature

might invite a branch, which the next might attempt, by penal or other legislation, to drive away. We have had such examples heretofore, and I can not think that it was unwise to profit by experience. Besides, an exactly similar provision was contained in the scheme of a bank which was reported by the Secretary of the Treasury, and to which it was understood the president had given his assent. But if I understand this message, that scheme could not have obtained his sanction, if Congress had passed it without any alteration whatever. It authorized what is termed by the president local discount, and he does not believe the Constitution confers upon Congress power to establish a bank having that faculty. He says, indeed, "I regard the bill as asserting for Congress the right to incorporate a United States bank, with power and right to establish offices of discount and deposit in the several States of this Union, with or without their consent; a principle to which I have always heretofore been opposed, and which can never obtain my sanction." I pass with pleasure from this painful theme; deeply regretting that I have been constrained so long to dwell on it.

On a former occasion I stated, that in the event of an unfortunate difference of opinion between the legislative and executive departments, the point of difference might be developed, and it would be then seen whether they could be brought to coincide in any measure corresponding with the public hopes and expectations. I regret that the president has not, in this message, favored us with a more clear and explicit exhibition of his views. It is sufficiently manifest that he is decidedly opposed to the establishment of a new bank of the United States formed after the two old models. I think it is fairly to be inferred, that the plan of the Secretary of the Treasury could not have received his sanction. He is opposed to the passage of the bill which he has returned; but whether he would give his approbation to any bank, and, if any, what sort of a bank, is not absolutely clear. I think it may be collected from the message, with the aid or information derived through other sources, that the president would concur in the establishment of a bank whose operations should be limited to dealing in bills of exchange, to deposits, and to the supply of a circulation, excluding the power of discounting promissory notes. And I understand that some of our friends are now considering the practicability of arranging and passing a bill in conformity with the views of President Tyler. While I regret that I can take no active part in such an experiment, and must reserve to myself the right of determining, whether I can or can not vote for such a bill after I see it in its matured form, I assure my friends that they shall find no obstacle or impediment in me. On the contrary, I say to them, Go on: God speed you in any measure which will serve the country, and preserve or restore harmony and concert between the departments of government. An executive veto of a bank of the United States, after the sad experience of late years, is an event which was not anticipated by the political friends of the president; certainly not by me. But it has come upon us

with tremendous weight, and amid the greatest excitement within and without the metropolis. The question now is, What shall be done? What, under this most embarrassing and unexpected state of things, will our constituents expect of us? What is required by the duty and the dignity of Congress? I repeat, that if, after a careful examination of the executive message, a bank can be devised which will afford any remedy to existing evils, and secure the president's approbation, let the project of such a bank be presented. It shall encounter no opposition, if it should receive no support, from me.

But what further shall we do? Never, since I have enjoyed the honor of participating in the public councils of the nation, a period now of nearly thirty-five years, have I met Congress under more happy or more favorable auspices. Never have I seen a House of Representatives animated by more patriotic dispositions; more united, more determined, more business-like. Not even that House which declared war in 1812, nor that which, in 1815–16, laid broad and deep foundations of national prosperity, in adequate provisions for a sound currency, by the establishment of a bank of the United States, for the payment of the national debt, and for the protection of American industry. This House has solved the problem of the competency of a large deliberative body to transact the public business. If happily there had existed a concurrence of opinion and cordial co-operation between the different departments of the government, and all the members of the party, we should have carried every measure contemplated at the extra session, which the people had a right to expect from our pledges, and should have been, by this time, at our respective homes.

We are disappointed in one, and an important one, of that series of measures; but shall we therefore despair? Shall we abandon ourselves to unworthy feelings and sentiments? Shall we allow ourselves to be transported by rash and intemperate passions and counsels? Shall we adjourn, and go home in disgust? No! No! No! A higher, nobler, and more patriotic career lies before us. Let us here, at the east end of Pennsylvania avenue, do our duty, our whole duty, and nothing short of our duty, toward our common country. We have repealed the sub-treasury. We have passed a bankrupt law—a beneficent measure of substantial and extensive relief. Let us now pass the bill for the distribution of the proceeds of the public lands, the revenue-bill, and the bill for the benefit of the oppressed people of this District. Let us do all, let us do every thing we can for the public good. If we are finally to be disappointed in our hopes of giving to the country a bank, which will once more supply it with a sound currency, still let us go home and tell our constituents, that we did all that we could under actual circumstances; and that, if we did not carry every measure for their relief, it was only because to do so was impossible. If nothing can be done at this extra session, to put upon a more stable and satisfactory basis the currency and exchanges of the country, let us hope that hereafter some way will be found to accomplish that most desirable

object, either by an amendment of the Constitution, limiting and qualifying the enormous executive power, and especially the veto, or by increased majorities in the two Houses of Congress, competent to the passage of wise and salutary laws, the president's objections notwithstanding.

This seems to me to be the course now incumbent upon us to pursue; and by conforming to it, whatever may be the result of laudable endeavors, now in progress or in contemplation in relation to a new attempt to establish a bank, we shall go home bearing no self-reproaches for neglected or abandoned duty.

REJOINDER TO MR. RIVES'S DEFENSE OF MR. TYLER.

Mr. Rives having concluded his remarks, Mr. Clay rose in rejoinder. I have no desire, said he, to prolong this unpleasant discussion; but I must say that I heard with great surprise and regret the closing remark, especially of the honorable gentleman from Virginia, as, indeed, I did many of those which preceded it. That gentleman stands in a peculiar situation. I found him several years ago in the half-way house, where he seems afraid to remain, and from which he is yet unwilling to go. I had thought, after the thorough riddling which the roof of the house had received in the breaking-up of the pet-bank system, he would have fled somewhere else for refuge; but there he still stands, solitary and alone, shivering and pelted by the pitiless storm. The sub-treasury is repealed; the pet-bank system is abandoned; the United States bank bill is vetoed; and now, when there is as complete and perfect a reunion of the purse and the sword in the hands of the executive as ever there was under General Jackson or Mr. Van Buren, the senator is for doing nothing. The senator is for going home, leaving the treasury and the country in their lawless condition! Yet no man has heretofore, more than he has, deplored and deprecated a state of things so utterly unsafe, and repugnant to all just precautions, indicated alike by sound theory and experience in free governments. And the senator talks to us about applying to the wisdom of practical men, in respect to banking, and advises further deliberation! Why, I should suppose that we are at present in the very best situation to act upon the subject. Besides the many painful years we have had for deliberation, we have been near three months almost exclusively engrossed with the very subject itself. We have heard all manner of facts, statements, and arguments in any way connected with it. We understand, it seems to me, all we ever can learn or comprehend about a national bank. And we have, at least, some conception too of what sort of one will be acceptable at the other end of the avenue. Yet now, with a vast majority of the people of the entire country crying out to us for a bank; with the people throughout the whole valley of the Mississippi rising in their majesty, and demand-

ing it as indispensable to their well-being, and pointing to their losses, their sacrifices, and their sufferings, for the want of such an insititution; in such a state of things, we are gravely and coldly told by the honorable senator from Virginia, that we had best go home, leaving the purse and sword in the uncontrolled possession of the president, and, above all things, never to make a party bank!

Why sir, does he, with all his knowledge of the conflicting opinions which prevail here, and have prevailed, believe that we ever can make a bank, but by the votes of one party who are in favor of it, in opposition to the votes of another party against it? I deprecate this expression of opinion from that gentleman the more, because, although the honorable senator professes not to know the opinions of the president, it certainly does turn out in the sequel, that there is a most remarkable coincidence between those opinions and his own; and he has, on the present occasion, defended the motives and the course of the president with all the solicitude and all the fervent zeal of a member of his *privy council.* There is a rumor abroad, that a cabal exists—a new sort of kitchen cabinet—whose object is the dissolution of the regular cabinet, the dissolution of the whig party, the dispersion of Congress without accomplishing any of the great purposes of the extra session, and a total change, in fact, in the whole face of our political affairs. I hope, and I persuade myself, that the honorable senator is not, can not be, one of the component members of such a cabal; but I must say, that there has been displayed by the honorable senator today a predisposition, astonishing and inexplicable, to misconceive almost all of what I have said, and a perseverance, after repeated corrections, in misunderstanding—for I will not charge him with wilfully and intentionally misrepresenting—the whole spirit and character of the address which, as a man of honor, and as a senator, I felt myself bound in duty to make to this body.

The senator begins with saying that I charge the president with "perfidy!" Did I use any such language? I appeal to every gentleman who heard me, to say whether I have in a single instance gone beyond a fair and legitimate examination of the executive objections to the bill. Yet he has charged me with "arraigning" the president, with indicting him in various counts, and with imputing to him motives such as I never even intimated or dreamed; and that, when I was constantly expressing, over and over, my personal respect and regard for President Tyler, for whom I have cherished an intimate personal friendship of twenty years' standing, and while I expressly said, that if that friendship should now be interrupted, it should not be my fault! Why, sir, what possible, what conceivable motive can I have to quarrel with the president, or to break up the whig party? What earthly motive can impel me to wish for any other result than that that party shall remain in perfect harmony, undivided, and shall move undismayed boldly and unitedly forward to the accomplishment of the all-important public objects which it has avowed to be its aim? What imaginable interest or feeling can I have other than the success, the

triumph, the glory of the whig party? But that there may be designs and purposes on the part of certain other individuals to place me in inimical relations with the president, and to represent me as personally opposed to him, I can well imagine—individuals who are breaking up for recruits, and endeavoring to form a third party with materials so scanty as to be wholly insufficient to compose a decent *corporal's guard*.* I fear there are such individuals, though I do not charge the senator as being himself one of them. What a spectacle has been presented to this nation during this entire session of Congress! That of the cherished and confidential friends of John Tyler, persons who boast and claim to be, *par excellence*, his exclusive and genuine friends, being the bitter, systematic, determined, uncompromising opponents of every leading measure of John Tyler's administration! Was there ever before such an example presented, in this or any other age, in this or any other country? I have myself known the president too long, and cherish toward him too sincere a friendship, to allow my feelings to be affected or alienated by any thing which has passed here to-day. If the president choose—which I am sure he can not, unless falsehood has been whispered into his ears or poison poured into his heart—to detach himself from me, I shall deeply regret it, for the sake of our common friendship, and our common country. I now repeat, what I before said, that, of all the measures of relief which the American people have called upon us for, that of a national bank, and a sound and uniform currency, has been the most loudly and importunately demanded. The senator says, that the question of a bank was not the issue made before the people at the late election. I can say, for one, my own conviction is diametrically the contrary. What may have been the character of the canvass in Virginia, I will not say; probably gentlemen on both sides were, everywhere, governed in some degree by considerations of local policy. What issues may, therefore, have been presented to the people of Virginia, either above or below tide-water, I am not prepared to say. The great error, however, of the honorable senator is, in thinking, that the sentiments of a particular party in Virginia are always a fair exponent of the sentiments of the whole Union. I can tell that senator, that wherever I was, in the great valley of the Mississippi, in Kentucky, in Tennessee, in Maryland—in all the circles in which I moved—everywhere, "bank or no bank" was the great, the leading, the vital question. At Hanover, in Virginia, during the last summer, at one of the most remarkable, and respectable, and gratifying assemblages that I ever attended, I distinctly announced my conviction, that a bank of the United States was indispensable As to the opinions of General Harrison, I know that, like many others, he had entertained doubts as to the constitutionality of a bank; but I also know that, as the election approached, his opinions turned more in favor of a national

* This expression, "corporal's guard," was caught up instantly, and has become historical in application to the small cabal that supported Mr. Tyler, viz, Henry A. Wise, Caleb Cushing, and others.

bank; and I speak from my own personal knowledge of his opinions, when I say that I have no more doubt he would have signed that bill, than that you, Mr. President, now occupy that chair, or that I am addressing you.

I rose not to say one word which should wound the feelings of President Tyler. The senator says that, if placed in like circumstances, I would have been the last man to avoid putting a direct veto upon the bill, had it met my disapprobation; and he does me the honor to attribute to me high qualities of stern and unbending intrepidity. I hope, that in all that relates to personal firmness, all that concerns a just appreciation of the insignificance of human life—whatever may be attempted to threaten or alarm a soul not easily swayed by opposition, or awed or intimidated by menace—a stout heart and a steady eye, that can survey, unmoved and undaunted, any mere personal perils that assail this poor, transient, perishing frame, I may, without disparagement, compare with other men. But there is a sort of courage, which, I frankly confess it, I do not possess, a boldness to which I dare not aspire, a valor which I can not covet. I can not lay myself down in the way of the welfare and happiness of my country. That I can not, I have not the courage to do. I can not interpose the power with which I may be invested, a power conferred not for my personal benefit, nor for my aggrandizement, but for my country's good, to check her onward march to greatness and glory. I have not courage enough, I am too cowardly for that. I would not, I dare not, in the exercise of such a trust, lie down, and place my body across the path that leads my country to prosperity and happiness. This is a sort of courage widely different from that which a man may display in his private conduct and personal relations. Personal or private courage is totally distinct from that higher or nobler courage which prompts the patriot to offer himself a voluntary sacrifice to his country's good.

Nor did I say, as the senator represents, that the president should have resigned. I intimated no personal wish or desire that he should resign. I referred to the fact of a memorable resignation in his public life. And what I did say was, that there were other alternatives before him beside vetoing the bill; and that it was worthy of his consideration whether consistency did not require that the example which he had set when he had a constituency of one State, should not be followed when he had a constituency commensurate with the whole Union. Another alternative was to suffer the bill, without his signature, to pass into a law under the provisions of the Constitution. And I must confess I see, in this, no such escaping by the back door, no such jumping out of the window, as the senator talks about. Apprehensions of the imputation of the want of firmness sometimes impel us to perform rash and inconsiderate acts. It is the greatest courage to be able to bear the imputation of the want of courage. But pride, vanity, egotism, so unamiable and offensive in private life, are vices which partake of the character of crimes in the conduct of public affairs. The unfortunate victim of these passions can not see be-

yond the little, petty, contemptible circle of his own personal interests. All his thoughts are withdrawn from his country, and concentrated on his consistency, his firmness, himself. The high, the exalted, the sublime emotions of a patriotism, which, soaring toward heaven, rises far above all mean, low, or selfish things, and is absorbed by one soul-transporting thought of the good and the glory of one's country, are never felt in his impenetrable bosom. That patriotism which, catching its inspirations from the immortal God, and leaving at an immeasurable distance below all lesser, groveling, personal interests and feelings, animates and prompts to deeds of self-sacrifice, of valor, of devotion, and of death itself—that is public virtue; that is the noblest, the sublimest of all virtues!

I said nothing of any obligation on the part of the president to conform his judgment to the opinions of the Senate and House of Representatives, although the senator argued as if I had, and persevered in so arguing, after repeated corrections. I said no such thing. I know and respect the perfect independence of each department, acting within its proper sphere, of other departments. But I referred to the majorities in the two Houses of Congress as further and strong evidence of the opinion of the people of the United States in favor of the establishment of a bank of the United States. And I contended that, according to the doctrine of instructions which prevailed in Virginia, and of which the president is a disciple, and in pursuance of the example already cited, he ought not to have rejected the bill.

I have heard that, on his arrival at the seat of the general government, to enter upon the duties of the office of vice-president, in March last, when interrogated how far he meant to conform, in his new station, to certain peculiar opinions which were held in Virginia, he made this patriotic and noble reply: "I am Vice-President of the United States, and not of the State of Virginia; and I shall be governed by the wishes and opinions of my constituents." When I heard of this encouraging and satisfactory reply, believing, as I most religiously do, that a large majority of the people of the United States are in favor of a national bank (and gentlemen may shut their eyes to the fact, deny, or dispute, or reason it away as they please, but it is my conscientious conviction that two-thirds, if not more, of the people of the United States desire such an institution), I thought I beheld a sure and certain guaranty for the fulfillment of the wishes of the people of the United States. I thought it impossible, that the wants and wishes of a great people, who had bestowed such unbounded and generous confidence, and conferred on him such exalted honors, should be disregarded and disappointed. It did not enter into my imagination to conceive, that one, who had shown so much deference and respect to the presumed sentiments of a single State, should display less toward the sentiments of the whole nation.

I hope, Mr. President, that, in performing the painful duty which has devolved on me, I have not transcended the limits of legitimate debate. I repeat, in all truth and sincerity, the assurance to the Senate and to the

country, that nothing but a stern, reluctant, and indispensable sense of honor and of duty could have forced from me the response which I have made to the president's objections. But, instead of yielding without restraint to the feelings of disappointment and mortification excited by the perusal of his message, I have anxiously endeavored to temper the notice of it, which I have been compelled to take, by the respect due to the office of chief magistrate, and by the personal regard and esteem which I have ever entertained for its present incumbent.

ON A GENERAL BANKRUPT LAW.

IN SENATE, JANUARY 17, 1842.

[THERE was a general bankrupt law passed in 1800, and repealed in 1805. There were repeated attempts during Mr. Van Buren's administration to re-enact such a law, as the disasters of the Jackson regime had thrown so many enterprising people into a hopeless indebtedness; and this was one of the measures pressed upon the Whig administration, which came into power with General Harrison. A bill for this object was brought in at the first (called) session of the Twenty-seventh Congress, and passed in the Senate by a vote of twenty-six to twenty-three, and in the House by a vote of one hundred and ten to one hundred and six. But as the creditor class is always more numerous than the debtor class that would desire such a law, it became very unpopular, and it was repealed by the same Congress which enacted it—not, however, till it had accomplished very extensively the purpose intended. But the measure left the creditor class in very bad humor with the party in power, who had been the means of releasing their debtors, and of depriving them of what they regarded as their just dues. The natural feeling of a creditor is, that no power has a right to step in between him and his debtor, and release the latter from the obligation of paying his debt. But in such a series of wide-spread commercial disasters as had fallen upon the country during the administration of General Jackson, continued under that of Mr. Van Buren, there was a numerous class of the most enterprising men who had been ruined beyond hope of relief, except by a bankrupt law. In such a case, it would seem to be a humane law, although it might be unjust to the creditor class. It was also for the general good, to give a chance for the unfortunate to start in business again. Numerous petitions were sent in to Congress to repeal this law before it had gone into operation; and the House of Representatives voted a repeal before that time, by the strong majority of one hundred and twenty-six to ninety-four; but the

Senate refused to concur. It was on the occasion of presenting some of these petitions, that Mr. Clay made the following remarks.]

Mr. Clay said, that he was charged with the presentation of a great many memorials, all remonstrating against any repeal or postponement of the bankrupt law. He would not trouble the Senate with having them read. There were a great many from the State of New York; two from the State of Maryland; one from Pennsylvania; one from Newark, New Jersey; one from Boston, signed by hundreds of persons—a city which, from its mercantile character, must be supposed to have knowledge on the subject, in which were mingled the names of those both able and unable to pay their debts; also, three from his own State (Kentucky), one from the capital of the State, in which were the proceedings of a meeting strongly remonstrating against interference with the law, going into arguments to show why it should not be repealed or postponed. To this there were four hundred signatures, all of which, the secretaries informed him, were voluntarily made.

Mr. Clay referred to an opinion, which had been thrown out under the sanction of some high commercial authority in New York, that the bankrupt bill, if it should become a law, would operate to throw one hundred millions' worth of property into the market to be sacrificed. Such a remark, coming from that source, might be likely to have some weight. But it must be remembered that the estimate of one hundred millions was mere assumption and random conjecture, for no man could tell, with any thing like accuracy, what the amount would be; it might just as well have been set down at two hundred millions, as at one. But be the amount what it might, in estimating the weight of the statement, as an argument against the bill, it should be inquired, on the other hand, what would be done with this property, should the bill not go into effect? Would it be kept out of the market? Not at all. On the contrary, it would be thrown into the market, to be sold under the hammer, by sheriffs and other officers executing the process of the courts, and that without competition to raise the price. For when the property of a debtor was seized by one of his creditors, what motive could his other creditors have to enhance its avails, by competition at the sale? None in the world. On the contrary, should the law remain undisturbed, what would be the course of action under it? According to his understanding of the act, it would produce a distribution of the goods of the debtor among all his creditors, *pro rata;* of course, when his property should be set up for sale, it would be the interest of them all to make as much out of it as possible. They would bid it up instead of suffering it to be sacrificed for a song. He considered, that whatever might be the exact form of legal proceedings in carrying out the law, the result in practice would be that, under the benignant operation of the act, there would be a distribution of the debtor's effects, not only among

all his creditors, but at the highest price they could be made to command.

Mr. Clay went on to say that it was not his purpose to go, at this time, into a discussion of the subject generally. He had thought of the bankrupt act as a measure which came recommended to Congress, not only by all considerations of justice, of humanity, and benevolence, but recommended no less by the appalling condition of the country. If, among all the other distresses, discontents, and disorders, which everywhere prevailed to so alarming an extent, this Legislature should now slam the door in the faces of those unfortunate men who had at length hoped to be liberated from irretrievable embarrassment, by the beneficent operations of this law, it would produce such a state of excitement, distress, disorder, and despair, from one end of the land to the other, that no man could foresee, or even conjecture, the consequences.

But he could not terminate the brief remarks with which he had deemed it proper to accompany the presentation of these petitions and memorials, without adverting, for a moment, to a circumstance which had a personal relation to himself. The Senate would do him the justice to admit, that he rarely introduced any thing of that description on their notice; never, indeed, unless under a sense of unavoidable necessity. An intimation had recently appeared in some of the public prints of the day, that the movement now in progress in the other wing of the capitol, toward a repeal of the bankrupt law, had originated with him (Mr. Clay). He disdained to enter upon any thing like a defense against a charge so base and dishonorable, and one so entirely contrary to the entire tenor of his whole public life. It might, with equal probability, or evidence, have been asserted that he was the author or prompter of the proposal of a gentleman near him, to repeal the distribution law. He held the insinuation in profound contempt and scorn.

A single remark he must be permitted, in reference to the delegation in the other House, from his own State. At the last session, every member of that delegation, with one solitary exception, had voted against the passage of the bankrupt bill; and even that single advocate of the bill, on his return to his own district, found so great and general a dissatisfaction with the provisions of the bill, that he had, on the present occasion, felt it his duty to give such a vote, as he presumed it would appear that he had this day given in that body, on the question of repeal. But it seemed, notwithstanding these known facts, that Mr. Clay was to be held responsible for the votes of all the representatives in the other House, from his State, on that question. But those who imagined that Kentuckians were made of so supple, servile stuff, as to take their public course in legislation, from the dictation of any man, had yet to learn their true character. Those gentlemen had as good a right to dictate Mr. Clay's course, as he had to dictate theirs. The representatives from Kentucky, in either House of Congress, had enough of manly independence, to judge and to act for

themselves, and to vote as their own individual views of duty should prompt them. But this accusation, base and despicable as it was in itself, had, notwithstanding, assumed such a shape as to render it Mr. Clay's duty to bring it to the notice of the Senate; and he felt very sure that it was only necessary for him to bring it home to the bosom of every senator, to have it promptly, instantaneously rejected and repelled, as utterly groundless. For whatever might have been their difference of sentiment—and no man regretted more than he did, that it should have been his misfortune to differ in opinion from any portion of the gentlemen of that chamber—he was satisfied that all, both friends and foes, would, with one voice, do him the justice to say, that, whatever might have been the errors of his head, he had, at least, sought to live, as he hoped to die, an HONEST MAN—honest in his public, as in his private life.

ON THE ABOLITION OF THE VETO POWER.

IN SENATE, JANUARY 24, 1842.

[NOTHING could be more startling to those who hold in high esteem the liberties of the country, than the abuse of the veto power, since General Jackson first occupied the executive chair of the nation; and nothing more strange than that it should be so patiently endured. The following speech of Mr. Clay is, perhaps, the best exposé of the facts and principles involved in this question to be found on record, with a direct and close application to the history of the veto power in this country, as well as of its origin, and of its use in other countries. This speech was delivered on the occasion of moving an amendment of the Constitution, not only to restrain the veto power, but to prohibit executive appointments of members of Congress, and to transfer the appointment of the Secretary of the Treasury from the executive to the legislative branch of the government. Mr. Clay also proposed that the president should be ineligible to a second term of office. The Constitution had made the Secretary of the Treasury the agent of Congress, and responsible to that branch of the government, by requiring that he should report to that body, and not to the president. But, in violation of the Constitution, General Jackson had taken the Treasury of the United States into his own hands, and it had virtually remained in the hands of the president since that time, by his control over the appointment of its head. There seemed no other way for Congress to recover this power, conferred on it by the Constitution, except by the amendment of that instrument proposed by Mr. Clay, or by some special legislation. If it could be reached by legislation, that was the better way. But the veto power is distinctly conferred by the Constitution, in unqualified terms, and it can only be abated, or restricted, or abolished, by an amendment. Having had so much experience of the abuse of this power, Mr. Clay thought it his duty to propose an amendment of the Constitution to restrain it, and to reduce it so far at least

that a majority in each House of Congress could pass a bill into law, over the president's objections. Mr. Clay's reasoning on this subject is exceedingly forcible, not to say irresistible; and the only wonder is, that such reasoning, in view of such facts, has not prevailed. It is a well-known matter of history, that the framers of the Constitution feared that the legislative faculties would prove too potent for the executive; whereas, in the practical operation of the government, the executive has overpowered the legislature, and is constantly making its encroachments in the same direction. It is generally as hopeless to obtain a two-third vote against the president's veto, on a greatly contested question, as to impeach the president; and the result is, that the executive, by gradual encroachment, has arrived at the position of being able to use the power of the initiative in legislation, whenever he shall desire it. The case has already frequently occurred, when Congress has either been obliged to legislate in obedience to the president's dictation, or not legislate at all, on certain questions, for fear of the veto held over their heads. Facts of this kind are enumerated by Mr. Clay, and they are abundant. Where is this executive power to end, if permitted to go on, except in the complete overthrow of the liberties of the people? The following speech of Mr. Clay is prophetic, in answer to this question. An American, at some future day, in reading this speech, may find that he is reading history, and wonder why the whole nation did not rise at the summons of the prophet, and guard against the predicted doom.]

Whatever, said Mr. Clay, might be the ultimate fate of the amendment, which had just been read, or of the two other kindred amendments which he had the honor of offering at the same time with it, he should at least enjoy the consciousness of having discharged his duty in their presentation. He must regret, indeed, that the duty of presenting and of advocating their adoption by the Senate, had not devolved upon abler and more skillful hands; still, however, he considered the measure as one he was bound in conscience to present in his place, for the action of this body.

Nor had the performance of this duty been prompted, as some might suppose, and as had been suggested in certain quarters, by any recent exercise of the power to which the resolution has reference; yet, he was free to confess, that although the subject was one which had long been in his mind, and on which he had thought much and deeply for years past, the course of recent events had certainly not tended to weaken, if it had not added much to the strength of his impressions on the general subject.

As far back as seven years ago, a worthy and lamented friend of his, from Maryland, now no more, had, in concert with himself, presented a proposition, the object of which had been to modify, and further to restrain the exercise by the executive, of this veto power. The drafting of the resolution, its presentation, and even the observations with which it was to be accompanied, all had been subjects of joint consultation and consideration between himself and that gentleman. He adverted to this fact for no other purpose than to repel the idea, if it were entertained in the mind of any who now heard him, that the amendment now under consideration, and the others which accompanied it, had been suggested by recent occurrences. As far back as June, 1840, on one of the most solemn occasions in which he had ever been called to address a popular assembly—he alluded to the time when he enjoyed the opportunity of addressing the friends of his youth, and the people of his native county of Hanover, on the subject of the duties to be looked for at the hands of the new whig administration, which was expected to come into power, in consequence of the glorious and universal triumph of the whig party at the then approaching election—he had placed emphatically, and in front of them all, that which formed the subject of the present resolution. After speaking of the veto power generally, and more particulary of its exercise by a late President of the United States, the speech proceeded to say:

The first, and, in my opinion, the most important object which should engage the serious attention of a new administration, is that of circumscribing the executive power, and throwing around it such limitations and safeguards as will render it no longer dangerous to the public liberties.

Whatever is the work of man, necessarily partakes of his imperfections; and it was not to be expected, that, with all the acknowledged wisdom and virtues of the framers of our Constitution, they could have sent forth a plan of government so free from all defect, and so full of guaranties, that it should not, in the conflict of embittered parties, and of excited passions, be perverted and misinterpreted. Misconceptions, or erroneous constructions of the powers granted in the Constitution, would probably have occurred, after the lapse of many years, in seasons of entire calm, and with a regular and temperate administration of the government; but, during the last twelve years, the machine, driven by a reckless charioteer, with frightful impetuosity, has been greatly jarred and jolted, and it needs careful examination, and thorough repair.

With this view, therefore, to the fundamental character of the government itself, and especially of the executive branch, it seems to me that, either by amendments of the Constitution, when they are necessary, or by remedial legislation, when the object falls within the scope of the powers of Congress, there should be,

First, a provision to render a person ineligible to the office of President of the United States after a service of one term. Much observation and deliberate reflection have satisfied me, that too much of the time, the thoughts, and the exertions of the incumbent, are occupied, during his first term, in securing his re-election. The public business, consequently, suffers; and measures are proposed or executed with less regard to the general prosperity than to their influ-

ence upon the approaching election. If the limitation to one term existed, the president would be exclusively devoted to the discharge of his public duties; and he would endeavor to signalize his administration by the beneficence and wisdom of its measures.

Secondly, that the veto power should be more precisely defined, and be subjected to further limitations and qualifications.

Thus, it would be perceived by the Senate, that whatever truth or soundness there might be in the opinion which he had embodied in the resolution now submitted to the Senate, it was an opinion long since deliberately formed and expressed, and one which had often since been considered and reviewed, unprompted by any of those recent occurrences to which it might otherwise have been supposed to owe its origin.

The particular amendment now before the Senate for its consideration, and to which he should speak before he more briefly adverted to the others which accompanied it, was that which related to the veto power. And while on this subject of redeeming the pledge which was, in some sort, given by him as one of the humblest members of that party which had not long since so signally triumphed, he hoped the Senate would allow him, in all truth and sincerity, to say, that he desired to see a party, when it came into power, redeem the pledges and fulfill the promises it made when out of power, and not exhibit that disgraceful spectacle so often witnessed in the political history of other nations, of professing one set of principles, and employing them as a means toward getting into power, and then, when successful in obtaining their wishes, turn round, forget all they had said and promised, and go on to administer the government just as their predecessors had done. He could assure gentlemen, that, on the questions of restraining and limiting executive power, on the necessity of an economical administration of the government, on regulating the dismissing power of the president, on securing a fair and just responsibility in all the departments; in a word, on every great question of national policy to which the party to which he considered himself as belonging were pledged to the people and to the world, they would find him, on all occasions during the short time in which he expected to remain a member of the body, heartily ready to co-operate in carrying out into practice all they had avowed in principle.

It was his purpose to go but very briefly into the history and origin of the veto power. It was known to all to have originated in the institution of the tribunitian power in ancient Rome; that it was seized upon and perverted to purposes of ambition, when the empire was established under Augustus; and that it had not been finally abolished until the reign of Constantine. There could be no doubt that it had been introduced from the practice under the empire, into the monarchies of Europe, in most of which, in some form, and under some modification or other, it was now to be found. But, although it existed in the national codes, the power had not, in the case of Great Britain, been exercised for a century and a half

past; and, if he was correctly informed on the subject, it had, in the French monarchy, never been exercised at all. During the memorable period of the French Revolution, when a new Constitution was under consideration, this subject of the veto power had been largely discussed, and had agitated the whole country. Every one must recollect how it had been turned against the unfortunate Louis XIV., who had been held up to the ridicule of the populace under the title of "Monsieur Veto," as his wife, the queen, had been called "Madame Veto;" and, although after much difficulty, the power had finally found a place in the Constitution, not a solitary instance had occurred of its actual exercise. Under the colonial state of this country, the power was transplanted, from the experience which had been had of it in Europe, to the laws relating to the colonies, and that in a double form; for there was a veto of the colonial governor, and also a veto of the crown. But what was thought of this power by the inhabitants of these States, when rising to assert their freedom, might be seen in the words of the instrument in which they asserted their independence. At the head of all the grievances stated in that paper, as reasons for our separation from Great Britain, was placed the exercise of this very power of the royal veto. Speaking of the king, the Declaration of Independence employed this language:

"He has refused his assent to laws the most wholesome and necessary for the public good. He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operations, till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them."

No doubt, the idea of ingrafting this power upon our own Constitution, was adopted by the convention, from having always found it as a power recognized in European governments, just as it had been before derived by them from the practice and history of Rome. At all events, the power was inserted as one feature, not only in the general Constitution of the federal government, but also in the Constitutions of a portion of the States. Fifty years had now elapsed since the federal Constitution was formed, and it was no derogation to the wisdom and patriotism of the venerable men who framed it, now to say that the work of their hands, though as perfect as ever had proceeded from human hands, was, nevertheless, not absolutely so; because that was what nothing that sprung from man had ever been. But now, after the lapse of half a century, it was interesting to pause, to look back, to review the history of that period, and to compare the predictions of those who then looked into the future, with the actual results of subsequent experience. Any one at all acquainted with the cotemporaneous history of the Constitution, must know, that one great radical error, which possessed the minds of the wise men who drew up that instrument, was, an apprehension that the executive department of the then proposed government would be too feeble to contend successfully in a

struggle with the power of the Legislature; hence, it was found that various expedients had been proposed in the convention, with the avowed purpose of strengthening the executive arm; one of which went so far as to propose that the president should be chief magistrate for life. All these proposals had their origin in the one prevailing idea—that of the weakness of the executive, and its incompetence to defend itself against the encroachments of legislative domination and dictation.

Now, let any man look at the actual working of the machine they constructed, and see whether the anticipations which haunted their minds on this subject had been realized or falsified by the subsequent political history of this government. Let him see, whether the executive department was the weak spot in the system. Much had been said about the encroachments of the federal government on the governments of the States, from which complaints had arisen what was called the States-rights party, and its opposite; but an examination of the facts of the case would demonstrate, that no solitary instance had yet occurred of any such encroachments by the general government; but, on the contrary, Mr. Clay could demonstrate, were this the proper time or occasion for doing so, that there had been an abandonment by that government of the exercise of its own just powers, in relation to the States, and this to such an extent, that the existing state of the country presented very much the aspect that the old confederation had once done, with all its weakness and imbecility.

But while there had been no such thing in practice as an encroachment by the federal upon the State governments, there had been, within the federal government itself, a constant encroachment by the executive upon the legislative department.

First, it attacked the treaty-making power. None could now read the language of the Constitution, without at once coming to the conclusion, that the intention of the authors of that instrument was, that the Senate should be consulted by the president, not merely in the ratification, but in the inception, of all treaties; that, in the commencement of the negotiations, the instructions of the ministers appointed to treat, the character and provisions of the treaty, the Senate should be consulted, and should first yield its assent. And such had, in fact, been the interpretation put upon the treaty-making power, in the first and purest years of our government. Every one must recollect the early history of the exercise of the power, and the high sanction for such a usage. The first president had been wont to come to the Senate, there to propose a foreign mission, and to consult with his constitutional advisers, and the members of the Senate, on the instructions to be given to the minister who should be sent. But this practice has since been abandoned. The president now, without a word of consultation with the Senate, on his own mere personal sense of propriety, concluded a treaty, and promised to the foreign power its ratification; and then after all this had been done, and the terms of the treaty agreed upon, he, for the first time, submitted it to the Senate for ratification. Now, every

one must see, that there was a great difference between rejecting what had been already actually done, and refusing to do that thing if asked beforehand. All must feel, that they often gave their official assent to what they never would have sanctioned, but for the consideration that the treaty was already concluded, and that the faith of the nation was in some sort pledged for its ratification. Another consequence of this executive encroachment, was one from which foreign powers often experienced great inconvenience; he meant the amendments of treaties by the Senate, after they were at length submitted. So great had the inconvenience from this source been, that, in more recent treaties, it had come to be the practice to insert, in the body of the treaty itself, a provision against all alteration; so that it must be ratified in its existing form, or not ratified at all.

The next executive encroachment he should notice, was that which occurred in the dismissal from office of persons appointed by and with the consent of the Senate. The effect of this practice was virtually to destroy all agency and co-operation of the Senate, in such appointments. Of what avail was it that the Senate should to-day solemnly ratify and confirm the appointment of an individual to an office under the government, when the president could to-morrow reverse the effect of their act by his mere breath? Every one knew that the power of removal had been grossly perverted. In the early days of the Constitution, it had been maintained, that that power could be exercised only in case of malfeasance or misfeasance in office; and that the president who should dare to employ it for any other end, would subject himself to impeachment. But our history and experience have gone to show, that this liability to impeachment was a mere scarecrow, and that it could never have any practical effect in a popular government, constituted as ours was, and in a country politically divided as ours was ever like to be. By the free exercise of this power of removal, the Senate had lost its practical influence on the whole subject of appointment to office. Instance after instance had occurred, where an individual had been dismissed by the executive, whom the Senate would gladly have replaced in office, but whom they were unable to retain there, and were therefore compelled to sanction the nomination of a successor. The actual result of such a state of things was, he repeated it, that the co-operation of the Senate with the president, in the matter of appointments, had been almost completely nullified for years past. Indeed, so perfectly was this understood, that when the Senate were deliberating with closed doors, on executive nominations, Mr. Clay frequently walked out of the chamber. Deliberation, in such a case, was one of the idlest things in the world, because every one knew that all resistance must be unavailing. And even should the objections against the nominee be so gross and undeniable that resistance to his appointment should succeed, they might generally calculate on another nomination, not more to the taste of the Senate; and when at length the office was filled, the tenure of the incumbent was not on the joint will of the president and Senate

acting together, but upon the single will, upon the mere arbitrary breath, of one man.

Mr. Clay said, it was not his purpose to go into all the details of these encroachments by the executive, upon the constitutional powers and prerogatives of a single legislative branch of the government. He would now pass to its attacks on the powers of the Congress of the United States.

And the first instance of this to which he should refer, was the creation of officers and the designation of their salaries, without the consent of Congress, or any consultation with it. Another, and a more formidable instance, was to be found in the assumption, within the last few years, of the purse of the nation. He alluded, as every body must understand, to the seizure made by a late executive, of the public deposits placed by law in the bank of the United States—a removal which had been effected under the avowed claim of power to employ the prerogative of removal, as a means to compel subordinate executive officers to comply with the will of the president, on the principle that the executive was a unit, and that a single will must control the entire executive department. This seizure of the public deposits had yet been unprovided against; the congressional power to control them had been unresumed, and thus a state of things was permitted to continue, by which the nation was virtually placed at the feet of the executive.

Let not gentlemen mock him, by talking about the impossibility of the president's drawing money out of the treasury, except under an appropriation by Congress. Let them not tell him of the responsibility of public officers; let them look at facts; let them look at what had actually occurred, on the removal of two or three Secretaries of the Treasury, in order to accomplish this very seizure of the public treasure; and then let them look at the dismissal of a countless host of subordinate officers, because they did not happen to hold the same political opinions that were held by the president. Of what avail were laws? The president had nothing to do but say to his secretary, Issue your warant for such a sum of money, and direct the register and comptroller to sign it, and if they should talk about a regard for their oaths, and boggle at obeying, tell them to do what I command them, and if not, I will find men who will. And he would here say to all those who professed to be desirous of guarding against such abuses of trust, that unless it were done by an amendment of the Constitution, or by a revival and resumption of the power already possessed by Congress, under the Constitution, they never could effect their purpose. All efforts, all devices, all guards, all guaranties, all attempts of whatever kind, to separate the purse from the sword, would prove in practice utterly vain and ineffectual. There was a third instance of this encroachment, which he was authorized by facts to state, but on which he should not at this time dwell. Not only had the purse of the nation been seized; not only did it still remain in the hands of the president, but the nation had seen armies raised, by executive mandate, not only without authority or

shadow of authority of law, but, as in the case of the Florida volunteers, after a law had been asked for, and positively refused. Other instances might be cited, in which a military force had been raised, without the sanction of Congress.

Without, therefore, going any further, Mr. Clay said, that he thought a careful review of the operations of this government, down to the present time, would fully demonstrate that, while it had made no encroachment on the States, there had been a constant encroachment by the executive on the legislative authority.

And was not this in the nature of things? The executive branch of the government was eternally in action; it was ever awake; it never slept; its action was continuous and unceasing, like the tides of some mighty river, which continued flowing and flowing on, swelling, and deepening, and widening, in its onward progress, till it swept away every impediment, and broke down and removed every frail obstacle which might be set up to impede its course. Let gentlemen look at all history, and they would find that it had ever been so. The legislative branch of government met only periodically; its power lay in its assembling and acting; the moment it adjourned, its power disappeared; it was dissipated, gone; but there stood the president at the head of the executive department, ever ready to inforce the law, and to seize upon every advantage which presented itself, for the extension and augmentation of its power.

And now he would, upon principle, examine for a few moments the motives which might be supposed to have actuated the members of the convention, in conferring upon the executive this veto power. Let us throw ourselves back to the period in which they lived and acted, and then institute a comparison between the expectations in which they had indulged, and the actual facts, as they had since occurred.

On principle, certainly, the executive ought to have no agency in the formation of laws. Laws were the will of the nation authoritatively expressed. The carrying of those laws into effect was the duty which ought to be assigned to the executive, and this ought to be his sole duty, for it was an axiom in all free governments that the three great departments, legislative, executive, and judicial, should ever be kept separate and distinct. And a government was the most perfect when most in conformity with this fundamental principle. To give, then, to the executive, any agency in the ascertainment and expression of the will of the nation, was so far a violation of this great leading principle. But it was said that the framers of our Constitution had, nevertheless, been induced to place the veto upon the list of executive powers, by two considerations; the first was a desire to protect the executive against the power of the legislative branch, and the other was a prudent wish to guard the country against the injurious effects of crude and hasty legislation. But where was the necessity to protect the executive against the legislative department? were not both bound, by their solemn oaths, to support the Constitution? The judiciary

had no veto. If the argument was a sound one, why was not the same protection extended to the judiciary also? Was there not ample security against the encroachments of the legislative power, in the absence of the veto? First, there was the solemn oath of office; then there was the authority of the judiciary; then there was the responsibility of individual members to the people, and this responsibility continually kept up by a frequent appeal to the people; and, lastly, there was the ultimate conflict of the president and the legislature before the grand tribunal of the nation itself, in case of any attempt, by the legislature, to deprive him of the rightful exercise of his authority. Besides, if a veto be necessary, as a defense against legislative power, why was there no veto against the highest discription of all legislation, the fundamental legislation by a convention? There was no veto there; there was no apprehension of hasty action; no necessity was recognized for the controlling will of one man to save the nation from the heedless acts of its own representatives. But in the case of ordinary legislation, why should such apprehensions be indulged? On this subject, experience was our safest guide. Now, Mr. Clay had taken the pains to look into the provisions of twenty-six State Constitutions, in relation to this matter of the veto, and the result was highly curious and interesting. The States were in this respect divided, as equally as their numbers would admit, into three distinct classes. Nine of them gave to the executive the veto power, unless controlled by two thirds of the legislature. Eight other States conferred the veto, but controlled it by a second veto of a majority, as was proposed in the amendment now under consideration. While the remaining nine States had not inserted the veto at all, and at the head of these stood one which had been called the mother of States—Virginia. Now some of these State Constitutions were of a date anterior to that of the Constitution of the United States itself. If there had been this very great danger of executive encroachment and of hasty legislation, one would suppose it would have been heard of in these nine States. Had any instance yet occurred to show that such a danger did exist? Mr. Clay had heard of none, read of none; and he put it to the advocates of this arbitrary and monarchical power, he put it especially to democrats, who, while they professed themselves, and he doubted not, honestly and conscientiously professed themselves, friends of the people, came out in the contest between monarchical prerogative on the one hand, and civil freedom on the other, as the avowed advocates of prerogative; he put it to all of them to tell, if such dangers both of encroachment and rashness as were pretended as a pretext for the veto did actually exist, how it happened that in the nine States he had named, during so long a period as had elapsed since their Constitutions were formed, no instances had occurred, either of encroachment by the legislature on the powers of the executive, or of such rash and hasty legislation as called for the restraint and safeguard of a single sovereign will.

Now, before he proceeded further, he invited gentlemen to form a just estimate of this veto power; to look at it; and see what it was; to ascertain what was its value, what it amounted to in the practical operations of government. He should not pretend to go into any inquiry as to its moral value, or to estimate its influence on the individual who exercised it, or the degree and extent to which, by means of it, in connection with a vast patronage, the president could sway the minds of other men, for that was a power which admitted of no estimate. He should confine himself to what might be called a mere numerical estimate of the amount of the veto power, and he would make this estimate by taking the numbers of the two Houses of Congress, as those Houses now stood. The Senate at present consisted of fifty-two members; of that number a majortiy consisted of twenty-seven; two thirds amounted to thirty-six. Supposing a law to be passed by a bare majority (and in all great and contested questions bills were wont to be passed by very small majorities), then there would be in its favor twenty-seven votes. The bill was submitted to the president, and returned by him with his veto. The force of the presidential veto could not be overturned but by thirty-six votes. Here, then, the veto in the hands of the president was equal in its effect upon legislation to nine senatorial votes. Mr. Clay dismissed all considerations of influence derived from his office, all the glitter and eclat of the president's high station, and all the persuasion directed to the interests of men by his vast patronage; all this he laid out of view, and looked merely at the numerical fact, that in the Senate the veto was equal to nine votes. And now in regard to the other branch. The House of Representatives consisted of two hundred and forty-two members; to constitute a majority required one hundred and twenty-two; two thirds amounted to one hundred and sixty-two. By looking at this difference, it would be seen, as in the case of the Senate, that the executive veto amounted in effect to forty representative votes.

Now Mr. Clay did not mean to say any thing in the least derogatory to the wisdom, or fairness, or integrity, or patriotism of any president of the United States. It was not necessary, and he was utterly unwilling, without necessity, to injure the feelings of any man. We had had six presidents who had previously been senators. They were able and eminent men; but he wished to inquire, whether any gentleman could show that their wisdom and other distinguished qualities had been so great as to be equal to the wisdom of nine other senators? Could it be shown that their patriotism, and intelligence, and integrity, were equal to those of forty members of the House of Representatives? If not, how did it happen that a man who, when in that chamber, and acting with his fellow-senators, had been considered upon a par with them, was no sooner transferred to the other end of the avenue, than his will became equal to that of nine senators and forty representatives? How, he asked, did this happen, and wherein was it just and right? Was it not sufficient, that this man, after his political apotheosis, should enjoy all the glitter, and distinction, and

glory attached to his office? Was it not enough that he wielded so vast and formidable an amount of patronage, and thereby exerted an influence so potent and so extensive? Must there be superadded to all, a legislative force equal to nine senators and forty members of the House of Representatives?

Again: let the subject be looked at in another point of view; and that was with reference to the balance of power among the States. Now, gentlemen might reason as they pleased about what a particular president would, or ought to do, but Mr. Clay would answer for it, that he would never forget, amid the splendor of his high station, the State from whence he came, the early associations, the friendly sympathies, the remembrance of honors, and all those other ties which bound every man, especially a public man, to the land and to the people among whom he had spent his youth and attained the honors of his manhood. All these considerations would operate as so many powerful motives to prefer, in the distribution of benefits, his own State before all others. Looking at this in a political view, was it right, was it just, to give to one particular State, in which the president happened to have been born, so great an advantage in the general competition as must be derived from nine senatorial and forty representative votes? Mr. Clay said, he did not mean to illustrate the remarks he had made about the influence of State partiality on the mind of a chief magistrate by reference to any particulars; his appeal was only to the general principles of human nature. The effect, to be sure, would be greater or less, as the mind of the chief magistrate might happen to be constituted. There might be some men who would be induced, by a chivalric sense of honor, even to do injustice to their own State, in the effort to avoid an unjust partiality; but there were other minds, all whose thoughts, and aims, and wishes, would be circumscribed by local interests and local attachments.

Mr. Clay had hitherto viewed the veto power simply in its numerical weight, in the aggregate votes of the two Houses; but there was another and far more important point of view in which it ought to be considered. He contended, that practically, and in effect, the veto, armed with such a qualification as now accompanied it in the Constitution, was neither more nor less than an absolute power. It was virtually an unqualified negative on the legislation of Congress. Not a solitary instance had yet occurred in which the veto once exerted had ever been overruled, nor was such a case likely to happen. In most questions where the veto could be exerted, there was always a considerable difference of opinion both in the country and in Congress as to the bill which had been passed. In such circumstances, when all the personal influence, the official patronage, and the reasoning which accompanied the veto, were added to the substantial weight of the veto itself, every man acquainted with human nature would be ready to admit, that if nothing could set it aside but a vote of two thirds in both Houses, it might as well have been made absolute at once.

But Mr. Clay was unable to dwell on this part of his subject, being warned by his feelings of a want of physical ability to go at large into the subject.

He now, however, approached another view of it, to which he would ask the serious and undivided attention of the Senate. The veto power professed to act only while the Legislature acted; then it was to terminate. Its effect was to be, to consummate legislation. The officer of government, in whose hands the Constitution placed a power so formidable, was supposed in theory to remain profoundly silent as to the passage of great measures of public policy, until they were presented to him in a finished form for his approbation and sanction.

This was the theory; but Mr. Clay contended, that really and in practice this veto power drew after it the power of initiating laws, and in its effect must ultimately amount to conferring on the executive the entire legislative power of the government. With the power to initiate and the power to consummate legislation, to give vitality and vigor to every law, or to strike it dead at his pleasure, the president must ultimately become the ruler of the nation.

When members, acting in their legislative capacity, knew and remembered that it was in the power of one man to arrest them in their legislative career, what was the natural tendency of such a state of things? On the established principles of our nature, how was this likely to work? Would not legislators, with gradually less and less attention to that delicacy, reserve, and official deference, which were ever due from one department of government toward the other, come at length to consult with the executive as to what law they might pass with the hope of his approbation? Would not this be the natural result? Independently of all those obvious and glaring considerations, which went to show that it must, Mr. Clay would point to numerous facts illustrative of the position; and if he went into them, it would be not with a view to complain, not with a desire to revive former contests, or to say a word which might rudely wound the feelings of any human being. But did not gentlemen recollect, how often, during the administration of an eminent individual, now in private life, intimations had been given beforehand, that a certain bill would be vetoed, if it were passed? And did they not remember various instances, in which the threat had been fulfilled? Take the experience of the last six months. Congress have passed two bills to establish a bank of the United States; bills, in all the provisions of which neither party concurred, and which would not have had the concurrence of twenty men in either House, had their minds been left uninfluenced by the expected action of the executive. Take, as a special instance, the famous sixteenth section of one of those bills. Mr. Clay was free to declare, that he did not know a solitary man among those who voted for the bill who would have voted for that section, but as a measure of conciliation, and in the hope that, so modified, the bill would receive the

sanction of the president. True, that expectation was not realized; the sacrifice was vainly made, but it had been made with a view to that end, and that alone. And so in regard to the second of those bills. That bill, as he was informed, came to Congress precisely as it had left the president's hand. So anxious had Congress been, to secure the approbation of the president, that, although almost every thing in the bill would either have been omitted, or amended by a majority, they took it as it came from the presidential hand, and passed it, letter for letter, as they received it. Without going further, did not this fact prove, that the possession of the veto power drew after it the power of initiating laws?

Take another case, in the bill now before the judiciary committee. Was there one man to be found, in either House of Congress, who would ever have proposed such a measure as the exchequer board provided in that bill? Yet, what had been the feeling? Had it not been this: must we go home without doing something? Had not the feeling been, we are bound by the veto power, we can not do what we would? Had not the feeling been, we must take what the executive offers, or get nothing? Yes. Already the idea was becoming familiarized to the minds of freemen, to men of only the second generation after the days of the Revolution, of submitting to the dictation of the executive, because without his assent they could do nothing. Mr. Clay warned the nation, that if this veto power was not arrested, if it were not either abolished, or at least limited and circumscribed, in process of time, and that before another such period had elapsed as had intervened since the Revolution, the whole legislation of this country would come to be prepared at the White House, or in one or other of the executive departments, and would come down to Congress in the shape of bills for them to register, and pass through the forms of legislation, just as had once been done in the ancient courts of France.

Then, to enable a nation of freemen to carry out their will, to set Congress free to speak that will, to redress the wrongs, and to supply the wants, of those that sent them, Mr. Clay again declared, that the veto power must be modified and restrained. If not, the question which Congress would have to decide would be, not what is the proper remedy for the existing grievances of the country, not what will restore the national prosperity—no; but what measure will be sanctioned by the chief magistrate.

Mr. Clay said, that, as he had not the bodily strength to dwell more at large on the general subject, he would now proceed to examine the objections which were urged against any further restrictions on this executive power.

There had gotten up a notion, of late years, that some curb was necessary upon the power of majorities, and that without this the safety of the country must be in danger. Now, on what grounds had the principle been founded, that in a free government the majority must govern? On two grounds. The first was of an intellectual and moral character. It

was right that, in a great public political partnership, the greater number should be satisfied with what was done, and that there was a greater chance of wisdom in complying with the will of the greater number. On the score of chances, some must govern, and who should it be? The minority? Why? Because they possessed more wisdom? Why were they likely to possess more wisdom? The second ground was physical in its aspect. It held, that the majority should be allowed to govern, because they would govern, having the physical force which would enable them to carry out their will. Now this doctrine, that minorities must govern, whether with or without the veto, was advanced by gentlemen who professed and called themselves members of the Jeffersonian school. But what was the doctrine of Mr. Jefferson himself, in regard to majorities, and so declared by him forty years ago? (Here Mr. Clay read an extract from Jefferson's works, in which it was broadly laid down, that an absolute acquiescence in the will of majorities was necessary in a free republican government.)

But there were some particular interests, and one especially, in regard to which the South felt great solicitude, which it was supposed would be more safe under the continuance of the veto power than without it. Now, in the first place, Mr. Clay saw no difference, in respect to safety, between that particular interest, and other interests of the country. If it were true that any one interest would be more secure under the veto power than without it, then all interests would be more secure; but if no security was produced by the veto, then that particular interest would not be more secure by the veto. Just as well might gentlemen from the North rise up and say, that the navigating interest (in regard to which they were, perhaps, more interested), would be more secure under the veto power, or the friends of any interest, northern, southern, or western, might fancy that it would be more secure. But the question came at last to this: Is the veto a necessary power, or is it not? If it is necessary, it is necessary to all; if not, it is necessary to none.

What was the security which the South would possess in this veto power? Sooner or later, the president would be in a majority himself. But if a majority of Congress should put itself in opposition to the interest of the South, neither presidents, nor vetoes, would avail to protect it. Its own resolution, its own valor, its own indomitable determination to maintain its rights against all men, these, and these alone, could, in that case, uphold southern interests.

Meanwhile the people of the South had all requisite guaranties. First, they had the sacred provisions of the Constitution; and then they had the character of our government as a confederacy, the existence of these interests long before the adoption of the Constitution, and the rights and duties of the government in regard to them, recognized and laid down by that sacred instrument. That was the security of the South. As one who himself lived where that peculiar interest existed, he possessed no security

from the existence of the veto power; none, none whatever. He felt himself secure in that mutual harmony, which it was alike the interest of all to cultivate, in the constitutional securities, and in the certainty of the disruption of the Union, as the inevitable result, the moment that interest should be assailed; in the capacity and determination of the South to defend herself at all hazards, and against all forms of attack, whether from abroad or at home. There, there, was the security, and not in this miserable despotic veto power of the President of the United States.

Mr. Clay went on to say, that the amendment which he had the honor of proposing to the Senate was encountered by arguments which were directly opposed to each other. He was told by one, that this power was a sacred thing, not lightly to be touched, but to be held in honor and veneration, as the choicest legacy left by our ancestors. He was told, on the other hand, by an honorable friend in his eye, that the amendment was vain, because it was a thing impossible ever to get the Constitution amended. He admitted it was a thing extremely difficult, requiring as it did the concurrence of eighteen States. But now, in reply to the first argument, those who regarded the Constitution as so worthy of preservation should be satisfied that no light and trivial amendment to it ever could be carried into effect; but if they were convinced that any amendment would be for the good of the country, it was their duty to put it forth, and submit it to public will. As to the second argument, he admitted, as he said, its full force. It was, indeed, extremely doubtful whether any gentleman here present would ever live to see the Constitution amended; but still it was the duty of every friend of his country to use proper efforts to have it improved. One attempt only had succeeded since those alterations were adopted, which took place immediately after the adoption of the Constitution itself. But this subject had been a good deal considered in the country, and if Mr. Clay had been successful in any degree in demonstating its expediency, neither class of objectors ought to persevere in opposing it.

As to another amendment, which had reference to the appointment of the Secretay of the Treasury, and the Treasurer of the United States, Mr. Clay admitted, that if his friend from Virginia (Mr. Archer), could succeed in establishing what Mr. Clay had attempted years ago to demonstrate—that Congress did possess the constitutional power to define the tenure of office, and to defend it against the power of dismission—there would, to be sure, be less necessity for making a special provision in regard to these two officers. But still, for greater security, Mr. Clay should prefer to have the appointment of the treasurer and secretary explicitly placed in the hands of Congress.

Mr. Clay observed, that if there was any sentiment in relation to public affairs, on which the people of this country had made up their minds, it was in regard to the necessity of limiting executive power. Its present overgrown character had long been viewed by them with apprehension.

The power was not personal, it was mainly official. You might take a mechanic from the avenue and make him president, and he would instantly be surrounded with power and influence, the power and influence of his office. It was very true, that the personal popularity of an incumbent might add much to his power, but the power itself was official, not personal, and its danger arose from its tendency and ability to accumulate. This was demonstrated by all past history, and was witnessed by all we saw around us. All these considerations called upon senators in the language of patriotism deeply to reflect on the consequences which might ensue, should not a power so great in itself, and so prone to increase, be subjected to some salutary limitation.

Let not gentlemen deceive themselves by names. The unpretending name, President of the United States, was no security against the extent or the abuse of power. The power assigned to a public individual did not depend on the title he might bear. The danger arose not from his name, but from the quantum of power at his command. Whether he were called emperor, dictator, king, liberator, protector, sultan, or president, of the United States, was of no consequence at all. Look at his power; that was what we had to guard against. The most tremendous power known to antiquity was the shortest in duration. It was not, then, in duration, any more than in title, that the danger lay, but in the magnitude of the power. This called for every safeguard. The dictatorship of Rome continued but for a brief period; yet, while it lasted, the whole State was in his hands. He did whatever he pleased, whether with life, liberty, or property. We had, then, no security against the power of the President of the United States in the shortness of the term for which he was chosen.

We often found very pathetic reflections in the writings of scholars, on the sad condition of kings; on the isolation of their thrones; on the effect of their station in removing them from the body of society, where no voice could reach them but the voice of flatterers, and where they were perpetually surrounded by the incense of adulation; and the chief ground of sympathy seemed to be, the impossibility that truth should reach their ears. It might be said, that this was true of kings, but did not apply on this side of the water; but let Mr. Clay tell those who thought so, that the actual condition of a President of the United States did not very widely differ from that of the monarchs of the old world. Here, too, the chief magistrate occupied an isolated station, where the voice of his country and the cries of its distress could not reach his ear. He, too, was surrounded by a cordon of favorites, flatterers, and fawns. Isolated in this District, with no embarrassments himself, the echoes of the public distress, if they reached his ear at all, reached it with a faint and feeble sound, being obstructed by those who surrounded his person, and approached him only to flatter. Facts were boldly denied, and all complaints attributed to a factious spirit. Now, he would ask, was a man thus separated, and thus surrounded, more likely to know the real sufferings, wants, and wishes, of his

countrymen, than the two hundred and forty-two men in the other House or the fifty-two men in this House, who came up here directly from their bosom, who shared in all their sufferings, who felt their wants, participated in their wishes, and sympathized with all their sorrows? That was the true question of the veto power. Now he thought if these things were duly considered (and he spoke not of this or that incumbent of the office, but of the circumstances of every one who filled it), it must be admitted, by every candid mind, that the responsibility was great of a man who should undertake, on his own private opinion, to resist and suppress the will of the nation, constitutionally expressed. It was a power not merely to annul the national will, as lawfully uttered by its own chosen representatives; but the power to initiate legislation itself, and to substitute for the will of the nation an alien will, neither of the nation, nor of its representatives.

But, he was physically unable to go further into this subject. The question was the old question, whether we should have, in this country, a power tyrannical, despotic, absolute, the exercise of which must, sooner or later, produce an absolute despotism, or a free representative government, with powers clearly defined and carefully separated? That was the true question to be decided.

There were other amendments accompanying this one, on which he wished to say a few words, but was to-day unable to do so. (Several offers had been made by gentlemen near him to move an adjournment, but he had persevered in declining them.)

That in relation to securing to Congress the appointment of the secretary and treasurer, was one of those reforms to which he considered the whig party solemnly pledged, as one of the measures proper to be pursued in the process of limiting executive power, but he could not now dwell upon it.

The other, relating to the appointment of members of Congress to office, only went, in effect, to carry out the principles already sanctioned by that article of the Constitution, which declares, that no member should be appointed to an office which had been created, or the emoluments of which had been increased with his concurrence. This went one step further, and declared, that no member should be appointed to an office which had been created with or without his concurrence, before or after he was a member. Whenever a man accepted an office which he was reasonably expected to hold, for a definite term, he should continue to hold it for that entire period, unless some very strong reason existed to the contrary, and which had not existed prior to his appointment.

There was one concluding remark on the amendment at present before the Senate, with which he would close what he had now to say. Although he admitted, that the principles he had laid down would, if carried fairly out, lead to the abolition of the veto altogether, as inconsistent with the fundamental axiom of free government, yet he was of opinion, that this, like other reforms, should be introduced slowly, and with circumspection,

without suddenly rushing from one extreme to another. Before the power should be utterly abolished, he deemed it prudent, that an experiment should be made in a modified form; and instead of requiring a majority of two thirds of both Houses to supersede the veto of the president, he thought it sufficient to require the concurrence of a majority of the whole number of members elected to each House of Congress.

He asked, whether this would not afford a sufficient security against the dangers of hasty legislation; and, in confirmation of its sufficiency, he would appeal to what had been the experience of all the States, where such a provision had been adopted. If a bill, after having undergone a full investigation and discussion, should pass both Houses, and be transmitted to the president for his signature, and he should return it with his veto, and the reasons for that veto, and it should then be again considered and fully discussed, in view of the objections urged against it by the executive (to say nothing of the whole influence derived from his office, and all that pertained to it), and still there should be found a clear majority, not of a quorum present, but of the total number of members chosen by the people, was not the presumption irresistible, that the bill ought to become a law? Surely, surely, this was a sufficient evidence of the will of the people, and an abundant safeguard against the hazardous consequences of hasty and ill-advised legislation.

EXPLANATION OF THE COMPROMISE TARIFF.

IN SENATE, FEBRUARY 18, 1842.

[Mr. Clay having been called upon, by a memorial from citizens of Pennsylvania, to explain his compromise tariff of 1833, made the following remarks.]

Two motives had operated on my mind, and I believe on the minds of others, to induce them to concur in the passage of the law (of 1833). The first was, to avert the calamity of civil war, the fire of which having been lighted up in South Carolina, threatened to extend its flames over the whole Union; the second was, to preserve from utter destruction the system of protection which Pennsylvania favored, when the law was passed; and I will repeat here, although it will not be long before I shall have an opportunity to go into an examination of the whole subject, that if the compromise act had not been adopted, the whole system of protection would have been swept by the board, by the preponderating influence of the illustrious man then at the head of the government (General Jackson), at the very next session after its enactment. With regard to the operation of this act, it is a great mistake to say that any portion of the embarrassments of the country has resulted from it. Other causes have contributed to this result, and it is to be attributed to the experiments which have been made upon the currency. The embarrassments are also to be attributed to the action of the States, which, by plunging into schemes of internal improvement, have contracted debts abroad, and thereby given a false and fictitious appearance to the prosperity of the country; and when their bonds depreciated, the evils under which they now suffer, as a consequence, ensued. As to the compromise, I have already said, that it is my purpose, as long as I shall remain in the Senate, to maintain, that the original principles of the act should be carried out faithfully and honestly; and if, in providing for an adequate revenue for an economical administration of the government, they can at the same time afford incidental protection, I shall be happy if both of these objects can be accomplished; but if it should be necessary, for the interest of Pennsylvania, to go beyond a revenue tariff, for the purpose of obtaining protection, then I hope that every senator and representative from that State, and those of other States,

and other interests, who think it necessary to transcend the revenue, will take up this subject of protection, and carry it to the point which their local interests demand.

In reply to Mr. Calhoun, Mr. Clay combated the idea of that senator, that the tariff had created the embarrassments which had existed for a long time in the country. He referred the senator to the discussions upon the tariff acts, for the purpose of showing that the reverse was true. If the senator would look to the tariff acts of 1824, '28, '32, and the compromise act of 1833, he would find that the revenues of the country had never been more from these acts, than the expenditure of government. The whole surplus revenue, about which so much had been heard, and which was attributed to the protective policy, originated exclusively in the extensive land sales, which had swelled in one year to the enormous amount of twenty-six millions of dollars. These excessive sales alone, had exceeded the amount of the surplus revenue which had ever been brought into the treasury.

Hereafter, I shall be able to show, that it will be impossible to stand by the twenty per centum, even by withdrawing the whole of the land fund from its appropriated purpose of distribution, and placing it in the treasury.

ON MEASURES OF PUBLIC POLICY.

IN SENATE, MARCH 1, 1842.

[As Mr. Clay was about to retire to private life, while important measures of public policy, under the new administration, were pending, and as, from his position and long experience as an American statesman, he was entitled to be heard on questions yet unsettled, he brought forward a series of resolutions, eleven in number, declaratory of the principles which he thought should guide the legislation of Congress—the most important of which were those relating to the tariff. The Compromise Tariff of 1833 was now approaching the term of its last change to the lowest rate of duty, twenty per cent., and the annual revenue in this last stage of the depression of duties had fallen to about twelve millions, which was obviously insufficient for the purposes of government. Mr. Clay thought that a revenue of twenty-six millions would be required—twenty-two millions for expenses of government, two to liquidate the national debt, and two for a reserved fund, or contingencies—and that the tariff should be altered with that view, still maintaining the principle of protection, which was saved in the tariff of 1833, although some have maintained that it was sacrificed then. But it was not. It was a compromise indeed; but, properly administered with a home valuation, the tariff of 1833 was protective on articles where it was most needed, even to the last stages of the depression of duties. More than half of the imports, however, were exempt from duty, and of course admitted on the free-trade platform; but a careful discrimination was applied for the protection of home industry. Such was the plan of Mr. Clay, as briefly explained in his short speech of the 18th of February. While the revenue had gone down to twelve millions, the expenses of government under Mr. Van Buren had gone up to near forty millions! and the nation, of course, was rapidly running in debt, by the issue of treasury notes on a peace establishment![*] Mr.

[*] The expenditures of 1838 were $39,455,438; and the sum of the four years' expenditure, under Mr. Van Buren, was $142,561,945.

Clay thought these expenditures might be reduced nearly one half, and he proposed to regulate the tariff so as to produce about twenty-six millions.

This speech is a book of instruction on the subjects of which it treats, to statesmen and people alike; and it is a book of history to the same extent. In an argument of this kind, Mr. Clay embodies more history than almost any other man; and the candor of his statements wins confidence. No man ever doubted Mr. Clay's truthfulness—hardly his fairness—and his investigations of facts were patient and thorough. No person can be thoroughly versed in American political history without reading Mr. Clay's speeches.]

Mr. President:

The resolutions which have just been read, and which are to form the subject of the present discussion, are of the greatest importance, involving interests of the highest character, and a system of policy which, in my opinion, lies at the bottom of any restoration of the prosperity of the country. In discussing them, I would address myself to you in the language of plainness, of soberness, and truth. I did not come here as if I were entering a garden full of flowers, and of the richest shrubbery, to cull the tea-roses, the japonicas, the jasmins, and woodbines, and weave them into a garland of the gayest colors, that, by the beauty of their assortment, and by their fragrance, I may gratify fair ladies. Nor is it my wish—it is far, far from my wish—to revive any subjects of a party character, or which might be calculated to renew the animosities which unhappily have hitherto prevailed between the two great political parties in the country. My course is far different from this; it is to speak to you of the sad condition of our country; to point out not the remote and original, but the proximate, the immediate causes which have produced, and are likely to continue, our distresses, and to suggest a remedy. If any one, in or out of the Senate, has imagined it to be my intention, on this occasion, to indulge in any ambitious display of language, to attempt any rhetorical flights, or to deal in any other figures than figures of arithmetic, he will find himself greatly disappointed. The farmer, if he is a judicious man, does not begin to plow till he has first laid off his land, and marked it off at proper distances, by planting stakes, by which his plowmen are to be guided in their movements; and the plowman, accordingly, fixes his eye upon the stake opposite to the end of the destined furrow, and then endeavors to reach it by a straight and direct furrow. These resolutions are my stakes.

But, before I proceed to examine them, let me first meet and obviate certain objections, which, as I understand, have been or may be urged against them generally. I learn that it is said of these resolutions, that

they present only general propositions, and that, instead of this, I should at once have introduced separate bills, and entered into detail, and shown in what manner I propose to accomplish the objects which the resolutions propose. Let me here say, in reply, that the ancient principle and mode of legislation which has ever prevailed from the foundation of this government, has been to fix first upon the general principles which are to guide us, and then to carry out those principles by detailed legislation. Such has ever been the course pursued, not only in the country from which we derive our legislative institutions, but in our own. The memorable resolution offered in the British House of Commons, by the celebrated Mr. Dunning, is no doubt familiar to the mind of every one—that "the power of the crown (and it is equally true of our own chief magistrate) had increased, was increasing, and ought to be diminished." When I was a member of another legislative body, which meets in the opposite extremity of this capitol, it was the course, in reference to the great questions of internal improvement, and other leading measures of public policy, to propose specific resolutions, going to mark out the principles of action which ought to be adopted, and then to carry out those principles by subsequent enactments. Another objection is urged, as I understand, against one of these resolutions, which is this: that, by the Constitution, no bill for raising revenue can originate anywhere but in the House of Representatives. It is true, that we can not originate such a bill; but, undoubtedly, in contemplating the condition of the public affairs, and in the right consideration of all questions touching the amount of the revenue, and the mode in which it shall be raised, and involving the great questions of expenditure and retrenchment, and how far the expenses of the government may safely and properly be diminished, it is perfectly legitimate for us to deliberate and to act as duty may demand. There can be no question but that, during the present session of Congress, a bill of revenue will be sent to us from the other House; and if, when it comes, we shall first have gone through with a consideration of the general subject, fixing the principles of policy proper to be pursued in relation to it, it will greatly economize the time of the Senate, and proportionably save a large amount of the public money.

Perhaps no better mode can be pursued of discussing the resolutions I have had the honor to present, than to take them up in the order of their arrangement, as I presented them to the Senate, after much deliberate consideration.

The first resolution declares,

"That it is the duty of the general government, for conducting its administration, to provide an adequate revenue within the year, to meet the current expenses of the year; and that any expedient, either by loan or treasury notes, to supply, in time of peace, a deficiency of revenue, especially during successive years, is unwise, and must lead to pernicious consequences."

I have heard it asserted, that this resolution is but a truism. If so, I

regret to say, that it is one from which governments too often depart, and from which this government especially has departed during the last five years. Has an adequate revenue been provided within each of those years, to meet the necessary expenses of those same years? No; far otherwise.

In 1837, at the called session, instead of imposing the requisite amount of taxes on the free articles, according to the provisions of the compromise act, what was the resort of the administration? To treasury notes. And the same expedient of treasury notes was ever since adopted, from year to year, to supply the deficit accruing. And, of necessity, this policy cast upon the administration succeeding, an unascertained, unliquidated debt, inducing a temporary necessity on that administration, to have resort to the same means of supply.

I do not advert to these facts with any purpose of crimination or recrimination. Far from it. For we have reached that state of the public affairs when the country lies bleeding at every pore, and when, as I earnestly hope and trust, we shall, by common consent, dispense with our party prejudices, and agree to look at any measure proposed for the public relief as patriots and statesmen. I say, then, that during the four years of the administration of Mr. Van Buren, there was an excess of expenditure over the income of the government, to the amount of between seven and eight millions of dollars; and I say that it was the duty of that administration, the moment they found this deficit to exist in the revenue, to have resorted to the adequate remedy by laying the requisite amount of taxes on the free articles to meet and to supply the deficiency.

I shall say nothing more on the first resolution, because I do hope that, whatever the previous practice of this government may have been, there is no senator here who will hesitate to concur in the truth of the general propositions it contains.

The next three resolutions all relate to the same general subjects—subjects which I consider much the most important of any here set forth; and I shall, for that reason, consider them together.

The second resolution asserts,

"That such an adequate revenue can not be obtained by duties on foreign imports, without adopting a higher rate than twenty per centum, as provided for in the compromise act, which, at the time of its passage, was supposed and assumed as a rate that would supply a sufficient revenue for an economical administration of the government."

The third resolution concludes,

"That the rate of duties on foreign imports ought to be augmented beyond the rate of twenty per centum, so as to produce a net revenue of twenty-six millions of dollars—twenty-two for the ordinary expenses of government, two for the payment of the existing debt, and two millions as a reserved fund for contingencies."

The fourth resolution asserts,

"That, in the adjustment of a tariff to raise an amount of twenty-six millions of revenue, the principles of the compromise act generally should be adhered to; and that especially a maximum rate of ad valorem duties should be established, from which there ought to be as little departure as possible."

The first question which these resolutions suggest, is this: what should be the amount of the annual expenditures of this government? Now, on this point, I shall not attempt, what is impossible, to be exact and precise in stating what that may be. We can only make an approximation. No man, in his private affairs can say, or pretends to say, at the beginning of the year, precisely what shall be the amount of his expenses during the year; that must depend on many unforeseen contingencies, which can not, with any precision, be calculated beforehand; all that can be done is to make an approximation to what ought or what may be the amount. Before I consider that question, allow me to correct, here, an assertion made first by the senator from South Carolina (Mr. Calhoun), and subsequently by the senator from Missouri, near me (Mr. Linn), and I believe by one or two other gentlemen, namely, that the whig party, when out of power, asserted that, if trusted with the helm, they would administer this government at an amount of expenditure not exceeding thirteen millions of dollars. I hope, if such an assertion was actually made by either or all these gentlemen, that it will never be repeated again, without resorting to proof to sustain it. I know of no such position ever taken by the whig party, or by any prominent member of the whig party. Sure I am that the party generally pledged itself to no such reduction of the public expenses—none.

And I again say that I trust, before such an assertion is repeated, the proofs will be adduced. For in this case, as in others, that which is asserted and reiterated, comes at last to be believed. The whig party did promise economy and retrenchment, and I trust will perform their promise. I deny (in no offensive sense) that the whig party ever promised to reduce the expenditures of this government to thirteen millions of dollars. No; but this was what they said: during the four years of the administration of Mr. Adams, the average amount of the public expenditure was but thirteen millions, and you charged that administration with outrageous extravagance, and came yourselves into power on promises to reduce the annual expenditure; but, having obtained power, instead of reducing the public expenses, you carried them up to the astonishing amount of near forty millions. But, while the whigs never asserted that they would administer the government with thirteen millions, our opponents, our respected opponents, after having been three years in power, instead of bringing the expenses below the standard of Mr. Adams's administration, declared that fifteen millions was the amount at which the expenditures should be fixed.

This was the ground taken by Mr. McLane, when he was at the head of the treasury. I have his report before me; but as the fact, I presume, will not be denied, I forbear to read from it. He suggests, as the fit amount to be raised by the tariff he had proposed, the sum of fifteen millions of dollars as sufficient to meet the wants of the government.

I hope now I have shown that the whig party, before they obtained power, never were pledged to bring down the public expenses, either to thirteen or to fifteen millions. They were pledged, I admit, to retrench unnecessary expenditures, and to make a reasonable deduction, whenever it could properly be made, consistently with the public service; that process, as I understand, is now going on in both Houses, and I trust the fruits will be seen before the end of the present session.

Unpledged, therefore, as the whig party was, as to any specific amount, the question recurs, at what sum can the expenses of the government be now fixed?

I repeat that the exact amount is difficult to be ascertained. I have stated it in the resolution I now offer, at twenty-two millions; and I shall soon show how I have arrived at the amount. But, before I do that, allow me to call the attention of the Senate to the expenditures of the preceding administration; for, in attempting to fix the sum for the future, I know of no course but to look back upon the experience of the past, and then to endeavor to deduce from it the probable amount of future expenditure. What, then, were the expenditures of the four years of the past administration?

In 1837 the amount was	$37,265,037 15
In 1838 it was	39,455,438 35
In 1839 "	37,614,936 15
In 1840 "	28,226,533 81
Making an aggregate of	$142,561,945 46

Which gives us an average per year of thirty-five million six hundred and forty thousand four hundred and eighty-six dollars and thirty-eight cents.

The sum I have proposed is only twenty-two millions, which deducted from thirty-five, as above, leaves a reduction of thirteen million six hundred and forty thousand dollars—being a sum greater than the whole average expenditure of the extravagant and profligate administration of Mr. Adams, which they told us was so enormous that it must be reduced by a great "retrenchment and reform."

I am not here going to inquire into the items which composed the large expenditures of the four years of Mr. Van Buren's administration. I know what has been said, and will again be said, on that subject—that there were many items of extra expenditure, which may never occur again. Be it so; but do we not know that every administration has its extras, and that these may be expected to arise, and will and must arise, under every

administration beneath the sun? But take this also into view in looking at the expenses of that administration: that less was expended on the national defense, less in the construction or repair of fortifications, less for the navy, and less for other means of repelling a foreign attack, than, perhaps, ought to have been expended. At present we are all animated with a common zeal and determination on the subject of defense; all feel the necessity of some adequate plan of defense, as well upon the ocean as the land, and especially of putting our navy and our fortifications in a better state to defend the honor and protect the rights of the nation. We feel this necessity, although we all trust that the calamity of a war may be averted. This calls for a greater amount of money for these purposes than was appropriated under Mr. Van Buren's administration; beside which, in the progress of affairs, unforeseen exigences may arise, and do constantly occur, calling for other appropriations needed, which no man can anticipate. Every ministry in every government, every administration of our own government, has its extraordinaries and its contingences; and it is no apology for Mr. Van Buren's administration to say, that the circumstances which occasioned its expenditures were extraordinary and peculiar. Making all the allowances which its warmest friends can ask, for the expenses of the inglorious war in Florida—a contest which has profusely wasted not only the resources of the treasury, but the best blood of the nation—making the amplest allowance for this and for all other extras whatever, the sum expended by the last administration still remains to be far, far beyond what is proposed in these resolutions, as sufficient for the present, and for years to come. It must, in candor, be conceded that this is a very great diminution of the national expenditure; and such, if nothing else were done, would redeem the pledge of the whig party.

But let us now consider the subject in another light. Thirteen millions was the average annual amount of expenditure under Mr. Adams's administration, which terminated thirteen years ago. I should be authorized, therefore, to take the commencement of his administration, in 1825, being a period of seventeen years, in making a comparison of the progressive increase of the national expenditures; or, at all events, adding one half of Mr. Adams's term, to take the period as running fifteen years back; but I shall not avail myself of this perfectly fair calculation; and I will therefore say, that at the end of thirteen years, from the time when the expenditures were thirteen millions, I propose that they be raised to twenty-two millions. And is this an extraordinary increase for such a period, in a country of such rapid increase and development as this is? What has occurred during this lapse of time? The army has been doubled, or nearly so; it has increased from a little over six thousand men to twelve thousand. We have built six, eight, or ten ships of the line (I do not recollect the precise number); two or three new States have been added to the Union; and two periodical enumerations have been made of the national population; beside which, there have been, and yet are to be, vast expend-

itures on works of fortification and national defense. Now, when we look at the increase in the number of members in both Houses of Congress, and consider the necessary and inevitable progress and growth of the nation, is it, I ask, an extraordinary thing, that at the end of a period of thirteen years, our expenditures should increase from thirteen to twenty-two millions? If we take the period at seventeen years, (as we fairly may) or at but fifteen years, the increase of expenses will be found not to go beyond the proportional increase of our population within the same period. That increase is found to be about four per centum annually; and the increase of government expenditures, at the rate above stated, will not exceed that. This is independent of any augmentation of the army or navy, of the addition of new States and Territories, or the enlargement of the numbers in Congress. Taking the addition, at the end of thirteen years, to be nine millions of dollars, it will give an annual average increase of about seven hundred thousand dollars. And I think that the government of no people, young, free, and growing as is this nation, can, under circumstances like ours, be justly charged with rashness, recklessness, or extravagance, if its expenses increase but at the rate of seven hundred thousand dollars per annum. If our posterity, after their numbers shall have swelled to one hundred millions, shall find that their expenses have augmented in no greater ratio than this, they will have no cause of complaint of the profuseness or extravagance of their government.

But, it should be recollected, that while I have fixed the rate of expenditure at the sum I have mentioned, namely, twenty-two millions, this does not preclude further reductions, if they shall be found practicable, after existing abuses have been explored, and all useless or unnecessary expenditures have been lopped off.

The honorable senator from South Carolina, (Mr. Calhoun) has favored us, on more occasions than one, with an account of the reforms he effected, when at the head of the War Department of this government; and no man, certainly, can be less disposed than I am to deprive him of a single feather which he thinks he put in his cap by that operation. But what does he tell us was his experience in this business of retrenchment? He tells us what we all know to be true—what every father, every householder, especially, finds to be true in his own case—that it is much easier to plunge into extravagance than to reduce expenses; and it is pre-eminently true of nation. Every nation finds it far easier to rush into an extravagant expenditure of the money intrusted to its public agents, than to bring down the public expenditures from a profuse and reckless to an economical standard. All useful and salutary reforms must be made with care and circumspection. The gentleman from South Carolina admits, that the reforms he accomplished took him four years to bring about. It was not till after four years of constant exertion that he was enabled to establish a system of just accountability, and to bring down the expenses of the army to that average per man, to which they were at length reduced. And now, with

all his personal knowledge of the difficulties of such a task, was it kind or fair in his associates, to taunt us, as they have done, by already asking, "Where are the reforms you promised to accomplish when you were out of power?"

[Mr. Calhoun here rose to explain, and observed, that what he had again and again said, on the subject of reforms, was no more than this, that it was time the promised reforms should begin; and that was all he now asked.]

Very well; if that is all he asks, the gentleman will not be disappointed. We could not begin at the extra session; it could not then reasonably be expected of us; for what is the duty of a new administration, when it first comes into the possession of power? Its immediate and pressing care is to carry on the government; to become acquainted with the machine; to look how it acts in various parts, and to take care that it shall not work injuriously to the public interest. They can not, at once, look back at the past abuses; it is not practicable to do so; it must have time to look into the pigeon-holes of the various bureaux, to find out what has been done, and what is doing. Its first great duty is to keep the machine of government in regular motion. It could not, therefore, be expected that Congress would go into a thorough process of reform at the extra session. Its peculiar object then was to adopt measures of immediate and indispensable relief to the people, and to the government. Beside which, the subsequent misfortunes of the whig party were well known. President Harrison occupied the chair of state but for a single month; and the members of his cabinet left it under circumstances which, let me here say, do them the highest honor. I do not enter upon the inquiry whether the state of things which they supposed to exist did actually exist or not; but, believing it to exist, as they did, their resignation presents one of the most signal examples of the sacrifice of the honors and emoluments of high station, at great expense and personal inconvenience and of noble adherence to honor and good faith, which the history of any country can show. But I may justly claim, not only on behalf of the retiring secretaries, but for the whole whig party, a stern adherence to principle, in utter disregard of the spoils doctrine, and of all those baser motives and considerations which address themselves to some men with so great a power. I say, then, that the late extra session was no time to achieve a great, and extensive, and difficult reform throughout the departments of the government; a process like that can be attempted only during a regular session of Congress; and do not gentlemen know that it is now in progress, by the faithful hands to which it has here and elsewhere in Congress been committed? and that an extraordinary committee has been raised in this body, insomuch that, to effect it, the Senate has somewhat shot from its usual and appropriate orbit, by establishing a standing committee of retrenchment? If the honorable senator from South Carolina took four years to bring down the expenses of the War Department, when

under his own immediate superintendence, I may surely, with confidence, make my appeal to his sense of justice and liberality, to allow us, at least, two years before he reproaches us with a failure in a work so much more extensive.

I will now say, that, in suggesting the propriety of fixing the annual average expenditure of this government at twenty-two millions of dollars, from this time, and for some years to come, it is not my purpose to preclude any further reductions of expense, by the dismissal of useless officers, the abolition of useless institutions, and the reduction of unnecessary or extravagant expenditures. No man is more desirous than I am of seeing this government administered at the smallest possible expense consistent with the duties intrusted to us, in the management of our public interests, both at home and abroad. None will rejoice more, if it shall be found practicable to reduce our expenses to eighteen, to fifteen, or even to thirteen millions. None, I repeat it, will rejoice in such a triumph of economy more heartily than I. None, none.

But now allow me to proceed to state by what process I have reached the sum of twenty-two millions, as proposed in the resolution I have offered.

The Secretary of the Treasury has presented to us estimates for the current year, independent of permanent expenses, of a million and a half, amounting to about twenty-four and a half millions, which may be stated under the following heads, namely:

For civil list, foreign intercourse, and miscellaneous,	$4,000,987 85
For the war department, including all branches,	11,717,991 27
Naval service,	8,705,579 83
	$24,424,358 95

And here let me say a single word in defense of the army. The department of war comes to us with estimates for the sum of eleven million, seven hundred and seventeen thousand, seven hundred and ninety-one dollars, and twenty-seven cents; and those who look only on the surface of things, may suppose that this sum is extraordinarily large; but there are many items in that sum. I have before me a statement, going to show, that, of that sum, only four millions are asked for the military service proper—a sum less than is demanded for the naval service proper, and only double the amount at which it stood when the honorable gentleman from South Carolina left the department. The sum was then about two millions of dollars; it is now not quite four millions of dollars; while, during the same period, the army has been nearly doubled, besides the raising of mounted regiments, the most expensive, for that very reason, of any in the service. I think that the gentleman from South Carolina, if he looks into the subject in detail, will find that the cost of the army is not, at this hour, greater per man, than, it was when under his own personal administration. So I am informed; and that, although the pay has

been raised a dollar a month, which has very largely augmented the expenditure.

The executive branch of the government has sent in estimates amounting in all to twenty-four and a half millions of dollars, for the service of the current year, which, with the million and a half of permanent expenditure, makes twenty-six millions. How much is to be added to that amount for appropriations not yet estimated, which may be made, during the session, by Congress, to meet honest claims, and for other objects of a public nature? I remember one item proposed by my friend near me (Mr. Mangum), for a quarter of a million for the building of a steam ship, an item not included in the estimates, but for which the Senate has already appropriated: besides which there are various other items which have passed or will pass during the present session. When the honorable gentleman from New Hampshire was at the head of the Treasury, he made, in his communications to Congress, constant complaints of this very practice. He well remembers that he was ever complaining that the expenditures of government were swelled far beyond the executive estimates, by appropriations made by Congress and estimated for by the departments. I have calculated that we shall add to the twenty-six millions of dollars estimated for the executive departments, or permanently required, at least one million and a half, which would raise the sum for this year to twenty-seven millions and a half.

How then do I propose to bring this down to twenty-two millions? I have, I own, some fears that we shall not be able to effect it; but I hope that we shall so far reduce the estimates and prevent unnecessary appropriations, that the total expenditures shall not exceed that amount. The mode in which I propose to reach such a result is this: I suppose we may effect a reduction of the civil list to the amount of half a million. That general head includes, among other things, the expense of the two Houses, and, as I have heard, the other House has already introduced a report which, if adopted, will cut down those expenses one hundred thousand dollars, though I think that they should be reduced much more. I estimate, then, three and a half millions for the civil list, instead of four millions; then I estimate nine millions for the War Department, instead of eleven millions and seven hundred and seventeen thousand dollars. In a conversation which I have lately held with the chairman of the military committee of this body, he expressed the apprehension, that it could not be reduced below ten millions, but I hope it may be cut down to nine. As to the naval service, the estimates of the department for that branch of the service, amount to eight millions seven hundred and seven thousand and five hundred dollars; an amount I think far too high, and indeed quite extravagant. I was greatly astonished at learning the amount was so large. Still I know that the navy is the favorite of all, and justly; it is the boast of the nation, and our great resource and chief dependence in the contingency of a war; no man thinks for a moment of crippling or disabling

this right arm of our defense. But I have supposed that without injury the appropriation asked for might be reduced from eight million, seven hundred and seven thousand, and five hundred, to six million and five hundred thousand dollars. This would put the reduction in the naval on a footing with that in the military appropriation, and still leave a greater appropriation than usual to that department. The reduction to six millions and a half is as large as I think will be practicable, if we are to provide for proposed experiments in the application of steam, and are, besides, to add largely to the marine corps.

How, then, will the total of our expenditures stand? We shall have,

For the civil and diplomatic expenses of the government,	$3,500,000
For the military service, ...	9,000,000
For the naval service, ...	6,500,000
For permanent appropriations, ...	1,500,000
For appropriations not included in estimates, . .	1,500,000
Making an aggregate of	$22,000,000

To this amount I suppose, and hope, our expenses may be reduced, until, on due investigation, it shall be discovered that still further reductions may be effected.

Well, then, having fixed the amount at twenty-two millions for the ordinary current expenses of government, I have supposed it necessary and proper to add two millions more to make provision for the payment of the existing national debt, which is, in the event of the loan's being taken up, seventeen millions. And then I go on to add two millions more as a reserved fund, to meet contingences; so that, should there be a temporary rise of the expenditures beyond twenty-two millions, or any sudden emergency should occur which could not be anticipated or calculated on, there may be the requisite means in the Treasury to meet it. Nor has there been a single secretary at the head of the Treasury since the days of Mr. Gallatin, including the respectable gentleman from New Hampshire opposite, (Mr. Woodbury), who has not held and expressed the opinion, that a reserved fund is highly expedient and proper for contingences. Thus I propose that twenty-two millions shall be appropriated for ordinary expenses, two millions more to provide for the public debt, and other two millions a reserved fund to meet contingences; making in all twenty-six millions.

The next inquiry which presents itself is, how this amount ought to be raised? There are two modes of estimating the revenue to be derived from foreign imports, and either of them presents only ground for a conjectural result: but so fluctuating is the course of commerce, that every one must see it to be impossible to estimate, with precision, the exact amount of what it will yield. In forming my estimate I have taken the

amount of exports as presenting the basis of calculation. But here let me add, that at the Treasury they have taken the imports as the basis; and I am gratified to be able to state, that I understand, on comparing the results arrived at, although the calculations were made without concert, those of the secretary turn out to be very nearly, if not exactly, the same with those to which I have been conducted. I will here state why it is I have taken the exports as the ground of my calculations, adding thereto fifteen per centum for profits. The exports are one means of making foreign purchases. Their value is ascertained at the ports of exportation, under the act of 1820, and the returns generally present the same value. The price of cotton, as an example, at home, is always regulated by the price in the Liverpool market. It follows, therefore, that by taking the value of any commodity at the place of its export, you reach its true value; for, if the price realized abroad be sometimes above and sometimes below that amount, the excess and deficiency will probably neutralize each other. This is the fairest mode, for another reason: if, in any one year, more foreign goods shall be purchased than the exports of that year would pay for, a credit is created abroad which must be extinguished by the exports of some succeeding year.

[Mr. Buchanan here inquired, if any deduction had been made by Mr. Clay from the exports, to pay the interest, and so forth, on American debt held abroad. Mr. Clay replied, that the senator would presently see that he had.]

I think the Senate will agree with me, in assuming, that the exports form a more correct and reliable standard of estimation than the imports; however that may be, the accidental coincidence between the results arrived at in either mode, fortifies and proves the calculation itself to have been founded on correct principles. Those results, as shown by the Secretary of the Treasury, are now, I believe, in the House, and I regretted that I could not examine them before I rose to address the Senate.

I will now show you that the exports from 1836 to 1841, inclusive, a period of six years, amount to six hundred and twenty-one million, four thousand, one hundred and twenty-five dollars, being an average annual amount of one hundred and three millions, five hundred thousand, six hundred and eighty-seven dollars. That I take as presenting a safe ground of calculations for the future. To this I propose to add fifteen per centum for profits, in which I do but follow Mr. Ewing, the late secretary, in his report at the extra session. It is certainly a great profit (I include, of course, all expenses and charges of every kind), and with this addition, the annual amount will be one hundred and eighteen million, nine hundred and fifty-eight thousand, one hundred and eighty-seven dollars, say one hundred and nineteen millions. Deducting for the interest and principal of the American debt abroad, ten millions per annum, it will leave a net amount of one hundred and nine millions. There can be no dispute as to the propriety of such a deduction: the debt exists; it must be provided for; and

my fear is, that this amount will prove too small to meet it. I think that much more may probably be needed; but certainly none can object to the reserve of ten millions. We thus get, as I said, a net balance from our annual exports, including profits, of one hundred and nine millions.

Of this amount of importation, how much is now free from duty? The free goods, including tea and coffee, amount to thirty millions; from which amount I deduct for tea and coffee, assuming that they will be subjected to moderate duties, twelve millions, leaving the amount of free articles at eighteen millions; deduct this from one hundred and nine millions, the amount of exports, and it will leave a balance of ninety-one millions, which may be assumed as the amount of dutiable articles for some years to come.

How, then, out of these ninety or ninety-one millions of dutiable goods are we to raise a revenue of twenty-six millions? No man, I presume, will rise here in his place and say, that we are to rely either on direct or internal taxes. Who has the temerity to meet the waves of popular indignation which will flow round and bury him, whoever he may be, that should propose, in time of peace, to raise a revenue by direct taxation? Yet this is the only resource to fly to, save the proceeds of the public lands, on which I shall speak presently, and which I can convince any man is not to be thought of. You are, therefore, to draw this amount of twenty-six millions from the ninety-one millions of dutiable articles imported; and to reach that sum, at what rate per centum must you go?

I shall here say nothing, or but a word or two, on the subject of home valuation—a subject which a friend has care of (Mr. Simmons), than whom none is more competent to its full elucidation. He thinks, as I understand, that there can be devised a satisfactory system of such valuation, and I heartily wish him success in the attempt. I will only say that, in my opinion, if we raise but ten millions, without any reference whatever to protection, without reference to any thing but to mere honesty, however small the amount may be, we should ourselves assess the value of the goods on which we lay the duty, and not leave the value to be fixed by foreigners. As things now stand, we lay the duty, but foreigners fix the value of the goods. Give me but the power of fixing the value of the goods, and I care little, in comparison, what may be the rate of duty you impose. It is evident that on the ad valorem principle, it is the foreigner who virtually fixes the amount of the duty paid. It is the foreigner who, by fixing that value, virtually legislates for us; and that in a case where his interest is directly opposed to that of our revenue. I say, therefore, that independently of all considerations of protection, independently of all ends or motives but the prevention of those infamous frauds which have been the disgrace of our custom house—frauds in which the foreigner, with his double and triple and quadruple invoices, ready to be produced as circumstances may require, fixes the value of the merchandise taxed—every consideration of national dignity, justice, and independence, demands the substitution of

home valuation in the place of foreign. What effect such a change may have in the augmentation of the revenue I am not prepared to say, because I do not know the amount; I think the rate may be set down at from twenty to twenty-five per centum, in addition to the foreign value of imports. I do not speak with great confidence. If the rate is twenty-five per centum, then it would add only five per centum to the rate of twenty per centum established by the compromise act. Of course, if the home be substituted for the foreign valuation, the augmentation of duties beyond twenty per centum will be less by that home valuation, whatever it may be. Without, however, entering into the question of home valuation, and leaving that subject to be arranged hereafter, I shall treat the subject as if the present system of foreign valuation were to continue.

I then return to the inquiry, on an importation amounting to ninety-one millions, how much duty must be imposed in order to raise a net revenue of twenty-six millions? The question does not admit of perfect accuracy; the utmost that can be reached is a reasonable approximation. Suppose every one of the imported articles to be subject to a duty of thirty per centum, then the gross revenue will amount to twenty-seven million and three hundred thousand dollars. Deducting the expenses of collection, which may be stated at one million and six hundred thousand dollars, it will give twenty-five million and seven hundred thousand dollarss, or three hundred thousand dollars less than the proposed amount of twenty-six millions.

But I might as well take this opportunity to explain a subject which is not well understood. It has been supposed, when I propose to fix a rate of ad valorem duty as the maximum to be allowed, that my meaning is, that all articles, of every description, are to be carried up to that point, and fixed at that rate, as on a sort of bed of Procrustes. But that is not my idea. No doubt certain articles ought to go up to the maximum—I mean those of prime necessity belonging to the class of protected articles. There are others, such as jewelry and watches, and some others of small bulk and great comparative value, and therefore easily smuggled, and presenting a great temptation to the evasion of duty, which ought to be subjected to a less rate. There should, therefore, be a discrimination allowed under the maximum rate according to the exigency of the respective circumstances of each particular interest concerned. Since it will require a duty of thirty per centum on all articles to give the amount of twenty-five million seven hundred thousand dollars, and since some of them will not bear so high a duty as thirty per centum, it follows that less than that rate will certainly not answer the necessary demands of the government, and it may in some particular cases require a rate somewhat higher than that in order to raise the proposed sum of twenty-six millions. But as the reserved fund of two millions for contingencies will not require an annual revenue for that purpose, should the amount of duties levied be less than twenty-six millions, or even between twenty-four and twenty-five millions, the reserved fund

may be made up by accumulation, during successive years, and still leave an amount sufficient to meet an annual expenditure of twenty-two millions, and two millions for the public debt.

I now approach the consideration of a very important branch of the subject in its connection with the compromise act.

I shall not here attempt to go again into the history of that act. I will only say that, at the time of its passage, it was thought right that the country should make a fair experiment of its effect; and that, as the law itself met the approbation of all parts of the country, its provisions ought not lightly to be departed from; that the principles of the act should be observed in good faith; and that, if it be necessary to raise the duties higher than twenty per centum, we ought to adhere to the principles of the compromise, then, as far as it should be possible to do. I have been animated, in the propositions I now offer to the Senate, by the same desire that prompted me, whenever the act has been assailed by its opponents, to stand by it and defend it.

But it is necessary now to consider what the principles of the compromise act really are.

The first principle is, that there should be a fixed rate of ad valorem duty, and discriminations below it.

Second, that the excess of duty beyond twenty per centum should, by a gradual process, commencing on the 31st of December, 1833, be reduced, so that by the 30th of June, 1842, it should be brought down to twenty per centum.

Third, that after that day, such duties should be laid for the purpose of raising such revenue as might be necessary for an economical administration of the government; consequently excluding all resort to internal taxation, or to the proceeds of the public lands. For, cotemporaneously with the pendency of the compromise act, a bill was pending for the distribution of those proceeds.

Fourth, that after the 30th of June, 1842, all duties should be paid in ready money, to the exclusion of all credits.

Fifth, that after the same day, the assessment of the value of all imports should be made at home and not abroad.

Sixth, that after the same day, a list of articles specified and enumerated in the act, should be admitted free of duty, for the benefit of the manufacturing interest.

These are the principles, and all the principles, of the compromise act. An impression has been taken up, most erroneously, that the rate of duty was never to exceed twenty per centum. There is no such limitation in the act. I admit that, at the time of the passage of the act, a hope was entertained that a rate of duty not exceeding twenty per centum would supply an adequate revenue to an economical administration of the government. Then we were threatened with that overflow of revenue with which the treasury was subsequently inundated; and the difficulty was to find

articles which should be liberated from duty and thrown into the free class. Hence, wines, silks, and other luxuries, were rendered free. But the act, and no part of the act, when fairly interpreted, limits Congress to the iron rule of adhering forever, and under all circumstances, to a fixed and unalterable rate of twenty per centum duty. The first section is in the following words:

"Be it enacted, and so forth, that, from and after the thirty-first day of December, one thousand eight hundred and thirty-three, in all cases where duties imposed on foreign imports by the act of the fourteenth day of July, one thousand eight hundred and thirty-two, entitled, 'an act to alter and amend the several acts imposing duties on imports,' or by any other act, shall exceed twenty per centum on the value thereof, one tenth part of such excess shall be deducted; from and after the thirty-first day of December, one thousand eight hundred and thirty-five, another tenth part thereof shall be deducted; from and after the thirty-first day of December, one thousand eight hundred and thirty-seven, another tenth part thereof shall be deducted; from and after the thirty-first day of December, one thousand eight hundred and thirty-nine, another tenth part thereof shall be deducted; and from and after the thirty-first day of December, one thousand eight hundred and forty-one, one half of the residue of such excess shall be deducted; and from and after the thirtieth day of June, one thousand eight hundred and forty-two, the other half thereof shall be deducted."

The provision of that section is nothing more nor less than that the existing duties should be, by the 30th of June, 1842, brought down to twenty per centum. What then? Were they always to remain at that rate? The section does not so declare. Not only is this not expected, and was not so understood, but directly the reverse is asserted, and was so understood, if the exigences of the treasury required a higher rate to provide the revenue necessary to an economical administration of the government. The third section, which embodies most of the great principles of the act, is in these words:

"Section 3. And be it further enacted, that until the thirteenth day of June, one thousand eight hundred and forty-two, the duties imposed by existing laws, as modified by this act, shall remain and continue to be collected. And, from and after the day last aforesaid, all duties upon imports shall be collected in ready money; and all credits now allowed by law, in the payment of duties, shall be, and hereby are, abolished; and such duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the government; and, from and after the day last aforesaid, the duties required to be paid by law on goods, wares, and merchandise, shall be assessed upon the value thereof, at the port where the same shall be entered, under such regulations as may be prescribed by law."

What is the meaning of this language? Can any thing be more explicit or less liable to misconception? It contains two obligations. The first is, that there shall be an economical administration of the government

—no waste, no extravagance, no squandering of the public money. I admit this obligation, in its fullest force, in all its length and breadth, and I trust that my friends, with or without my aid, will fulfill it, in letter and spirit, with the most perfect fulfillment. But the second obligation is no less binding and imperative; and that is, that such duties shall be laid as may be necessary to raise such revenue as is requisite to an economical administration of the government. The source of revenue is defined and prescribed—the foreign imports, to the exclusion of all other sources. The amount, from the nature of things, could not be specified; but whatever it may be, be it large or small, allowing us to come below, or requiring that we should go beyond twenty per centum, that amount is to be raised.

I contend, therefore, with entire confidence, that it is perfectly consistent with the provisions of the compromise act, to impose duties to any amount whatever, thirty, forty, or more per centum, subject to the single condition of an economical administration of the government.

What are the other principles of the act? First, there is the principle that a fixed ad valorem duty shall prevail and be in force at all times. For one, I am willing to abide by that principle. There are certain vague notions afloat as to the utility and necessity of specific duties and discriminations, which I am persuaded arise from a want of a right understanding of the subject. We have had the ad valorem principle practically in force ever since the compromise act was passed; and there has been no difficulty in administering the duties of the treasury on that principle.

It was necessary first to ascertain the value of the goods, and then to impose the duty upon them; and, from the commencement of the act to this day, the ad valorem principle has been substantially in operation. Compare the difference between specific and the ad valorem system of duties, and I maintain that the latter is justly entitled to the preference. The one principle declares that the duty shall be paid upon the real value of the article taxed; the specific principle imposes an equal duty on articles greatly unequal in value. Coffee, for example (and it is an article which always suggests itself to my thoughts), is one of the articles on which a specific duty has been levied. Now, it is perfectly well known that the Mocha coffee is worth at least twice as much as the coffee of St. Domingo or Cuba, yet both pay the same duty. The tax has no respect to the value, but it is arbitrarily levied on all articles of a specific kind, alike, however various and unequal may be their values. I say that, in theory, and according to every sound principle of justice, the ad valorem mode of taxation is entitled to the preference. There is, I admit, one objection to it: as the value of an article is a matter subject to opinion, and as opinions will ever vary, either honestly or fraudulently, there is some difficulty in preventing frauds. But, with the home valuation proposed by my friend from Rhode Island (Mr. Simmons), the ad valorem system can

be adopted with all practicable safety, and will be liable to those chances only of fraud which are inevitable under any and every system.

Again. What has been the fact from the origin of the government until now? The articles from which the greatest amount of revenue has been drawn, such as woolens, linens, silks, cottons, worsteds, and a few others, have all been taxed on the ad valorem principle, and there has been no difficulty in the operation. I believe, upon the whole, that it is the best mode. I believe that if we adopt a fixed rate ad valorem, wherever it can be done, the revenue will be subjected to fewer frauds than the injustice and frauds incident to specific duties. One of the most prolific sources of the violation of our revenue laws has been, as every body knows, the effort to get goods of a finer quality and higher value admitted under the lower rate of duty required for those of a lower value. The honorable gentleman from New Hampshire (Mr. Woodbury), and the honorable senator from New York (Mr. Wright), both well know this. But if the duty were laid ad valorem there could be no motive for such an effort, and the fraud, in its present form, would have no place. In England, as all who have read the able report made by Mr. Hume, a Scottish member in the House of Commons, must perceive, they seem to be giving up specific duties, and the tendency in the public mind appears to be, instead of having a variety of specific duties and a variety of ad valorem duties, to have one permanent fixed rate of duty for all articles. I am willing, I repeat, to adhere to this great principle, as laid down in the compromise act. If there be those who suppose that, under the specific form of duty, a higher degree of protection can be secured than under the other mode, I would observe that the actual measure of protection does not depend upon the form, but on the amount of the duty which is levied on the foreign rival article.

Assuming that we are to adhere to this principle, then every one of the leading principles of the same act can be adhered to and carried fully out; for I again assert that the idea that duties are always to remain at precisely twenty per centum, and never to vary from that point, be the exigences of government what they may, does not belong to the language of the act, nor is it required by any one of its provisions.

The next resolution I have proposed to the consideration of the Senate is this:

"Resolved, that the provision in the act of the extra session, for the distribution of the proceeds of the public lands, requiring the operation of that act to be suspended in the contingency of a higher rate of duty than twenty per centum, ought to be repealed."

Now, according to the calculations I have made, the repeal of the clause in question, and the recall of the proceeds of the sales of public lands from the States, even if made, will not dispense with the necessity of a great increase in the existing rate of taxation. I have shown that a duty of

thirty per centum will not be too much to furnish the requisite amount of revenue for a just and economical administration of the government. And how much of that rate will be reduced should you add to the revenue from imports the million and a half (which was the amount realized the last year), derived from sales of the public domain? It will be but the difference between thirty and about twenty-eight and a half. For, since thirty per centum yields a revenue of twenty-six millions, one per centum will bring about nine hundred thousand; and every million of dollars derived from lands will reduce your taxation on imports only nine hundred thousand; if you get a million and a half from the lands, it will reduce the taxes only from thirty to twenty-eight and a half per centum; or if you get three millions, as some gentlemen insist will be the case, then you will save taxes in the amount of the difference between thirty per centum and about twenty-seven per centum. This will be the whole extent of benefit derived from this land fund, which some senators have supposed would be so abundant as to relieve us from all necessity of additional taxation at all. I put it, then, to every senator, no matter whether he was opposed to the land bill or not, whether he is willing, for the sake of this trifling difference, between thirty and twenty-eight and a half per centum, or between thirty and twenty-seven per centum, to disturb a great momentous and perplexing subject of our national policy, which is now settled, and thereby show such an example of instability in legislation as will be exhibited by the fact of unsettling so great a question within less than eight months after it had been fixed, on the most mature consideration? If gentlemen can make more out of the land fund than I have here stated it likely to yield, I shall be glad to hear on what ground they rest their calculations. I say that all the difference it will produce in the amount of our increased taxation is the difference between thirty and twenty-eight and half, or between thirty and twenty-seven per centum. Will you, I repeat the question, when it is absolutely and confessedly necessary that more revenue shall be raised, and the mode in which it may be done is fraught with so many and so great benefits to the country, as I shall presently show, will you disturb a great and vexed national question for the sake of eking out, in so trifling a degree, the amount to be raised? But let us look at the subject in another view. The resources on which government should depend, for paying the public creditor, and maintaining inviolate the national faith and credit, ought to be such as to admit of some certain estimate and calculation. But what possible reliance can be placed on a fund so fluctuating and variable as that which is derivable from the sales of the public lands? We have seen it rise to the extraordinary height of twenty-six millions in one year, and in less than six years afterward fall down to the low amount of one million and a half!

The next resolution affirms a proposition which I hope will receive the unanimous consent of the Senate. It is as follows:

"Resolved, that it is the duty of government, at all times, but more especi-

ally in a season such as now exists, of general embarrassment, and pecuniary distress, to abolish all useless institutions and offices, to curtail all unnecessary expenses, and to practice rigid economy."

And the seventh resolution declares,

"That the contingent expenses of the two Houses of Congress ought to be greatly reduced; and the mileage of members of Congress ought to be regulated, and more clearly defined."

It has appeared to me, that the process of retrenchment of the public expenses, and reform of existing abuses, ought to begin, in an especial manner, with ourselves, in Congress itself, where is found one of the most extravagant of all the branches of the government. We should begin at home, and encourage the work of retrenchment by our own example. I have before me a document which exhibits the gradual progress in the contingent expenses of the two Houses of Congress, from 1820 to 1840, embracing a period of twenty years, divided into terms four years apart, and it shows that the amount of the contingent fund has advanced from eighty-six thousand dollars, which it was in 1824, to one hundred and twenty-one thousand in 1828, a rate of increase not greater than was proper, considering the progress of the country; to one hundred and sixty-five thousand in 1832; to two hundred and sixty-three thousand, in 1836; and, in 1840, it amounted, under an administration which charged that in 1824 with extravagance, to the enormous sum of three hundred and eighty-four thousand, three hundred and thirty-three dollars! I am really sorry, for the credit of Congress, to be obliged to read a statement exhibiting such shameful, such profligate waste. And allow me here to say, without any intention of being unkind to those able and competent officers, the Secretary of the Senate, and the Clerk of the House of Representatives (not the present clerk), that they ought to bear a share of the responsibility, for the great and sudden growth of this expenditure. How did it arise? The clerk presents his estimate of the sum that will be necessary, and the committee of ways and means, being busily occupied in matters of greater moment, take it without sufficient examination, and insert it at once on the appropriation bill. But I insist that it should be cut down to a sum of which members of Congress may, with some decency, speak to their constituents. A salutary reform has been commenced in the House of Representatives, which ought to be followed up here. They have already stricken one hundred thousand dollars from the contingent fund for both Houses; but they should go much lower. I hope there will be another item of retrenchment, in fixing a reasonable maximum amount, to be allowed for stationery furnished to the members of Congress. If this shall be adopted, much will have been done; for this is one of the most fruitful sources of congressional extravagance. I am told that the stationery furnished during the twenty-fifth Congress averages more than one hundred

dollars per head to each member. Can any man believe that any such amount as this can be necessary? Is it not an instance of profligate waste and profusion?

My next resolution is directed to the expenses of the judicial department of the government.

"Resolved, that the expenses of the judicial department have, of late years, been greatly increased, and ought to be diminished."

In this department, also, there has been a vast augmentation of the expenses, and such a one as calls for a thorough investigation. The amount of the appropriation for the judicial department has sprung up from two hundred and nine thousand dollars, which it was in 1824, to four hundred and seventy-one thousand dollars, at which it stood for the year 1840. Can any man believe that this has all been fairly done? that that department actually requires the expenditure every year of nearly half a million of dollars? I have no doubt that the district judges and the marshals, who have great control of the expenditure of the fund, and the clerks, ought to be held responsible for this enormous increase. Without any intention to indulge in any invidious distinctions, I think I could name a district in which great abuses prevail, and the expenditures are four or five times greater than they are in any other district throughout the country. I hope this whole matter will be thoroughly investigated, and that some necessary restraints will be imposed upon this branch of the public service. I am truly sorry, that in a branch of the government which, for its purity and uprightness, has ever been distinguished, and which so well merits the admiration of the whole country, there should have occurred so discreditable an increase in the expenses of its practical administration.

The next resolution asserts,

"That the diplomatic relations of the United States with foreign powers have been unnecessarily extended during the last twelve years, and ought to be reduced."

I will not dwell long on this subject. I must remark, however, that, since the days of Mr. Adams's administration, the number of foreign ministers, of the first grade, has nearly doubled, and that of ministers of the second grade has nearly tripled. Why, we have ministers abroad, who are seeking for the governments to which they are accredited, and the governments are not to be found! We have ministers at Constantinople and Vienna, and for what? We have an unreciprocated mission to Naples, and for what? There was, at the last session, an attempt to abolish this appointment, but it unfortunately failed. One would think that, in such a one-sided, unreciprocated diplomacy, if a regard to economy did not prompt us to discontinue the relation, national pride would. In like manner, we might look round the coasts of Europe, and of this continent, and find mis-

sion after mission which there seems to be no earthly utility in retaining. But I forbear.

On the subject of mileage, I hope there may be an effort to equalize it justly, and render it uniform, and that the same allowance will be made for the same distance traveled, whether by land, by water, or by steam route, or whether the distance be ascertained by horizontal or surface measurement. I think the former the best mode, because it limits us to a single and simple inquiry, and leaves no open door for abuses. I hope, therefore, we shall adopt it.

The next resolution of the series reads thus:

"Resolved, that the franking privilege ought to be further restricted, the abusive uses of it restrained and punished, the postage on letters reduced, the mode of estimating distances more clearly defined and precribed, and a small addition to postage made on books, pamphlets, and packages transmitted by the mail, to be graduated and increased according to their respective weights."

The franking privilege has been most direfully abused. We have already reached a point of abuse, not to say corruption, though the government has been in operation but about fifty years, which it has taken Great Britain centuries to attain. Blank envelops, I have heard it said, ready franked, have been inclosed to individuals at a distance, who openly boasted that their correspondence is free of charge. The limitation as to the weight is now extended, I believe, to two ounces. But what of that, if a man may send under his frank a thousand of these two-ounce packages? The limitation should be to the total weight included in any single mail, whether the packages be few or many. The report of the Postmaster General, at a former session, states the astounding fact that, of the whole amount transported in the mails, *ninety-five per centum* goes free of all duty, and letters of business and private correspondence have to defray the expense of the whole. It is monstrous, and calls loudly for some provision to equalize the charge. The present postage on letters is enormously high, in proportion to the other business of the country. If you will refuse to carry those packages, which are now transmitted by mail simply because in that mode they can travel free of cost, you will greatly relieve the business interests of the country, which now bear nearly the whole burden for all the rest. This it is your duty to do. Let us throw, at least, a fair portion of the burden on those who receive, at present, the whole of the benefit. Again. The law is very loose and uncertain as to the estimation of distances. Since the introduction of steam travel, the distance traveled has, in many cases, been increased, while the time consumed has been shortened. Take, as an illustration, a case near at hand. The nearest distance from here to Frederic city, in Maryland, is forty-four miles; but, if you go hence to the dépôt on the Baltimore road, and thence take the train to Frederic, you arrive sooner, but the distance is increased to one hundred miles. Now, as letters are charged according to the miles traveled, I hold

it very wrong to subject a letter to this more than double charge, in consequence of adopting a longer route in distance, though a shorter in time. Such cases ought to be provided against by specific rules.

I come now to the last resolution offered, which is as follows:

"Resolved, that the Secretaries of State, of the Treasury of the War, and of the Navy Departments, and the Postmaster General, be severally directed, as soon as practicable, to report what offices can be abolished, and what retrenchments of public expenditure can be made, without public detriment, in the respective branches of the public service under their charge."

We all know that, if the heads of departments will not go to work with us honestly and faithfully, in truth and sincerity, Congress, thus unaided, can effect comparatively but little. I hope they will enter with us on this good work of retrenchment and reform. I shall be the last to express in advance any distrust of their upright intentions in this respect. The only thing that alarms me is, that two of these departments have come to us asking us for appropriations far beyond any that have heretofore been demanded in time of peace, and that with the full knowledge of the fact of an empty treasury. But I still hope, when they shall see Congress heartily in earnest, engaged in retrenching useless expenditure, and reducing estimates that can not be complied with, that they will boldly bring out to view all abuses which exist in their several spheres of action, and let us apply the pruning-knife, so as to reduce the national expenditure within some proper and reasonable amount. At all events, they are, of course, most familiar with the details of the subject, as it relates to their several branches of the administration. Among other items, there are several useless mints, which only operate to waste the public money. A friend, occupied in investigating this subject, has told me that the mint in New Orleans has already cost the country half a million of dollars, for getting ready to coin bullion not yet dug out of the mine!

[Mr. Berrien here spoke across something not heard by the reporter, in relation to the mint at Dahlonega, which excited much mirth in the neighboring part of the chamber.]

While every piece of coin made by these useless establishments could just as well be coined by the central mint, at Philadelphia.

And now, having gone through with all the details of this series of resolutions, which I thought it my duty to notice, allow me, in drawing to a conclusion of these remarks, to present some of the advantages which it appears to me should urge us to adopt the system of financial arrangement contemplated in the resolutions.

And first, the government will, in this way, secure to itself an adequate amount of revenue, without being obliged to depend on temporary and disreputable expedients, and thus preserve the public credit unsullied, which I deem a great advantage of the plan. Credit is of incalculable value,

whether to a nation or an individual. England, proud England, a country with which we may one day again come in conflict—though it gives me pleasure to say, that I can not perceive at present the least "speck of war" in the political horizon—owes her greatness, her vastness of power, pervading the habitable globe, mainly to her strict and uniform attention to the preservation of the national credit.

Second. The next thing recommended, is retrenchment in the national expenditure, and greater economy in the administration of the government. And do we not owe it to this bleeding country, to ourselves, and the unparalleled condition of the times, to exhibit to the world a fixed, resolute, and patriotic purpose, to reduce the public expenditure to an economical standard?

Third. But a much more important advantage than either of those I have yet adverted to, is to be found in the check which the adoption of this plan will impose on the efflux of the precious metals from this country to foreign countries. I shall not now go into the causes by which the country has been brought down from the elevated condition of prosperity it once enjoyed, to its present state of general embarrassment and distress. I think that those causes are as distinctly in my understanding and memory as any subjects were ever impressed there; but I have no desire to go into a discussion which can only revive the remembrance of unpleasant topics. My purpose, my fixed purpose on this occasion, has been to appeal to all gentlemen on all political sides of this chamber, to come out, and make a sacrifice of all lesser differences, in a patriotic, generous, and general effort, for the relief of their country. I shall not open these bleeding wounds which have, in too many instances, been inflicted by brothers' hands—especially will I not do so at this time, and on this occasion. I shall look merely at facts as they are. I shall not ask what have been the remote causes of the depression and wretchedness of our once glorious and happy country. I will turn my view only on causes which are proximate, indisputable, and immediately before us.

One great if not sole cause is to be found in the withdrawal of coin from the country, to pay debts accrued or accruing abroad, for foreign imports, or debts contracted during former periods of prosperity, and still hanging over the country. How this withdrawal operates in practice, is not difficult to be understood. The banks of the country, when they are in a sound state, act upon this coin as the basis of their circulation and discounts; the withdrawal of it not only obliges the banks to withhold discounts and accommodations, but to draw in what is due from their debtors, at the precise time when they, sharing in the general stricture, are least able to meet the calls. Property is then thrown into the market, to raise means to comply with those demands, depression ensues, and, as is invariably the case when there is a downward tendency in its value, it falls below its real worth. But the foreign demand for specie, to pay commercial and other public debts, operates directly upon the precious metals themselves, which

are gathered up by bankers, and brokers, and others, obtained from these depositaries, and thence exported. Thus, this foreign demand has a double operation, one upon the banks, and through them upon the community, and the other upon the coin of the country. Gentlemen, in my humble opinion, utterly deceive themselves in attributing to the banking institutions all the distresses of the country. Doubtless, the erroneous and fraudulent administration of some of them, has occasioned much local and individual distress. But this would be temporary and limited, while the other cause—the continued efflux of specie from the country—if not arrested, would perpetuate the distress. Could you annihilate every bank in the Union, and burn every bank note, and substitute in their place a circulation of nothing but the precious metals, as long as such a tariff continues as now exists, two years would not elapse till you would find the imperative necessity of some paper medium for conducting the domestic exchanges.

I announce only a historical truth, when I declare, that during, and ever since our colonial existence, necessity has given rise to the existence of a paper circulation of some form, in every colony on this continent; and there was a perpetual struggle between the crown and royal governors on one hand, and the colonial Legislatures on the other, on this very subject of paper money. No; if you had to-morrow a circulation consisting of nothing but the precious metals, they would leave you as the morning dew leaves the fields, and you would be left under the necessity of devising a mode to fill the chasm produced by their absence.

I am ready to make one concession to the gentlemen on the other side. I admit that, if the circulation were in coin alone, the thermometer of our monetary fluctuations would not rise as high, or fall as low as when the circulation is of a mixed character, consisting partly of coin and partly of paper. But then the fluctuations themselves, within a more circumscribed range, would be quite as numerous, and they will and must exist so long as such a tariff remains as forces the precious metals abroad. I again repeat the assertion that, could you annihilate to-morrow every bank in the country, the very same description of embarrassment, if not in the same degree, would still be found which now pervades our country.

What, then, is to be done to check this foreign drain? We have tried free trade. We have had the principles of free trade operating on more than half the total amount of our comforts, for the greater part of nine years past. That will not do, we see. Do let me recall to the recollection of the Senate the period when the protective system was thought about to be permanently established. What was the great argument then urged against its establishment? It was this: that if duties were laid directly for protection, then we must resort to direct taxation to meet the wants of the government; every body must make up their minds to a system of internal taxation. Look at the debate in the House of Representatives of 1824, and you will find that was the point on which the great stress was laid. Well, it turned out as the friends of protection told you it

would. We said that such would not be the effect. True, it would diminish importation, as it did; but the augmented amount of taxes would more than compensate for the reduced amount of goods. This we told you, and we were right.

How has free trade operated on other great interests? I well remember, that, ten years ago, one of the most gifted of the sons of South Carolina (Mr. Hayne), after drawing a most vivid and frightful picture of the condition of the South—of fields abandoned, houses dilapidated, overseers becoming masters, and masters overseers, general stagnation, and approaching ruin a picture which, I confess, filled me with dismay—cried out to us, Abolish your tariff, reduce your revenue to the standard of an economical government, and once more the fields of South Carolina will smile with beauty, her embarrassments will vanish, commerce will return to her harbors, labor to her plantations; augmented prices for her staples, and contentment, and prosperity, and universal happiness to her oppressed people. Well, we did reduce the tariff, and, after nine years of protection, we have had nine years of a descending tariff and of free trade. Nine years (from 1824 to 1833), we had the protective policy of a high tariff; and nine years (from 1833 to 1842), we have had the full operation of free trade on more than a moiety of the whole amount of our imports, and a descending tariff on the residue. And what is the condition of South Carolina at this day? Has she regained her lost prosperity? Has she recovered from the desolation and ruin so confidently imputed to the existence of a high tariff? I believe, if the gentleman from South Carolina could be interrogated here, and would respond in candor, unbiased by the delusions engendered by a favorite but delusive theory, he would tell us that she had not experienced the promised prosperity which was dwelt upon with so much eloquence by his fellow-citizen. How is it in regard to the great staple of the South? How stand the prices of cotton during these nine years of the descending tariff, and the prevalence of free trade? How do these years compare with the nine years of protection and high tariff? Has the price of cotton increased, as we were told it would, by the talented South Carolinian? It has happened that during the nine tariff years the average price of cotton was from 1824 to 1833 higher than during the nine years of descending tariff and free trade; and at the instant I am speaking, I understand that cotton is selling at a lower rate than has been realized since the war with Great Britain. I know with what tenacity theorists adhere to a favorite theory, and search out for imaginary causes of results before their eyes, and deny the true. I am not going into the land of abstractions and of metaphysics. There are two great, leading incontestable facts, which gentlemen must admit; first, that a high tariff did not put down the prices of staple commodities; and, second, that a low tariff and free trade have not been able to save them from depression. These are the facts; let casuists, and theorists, and the advocates of a one-sided, paralytic free trade, in which we turn our sound side to the world, and our

blighted, and paralyzed, and dead side toward our own people, make of them what they can. At the very moment that England is pushing the resources of Asia, cultivating the fields of India, and even contemplating the subsidizing of Africa, for the supply of her factories with cotton, and when the importations from India have swelled from two hundred thousand bales to five hundred and eighty thousand bales, we are told that there are to be no restrictions on free trade.

Let me not be misunderstood, and let me entreat that I may not be misrepresented. I am not advocating the revival of a high protective tariff. I am for abiding by the principles of the compromise act; I am for doing what no southern man of a fair or candid mind has ever yet denied—giving to the country a revenue which may provide for the economical wants of the government, and at the same time give an incidental protection to our home industry. If there be here a single gentleman who will deny the fairness and propriety of this, I shall be glad to see and hear who he is.

This check on the flow of specie abroad, to pay either a commercial or a public debt, will operate by the imposition of duties to meet the wants of the government; will keep the precious metals at home to a much greater extent than is now possible. I hope that we shall learn to live within our own means, and not remain so dependent as we now are on the mere good pleasure and domestic policy of foreign governments. We go for revenue; for an amount of revenue adequate to an economical administration of the government. We can get such revenue nowhere else than from a tariff on importations. No man in his senses will propose a resort to direct or internal taxes. And this arrangement of the tariff, while it answers this end, will at the same time operate as a check on the efflux of the precious metals, and retain what is necessary for the purposes of exchange and circulation.

The fourth advantage attending the adoption of the system proposed will be, that the States will be left in the undisturbed possession of the land fund secured to them by the act of the last session, and which was intended to aid them in the embarrassments under which some of them are now laboring.

And the last is that to which I have already adverted, namely, that it will afford, indirectly, protection to the interests of American industry. And the most bitter and persevering opponent to the protective policy I ever met with, has never denied that it is both the right and the duty of government so to lay the taxes necessary to the public service as to afford incidental protection to our own home industry.

But it is said that, by the adoption of one fixed, arbitrary maximum of ad valorem duty, we shall not derive that measure of protection which is expected; and I admit that there may be certain articles, the product of the mechanic arts—such, for example, as shoes, hats, and ready-made clothing, and sugar, iron, and paper—some or all of which may not derive the protection which they need under the plan I propose. On that subject

I can only say—what I said at the time of the passage of the compromise act—if some few articles shall not prove to be sufficiently protected beneath the established maximum rate, I should hope that, in the spirit of harmony and compromise, additional duties, above that rate, sufficient to afford reasonable protection to those few articles, by general consent, would be imposed. I am not, at present, prepared to say whether the rule I have suggested will afford adequate protection to these particular interests or not; I fear it may not. But if the subject shall be looked at in the spirit of patriotism, without party bias or local influences, it will be found that the few articles alluded to are so distributed, or are of such a nature as to furnish the grounds of a friendly adjustment. The interests of the sugar of the South may then be set against the iron of the center and the productions of the mechanic arts, which, although prevailing everywhere, are most concentrated at the North. With respect to these, without reference to any general system of protection, they have been at all times protected. And who that has a heart, or the sympathies of a man, can say or feel that our hatters, tailors, and shoemakers, should not be protected against the rival productions of other countries? Who would say that the shoemaker, who makes the shoes of his wife—his own wife, according to the proverb, being the last woman in the parish that is supplied with hers—shall not be protected? that the tailor, who furnishes him with a new coat, or the hatter, that makes him a new hat, to go to church, to attend a wedding, or christening, or to visit his neighbor, shall not be adequately protected?

Then there is the essential article of iron; that is a great central interest. Whether it will require a higher degree of perfection than it will derive from such a system as I have sketched, I have not sufficient information to decide; but this I am prepared to say, that question will be with the representatives of those States which are chiefly interested; and, if their iron is not sufficiently protected, they must take the matter up and make out their case to be an exception to the general arrangement. When I speak of the representatives of these States, I mean their entire delegation, without regard to political denominations or distinctions. They must look into the matter, and if they take it up, and bring forward their propositions, and make out a clear case of exception to the general rule, I shall be an humble follower of their lead, but I will not myself take the lead in any such case. If these States want certain interests protected, they must send delegates here who are prepared to protect them. Such a State can not reasonably expect senators from other States, having no direct, local, or particular concern in such interests, to force on her the protection of her own interests against her own will, as that will is officially expressed by her representatives in Congress. I again say, I am ready to follow, but I will not lead.

With me, from the first moment I conceived the idea of creating, at home, a protection for the production of whatever is needed to supply the

wants of man, up to this moment, it has always been purely a question of expediency. I never could comprehend the constitutional objection which to some gentlemen seems so extremely obvious. I could comprehend, to be sure, what these gentlemen mean to argue, but I never had the least belief in the constitutional objection which slept from 1788 (or, rather, which reverses the doctrine of 1780), till it suddenly waked up in 1820. Then, for the first time since the existence of the Constitution, was the doctrine advanced that we could not legitimately afford any protection to our own home industry against foreign and adverse industry. I say, that with me it always was a question of expediency only. If the nation does not want protection, I certainly never would vote to force it upon the nation; but viewing it as a question of expediency wholly, I have not hesitated heretofore, on the broad and comprehensive ground of expediency, to give my assent to all suitable measures proposed with a view to that end.

The Senate will perceive that I have forborne to go into detail, especially in regard to the urgency of reform and retrenchment, with one or two exceptions. I have presented to it a system of policy embodied in these resolutions, containing those great principles in which I believe that the interest, prosperity, and happiness of the country are deeply involved—principles, the adoption of which alone can place the finances of the government upon a respectable footing, and free us from a condition of servile dependence on the legislation of foreign nations. I have persuaded myself that the system now brought forward will be met in a spirit of candor and of patriotism, and in the hope that whatever may have been the differences in the Senate in days past, we have now reached a period in which we forget our prejudices, and agree to bury our transient animosities deep at the foot of the altar of our common country, and come together as an assemblage of friends, and brothers, and compatriots, met in common consultation to devise the best mode of relieving the public distress. It is in this spirit that I have brought forward my proposed plan; and I trust in God, invoking, as I humbly do, the aid and blessing of his Providence, that the senators, on all sides of the chamber, will lay aside all party feelings, and more especially that habitual suspicion to which we are all more or less prone (and from which I profess not to be exempted more than other men), that impels us to reject, without examination, and to distrust whatever proceeds from a quarter we have been in the habit of opposing. Let us lay aside prejudice; let us look at the distresses of our country, and these alone. I trust that in this spirit we shall examine these resolutions, and decide upon them according to the dictates of our own consciences, and in a pure and patriotic regard to the welfare of our country.

MR. CLAY'S VALEDICTORY TO THE SENATE.

IN SENATE, MARCH 31, 1842.

[Truly, Mr. Clay's was an eventful life. Here we find him bidding farewell to the Senate forever—as was then supposed—thirty-six years after he first took his seat as a member of that body, nearly all of which time had been spent in the public service, chiefly in Congress, filling his country and the world with his fame as an extraordinary man. Ever in the eye of the public, filling it more largely as time advanced, it was his destiny to be the observed of all observers. Who would not be tired, after such a term of public service, and of such service? He had come now, apparently, to the expiration of his period, and was taking leave forever of his co-laborers, all of whom hung upon his lips, as he gave these parting words, full of respect, forgiving all his faults, impressed with a sense of his superiority over ordinary men, and ready to say, God bless you! It was a rare scene in a public assembly of this description. They who had rivaled each other in debate, and often spoken hot words, who had faced this very man in stern controversy, and sometimes with hard feelings, fully appreciated his generous character, and kindly reciprocated the kindness manifested by him on this occasion. They felt that they were parting with a rare man, and never expected to meet him again in that field; nor did he expect ever to meet them on the same floor. So little do the wisest men sometimes see into the future. And it is well they should not. Events are not always foreshadowed. A single peep into the future would have destroyed the interest of this occasion. Its seeming was a reality; and yet the future since disclosed, and not less real, was a sort of mockery of the past, and seemed to undo history. For, after the lapse of seven years, Mr. Clay appears again in the Senate of the United States, to enact a part which made him more prominent and more influential than at any former period of his eventful history. He appeared, not as a party man, but as a Great Pacificator, to do his last work of conciliation, and then to die.]

Mr. Clay rose, with deep and solemn emotion, and said, that, before proceeding to make the motion for which he had risen, he begged leave to submit, on the only occasion remaining to him, an observation or two on a different subject. It would be remembered that he had offered, on a former day, some resolutions proposing certain amendments in the Constitution of the United States; they had undergone some discussion, and he had been desirous of replying to the able arguments which had been urged in opposition to them, and of obtaining an expression of the sense of the Senate; but owing to the infirm state of his health, to the pressure of business in the Senate, and especially to the absence, at this moment, of several of his friends, he had concluded that this was unnecessary. He regretted the want of an opportunity to present what he thought would be a satisfactory answer to those arguments. He should commit the subject, therefore, to the hands of the Senate, to be disposed of as their judgment should dictate; concluding what he had to say in relation to them with the remark, that the convictions he had before entertained in regard to the several amendments, he still deliberately held, after all that he had heard upon the subject; and that he firmly believed the true and permanent security of the just checks and balances of the Constitution required their adoption.

And now, said Mr. Clay, allow me to announce, formally and officially, my retirement from the Senate of the United States, and to present the last motion I shall ever make in this body. But, before I make that motion, I trust I shall be pardoned if I avail myself, with the permission and indulgence of the Senate, of this last occasion of addressing to it a few more observations.

I entered the Senate of the United States in December, 1806. I regarded that body then, and still consider it, as one which may compare, without disadvantage, with any legislative assembly, either in ancient or modern times, whether I look to its dignity, the extent and importance of its powers, the ability by which its individual members have been distinguished, or its organic constitution. If compared in any of these respects with the Senates either of France or of England, that of the United States will sustain no derogation. With respect to the mode of constituting those bodies, I may observe, that, in the House of Peers in England, with the exceptions of Ireland, and of Scotland—and in that of France with no exception whatever—the members hold their places in their individual rights under no delegated authority, not even from the order to which they belong, but derive them from the grant of the crown, transmitted by descent, or created in new patents of nobility; while here we have the proud and more noble title of representatives of sovereign States, of distinct and independent commonwealths.

If we look again at the powers exercised by the Senates of France and England, and by the Senate of the United States, we shall find that the aggregate of power is much greater here. In all, the respective bodies

possess the legislative power. In the foreign Senates, as in this, the judicial power is invested, although there it exists in a larger degree than here. But, on the other hand, that vast, undefined, and undefinable power involved in the right to co-operate with the executive in the formation and ratification of treaties, is enjoyed in all its magnitude and consequence by this body, while it is possessed by neither of theirs; beside which, there is another function of very great practical importance—that of sharing with the executive branch in distributing the immense patronage of this government. In both these latter respects we stand on grounds different from the House of Peers either of England or France. And then, as to the dignity and decorum of its proceedings, and ordinarily, as to the ability of its members, I may, with great truth, declare that, during the whole long period of my knowledge of this Senate, it can, without arrogance or presumption, stand an advantageous comparison with any deliberative body that ever existed in ancient or modern times.

Full of attraction, however, as a seat in the Senate is, sufficient as it is to satisfy the aspirations of the most ambitious heart, I have long determined to relinquish it, and to seek that repose which can be enjoyed only in the shades of private life, in the circle of one's own family, and in the tranquil enjoyments included in one enchanting word—Home.

It was my purpose to terminate my connection with this body in November, 1840, after the memorable and glorious political struggle which distinguished that year: but I learned, soon after, what indeed I had for some time anticipated from the result of my own reflections, that an extra session of Congress would be called; and I felt desirous to co-operate with my political and personal friends in restoring, if it could be effected, the prosperity of the country, by the best measures which their united counsels might be able to devise; and I therefore attended the extra session. It was called, as all know, by the lamented Harrison; but his death, and the consequent accession of his successor, produced an entirely new aspect of public affairs. Had he lived, I have not one particle of doubt that every important measure to which the country had looked with so confident an expectation would have been consummated, by the co-operation of the executive with the legislative branch of the government. And here allow me to say, only, in regard to that so-much-reproached extra session of Congress, that I believe if any of those, who, through the influence of party spirit, or the bias of political prejudice, have loudly censured the measures then adopted, would look at them in a spirit of candor and of justice, their conclusion, and that of the country generally, would be, that if there exists any just ground of complaint, it is to be found not in what was done, but in what was not done, but left unfinished.

Had President Harrison lived, and the measures devised at that session been fully carried out, it was my intention then to have resigned my seat. But the hope (I feared it might prove vain) that, at the regular session, the measures which we had left undone might even then be perfected, or the

same object attained in an equivalent form, induced me to postpone the determination; and events which arose after the extra session, resulting from the failure of those measures which had been proposed at that session, and which seemed for the moment to subject our political friends to the semblance of defeat, confirmed me in the resolution to attend the present session also, and, whether in prosperity or adversity, to share the fortune of my friends. But I resolved, at the same time, to retire as soon as I could do so with propriety and decency.

From 1806, the period of my entrance upon this noble theater, with short intervals, to the present time, I have been engaged in the public councils, at home or abroad. Of the services rendered during that long and arduous period of my life it does not become me to speak; history, if she deign to notice me, and posterity, if the recollection of my humble actions shall be transmitted to posterity, are the best, the truest, and the most impartial judges. When death has closed the scene, their sentence will be pronounced, and to that I commit myself. My public conduct is a fair subject for the criticism and judgment of my fellow-men; but the motives by which I have been prompted are known only to the great Searcher of the human heart and to myself; and I trust I may be pardoned for repeating a declaration made some thirteen years ago, that, whatever errors, and doubtless there have been many, may be discovered in a review of my public service, I can with unshaken confidence appeal to that divine arbiter for the truth of the declaration, that I have been influenced by no impure purpose, no personal motive; have sought no personal aggrandizement; but that in all my public acts, I have had a single eye directed, and a warm and devoted heart dedicated, to what, in my best judgment, I believed, the true interests, the honor, the union, and the happiness of my country required.

During that long period, however, I have not escaped the fate of other public men, nor failed to incur censure and detraction of the bitterest, most unrelenting, and most malignant character; and though not always insensible to the pain it was meant to inflict, I have borne it in general with composure, and without disturbance here [pointing to his breast], waiting as I have done, in perfect and undoubting confidence, for the ultimate triumph of justice and of truth, and in the entire persuasion that time would settle all things as they should be, and that whatever wrong or injustice I might experience at the hands of man, He to whom all hearts are open and fully known, would, by the inscrutable dispensations of his providence, rectify all error, redress all wrong, and cause ample justice to be done.

But I have not meanwhile been unsustained. Everywhere throughout the extent of this great continent I have had cordial, warm-hearted, faithful, and devoted friends, who have known me, loved me, and appreciated my motives. To them, if language were capable of fully expressing my acknowledgments, I would now offer all the return I have the power to

make for their genuine, disinterested, and persevering fidelity and devoted attachment, the feelings and sentiments of a heart overflowing with never-ceasing gratitude. If, however, I fail in suitable language to express my gratitude to them for all the kindness they have shown me, what shall I say, what can I say at all commensurate with those feelings of gratitude with which I have been inspired by the State whose humble representative and servant I have been in this chamber? [Here Mr. Clay's feelings overpowered him, and he proceeded with deep sensibility and difficult utterance.]

I emigrated from Virginia to the State of Kentucky now nearly forty-five years ago; I went as an orphan boy who had not yet attained the age of majority; who had never recognized a father's smile, nor felt his warm caresses; poor, penniless, without the favor of the great, with an imperfect and neglected education, hardly sufficient for the ordinary business and common pursuits of life; but scarce had I set my foot upon her generous soil when I was embraced with parental fondness, caressed as though I had been a favorite child, and patronized with liberal and unbounded munificence. From that period the highest honors of the State have been freely bestowed upon me; and when, in the darkest hour of calumny and detraction, I seemed to be assailed by all the rest of the world, she interposed her broad and impenetrable shield, repelled the poisoned shafts that were aimed for my destruction, and vindicated my good name from every malignant and unfounded aspersion. I return with indescribable pleasure to linger a while longer, and mingle with the warm-hearted and whole-souled people of that State; and, when the last scene shall forever close upon me, I hope that my earthly remains will be laid under her green sod with those of her gallant and patriotic sons.

But the ingenuity of my assailants is never exhausted. It seems I have subjected myself to a new epithet; which I do not know whether to take in honor or derogation: I am held up to the country as a "dictator." A dictator! The idea of a dictatorship is drawn from Roman institutions; and at the time the office was created, the person who wielded the tremendous weight of authority it conferred, concentrated in his own person an absolute power over the lives and property of all his fellow-citizens; he could levy armies; he could build and man navies; he could raise any amount of revenue he might choose to demand; and life and death rested on his fiat. If I were a dictator, as I am said to be, where is the power with which I am clothed? Have I any army? any navy? any revenue? any patronage? in a word, any power whatever? If I had been a dictator, I think that even those who have the most freely applied to me the appellation must be compelled to make two admissions: first, that my dictatorship has been distinguished by no cruel executions, stained by no blood, sullied by no act of dishonor; and I think they must also own (though I do not exactly know what date my commission of dictator bears; I suppose, however, it must have commenced with the extra session) that if I did usurp the power of a dictator, I at least voluntarily surrendered it

within a shorter period than was allotted for the duration of the dictatorship of the Roman commonwealth.

If to have sought at the extra session and at the present, by the co-operation of my friends, to carry out the great measures intended by the popular majority of 1840, and to have earnestly wished that they should all have been adopted and executed; if to have ardently desired to see a disordered currency regulated and restored, and irregular exchanges equalized and adjusted; if to have labored to replenish the empty coffers of the treasury by suitable duties; if to have endeavored to extend relief to the unfortunate bankrupts of the country, who had been ruined in a great measure by the erroneous policy, as we believed, of this government; to limit, circumscribe, and reduce executive authority; to retrench unnecessary expenditure and abolish useless offices and institutions; and the public honor to preserve untarnished by supplying a revenue adequate to meet the national engagements and incidental protection to the national industry; if to have entertained an anxious solicitude to redeem every pledge, and execute every promise fairly made by my political friends, with a view to the acquisition of power from the hands of an honest and confiding people; if these constitute a man a DICTATOR, why, then, I must be content to bear, although I still ought only to share with my friends, the odium or the honor of the epithet, as it may be considered on the one hand or the other.

That my nature is warm, my temper ardent, my disposition, especially in relation to the public service, enthusiastic, I am ready to own; and those who suppose that I have been assuming the dictatorship, have only mistaken for arrogance or assumption that ardor and devotion which are natural to my constitution, and which I may have displayed with too little regard to cold, calculating, and cautious prudence, in sustaining and zealously supporting important national measures of policy which I have presented and espoused.

In the course of a long and arduous public service, especially during the last eleven years in which I have held a seat in the Senate, from the same ardor and enthusiasm of character, I have no doubt, in the heat of debate, and in an honest endeavor to maintain my opinions against adverse opinions alike honestly entertained, as to the best course to be adopted for the public welfare, I may have often inadvertently and unintentionally, in moments of excited debate, made use of language that has been offensive, and susceptible of injurious interpretation toward my brother senators. If there be any here who retain wounded feelings, of injury or dissatisfaction produced on such occasions, I beg to assure them that I now offer the most ample apology for any departure on my part from the established rules of parliamentary decorum and courtesy. On the other hand, I assure senators, one and all, without exception, and without reserve, that I retire from this chamber without carrying with me a single feeling of resentment or dissatisfaction to the Senate or any one of its members.

I go from this place under the hope that we shall, mutually, consign to perpetual oblivion whatever personal collisions may at any time unfortunately have occurred between us; and that our recollections shall dwell in future only on those conflicts of mind with mind, those intellectual struggles, those noble exhibitions of the powers of logic, argument, and eloquence, honorable to the Senate and to the nation, in which each has sought and contended for what he deemed the best mode of accomplishing one common object, the interest and the most happiness of our beloved country. To these thrilling and delightful scenes it will be my pleasure and my pride to look back in my retirement with unmeasured satisfaction.

And now, Mr. President, allow me to make the motion which it was my object to submit when I rose to address you. I present the credentials of my friend and successor. If any void has been created by my withdrawal from the Senate, it will be amply filled by him, whose urbanity, whose gallant and gentlemanly bearing, whose steady adherence to principle, and whose rare and accomplished powers in debate, are known to the Senate and to the country. I move that his credentials be received, and that the oath of office be now administered to him.

In retiring, as I am about to do, forever, from the Senate, suffer me to express my heartfelt wishes that all the great and patriotic objects of the wise framers of our Constitution may be fulfilled; that the high destiny designed for it may be fully answered; and that its deliberations, now and hereafter, may eventuate in securing the prosperity of our beloved country, in maintaining its rights and honor abroad, and upholding its interests at home. I retire, I know, at a period of infinite distress and embarrassment. I wish I could take my leave of you under more favorable auspices; but, without meaning at this time to say whether on any or on whom reproaches for the sad condition of the country should fall, I appeal to the Senate and to the world to bear testimony to my earnest and continued exertions to avert it, and to the truth that no blame can justly attach to me.

May the most precious blessings of heaven rest upon the whole Senate and each member of it, and may the labors of every one redound to the benefit of the nation and to the advancement of his own fame and renown. And when you shall retire to the bosom of your constituents, may you receive the most cheering and gratifying of all human rewards—their cordial greeting of "Well done, good and faithful servant."

And now, Mr. President, and senators, I bid you all a long, a lasting, and a friendly farewell.

Mr. Crittenden was then duly qualified, and took his seat; when

Mr. Preston rose, and said: What had just taken place was an epoch in their legislative history, and from the feeling which was evinced, he plainly saw that there was little disposition to attend to business. He would therefore move that the Senate adjourn; which motion was unanimously agreed to.

ON RETIRING TO PRIVATE LIFE.

LEXINGTON, JUNE 9, 1842.

[As will have been seen, the preceding speech is a record of Mr. Clay's adieu to the Senate of the United States. The following is an address to his fellow-citizens and neighbors, assembled to welcome his return to dwell among them, after thirty-nine years of public service, counting the time of his being a member of the Legislature of Kentucky. He was elected to that body in 1803, and sent to the Senate of the United States in 1806. There was indeed a brief interval of absence from Congress—a year or two—to repair his private fortune. If we include his last term of service in the Senate of the United States, to which he was returned in 1849, and died a member in 1852, he was over forty years in the public service, nearly all in that of the United States—a longer period, we believe, than that of any other public man in the history of the country.

Mr. Clay was now a private citizen, in the midst of those who had welcomed him, a young man and stranger, to Kentucky; who adopted him as a son, whose appreciation of his talents and whose partiality made him what he was; who had cherished and sustained him in all his labors and battles, and who now looked up to him as a friend and father. They loved him with undying affection, and their love was reciprocated.

It was in the midst of such an assembly—a vast concourse—of such recollections, associations, and sympathies, that the following speech was delivered. It will be observed, that Mr. Clay was much accustomed to begin his speeches with allusion to the circumstances of the occasion, with his heart and eyes often raised to heaven in recognition of Divine Providence, in gratitude for blessings received, or imploring Divine aid and favor for himself and for his country. In the present instance, it was an expression of thanks for a recent copious and much-needed rain. No man ever heard Mr. Clay speak disrespectfully of religion, or knew him fail to show it reverence on fit occasions. A senti-

ment of piety seemed always to lie side by side in his bosom with the better feelings of his nature, and the last years of his life furnish most satisfactory evidence of his Christian character. As the world receded, heaven seemed to open on his view. He died in hope of a glorious resurrection.

But to return. Having recognized the friendly greetings of the occasion, it was naturally expected that Mr. Clay would speak on public affairs; and his speech is a brief résumé of the state of the country, and of the causes which produced it. It was made in response to the following sentiment, given by Judge Robertson, who presided on the occasion:

HENRY CLAY—Farmer of Ashland, Patriot and Philanthropist—the AMERICAN Statesman, and unrivaled Orator of the Age—illustrious abroad, beloved at home: in a long career of eminent public service, often, like Aristides, he breasted the raging storm of passion and delusion, and by offering himself a sacrifice, saved the republic; and now, like Cincinnatus and Washington, having voluntarily retired to the tranquil walks of private life, the grateful hearts of his countrymen will do him ample justice; but come what may, Kentucky will stand by him, and still continue to cherish and defend, as her own, the fame of a son who has emblazoned her escutcheon with immortal renown.]

MR. PRESIDENT, LADIES, AND GENTLEMEN:

It was given to our countryman, Franklin, to bring down the lightning from heaven. To enable me to be heard by this immense multitude, I should have to invoke to my aid, and to throw into my voice, its loudest thunders. As I can not do that, I hope I shall be excused for such a use of my lungs as is practicable, and not inconsistent with the preservation of my health. And I feel that it is our first duty to express our obligations to a kind and bountiful Providence, for the copious and genial showers with which he has just blessed our land—a refreshment of which it stood much in need. For one, I offer to him my humble and dutiful thanks. The inconvenience to us, on this festive occasion, is very slight, while the sum of good which these timely rains will produce, is very great and encouraging.

Fellow-citizens, I find myself now in a situation somewhat like one in which I was placed a few years ago, when traveling through the State of Indiana, from which my friend (Mr. Rariden) near me comes. I stopped at a village containing some four or five hundred inhabitants, and I had scarcely alighted before I found myself surrounded in the bar-room by every adult male resident of the place. After a while, I observed a group consulting together in one corner of the room, and shortly after, I was diffidently approached by one of them, a tall, lank, lean, but sedate and sober-looking person, with a long face and high cheek bones, who, addressing me, said he was commissioned by his neighbors to request that I would

say a few words to them. Why, my good friend, said I, I should be very happy to do any thing gratifying to yourself and your neighbors, but I am very much fatigued, and hungry, and thirsty, and I do not think the occasion is exactly suitable for a speech, and I wish you would excuse me to your friends. Well, says he, Mr. Clay, I confess I thought so myself, especially as we have no wine to offer you to drink!

Now, if the worthy citizen of Indiana was right in supposing that a glass of wine was a necessary preliminary, and a precedent condition to the delivery of a speech, you have no just right to expect one from me at this time; for, during the sumptuous repast from which we have just risen, you have offered me nothing to drink but cold water—excellent water, it is true, from the classic fountain of our lamented friend Mr. Maxwell, which has so often regaled us on celebrations of our great anniversary. [Great laughter.]

I protest against any inference of my being inimical to the temperance cause. On the contrary, I think it an admirable cause, that has done great good, and will continue to do good as long as legal coercion is not employed, and it rests exclusively upon persuasion, and its own intrinsic merits.

I have a great and growing repugnance to speaking in the open air to a large assemblage. But while the faculty of speech remains to me, I can never feel that repugnance, never feel other than grateful sensations, in making my acknowledgments under such circumstances as those which have brought us together. Not that I am so presumptuous as to believe that I have been the occasion solely of collecting this vast multitude. Among the inducements, I can not help thinking that the fat white virgin Durham heifer of my friend, Mr. Berryman, that cost six hundred dollars, which has been just served up, and the other good things which have been so liberally spread before us, exerted some influence in swelling this unprecedentedly large meeting. [Great laughter.]

I can not but feel, Mr. President, in offering my respectful acknowledgment for the honor done me, in the eloquent address which you have just delivered, and in the sentiment with which you concluded it, that your warm partiality, and the fervent friendship which has so long existed between us, and the kindness of my neighbors and friends around me, have prompted an exaggerated description, in too glowing colors, of my public services and my poor abilities.

I seize the opportunity to present my heartfelt thanks to the whole people of Kentucky, for all the high honors and distinguished favors which I have received, during a long residence with them, at their hands; for the liberal patronage which I received from them in my professional pursuit; for the eminent places in which they have put me, or enabled me to reach; for the generous and unbounded confidence which they have bestowed upon me, at all times; for the gallant and unswerving fidelity and attachment with which they stood by me, throughout all the trials and

vicissitudes of an eventful and arduous life; and above all, for the scornful indignation with which they repelled an infamous calumny directed against my name and fame, at a momentous period of my public career. In recalling to our memory but the circumstances of that period, one can not but be filled with astonishment at the indefatigability with which the calumny was propagated, and the zealous partisan use to which it was applied, not only without evidence, but in the face of a full and complete refutation. Under whatever deception, delusion, or ignorance, it was received elsewhere, with you, my friends and neighbors, and with the good people of Kentucky, it received no countenance; but in proportion to the venom and malevolence of its circulation was the vigor and magnanimity with which I was generally supported. Upheld with the consciousness of the injustice of the charge, I should have borne myself with becoming fortitude, if I had been abandoned by you as I was by so large a portion of my countrymen. But to have been sustained and vindicated as I was, by the people of my own State, by you who know me best, and whom I had so many reasons to love and esteem, greatly cheered and encouraged me, in my onward progress. Eternal thanks and gratitude are due from me.

I thank you, friends and fellow-citizens, for your distinguished and enthusiastic reception of me this day; and for the excellence and abundance of the barbecue that has been provided for our entertainment, And I thank, from the bottom of my heart, my fair countrywomen, for honoring, and gracing, and adding brilliancy to this occasion, by their numerous attendance. If the delicacy and refinement of their sex will not allow them to mix in the rougher scenes of human life, we may be sure that whenever, by their presence, their smiles and approbation are bestowed, it is no ordinary occurrence. That presence is always an absolute guaranty of order, decorum, and respect. I take the greatest pleasure in bearing testimony to their value and their virtue. I have ever found in them true and steadfast friends, generously sympathizing in distress, and, by their courageous fortitude in bearing it themselves, encouraging us to imitate their example. And we all know and remember how, as in 1840, they can powerfully aid a great and good cause, without any departure from the propriety or dignity of their sex.

In looking back upon my origin and progress through life, I have great reason to be thankful. My father died in 1781, leaving me an infant of too tender years to retain any recollection of his smiles or endearments. My surviving parent removed to this State in 1792, leaving me, a boy of fifteen years of age, in the office of the high court of chancery, in the city of Richmond, without guardian, without pecuniary means of support, to steer my course as I might or could. A neglected education was improved by my own irregular exertions, without the benefit of systematic instruction. I studied law principally in the office of a lamented friend, the late Governor Brooke, then Attorney General of Virginia, and also under the

auspices of the venerable and lamented Chancellor Wythe, for whom I had acted as an amanuensis. I obtained a license to practice the profession from the judges of the court of appeals of Virginia, and established myself in Lexington, in 1797, without patrons, without the favor or countenance of the great or opulent, without the means of paying my weekly board, and in the midst of a bar uncommonly distinguished by eminent members. I remember how comfortable I thought I should be, if I could make one hundred pounds, Virginia money, per year, and with what delight I received the first fifteen shillings fee. My hopes were more than realized. I immediately rushed into a successful and lucrative practice.

In 1803 or 4, when I was absent from the county of Fayette, at the Olympian springs, without my knowledge or previous consent, I was brought forward as a candidate, and elected to the General Assembly of this State. I served in that body several years, and was then transferred to the Senate, and afterward to the House of Representatives of the United States. I will not dwell on the subsequent events of my political life, or enumerate the offices which I have filled. During my public career, I have had bitter, implacable, reckless enemies. But if I have been the object of misrepresentation and unmerited calumny, no man has been beloved or honored by more devoted, faithful, and enthusiastic friends. I have no reproaches, none, to make toward my country, which has distinguished and elevated me far beyond what I had any right to expect. I forgive my enemies, and hope they may live to obtain the forgiveness of their own hearts.

It would neither be fitting nor is it my purpose to pass judgment on all the acts of my public life; but I hope I shall be excused for one or two observations, which the occasion appears to me to authorize.

I never but once changed my opinion on any great measure of national policy, or on any great principle of construction of the national Constitution. In early life, on deliberate consideration, I adopted the principles of interpreting the federal Constitution, which have been so ably developed and enforced by Mr. Madison, in his memorable report to the Virginia Legislature, and to them, as I understood them, I have constantly adhered. Upon the question coming up in the Senate of the United States to re-charter the first bank of the United States, thirty years ago, I opposed the re-charter, upon convictions which I honestly entertained. The experience of the war, which shortly followed, the condition into which the currency of the country was thrown, without a bank, and, I may now add, later and more disastrous experience, convinced me I was wrong. I publicly stated to my constituents, in a speech in Lexington (that which I made in the House of Representatives of the United States, not having been reported), my reasons for that change, and they are preserved in the archives of the country. I appeal to that record, and I am willing to be judged now and hereafter by their validity.

I do not advert to the fact of this solitary instance of change of opinion, as implying any personal merit, but because it is a fact. I will, however, say that I think it very perilous to the utility of any public man, to make frequent changes of opinion, or any change, but upon grounds so sufficient and palpable, that the public can clearly see and approve them. If we could look through a window into the human breast, and there discover the causes which led to changes of opinion, they might be made without hazard. But as it is impossible to penetrate the human heart, and distinguish between the sinister and honest motives which prompt it, any public man that changes his opinion, once deliberately formed and promulgated, under other circumstances than those which I have stated, draws around him distrust, impairs the public confidence, and lessens his capacity to serve his country.

I will take this occasion now to say, that I am, and have been long satisfied that it would have been wiser and more politic in me, to have declined accepting the office of Secretary of State in 1825. Not that my motives were not as pure and as patriotic as ever carried any man into public office. Not that the calumny which was applied to the fact was not as gross and as unfounded as any that was ever propagated. [Here some body cried out that Mr. Carter Beverly, who had been made the organ of announcing it, had recently borne testimony to its being unfounded. Mr. Clay said it was true that he had voluntarily borne such testimony. But, with great earnestness and emphasis, Mr. Clay said, I want no testimony, here, here, here, HERE—repeatedly touching his heart, amidst tremendous cheers—here is the best of all witnesses of my innocence.] Not that valued friends, and highly esteemed opponents did not unite in urging my acceptance of the office. Not that the administration of Mr. Adams will not, I sincerely believe, advantageously compare with any of his predecessors, in economy, purity, prudence, and wisdom. Not that Mr. Adams was himself wanting in any of those high qualifications and upright and patriotic intentions which were suited to the office. Of that extraordinary man, of rare and varied attainments, whatever diversity of opinion may exist as to his recent course in the House of Representatives (and candor obliges me to say that there are some things in it which I deeply regret), it is with no less truth than pleasure, I declare that, during the whole period of his administration, annoyed, assailed, and assaulted as it was, no man could have shown a more devoted attachment to the Union, and all its great interests, a more ardent desire faithfully to discharge his whole duty, or brought to his aid more useful experience and knowledge, than he did. I never transacted business with any man, in my life, with more ease, satisfaction, and advantage, than I did with that most able and indefatigable gentleman, as President of the United States. And I will add, that more harmony never prevailed in any cabinet than in his.

But my error in accepting the office, arose out of my under-rating the

power of detraction and the force of ignorance, and abiding with too sure a confidence in the conscious integrity and uprightness of my own motives. Of that ignorance, I had a remarkable and laughable example on an occasion which I will relate. I was traveling, in 1828, through I believe it was Spottsylvania county, in Virginia, on my return to Washington, in company with some young friends. We halted at night at a tavern, kept by an aged gentleman, who, I quickly perceived, from the disorder and confusion which reigned, had not the happiness to have a wife. After a hurried and bad supper, the old gentleman sat down by me, and without hearing my name, but understanding that I was from Kentucky, remarked that he had four sons in that State, and that he was very sorry they were divided in politics, two being for Adams and two for Jackson: he wished they were all for Jackson. Why? I asked him. Because, he said, that fellow Clay, and Adams, had cheated Jackson out of the presidency. Have you ever seen any evidence, my old friend, said I, of that? No, he replied, none, and he wanted to see none. But, I observed, looking him directly and steadily in the face, suppose Mr. Clay were to come here and assure you, upon his honor, that it was all a vile calumny, and not a word of truth in it, would you believe him? No, replied the old gentleman, promptly and emphatically. I said to him, in conclusion, will you be good enough to show me to bed? and bade him good night. The next morning, having in the interval learned my name, he came to me full of apologies; but I at once put him at his ease by assuring him that I did not feel in the slightest degree hurt or offended with him.

Mr. President, I have been accused of ambition, often accused of ambition. I believe, however, that my accusers will be generally found to be political opponents, or the friends of aspirants in whose way I was supposed to stand; and it was thought, therefore, necessary to shove me aside. I defy my enemies to point out any act or instance of my life, in which I have sought the attainment of office by dishonorable or unworthy means. Did I display inordinate ambition when, under the administration of Mr. Madison, I declined a foreign mission of the first grade, and an executive department, both of which he successively kindly tendered to me? when, under that of his successor, Mr. Monroe, I was first importuned (as no one knows better than that sterling old patriot, Jonathan Roberts, now threatened, as the papers tell us, with expulsion from an office which was never filled with more honesty and uprightness, because he declines to be a servile instrument), to accept a secretaryship, and was afterwards offered a *carte blanche* of all the foreign missions? At the epoch of the election of 1825, I believe no one doubted at Washington that, if I had felt it my duty to vote for General Jackson, he would have invited me to take charge of a department. And such undoubtedly Mr. Crawford would have done if he had been elected. When the Harrisburg convention assembled, the general expectation was that the nomination would be given to me. It was given to the lamented Harrison. Did I

exhibit extraordinary ambition when, cheerfully acquiescing, I threw myself into the canvass and made every exertion in my power to insure it success? Was it evidence of unchastened ambition in me to resign, as I recently did, my seat in the Senate—to resign the dictatorship, with which my enemies had so kindly invested me, and come home to the quiet walks of private life?

But I am ambitious because some of my countrymen have seen fit to associate my name with the succession for the presidential office. Do those who prefer the charge know what I have done, or not done, in connection with that object? Have they given themselves the trouble to inquire at all into any agency of mine in respect to it? I believe not. It is a subject which I approach with all the delicacy which belongs to it, and with a due regard to the dignity of the exalted station; but on which I shall, at the same time, speak to you, my friends and neighbors, without reserve, and with the utmost candor.

I have prompted none of those movements among the people, of which we have seen accounts. As far as I am concerned they are altogether spontaneous, and not only without concert with me, but most generally without any sort of previous knowledge on my part. That I am thankful and grateful, profoundly grateful, for these manifestations of confidence and attachment, I will not conceal or deny. But I have been, and mean to remain, a passive, if not an indifferent spectator. I have reached a time of life, and seen enough of high official stations to enable me justly to appreciate their value, their cares, their responsibilities, their ceaseless duties. That estimate of their worth, in a personal point of view, would restrain me from seeking to fill any one, the highest of them, in a scramble of doubtful issue with political opponents, much less with political friends. That I should feel greatly honored by a call from a majority of the people of this country, to the highest office within their gift, I shall not deny; nor, if my health were preserved, might I feel at liberty to decline a summons so authoritative and commanding. But I declare most solemnly that I have not, up to this moment, determined whether I will consent to the use of my name or not as a candidate for the chief magistracy. That is a grave question, which should be decided by all attainable lights, which, I think, is not necessary yet to be decided, and a decision of which I reserve to myself, as far as I can reserve it, until the period arrives when it ought to be solved. That period has not, as I think, yet arrived. When it does, an impartial survey of the whole ground should be taken, the state of public opinion properly considered, and one's personal condition, physical and intellectual, duly examined and weighed. In thus announcing a course of conduct for myself, it is hardly necessary to remark that it is no part of my purpose to condemn, or express any opinion whatever upon those popular movements which have been made, or may be contemplated, in respect to the next election of a President of the United States.

If to have served my country during a long series of years with fervent zeal and unshaken fidelity, in seasons of peace and war, at home and abroad, in the legislative halls and in an executive department; if to have labored most sedulously to avert the embarrassment and distress which now overspread this Union, and, when they came, to have exerted myself anxiously at the extra session, and at this, to devise healing remedies; if to have desired to introduce economy and reform in the general administration, curtail enormous executive power, and amply provide, at the same time, for the wants of the government and the wants of the people, by a tariff which would give it revenue and them protection; if to have earnestly sought to establish the bright but too rare example of a party in power faithful to its promises and pledges made when out of power; if these services, exertions, and endeavors, justify the accusation of ambition, I must plead guilty to the charge.

I have wished the good opinion of the world; but I defy the most malignant of my enemies to show that I have attempted to gain it by any low or groveling arts, by any mean or unworthy sacrifices, by the violation of any of the obligations of honor, or by a breach of any of the duties which I owed to my country.

I turn, sir, from these personal allusions and reminiscences, to the vastly more important subject of the present actual condition of this country. If they could ever be justifiable or excusable it would be on such an occasion as this, when I am addressing those to whom I am bound by so many intimate and friendly ties.

In speaking of the present state of the country, it will be necessary for me to touch with freedom and independence upon the past as well as the present, and upon the conduct, spirit, and principles of parties. In doing this, I assure my democratic brethren and fellow-citizens, of whom I am told there are many here present (and I tender them my cordial thanks for the honor done me by their attendance here this day, with as much sincerity and gratitude as if they agreed with me in political sentiment), that nothing is further from my intention than to say one single word that ought to wound their feelings or give offense to them. But surely, if there ever was a period in the progress of any people, when all were called upon, with calmness and candor, to consider thoroughly the present posture of public and private affairs, and deliberately to inquire into the causes and remedies of this unpropitious state of things, we have arrived at that period in the United States. And if ever a people stood bound by the highest duties to themselves and to their posterity, to sacrifice upon the altar of their country cherished prejudices and party predilections and antipathies, we are now called upon to make that sacrifice if necessary.

What is our actual condition? It is one of unexampled distress and embarrassment, as universal as it is intense, pervading the whole community and sparing none; property of all kinds, and everywhere, fallen and falling in value; agricultural produce of every description at the most

reduced prices; money unsound and at the same time scarce, and becoming more scarce by preparations, of doubtful and uncertain issue, to increase its soundness; all the departments of business inactive and stagnant; exchanges extravagantly high, and constantly fluctuating; credit, public and private, at the lowest ebb, and confidence lost; and a feeling of general discouragement and depression. And what darkens the gloom which hangs over the country, no one can discern any termination of this sad state of things, nor see in the future any glimpses of light or hope.

Is not this a faithful, although appalling picture of the United States in 1842? I appeal to all present, whigs and democrats, ladies and gentlemen, to say if it be at all too high colored.

Now let us see what was our real condition only the short time of ten years ago. I had occasion, in February, 1832, in the Senate of the United States, when I was defending the American system against the late Colonel Hayne, of South Carolina, to describe it; and I refer to this description as evidence of what I believed to be the state of the country at that time. That it conformed to the truth of the case, I appeal with confidence to those now present. On that occasion, among other things, I said:

"I have now to perform the more pleasing task of exhibiting an imperfect sketch of the existing state of the unparalleled prosperity of the country. On a general survey, we behold cultivation extended, the arts flourishing, the face of the country improved, our people fully and profitably employed, and the public countenance exhibiting tranquillity, contentment, and happiness. And if we descend into particulars, we have the agreeable contemplation of a people out debt, land rising slowly in value, but in a secure and salutary degree; a ready, though not extravagant market for all the surplus productions of our industry; innumerable flocks and herds browsing and gamboling on ten thousand hills and plains, covered with rich and verdant grasses; our cities expanded, and whole villages springing up, as it were, by enchantment; our exports and our imports increased and increasing; our tonnage, foreign and coastwise, swelling and fully occupied; the rivers of our interior animated by the perpetual thunder and lightning of countless steamboats; the currency sound and abundant; the public debt of two wars nearly redeemed; and, to crown all, the public treasury overflowing, embarrassing Congress, not to find subjects of taxation, but to select the objects which shall be liberated from the impost. If the term of seven years were to be selected of the greatest prosperity which this people have enjoyed since the establishment of their present Constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff of 1824."

And that period embraced the whole term of the administration of Mr. John Quincy Adams, which has been so unjustly abused!

The contrast in the state of the country at the two periods of 1832 and 1842, is most remarkable and startling. What has precipitated us from that great height of enviable prosperity down to the lowest depths of pecuniary embarrassment? What has occasioned the wonderful change?

No foreign foe has invaded and desolated the country. We have had neither famine nor earthquakes. That there exists a cause there can be no doubt; and I think it equally clear that the cause, whatever it may be, must be a general one; for nothing but a general cause could have produced such wide-spread ruin; and everywhere we behold the same or similar effects, every interest affected, every section of the Union suffering, all descriptions of produce and property depressed in value. And while I endeavor to find out that cause, and to trace to their true source the disastrous effects which we witness and feel, and lament, I entreat the democratic portion of my audience, especially, to listen with patience and candor, and dismissing for a moment party biases and prejudices, to decide with impartiality and in a spirit of genuine patriotism.

It has been said by those in high authority, that the people are to blame and not the government, and that the distresses of the country have proceeded from speculation and over-trading. The people have been even reproached for expecting too much from government, and not relying sufficiently upon their own exertions. And they have been reminded that the highest duty of the government is to take care of itself, leaving the people to shift for themselves as well as they can. Accordingly we have seen the government retreating from the storm which it will be seen, in the sequel, itself created, and taking shelter under the sub-treasury.

That there has been some speculation and over-trading, may be true; but all have not speculated and over-traded; while the distress reaches, if not in the same degree, the cautious and the prudent, as well as the enterprising and venturous. The error of the argument consists in mistaking the effect for the cause. What produced the over-trading? What was the cause of speculation? How were the people tempted to abandon the industrious and secure pursuits of life, and embark in doubtful and perilous, but seducing enterprises? That is the important question.

Now, fellow-citizens, I take upon myself to show that the people have been far less to blame than the general government, and that whatever of error they committed, was the natural and inevitable consequence of the unwise policy of their rulers. To the action of government is mainly to be ascribed the disorders, embarrassment, and distress, which all have now so much reason to deplore. And, to be yet more specific, I think they are to be fairly attributed to the action of the executive branch of the federal government.

Three facts or events, all happening about the same time, if their immediate effects are duly considered, will afford a clear and satisfactory solution of all the pecuniary evils which now unhappily afflict this country.

The first was the veto of the re-charter of the bank of the United States. The second was the removal of the deposits of the United States from that bank to local banks. And the third was the refusal of the President of the United States, by an arbitrary stretch of power, to sanction the passage of the land bill. These events all occurred, in quick

succession, in 1832–3, and each of them deserves particular consideration.

First. When the bank of the United States had fully recovered from the errors of its early administration, and at the period when it was proposed to re-charter it, it furnished the best currency that ever existed, possessing not merely unbounded confidence in the United States, but throughout the whole commercial world. No institution was ever more popular, and the utility of a bank of the United States was acknowledged by President Jackson in his veto message, in which he expressly stated, that he could have suggested to Congress the plan of an unexceptionable charter, if application had been made to him. And I state as a fact, what many, I am sure, will here remember and sustain, that in the canvass then going on for the presidency, many of his friends in this State gave assurances that, in the event of his re-election, a bank of the United States would be established.

It was held out to the people that a better currency should be supplied, and a more safe and faithful execution of the fiscal duties toward the government would be performed by the local banks than by the bank of the United States.

What was the immediate effect of the overthrow of that institution? The establishment of innumerable local banks, which sprung up everywhere, with a rapidity to which we can not look back without amazement. A respectable document which I now hold in my hand, I believe correctly states, that "in 1830 the aggregate banking capital of the Union was one hundred and forty-five million, one hundred and ninety thousand, two hundred and sixty-eight dollars. Within two years after the removal of the deposits, the banking capital had swollen to three hundred and thirty-one million, two hundred and fifty thousand, three hundred and thirty-seven dollars, and in 1837 it reached four hundred and forty million, one hundred and ninety-five thousand, seven hundred and ten dollars. While the United States bank was in existence, the local banks, not aspiring to the regulation of the currency, were chartered with small capitals as occasion and business required. After 1833 they were chartered without necessity, and multiplied beyond example. In December 1837, there were no less than seven hundred and nine State banks. Nearly four hundred banks sprung up upon the ruins of the United States bank, and two hundred and fifty million dollars of capital was incorporated, to supply the uses formerly discharged by the thirty-five million dollars capital of the bank of the United States. The impulse given to extravagance and speculation by this enormous increase of banking capital, was quickened by the circulars of the Treasury Department to these pet State banks that were made the custodians of the national revenue."

A vast proportion of these new banks—more, I believe, than four fifths—were chartered by Legislatures in which the democratic party had the undisputed ascendancy. I well remember that, in this State, the presses of

that party made a grave charge against me, of being inimical to the establishment here of State banks; and I was opposed to their establishment, until all prospect vanished of getting a bank of the United States.

The effect upon the country of this sudden increase, to such an immense amount, of the banking capital of the country, could not fail to be very great, if not disastrous. It threw out, in the utmost profusion, bank notes, post notes, checks, drafts, bills, and so forth. The currency thus put forth, the people had been assured, was better than that supplied by the bank of the United States; and, after the removal of the deposits, the local banks were urged and stimulated, by the Secretary of the Treasury, freely to discount and accommodate, upon the basis of those deposits. Flooded as the country was, by these means and in this way, with all species of bank money and facilities, is it surprising that they should have rushed into speculation, and freely adventured in the most desperate enterprises? It would have been better to have avoided them; it would have been better that the people should have been wiser and more prudent than government; but who is most to blame, they who yielded to temptation so thrown before them—they who yielded confidence to their rulers—they who could not see when this inordinate issue of money was to cease, or to become vitiated—or government, that tempted, seduced, and betrayed them?

And now, fellow-citizens, do let us, in calmness and candor, revert for a moment to some of the means which were employed to break down the bank of the United States, and to inflict upon the country all the sad consequences which ensued. I shall not stop to expose the motives of the assault upon that institution, and to show that it was because it refused to make itself basely and servilely instrumental to the promotion of political views and objects.

The bank was denounced as a monster, aiming, as was declared, to rob the people of their liberties, and to subvert the government of the country. The bank to subvert the government! Why, how could the bank continue to exist, after the overthrow of that government to which it was indebted for its existence, and in virtue of whose authority it could alone successfully operate? Convulsions, revolutions, civil wars, are not the social conditions most favorable to bank prosperity; but they flourish most when order, law, regularity, punctuality, and successful business prevail.

Rob the people of their liberties! And pray what would it do with them after the robbery was perpetrated? It could not put them in its vaults, or make interest or profit upon them—the leading, if not sole object of a bank. And how could it destroy the liberties of the people, without, at the same time, destroying the liberties of all persons interested or concerned in the bank? What is a bank? It is a corporation, the aggregate of whose capital is contributed by individual shareholders, and employed in pecuniary operations, under the management of official agents, called president, directors, cashier, tellers, and clerks. Now all these persons are usually citizens of the United States, just as much interested in

the preservation of the liberties of the country as any other citizens. What earthly motive could prompt them to seek the destruction of the liberty of their fellow-citizens, and with it their own?

The fate of the bank of the United States clearly demonstrated where the real danger to the public liberty exists. It was not in the bank. Its popularity had been great, and the conviction of its utility strong and general, up to the period of the bank veto. Unbounded as was the influence of President Jackson, and undisguised as his hostility was to the bank, he could not prevent the passage through Congress of a bill to re-charter it. In such favor and esteem was it held, that the Legislature of Pennsylvania, in which his friends had uncontrolled sway, almost unanimously recommended the re-charter. But his veto came; he blew his whistle for its destruction; it was necessary to sustain his party, which could only be done by sustaining him, and instantly, and everywhere, Down with the bank, and Huzza for the veto, became the watchwords and the rallying cry of his partisans. That same Legislature of Pennsylvania, now, with equal unanimity, approved the destruction of an institution which they had believed to be so indispensable to the public prosperity, and deluded people felt as if they had fortunately escaped a great national calamity!

The veto notwithstanding, the House of Representatives, by a large majority, resolved that the public deposits were safe in the custody of the bank of the United States, where they were placed, under the sanction and by the command of the law; and it was well known at Washington, that this resolution was passed in anticipation, and to prevent the possibility of their removal. In the face and in contempt of this decision of the representatives of the people, and in violation of a positive law, the removal was ordered by the president a few months after, the Secretary of the Treasury having been previously himself removed, to accomplish the object. And this brings me to consider the effect produced upon the business and interests of the country, by the

Second event to which I alluded. It is well known to be the usage of banks, to act upon the standing average amount of their deposits, as upon a permanent fund. The bank of the United States had so regulated its transactions upon the deposits of the United States, and had granted accommodations and extended facilities, as far as could be safely done on that basis. The deposits were removed and dispersed among various local banks, which were urged by an authority not likely to be disregarded, especially when seconding, as it did, their own pecuniary interests, to discount and accommodate freely on them. They did so, and thus these deposits performed a double office, by being the basis of bank facilities, first in the hands of the bank of the United States, and afterward in the possession of the local banks. A vast addition to the circulation of the country ensued, adding to that already so copiously put forth and putting forth, by the multitude of new banks which were springing up like mushrooms. That speculation and overtrading should have followed, were to have been

naturally expected. It is surprising that there were not more. Prices rose enormously, as another consequence; and thousands were tempted, as is always the case in an advancing market, to hold on or to make purchases, under the hope of prices rising still higher. A rush of speculators was made upon the public lands, and the money invested in their purchase, coming back to the deposit banks, was again and again loaned out to the same or other speculators, to make other and other purchases.

Who was to blame for this artificial and inflated state of things? Who for the speculation, which was its natural offspring? The policy of government, which produced it, or the people? The seducer or the seduced? The people, who only used the means so abundantly supplied, in virtue of the public authority, or our rulers, whose unwise policy tempted them into the ruinous speculation?

Third. There was a measure, the passage of which would have greatly mitigated this unnatural state of things. It was not difficult to foresee, after the veto of the bank, some of the consequences that would follow—the multiplication of banks, a superabundant currency, rash and inordinate speculation, and a probable ultimate suspension of specie payments. And the public domain was too brilliant and tempting a prize, not to be among the first objects that would attract speculation. In March, 1833, a bill passed both Houses of Congress, to distribute among the States the proceeds of sales of the public lands. It was a measure of strict justice to the States, and one of sound policy, as it respects the revenue of the United States; but the view which I now propose to take of it, applies altogether to the influence which it would have exerted upon circulation and speculation. It was the constitutional duty of the president to have returned the bill to Congress with his objections, if he were opposed to it, or with his sanction, if he approved it; but the bill fell by his arbitrarily withholding it from Congress.

Let us here pause and consider what would have been the operation of that most timely and salutary measure, if it had not been arrested. The bill passed in 1833, and in a short time after, the sales of the public lands were made to an unprecedented extent; insomuch that in one year they amounted to about twenty-five millions of dollars, and in a few years to an aggregate of about fifty millions of dollars. It was manifest, that if this fund, so rapidly accumulating, remained in the custody of the local banks, in conformity with the Treasury circular, and with their interests, it would be made the basis of new loans, new accommodations, fresh bank facilities. It was manifest that the same identical sum of money might, as it in fact did, purchase many tracts of land, by making the circuit from the land offices to the banks, and from the banks to the land offices, besides stimulating speculation in other forms.

Under the operation of the measure of distribution, that great fund would have been semi-annually returned to the States, and would have been applied, under the direction of their respective Legislatures, to various

domestic and useful purposes. It would have fallen upon the land, like the rains of heaven, in gentle, genial, and general showers, passing through a thousand rills, and fertilizing and beautifying the country. Instead of being employed in purposes of speculation, it would have been applied to the common benefit to the whole people. Finally, when the fund had accumulated and was accumulating in an alarming degree, it was distributed among the States by the deposit act, but so suddenly distributed, in such large masses, and in a manner so totally in violation of all the laws and rules of finance, that the crisis of suspension in 1837 was greatly accelerated. This would have been postponed, if not altogether avoided, if the land bill of 1833 had been approved and executed.

To these three causes, fellow-citizens, the veto of the bank of the United States, with the consequent creation of innumerable local banks, the removal of the deposits of the United States from the bank of the United States, and their subsequent free use, and the failure of the land bill of 1833, I verily believe, all, or nearly all, of the pecuniary embarrassments of the country are plainly attributable. If the bank had been re-chartered, the public deposits suffered to remain undisturbed where the law required them to be made, and the land bill had gone into operation, it is my firm conviction that we should have had no more individual distress and ruin than is common, in ordinary and regular times, to a trading and commercial community.

And do just now take a rapid view of the experiments of our rulers. They began with incontestably the best currency in the world, and promised a better. That better currency was to be supplied by the local banks; and in the first stages of the experiment, after the removal of the deposits, they were highly commended from high authority, for their beneficial and extensive operations in exchange, the financial facilities which they afforded to the government, and so forth. But the day of trouble and difficulty, which had been predicted, for the want of a United States bank, came. They could not stand the shock, but gave way, and the suspension of 1837 took place. Then what was the course of those same rulers? They had denounced and put down the bank of the United States. It was a monster. They had extolled and lavished praises on the local banks. Now, they turned round against the objects of their own creation and commendation. Now they were a brood of little monsters, corrupt and corrupting with separate privileges, preying upon the vitals of the States. They vehemently call out for a divorce of State and bank. And meanly retreating under the sub-treasury, from the storm which themselves had raised, leaving the people to suffer under all its pelting and pitiless rage, they add insult to injury, by telling them that they unreasonably expect too much from government, that they must take care of themselves, and that it is the highest and most patriotic duty of a free government to take care of itself, without regard to the sufferings and distresses of the people.

They began with the best currency, promised a better, and end with giving none! For we might as well resort to the costumes of our original parents in the garden of Eden, as, in this enlightened age, with the example of the commercial world before us, to cramp this energetic and enterprising people, by a circulation exclusively of the precious metals. Let us see how the matter stands with us here in Kentucky, and I believe we stand as well as the people do in most of the States. We have a circulation in bank notes amounting to about two millions and a half, founded upon specie in their vaults amounting to one million and a quarter, half the actual circulation. Have we too much money? [No! no! exclaimed many voices.] If all banks were put down, and all bank paper were annihilated, we should have just one half the money that we now have. I am quite sure that one of the immediate causes of our present difficulties, is a defect in the quantity as well as the quality of the circulating medium, and it would be impossible, if we were reduced to such a regimen as is proposed by the hard money theorists, to avoid stop laws, relief laws, repudiation, bankruptcies, and perhaps civil commotion.

I have traced the principal causes of the present embarrassed condition of the country, I hope with candor and fairness, and without giving offense to any of my fellow-citizens, who may have differed in political opinion from me. It would have been far more agreeable to my feelings to have dwelt, as I did in 1832, during the third year of the first term of President Jackson's administration, upon bright and cheering prospects of general prosperity. I thought it useful to contrast that period with the present one, and to inquire into the causes which have brought upon us such a sad and dismal reverse. A much more important object remains to me to attempt, and that is to point out remedies for existing evils and disorders.

And the first I would suggest, requires the co-operation of the government and the people: it is economy and frugality, strict and persevering economy, both in public and private affairs. Government should incur or continue no expense that can be justly and honorably avoided, and individuals should do the same. The prosperity of the country has been impaired by causes operating throughout several years, and it will not be restored in a day or a year, perhaps not in a period less than it has taken to destroy it. But we must not only be economical, we must be industrious, indefatigably industrious. An immense amount of capital has been wasted and squandered in visionary or unprofitable enterprises, public and private. It can only be reproduced by labor and saving.

The second remedy which I would suggest, and that without which all others must prove abortive or ineffectual, is a sound currency, of uniform value throughout the Union, and redeemable in specie upon the demand of the holder. I know of but one mode in which that object can be accomplished, and that has stood the test of time and practical experience. If any other can be devised than a bank of the United States, which should be

safe and certain, and free from the influence of government, and especially under the control of the executive department, I should for one gladly see it embraced. I am not exclusively wedded to a bank of the United States, nor do I desire to see one established against the will and without the consent of the people. But all my observation and reflection have served to strengthen and confirm my conviction, that such an institution, emanating from the authority of the general government, properly restricted and guarded, with such improvements as experience has pointed out, can alone supply a reliable currency.

Accordingly, at the extra session, a bill passed both Houses of Congress, which, in my opinion, contained an excellent charter, with one or two slight defects, which it was intended to cure by a supplemental bill, if the veto had not been exercised. That charter contained two new, and I think admirable features; one was to separate the operation of issuing a circulation from that of banking, confiding these faculties to different boards; and the other was to limit the dividends of the bank, bringing the excess beyond the prescribed amount, into the public treasury. In the preparation of the charter, every sacrifice was made that could be made to accommodate it, especially in regard to the president. But instead of meeting us in a mutual spirit of conciliation, he fired, as was aptly said by a Virginia editor, upon the flag of truce sent from the capitol.

Congress anxious to fulfill the expectations of the people, another bank bill was prepared, in conformity with the plan of a bank sketched by the acting president in his veto message, after a previous consultation between him and some distinguished members of Congress, and two leading members of his cabinet. The bill was shaped in precise conformity to his views, as communicated by those members of the cabinet, and as communicated to others, and was submitted to his inspection after it was so prepared; and he gave his assurances that he would approve such a bill. I was no party to the transaction, but I do not entertain a doubt of what I state. The bill passed both Houses of Congress without any alteration or amendment whatever, and the veto was nevertheless again employed.

It is painful for me to advert to a grave occurrence, marked by such dishonor and bad faith. Although the president, through his recognized organ, derides and denounces the whigs, and disowns being one; although he administers the executive branch of the government in contempt of their feelings and in violation of their principles; and although all whom he chooses to have denominated as ultra whigs, that is to say, the great body of the whig party, have come under this ban, and those of them in office are threatened with his expulsion, I wish not to say of him one word that is not due to truth and to the country. I will, however, say that, in my opinion, the whigs can not justly be held responsible for his administration of the executive department, for the measures he may recommend, or his failure to recommend others, nor especially for the manner in which he distributes the public patronage. They will do their duty, I hope, toward

the country, and render all good and proper support to government; but they ought not to be held accountable for his conduct. They elected him, it is true, but for another office, and he came into the present one by a lamentable visitation of Providence. There had been no such instance occurring under the government. If the whigs were bound to scrutinize his opinions, in reference to an office which no one ever anticipated he would fill, he was bound in honor and good faith to decline the Harrisburg nomination, if he could not conscientiously co-operate with the principles that brought him into office. Had the president who was elected lived, had that honest and good man, on whose face, in that picture, we now gaze, been spared, I feel perfectly confident that all the measures which the principles of the whigs authorized the country to expect, including a bank of the United States, would have been carried.

But it may be said that a sound currency, such as I have described, is unattainable during the administration of Mr. Tyler. It will be, if it can only be obtained through the instrumentality of a bank of the United States, unless he changes his opinion, as he has done in regard to the land bill.

Unfortunately, our chief magistrate possesses more powers, in some respects, than a King or Queen of England. The crown is never separated from the nation, but is obliged to conform to its will. If the ministry holds opinions adverse to the nation, and is thrown into the minority in the House of Commons, the crown is constrained to dismiss the ministry, and appoint one whose opinions coincide with the nation. This Queen Victoria has recently been obliged to do: and not merely to change her ministry, but to dismiss the official attendants upon her person. But here, if the president holds an opinion adverse to that of Congress and the nation upon important public measures, there is no remedy but upon the periodical return of the rights of the ballot box.

Another remedy, powerfully demanded by the necessities of the times, and requisite to mantaining the currency in a sound state, is a tariff which will lessen importations from abroad, and tend to increase supplies at home from domestic industry. I have so often expressed my views on this subject, and so recently in the Senate of the United States, that I do not think there is any occasion for my enlarging upon it at this time. I do not think that an exorbitant or very high tariff is necessary; but one that shall insure an adequate revenue and reasonable protection; and it so happens that the interests of the treasury and the wants of the people now perfectly coincide. Union is our highest, greatest interest. No one can look beyond its dissolution without horror and dismay. Harmony is essential to the preservation of the Union. It was the leading, although not the only motive in proposing the compromise act, to preserve that harmony. The power of protecting the interests of our own country, can never be abandoned or surrendered to foreign nations, without a culpable dereliction of duty. Of this truth, all parts of the nation are every day becoming more

and more sensible. In the mean time this indispensable power should be exercised with a discretion and moderation, and in a form least calculated to revive prejudices, or to check the progress of reforms now going on in public opinion.

In connection with a system of remedial measures, I shall only allude to, without stopping to dwell on, the distribution bill, that just and equitable settlement of a great national question, which sprung up during the revolutionary war, which has seriously agitated the country, and which it is deeply to be regretted had not been settled ten years ago, as then proposed. Independent of all other considerations, the fluctuation in the receipts from sales of public lands is so great and constant that it is a resource on which the general government ought not to rely for revenue. It is far better that the advice of a democratic land committee of the Senate, at the head of which was the experienced and distinguished Mr. King of Alabama, given some years ago, should be followed, that the federal treasury be replenished with duties on imports, without bringing into it any part of the land fund.

I have thus suggested measures of relief adapted to the present state of the country, and I have noticed some of the differences which unfortunately exist between the two leading parties into which our people are unhappily divided. In considering the question whether the counsels of the one or the other of these parties are wisest, and best calculated to advance the interest, the honor, and the prosperity of the nation, which every citizen ought to do, we should discard all passion and prejudice, and exercise, as far as possible, a perfect impartiality. And we should not confine our attention merely to the particular measures which those parties respectively espouse or oppose, but extend it to their general course and conduct, and to the spirit and purposes by which they are animated. We should anxiously inquire, whither shall we be led by following in the lead of one or the other of those parties—shall we be carried to the achievement of the glorious destiny, which patriots here, and the liberal portion of mankind everywhere, have fondly hoped awaits us? or shall we ingloriously terminate our career, by adding another melancholy example of the instability of human affairs, and the folly with which self-government is administered?

I do not arrogate to myself more impartiality, or greater freedom from party bias, than belongs to other men; but, unless I deceive myself, I think I have reached a time of life, and am now in a position of retirement, from which I can look back with calmness, and speak, I hope, with candor and justice. I do not intend to attempt a general contrast between the two parties, as to their course, doctrines, and spirit. That would be too extensive and laborious an undertaking for this occasion; but I propose to specify a few recent instances, in which I think our political opponents have exhibited a spirit and bearing disorganizing and dangerous to the permanency and stability of our institutions, and I invoke the serious and sober attention to them, of all who are here assembled.

The first I would notice, is the manner in which Territories have been lately admitted as States, into the Union. The early and regular practice of the government, was for Congress to pass previously a law authorizing a convention, regulating the appointment of members to it; specifying the qualification of voters, and so forth. In that way most the States were received. Of late, without any previous sanction or authority from Congress, several Territories have proceeded of themselves to call conventions, form constitutions, and demand admission into the Union; and they were admitted. I do not deny that their population and condition entitled them to admission; but I insist that it should have been done in the regular and established mode. In the case of Michigan, aliens were allowed to vote, as aliens have been allowed to become pre-emptioners in the public lands. And a majority in Congress sanctioned the proceeding. When foreigners are naturalized and incorporated as citizens in our community, they are entitled to all the privileges, within the limits of the Constitution, which belong to a native-born citizen; and, if necessary, they should be protected, at home and abroad—the thunder of our artillery should roar as loud and as effectually in their defense as if their birth were upon American soil. But I can not but think it wrong and hazardous, to allow aliens, who have just landed upon our shores, who have not yet renounced their allegiance to foreign potentates, nor sworn fidelity to our Constitution, with all the influences of monarchy and anarchy about them, to participate in our elections, and affect our legislation.

Second, the New Jersey election case, in which the great seal of the State, and the decision of the local authorities were put aside by the House of Representatives, and a majority thus secured to the democratic party.

Third, nullification, which is nothing more nor less than an assumption by one State to abrogate within its limits a law passed by the twenty-six States in Congress assembled.

Fourth, a late revolutionary attempt in Maryland to subvert the existing government, and set up a new one, without any authority of law.

Fifth, the refusal of a minority in the Legislature of Tennessee, to cooperate with the majority (their Constitution requiring the presence of two thirds of the members), to execute a positive injunction of the United States to appoint two United States senators. In principle, that refusal was equivalent to announcing the willingness of that minority to dissolve the Union. For if thirteen or fourteen of the twenty-six States were to refuse altogether to elect senators, a dissolution of the Union would be the consequence. That majority, for weeks together, and time after time, deliberately refused to enter upon the election. And if the Union is not in fact dissolved, it is not because the principle involved would not yield to a dissolution, but because twelve or thirteen other States have not like themselves refused to perform a high constitutional duty. And why did they refuse? Simply because they apprehended the election to the Senate

of political opponents. The seats of the two Tennessee senators in the United States Senate, are now vacant, and Tennessee has no voice in that branch of Congress, in the general legislation. One of the highest compliments which I ever received, was to have been appointed, at a popular meeting in Tennessee, one of her senators, in conjunction with a distinguished senator from South Carolina, with all the authority that such an appointment could bestow. I repeat here an expression of my acknowledgments for the honor, which I most ambitiously resigned, when I gave up my dictatorship, and my seat as a Kentucky senator. [A general laugh.]

Sixth. Then there is repudiation, that foul stain upon the American character, cast chiefly by the democrats of Mississippi, and which it will require years to efface from our bright escutcheon.

Seventh, the support given to executive usurpations, and the expunging the records of the Senate of the United States.

Eighth, the recent refusal of State Legislatures to pass laws to carry into effect the act of distribution, an act of Congress passed according to all the forms of the Constitution, after ample discussion and deliberate consideration, and after the lapse of ten years from the period it was first proposed. It is the duty of all to submit to the laws regularly passed. They may attempt to get them repealed; they have a right to test their validity before the judiciary; but while the laws remain in force unrepealed, and without any decision against their constitutional validity, submission to them is not merely a constitutional and legal, but a moral duty. In this case it is true that those who refuse to abide by them only bite their own noses. But it is the principle of the refusal to which I call your attention. If a minority may refuse compliance with one law, what is to prevent minorities from disregarding all law? Is this any thing but a modification of nullification? What right have the servants of the people (the legislative bodies), to withhold from their masters their assigned quotas of a great public fund?

Ninth. The last, though not least, instance of the manifestation of a spirit of disorganization which I shall notice, is the recent convulsion in Rhode Island. That little, but gallant and patriotic State had a charter derived from a British king, in operation between one and two hundred years. There had been ingrafted upon it laws and usages, from time to time, and altogether a practical Constitution sprung up, which carried the State as one of the glorious thirteen, through the Revolution, and brought her safely into the Union. Under it, her Greens, and Perrys, and other distinguished men were born and rose to eminence. The Legislature had called a convention to remedy whatever defects it had, and to adapt it to the progressive improvement of the age. In that work of reform the Dorr party might have co-operated; but not choosing so to co-operate, and in wanton defiance of all established authority, they undertook subsequently to call another convention. The result was two constitutions,

not essentially differing on the principal point of controversy, the right of suffrage.

Upon submitting to the people that which was formed by the regular convention, a small majority voted against it, produced by a union in casting votes, between the Dorr party and some of the friends of the old charter, who were opposed to any change. The other constitution being also submitted to the people, an apparent majority voted for it, made up of every description of votes, legal and illegal, by proxy and otherwise, taken in the most irregular and unauthorized manner.

The Dorr party proceeded to put their constitution in operation, by electing him as the governor of the State, members to the mock Legislature, and other officers. But they did not stop here; they proceeded to collect, to drill, and to marshal a military force, and pointed their cannon against the arsenal of the State.

The president was called upon to interpose the power of the Union to preserve the peace of the State, in conformity with an express provision of the federal Constitution. And I have as much pleasure in expressing my opinion that he faithfully performed his duty, in responding to that call, as it gave me pain to be obliged to animadvert on other parts of his conduct.

The leading presses of the democratic party at Washington, Albany, New York, Richmond, and elsewhere, came out in support of the Dorr party, encouraging them in their work of rebellion and treason. And when matters had got to a crisis, and the two parties were preparing for a civil war, and every hour it was expected to blaze out, a great Tammany meeting was held in the city of New York, headed by the leading men of the party, the Cambrelengs, the Vanderpools, the Allens, etc., with a perfect knowledge that the military power of the Union was to be employed, if necessary, to suppress the insurrection, and, notwithstanding, they passed resolutions tending to awe the president, and countenance and cheer the treason.

Fortunately, numbers of the Dorr party abandoned their chief; he fled, and Rhode Island, unaided by any actual force of the federal authority, proved herself able alone to maintain law, order, and government, within her borders.

I do not attribute to my fellow-citizens here assembled, from whom I differ in opinion, any disposition to countenance the revolutionary proceedings in Rhode Island. I do not believe that they approve it. I do not believe that their party generally could approve it, nor some of the other examples of a spirit of disorganization which I have enumerated; but the misfortune is, in time of high party excitement, that the leaders commit themselves, and finally commit the body of their party, who perceive that unless they stand by and sustain their leaders, a division, and perhaps destruction of the party, would be the consequence. Of all the springs of human action, party ties are perhaps the most powerful. Interest has been

supposed to be more so; but party ties are more influential, unless they are regarded as a modification of imaginary interest. Under their sway, we have seen, not only individuals, but whole communities abandon their long-cherished interests and principles, and turn round and oppose them with violence.

Did not the rebellion in Rhode Island find for its support a precedent established by the majority in Congress, in the irregular admission of Territories, as States, into the Union, to which I have heretofore alluded? Is there not reason to fear that the example which Congress had previously presented, encouraged the Rhode Island rebellion?

It has been attempted to defend that rebellion, upon the doctrines of the American Declaration of Independence; but no countenance to it can be fairly derived from them. That declaration asserts, it is true, that whenever a government becomes destructive of the ends of life, liberty, and the pursuit of happiness, for the security of which it was instituted, it is the right of the people to alter or abolish it, and institute a new government; and so undoubtedly it is. But this is a right only to be exercised in grave and extreme cases. "Prudence indeed will dictate," says that venerated instrument, "that governments long established should not be changed for light and transient causes." "But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, their duty, to throw off such government."

Will it be pretended that the actual government of Rhode Island is destructive of life, liberty, or the pursuit of happiness? That it has perpetrated a long train of abuses and usurpations, pursuing the same invariable object, to reduce the people under absolute despotism? Or that any other cause of complaint existed, but such as might be peacefully remedied, without violence and without blood? Such as, in point of fact, the legitimate government had regularly summoned a convention to redress, but for the results of whose deliberations the restless spirit of disorder and rebellion had not patience to wait? Why, fellow-citizens, little Rhody (God bless and preserve her) is one of the most prosperous, enterprising, and enlightened States in this whole Union. Nowhere are life, liberty, and property more perfectly secure.

How is this right of the people to abolish an existing government, and to set up a new one, to be practically exercised? Our revolutionary ancestors did not tell us by words, but they proclaimed it by gallant and noble deeds. Who are the people that are to tear up the whole fabric of human society, whenever and as often as caprice or passion may prompt them? When all the arrangements and ordinances of existing organized society are prostrated and subverted, as must be supposed in such a lawless and irregular movement as that in Rhode Island, the established privileges and distinctions between the sexes, between the colors, between the ages, between natives and foreigners, between the sane and the insane, and between the

innocent and the guilty convict, all the offspring of positive institutions, are cast down and abolished, and society is thrown into one heterogeneous and unregulated mass. And is it contended that the major part of this Babel congregation is invested with the right to build up, at its pleasure, a new government? That as often, and whenever society can be drummed up and thrown into such a shapeless mass, the major part of it may establish another, and another new government, in endless succession? Why, this would overturn all social organization, make revolutions—the extreme and last resort of an oppressed people—the commonest occurrences of human life, and the standing-order of the day. How such a principle would operate, in a certain section of this Union, with a peculiar population, you will readily conceive. No community could endure such an intolerable state of things anywhere, and all would, sooner or later, take refuge from such ceaseless agitation, in the calm repose of absolute despotism.

I know of no mode by which an existing government can be overthrown and put aside, and a new one erected in its place, but by the consent or authority of that government, express or implied, or by forcible resistance, that is, revolution.

Fellow-citizens, I have enumerated these examples of a dangerous spirit of disorganization and disregard of law, with no purpose of giving offense, or exciting bitter and unkind feelings, here or elsewhere, but to illustrate the principles, character, and tendency of the two great parties into which this country is divided. In all of these examples, the democratic party, as it calls itself (a denomination to which I respectfully think it has not the least just pretension), or large portions of that party, extending to whole States, united with apparent cordiality. To all of them the whig party was constantly and firmly opposed. And now let me ask you, in all candor and sincerity, to say truly and impartially to which of these two parties can the interests, the happiness, and the destinies of this great people be most safely confided? I appeal especially, and with perfect confidence, to the candor of the real, the ancient, and long-tried democracy—that old republican party with whom I stood, side by side, during some of the darkest days of the republic, in seasons of both war and peace.

Fellow-citizens of all parties! The present situation of our country is one of unexampled distress and difficulty; but there is no occasion for any despondency. A kind and bountiful Providence has never deserted us; punished us he perhaps has, for our neglect of his blessings and our misdeeds. We have a varied and fertile soil, a genial climate and free institutions. Our whole land is covered, in profusion, with the means of subsistence and the comforts of life. Our gallant ship, it is unfortunately true, lies helpless, tossed on a tempestuous sea, amid the conflicting billows of contending parties, without a rudder and without a faithful pilot. But that ship is our country, embodying all our past glory, all our future hopes. Its crew is our whole people, by whatever political denomination they are

known. If she goes down, we all go down together. Let us remember the dying words of the gallant and lamented Lawrence. Don't give up the ship. The glorious banner of our country, with its unstained stars and stripes, still proudly floats at its mast-head. With stout hearts and strong arms we can surmount all our difficulties. Let us all, all, rally round that banner, and finally resolve to perpetuate our liberties and regain our lost prosperity.

Whigs! Arouse from the ignoble supineness which encompasses you; awake from the lethargy in which you lie bound; cast from you that unworthy apathy which seems to make you indifferent to the fate of your country. Arouse! awake! shake off the dew-drops that glitter on your garments, and once more march to battle and to victory. You have been disappointed, deceived, betrayed; shamefully deceived and betrayed. But will you therefore also prove false and faithless to your country, or obey the impulses of a just and patriotic indignation? As for Captain Tyler, he is a mere snap, a flash in the pan; pick your whig flints and try your rifles again.

[The conclusion of the speech was followed with general and tremendous cheering; and the largest, and one of the most respectable multitudes ever assembled in Kentucky, dispersed without a solitary instance of disorder or indecorum occurring.]

REPLY TO MR. MENDENHALL.

RICHMOND, INDIANA, OCTOBER 1, 1842.

[WHATEVER may be the merits of Mr. Mendenhall, he has certainly found a place in history. While Mr. Clay was on a visit to Indiana, in the autumn of 1842, the occasion was embraced by some of his political opponents to encourage and put forward the above-named individual, a member of the Society of Friends, in violation of the rights of hospitality, publicly to present a petition to Mr. Clay to liberate his slaves; and the following remarks are Mr. Clay's answer.]

I HOPE that Mr. Mendenhall may be treated with the greatest forbearance and respect. I assure my fellow-citizens here collected, that the presentation of the petition has not occasioned the slightest pain, nor excited one solitary disagreeable emotion. If it were to be presented to me, I prefer that it should be done in the face of this vast assemblage. I think I can give it such an answer as becomes me and the subject of which it treats. At all events, I entreat and beseech my fellow-citizens, for their sake, for my country's sake, for my sake, to offer no disrespect, no indignity, no violence, in word or deed, to Mr. Mendenhall.

I will now, sir, make to you and to this petition such a response as becomes me. Allow me to say that I think you have not conformed to the independent character of an American citizen in presenting a *petition* to *me*. I am, like yourself, but a private citizen. A petition, as the term implies, generally proceeds from an inferior in power or station to a superior; but between us there is entire equality. And what are the circumstances under which you have chosen to offer it? I am a total stranger, passing through your State, on my way to its capital, in consequence of an invitation with which I have been honored to visit it, to exchange friendly salutations with such of my fellow-citizens of Indiana as think proper to meet me, and to accept of their hospitality. Anxious as I am to see them, and to view parts of this State which I had never seen, I came here with hesitation and reluctance, because I apprehended that the motives of my journey might be misconceived and perverted. But when the fulfillment of an old promise to visit Indianapolis was insisted upon, I

yielded to the solicitations of friends, and have presented myself among you.

Such is the occasion which has been deliberately selected for tendering this petition to me. I am advanced in years, and neither myself nor the place of my residence is altogether unknown to the world. You might at any time within these last twenty-five or thirty years, have presented your petition to me at Ashland. If you had gone there for that purpose, you should have been received and treated with perfect respect and liberal hospitality.

Now, Mr. Mendenhall, let us reverse conditions, and suppose that you had been invited to Kentucky to partake of its hospitality; and that, previous to your arrival, I had employed such means as I understand have been used to get up this petition, to obtain the signatures of citizens of that State to a petition to present to you to relinquish your farm or other property, what would you have thought of such a proceeding? Would you have deemed it courteous and according to the rites of hospitality?

I know well, that you and those who think with you, controvert the legitimacy of slavery, and deny the right of property in slaves. But the law of my State and other States has otherwise ordained. The law may be wrong in your opinion, and ought to be repealed; but then you and your associates are not the law-makers for us, and unless you can show some authority to nullify our laws, we must continue to respect them. Until the law is repealed, we must be excused for asserting the rights—aye, the property in slaves—which it sanctions, authorizes, and vindicates.

And who are the petitioners whose organ you assume to be? I have no doubt that many of them are worthy, amiable, and humane persons, who, by erroneous representations, have been induced inconsiderately to affix their signatures to this petition, and that they will deeply regret it. Others, and not a few, I am told, are free blacks, men, women, and children, who have been artfully deceived and imposed upon. A very large portion, I have been credibly informed, are the political opponents of the party to which I belong—democrats, as they most undeservedly call themselves, who have eagerly seized this opportunity to wound, as they imagine, my feelings, and to aid the cause to which they are attached. In other quarters of the Union, democrats claim to be the exclusive champions of southern interests, the only safe defenders of the rights in slave property, and unjustly accuse us whigs with abolition designs wholly incompatible with its security. What ought those distant democrats to think of the course of their friends here, who have united in this petition?

And what is the foundation of this appeal to me in Indiana, to liberate the slaves under my care, in Kentucky? It is a general declaration in the act announcing to the world the independence of the thirteen American colonies, that all men are created equal. Now, as an abstract principle,

there is no doubt of the truth of that declaration; and it is desirable, in the original construction of society, and in organized societies, to keep it in view as a great fundamental principle. But, then, I apprehend that in no society that ever did exist, or ever shall be formed, was or can the equality asserted among the members of the human race, be practically enforced and carried out. There are portions of it, large portions, women, minors, insane, culprits, transient sojourners, that will always probably remain subject to the government of another portion of the community.

That declaration, whatever may be the extent of its import, was made by the delegations of the thirteen States. In most of them slavery existed, and had long existed, and was established by law. It was introduced and forced upon the colonies by the paramount law of England. Do you believe that, in making that declaration, the States that concurred in it intended that it should be tortured into a virtual emancipation of all the slaves within their respective limits? Would Virginia and the other southern States have ever united in a declaration which was to be interpreted into an abolition of slavery among them? Did any one of the thirteen States entertain such a design or expectation? To impute such a secret and unavowed purpose would be to charge a political fraud upon the noblest band of patriots that ever assembled in council; a fraud upon the confederacy of the Revolution; a fraud upon the union of those States, whose Constitution not only recognized the lawfulness of slavery, but permitted the importation of slaves from Africa, until the year 1808. And I am bold to say, that, if the doctrines of ultra political abolitionists had been seriously promulgated at the epoch of our Revolution, our glorious independence would never have been achieved—never, never.

I know the predominant sentiment in the free States is adverse to slavery; but, happy in their own exemption from whatever evils may attend it, the great mass of our fellow-citizens there do not seek to violate the Constitution, or to disturb the harmony of these States. I desire no concealment of my opinions in regard to the institution of slavery. I look upon it as a great evil, and deeply lament that we have derived it from the parental government, and from our ancestors. I wish every slave in the United States was in the country of his ancestors. But here they are, and the question is, how they can be best dealt with? If a state of nature existed, and we were about to lay the foundations of society, no man would be more strongly opposed than I should be, to incorporate the institution of slavery among its elements. But there is an incalculable difference between the original formation of society and a long existing organized society, with its ancient laws, institutions, and establishments. Now, great as I acknowledge, in my opinion, the evils of slavery are, they are nothing, absolutely nothing, in comparison with the far greater evils which would inevitably flow from a sudden, general, and indiscriminate emancipation. In some of the States the number of slaves approximates toward an equality

with that of the whites; in one or two they surpass them. What would be the condition of the two races in those States, upon the supposition of an immediate emancipation? Does any man suppose that they would become blended into one homogeneous mass? Does any man recommend amalgamation—that revolting admixture, alike offensive to God and man; for those whom he, by their physical properties, has made unlike and put asunder, we may, without presumptuousness, suppose were never intended to be joined together in one of the holiest rites. And let me tell you, sir, if you do not already know it, that such are the feelings—prejudice, if you please (and what man, claiming to be a statesman, will overlook or disregard the deep-seated and unconquerable prejudices of the people?)—in the slave States, that no human law could enforce a union between the two races.

What then would certainly happen? A struggle for political ascendancy; the blacks seeking to acquire, and the whites to maintain, possession of the government. Upon the supposition of a general immediate emancipation in those States where the blacks outnumber the whites, they would have nothing to do but to insist upon another part of the same declaration of independence, as Dorr and his deluded democratic followers recently did in Rhode Island; according to which, an undefined majority have the right, at their pleasure, to subvert an existing government, and institute a new one in its place, and then the whites would be brought in complete subjection to the blacks! A contest would inevitably ensue between the two races—civil war, carnage, pillage, conflagration, devastation, and the ultimate extermination or expulsion of the blacks. Nothing is more certain. And are not these evils far greater than the mild and continually improving state of slavery which exists in this country? I say continually improving; for if this gratifying progress in the amelioration of the condition of the slaves has been checked in some of the States, the responsibility must attach to the unfortunate agitation of the subject of abolition. In consequence of it, increased rigor in the police, and further restraints have been imposed; and I do believe that gradual emancipation (the only method of liberation that has ever been thought safe or wise by any body in any of the slave States), has been postponed half a century.

Without any knowledge of the relation in which I stand to my slaves, or their individual condition, you, Mr. Mendenhall, and your associates, who have been active in getting up this petition, call upon me forthwith to liberate the whole of them. Now let me tell you, that some half a dozen of them, from age, decrepitude, or infirmity, are wholly unable to gain a livelihood for themselves, and are a heavy charge upon me. Do you think that I should conform to the dictates of humanity by ridding myself of that charge, and sending them forth into the world with the boon of liberty, to end a wretched existence in starvation? Another class is composed of helpless infants, with or without improvident mothers. Do you believe as a Christian, that I should perform my duty toward them by abandoning

them to their fate? Then there is another class who would not accept their freedom if I would give it to them. I have for many years owned a slave that I wished would leave me, but he will not. What shall I do with that class?

What my treatment of my slaves is you may learn from Charles, who accompanies me on this journey, and who has traveled with me over the greater part of the United States, and in both the Canadas, and has had a thousand opportunities, if he had chosen to embrace them, to leave me. Excuse me, Mr. Mendenhall, for saying that my slaves are as well fed and clad, look as sleek and hearty, and are quite as civil and respectful in their demeanor, and as little disposed to wound the feelings of any one, as you are.

Let me recommend you, sir, to imitate the benevolent example of the society of Friends, in the midst of which you reside. Meek, gentle, imbued with the genuine spirit of our benign religion, while in principle they are firmly opposed to slavery, they do not seek to accomplish its extinction by foul epithets, coarse and vulgar abuse, and gross calumny. Their ways do not lead through blood, revolution, and disunion. Their broad and comprehensive philanthropy embraces, as they believe, the good and the happiness of the white as well as the black race; giving to one their commiseration, to the other their kindest sympathy. Their instruments are not those of detraction and war, but of peace, persuasion, and earnest appeals to the charities of the human heart. Unambitious, they have no political objects or purposes to subserve. My intercourse with them throughout life has been considerable, interesting, and agreeable: and I venture to say, nothing could have induced them, as a society, whatever a few individuals might have been tempted to do, to seize the occasion of my casual passage through this State to offer me a personal indignity.

I respect the motives of rational abolitionists, who are actuated by a sentiment of devotion to human liberty, although I deplore and deprecate the consequences of the agitation of the question. I have even many friends among them. But they are not monomaniacs, who, surrendering themselves to a single idea, look altogether to the black side of human life. They do not believe that the sum total of all our efforts and all our solicitude should be abolition. They believe there are duties to perform toward the white man as well as the black. They want good government, good administration, and the general prosperity of their country.

I shall, Mr. Mendenhall, take your petition into respectful and deliberate consideration; but before I come to a final decision, I should like to know what you and your associates are willing to do for the slaves in my possession, if I should think proper to liberate them. I own about fifty, who are probably worth about fifteen thousand dollars. To turn them loose upon society without any means of subsistence or support would be an act of

cruelty. Are you willing to raise and secure the payment of fifteen thousand dollars for their benefit, if I should be induced to free them? The security of the payment of that sum would materially lessen the obstacle in the way of their emancipation.

And now, Mr. Mendenhall, I must take respectful leave of you. We separate, as we have met, with no unkind feelings, no excited anger or dissatisfaction on my part, whatever may have been your motives, and these I refer to our common Judge above, to whom we are both responsible. Go home, and mind your own business, and leave other people to take care of theirs. Limit your benevolent exertions to your own neighborhood. Within that circle you will find ample scope for the exercise of all your charities. Dry up the tears of the afflicted widows around you, console and comfort the helpless orphan, clothe the naked, and feed and help the poor, black and white, who need succor; and you will be a better and wiser man than you have this day shown yourself.

MR. CLAY'S SPEECHES

IN THE

THIRTY-FIRST CONGRESS.

[Mr. Clay made but few speeches while in private life, from 1842 to 1849, a notice of which will be found in the first three chapters of the third volume of this work,* with liberal extracts, and some of the entire speeches, the most important of which is that delivered at Lexington, November 13, 1847, on the Mexican War. For all these occasional and more or less important efforts of Mr. Clay, running through a period of seven years, the reader is referred to the volume and chapters above mentioned.

We come now to the final period of Mr. Clay's parliamentary career, in the Thirty-first Congress, beginning at the opening of the first session, in December, 1849, and ending the 4th of March, 1851. Although he appeared in the Senate at the opening of the Thirty-second Congress, he only went up to the Senate Chamber once, and then returned to his room, there to suffer, with a tedious wasting of his powers, which terminated in death, June 29, 1852.

The first speech in the Thirty-first Congress, worthy of note, is a little gem given on the occasion of a motion to admit Father Mathew, the great Apostle of Temperance, within the bar of the Senate, to which Senator Clemens, of Alabama, objected, on account of some sentiments expressed by Father Mathew, while in Ireland, against slavery in the United States.]

* Last Seven Years of the Life of Henry Clay.

ON FATHER MATHEW.

IN SENATE, DECEMBER 20, 1849.

Mr. President, I confess that I have heard with great regret this opposition made to the adoption of that resolution. It is a very small affair; a compliment, which can not be very highly appreciated, in some of its aspects, to the reverend person who is named in that resolution. But, sir, in the little affairs of human life, whether social or national, I have found that courtesies, kindness, and small attentions are often received with more grateful feelings than those of a more substantial character. We often appreciate more the picayunes than we do the double eagles, in the currency of social and human life.

Perhaps, sir, it was hardly necessary to have presented this resolution; but it has been offered. I understand that, according to the usage of the Senate, any member may introduce into the lobby any distinguished person whom he thinks proper to introduce. I had understood that to be the rule: perhaps I am mistaken; but, be that as it may, I think, sir, that that resolution is an homage to humanity, to philanthropy, to virtue; that it is a merited tribute to a man who has achieved a great social revolution —a revolution in which there has been no bloodshed, no desolation inflicted, no tears of widows and orphans extracted; and one of the greatest which has been achieved by any of the benefactors of mankind. Sir, it is a compliment due from the Senate, small as it may be; and I put it in all seriousness, in a spirit of the most perfect kindness, to the honorable senator from Alabama, whether this pushing the subject of slavery in its collateral and remote branches upon all possible occasions that may arise during our deliberations in this body, is not impolitic, unwise, and injurious to the stability of the very institution which I have no doubt the honorable gentleman would uphold.

Sir, I have seen something in the papers upon this subject of Father Mathew's having expressed some opinions, years ago, in Ireland, upon the subject of slavery. I have seen, on the other hand, when he came to this country, and got a nearer and more accurate understanding of the state of things, he refused to lend himself to the cause of northern abolitionists; and in consequence of that refusal, incurred their severest animadversions. But, whether that had occurred or not, in reference to other causes and other motives, I submit it to the candor of the honorable senator whether

it is prudent, right, just, and proper to refuse a compliment which, I venture to say, the hearts of all mankind accord to this distinguished foreigner; a compliment no less due to him for his great services in the cause of humanity, than it is due to him as an Irish patriot.

[For Mr. Clay's speech of January 24, 1850, for the purchase of the original copy of Washington's Farewell Address, see vol. iii. of this work, p. 108.

January 29, 1850, Mr. Clay introduced into the Senate his famed Resolutions of Compromise, eight in number, and explained them by a speech of considerable length, which—both resolutions and speech—will be found in the third volume of this work.*

On the 5th and 6th of February, 1850, Mr. Clay advocated and vindicated the above-named resolutions, in a speech of great length and power, the whole of which will also be found in vol. iii., page 302.]

* Last Seven Years, chap. vi., page 114.

ON THE ADMISSION OF CALIFORNIA.

IN SENATE, FEBRUARY 14, 1850.

[THE Mexican war was alledged and believed to have been made for conquest and the extension of slavery; and the slave States were disappointed when California applied to be admitted as a free State. Her admission, therefore, excluding slavery, was opposed by the South, and strenuous efforts were made to divide California, and make a slave State out of its southern part. The great question of this long-protracted debate was, whether California should come into the Union by herself, or be put in a bill embracing other measures of general compromise. Mr. Clay was at first in favor of admitting her at once and alone; but when he discovered that it was doubtful whether such a bill would pass both Houses of Congress, he was in favor of putting the admission of California in a bill with other measures, and so reported it from the Committee of Thirteen. California, however, was finally admitted by a separate bill, after the first bill reported by the Committee of Thirteen, comprehending other measures, had failed. The following remarks of Mr. Clay were incidental, occasioned by the current of debate.]

The VICE-PRESIDENT. The question is on referring the message of the president to the Committee on Territories, that being a standing committee.

Mr. CLAY. Well, if the proposition be to refer the president's message to the Committee on the Territories, I shall with great pleasure vote for the proposition. But I do not think it would be right to embrace in a general motion the question of the admission of California and all the other subjects which are treated of by the resolutions upon the table—the subject, for example, of the establishment of territorial governments, the subject of the establishment of a boundary line for Texas, and the proposition to compensate Texas for the surrender of territory. I say, sir, I do not think it would be right to confound or to combine all these subjects, and to throw them before one committee to be acted upon together. I think the subject of the admission of California ought to be kept separate and distinct, although, for one, I should have no objection, that question being

separated from the residue of the subject, that the resolutions and the rest of the propositions that are before the Senate, so far as regards those which have a kindred or common nature, should be referred at the proper time to a committee, to be acted upon together; but I think the time has not yet arrived for such a reference.

Sir, there are three or four members of Congress who have come here all the way from the Pacific with a Constitution purporting to be the Constitution of a State which is seeking to be admitted as a member of this Union. Now, sir, is it right to subject them to all the delay, the uncertainty, the procrastination which must inevitably result from the combination of all these subjects, and a reference of them to one committee, and to wait until that committee shall have adjudged the whole? I think not. I am not now arguing whether California ought or ought not to be admitted; whether she ought or ought not to be admitted with the boundary which she proposes, or with any other boundary; but I am contending that—considering the circumstances under which her representation presents itself to Congress, under the circumstances that when they left their homes, perhaps, nothing on earth was further from their expectation than that there would be the slightest impediment or obstacle to their admission—and in consideration of the condition in which these gentlemen are placed who are here in attendance in the lobbies of these halls, it seems to me that we should decide, and decide as promptly as we can consistently with just and proper deliberation. I think the question of the admission of California is one which stands by itself, and that it should be kept disconnected with the other resolutions.

Entertaining these views of the matter, I shall vote for the proposition of the gentleman from Illinois for the reference to the Committee on Territories, or to any other committee to which its reference may be appropriate. * * *

I suppose, sir, there is nothing very novel in the idea that I am in favor of the admission of California as a State into this Union. And allow me to say to the honorable senator from Mississippi, that, if I were disposed to retaliate at all upon him in reference to the supposed change of opinion, it would be quite easy for me to tell him, that, according to his own confession to-day, he was in favor of the admission of California a year ago, when she had no Constitution; but he is opposed to her admission now, when she has come here with a Constitution in her hands, precisely in the manner in which Florida, Arkansas, I believe, and Michigan did.

Mr. Foote. If the honorable senator understood me as saying that I am opposed to the admission of California, he is mistaken. On the contrary, I am in favor of the admission of all that part of California lying above the line of 36° 30′ as a State. But I want all the questions settled together. I said that I was in favor of her admission as a State before certain influences had operated there which have thrown her into her present unfortunate position.

Mr. Clay. With regard to this alledged influence, I shall take up no time of the Senate during the discussion of this subject. I intend to divest myself as much as I possibly can of all party feeling.

Mr. Turney. I understand the honorable senator from Kentucky to say that California has presented herself now precisely as Florida did. I would inquire whether Florida had not a territorial government? and whether there was not a law of Congress authorizing the people of Florida to form a Constitution, in order to their admission into the Union as a State?

Mr. Clay. I think not; there was no law whatever. She had a territorial government, and so had California a local government—not given to her by the government of the United States, but depending upon the laws of Mexico, prior to the cession of that territory to this country. But, in the case of Florida, and of Michigan, and I think of Arkansas—I believe in reference to two, if not all three of these States—they came into the Union without any previous act of Congress authorizing the call of a convention for the formation of a Constitution, and the decision of the Territory whether it should come in as a member of the Union or not. However, it is not a matter of much importance. I do not know that I should have risen at all had not the worthy senator from Mississippi made a sort of omnibus speech, in which he introduced all sorts of things and every kind of passenger, and myself among the number. [Laughter.] And I have risen rather to vindicate myself from the charge of inconsistency, which he has attributed to me, than for any other purpose; and if I do not do it to his satisfaction, I shall be much more surprised than he was at my advocacy of the admission of California.

But first, I declare to you, Mr. President, that I did not even know the names of the members of that committee, except that of the chairman. I do not know the opinions of any one member of that committee. I have, indeed, heard it intimated that the chairman of that committee holds an opinion somewhat different from my own. But this is not a matter into which I have inquired, or to which I attach any importance.

But, sir, I am charged with inconsistency, and inconsistency so great, that the senator from Mississippi has not been able to find language strong enough to express the astonishment which he feels. Now, sir, the worthy senator will allow me to say that I really can not govern his emotions. He is a gentleman of fine imagination and of great fancy; and if he will permit himself to be operated upon by certain emotions which produce fancies which he can find no language to express, I can not help it; it must be the fault of his own peculiar constitution. I said, sir, when I had the honor of addressing the Senate on a former occasion that I wanted a settlement of all the questions connected with the unfortunate institution which has brought upon us the dangers which now threaten this Union. I want them all settled. And, sir, there is not a syllable which the senator has read of the speech made by me on that occasion, nor in

any speech that I ever made, which declares that all these subjects should be incorporated into one bill, and that upon the decision of that bill should rest the fate of all the questions connected with the institution of slavery. No, sir. Now, look at it for a moment— * * *

Mr. President, it is really surprising to me, though I will not express astonishment about it, how the honorable senator (Mr. Foote) could thus have misconceived me. I repeat it now, as I have often reiterated before, that I think Congress ought to settle all the matters which appertain to this question, every one of them which has threatened this country with danger. It is one thing, however, to settle them all, and another to fix upon the mode of doing it. I was going to show the honorable senator from Mississippi how utterly impossible it is to settle them all in the manner which he proposes.

My first proposition, in the series of eight resolutions which I offered, relates to California, and declares that she ought to be admitted; the second relates to the territorial governments; the next to Texas and the payment of a certain sum of money to her; the fifth relates to the District of Columbia and the abolition of slavery in the District. The sixth or seventh (for I have not got them now before me) relates to the recovery of fugitive slaves. Why, sir, before I introduced my resolutions we had a bill before us on that very subject, which had been discussed in part, and the progress of the discussion perhaps interrupted by these resolutions. Now, sir, does the honorable senator understand me as introducing the proposition that the question of the admission of California, and the question of territorial governments, the question of the line of Texas, and the proposition to her for the payment of a sum of money in consideration of the surrender of her claim, whatever it may be, to the territory; and, besides that, the abolition of the slave-trade in the District of Columbia, and moreover a law for the recovery of fugitive slaves, and adding further sanctions and penalties to the existing laws on that subject, shall all be combined in one single bill? It is impossible that any body can conceive that I intended to embrace all this variety of subjects in one bill, and propose the passage of them all at once.

["No South, no North, no East, no West." The following is part of a debate between Mr. Clay and Mr. Foote of Mississippi, on the attempt of the latter to hold Mr. Clay as a southern man, which was so much bruited at the time, and which makes a point in Mr. Clay's history as an American patriot.]

Mr. Foote. Let me again propound to the honorable senator a question which I have heretofore propounded, and which he has not yet answered. How is it that he, as a senator from the State of Kentucky, within whose limits the system of domestic slavery exists, can reconcile it to his own sense of justice to the vital interests of his constituents, at such a moment as this, in view of all the dangers which menace the southern section of the confederacy, to increase the number of adversary votes

against us upon all the pending questions, without first receiving some compensation therefor?

Mr. CLAY. It is totally unnecessary for the gentleman to remind me of my coming from a slaveholding State. I know whence I come, and I know my duty, and I am ready to submit to any responsibility which belongs to me as a senator from a slaveholding State.

Sir, I have heard something said on this and a former occasion about allegiance to the South. I know no South, no North, no East, no West to which I owe any allegiance. I owe allegiance to two sovereignties, and only two: one is to the sovereignty of this Union, and the other is to the sovereignty of the State of Kentucky. My allegiance is to this Union and to my State; but if gentlemen suppose they can exact from me an acknowledgment of allegiance to any ideal or future contemplated confederacy of the South, I here declare that I owe no allegiance to it; nor will I, for one, come under any such allegiance if I can avoid it. I know what my duties are, and gentlemen may cease to remind me of the fact that I come from a slaveholding State.

Sir, if I choose to avail myself of the opinions of my own State, I can show a resolution from the State Legislature, received last night, reported after due consideration by a committee. This resolution declares its cordial sanction to the whole of the series of resolutions which I have offered. And I must say that the preparation of that resolution was unprompted by me; for I have neither written to nor have I received a single letter from any member of the Legislature of Kentucky during this session on public affairs. I beg pardon for this digression. These are the sentiments I entertain, and I am neither to be terrified nor frightened by any language. I hope gentlemen will not transcend the limits of legitimate parliamentary debate in using any language toward me; because I fear I could not even trust myself if they were to do it. I shall use no such language toward them, and I hope on this floor for a reciprocity of parliamentary dignity and propriety. I ask it, because I do not know how far I could trust myself if language of a personal character were applied to me, I care not by whom.

But, sir, I have been showing, and I rose chiefly for the purpose of showing, that there is no inconsistency between any thing that I have said heretofore, and any thing I say now. What I have said heretofore, and what I repeat now, is, that all these questions ought to be settled. Now, I admit the thought has crossed my mind respecting the course which I think this business ought to take, and I will state to you frankly what have been my impressions. My desire was that the Senate should express its sense upon each of the resolutions in succession, beginning with the first and ending with the eighth. If they should be affirmatively adopted, my purpose was to propose the reference of them to appropriate committees. There are some of the subjects which may be perhaps advantageously combined. I hope they can be combined in one bill. For

example, the establishment of suitable governments for the Territories, the question of the limits of Texas, and the proposition made to pay her a certain sum of money for considerations which I will not repeat. These, possibly, might be all with great propriety combined in one bill, and presented as a whole. But, beyond that, I never supposed it would be attempted, or that we could with propriety go; though it is possible, to be sure, as the senator from Mississippi says, to combine all these subjects in one bill of fifty or a hundred sections or pages. But it is not the usual course of legislation, nor do I think he will find it as practicable as he imagines. Besides, there are some of the resolutions which are negative in their character, requiring no legislation—such as the last one, for example. My idea was, if the Senate should think proper finally to decide affirmatively on these resolutions, that we should then refer them to appropriate committees, either one resolution by itself to an appropriate committee, or combining two or three together, according to the affinity of the subjects they embrace, and let the committee act on these two or three subjects. But I never did contemplate embracing in the entire scheme of accommodation and harmony which I proposed all these distracting questions, and bringing them all into one measure.

Sir, I did suppose that, if the Senate decided affirmatively on each of these resolutions, though one might be matured in the shape of a bill a little earlier than others, still, having declared our approbation of them all, we could so far trust each other as to believe that voting for any one measure to-day will not lead to the apprehension of any want of good faith in voting for another measure to come up to-morrow. I supposed they would all be settled about the same time, possibly not on the same day, or even the same week, but in the course of two or three weeks; and that, although one measure should first be adopted a little more favorable to one section of the Union than to another, yet that part of the Union which had been most favored by the adoption of that measure would not fail to do what was right and proper when a measure came forward advantageous, not to itself, but to another portion of the Union. That was my idea. So with respect to this measure, if it is referred to the Committee on Territories. When they will report I can not tell. It will be some time before they can make the report, and it will be some time after the report is made before it is acted upon; and it will be weeks, perhaps months, before a bill admitting this State into the Union passes through both Houses. In the mean time, as one measure passes from us, we can be acting on others, and bringing in the bills and taking them up as they arise.

I have now explained the course which I trust it will be proper to take on this occasion, and I am sure that not even the senator from Mississippi can now believe that I stand pledged to one general comprehensive bill to combine all the measures to which he has referred.

Mr. Foote. I was quite startled by one remark which fell from the lips

of the honorable senator from Kentucky just now. He insinuates that he fears that some persons in the South are aiming to establish a southern confederacy.

Mr. Clay. Not at all.

Mr. Foote. What did the honorable senator mean then, by disclaiming so emphatically all allegiance to a southern confederacy, now or hereafter?

Mr. Clay. The honorable senator knows perfectly well that the language, as used here again and again, is "treachery to the South," "abandoning the South," "failing to uphold the interests of the South." Now, what I meant to say was, that I knew of no South in the shape of a confederated government; no South to which I owed allegiance. I did not mean to say that there was a solitary individual in the South in favor of a dissolution of the Union.

[We may add the following on the same subject, between Mr. Clay and Mr. Butler of South Carolina, which occurred February 15th.]

Mr. Butler. When, the other day, the senator from Kentucky said he knew no South in his allegiance, and again repeated there was no allegiance in his mind to the South, I was prepared to hear him say, "nor to the North, nor to the West, nor to the East, but to the Union;" and with such a declaration I might have been satisfied; but to single out the South as not claiming his allegiance gave me pain.

Mr. Clay. I think I did say the North. I do not know that I went all around the different points of the compass. That is what I meant, however, if I did not use the expression. I meant then, and I mean it now, that I know no allegiance to any one section—East, North, West, or South. And I know, I repeat, of but two sovereignties to whom I owe allegiance—the one the Union, and the other my own State. That is what I meant.

February 20, Mr. Clay said:

I thank the honorable senator from Michigan for the few remarks which he has just addressed to the Senate; and I beg leave to say, sir, that I have not a particle of doubt that the speech, the short, and to me grateful speech that he made the other day, was perfectly spontaneous and unpremeditated. I do not know when I have heard from any senator the utterance of sentiments with more pleasure than I did those from the honorable senator from Michigan on the occasion to which I allude. And, sir, allow me to say that the language in which the gentleman has just closed his short address to the Senate, that it is "ultraism" of which this country, at this moment, stands in so much danger, is founded, I lament to say, too much in truth.

Sir, it is not my purpose to enter into an elaborate reply to the argument of the eloquent gentleman from Alabama—a senator who, I am in hopes, will add honor to this body by the talent and ability which he has

brought into it. But, sir, it seemed to me that there were two or three observations made by that senator which demand from me some short notice. And the first is an allusion to an intercourse between a senator who is not now in his seat—the senator from Missouri—and myself, in which the gentleman remarked that the lion and the lamb had got together. I do not know to which of these quadrupeds he assigned me; I should make a very poor lamb I am afraid, and I am very far from being ambitious of claiming the prowess of the lion.

Mr. CLEMENS. I meant, of course, that the senator from Kentucky was the lion. I meant simply to express, by this figure, that they who had always heretofore been the antipodes of each other, had now met together upon this question, and therefore that the South was menaced with danger.

Mr. CLAY. I beg leave to commend to the honorable senator the philosophical mode which was recommended to mankind by Lord Bacon; that is, to ascertain facts before he proceeds to argue upon them. Now, upon what facts does he undertake to assert that there has been any co-operation whatever between the honorable senator from Missouri and myself? Upon what facts does he assert this? And if no facts exist, I will ask of him what right he has to comment or animadvert upon any supposed intercourse or co-operation which might take place between the honorable senator from Missouri and myself?

Why, sir, the truth is, that there existed for several years no very friendly social intercourse between the senator from Missouri and myself—a state of total non-intercourse, if you please—embargo, and all other restrictions that belong to commerce between nations; but, sir, two or three years ago we came together again, and restored relations, at least of civility and amity, which I was very glad of, as I always am, to make peace with any one. I would do so with the whole world, if I could.

Now, sir, with regard to the fact of co-operation, if the senator had done me the honor to inquire, I would have told him with great frankness and truth that I never saw the proposition of the senator from Missouri—the proposition that is embraced in the bill that he has presented here respecting the boundary of Texas—nor had any communication, oral or written, with him on the subject, until his bill was presented. And with reference to the resolutions which were offered by me, the eye of the senator from Missouri never gazed upon them, nor had he ever heard their contents; he had no more knowledge of them before I presented them to the Senate than had the senator from Alabama himself.

Well, then, sir, what facts had he to go upon? Does he mean to say that he feels himself at liberty, when, as was the fact the other day, the honorable senator from Missouri came round here and had a little conversation with me, to speculate upon the occurrence of such an incident, and deduce from it what he pleases? Why, it is true, the honorable senator from Mississippi made an allusion to the same fact the other day; and I did not recur to it at the time, because it really passed out of my mind.

Mr. Foote. Will the honorable senator allow me to interrupt him for a moment? The reason why I alluded to it was, that the honorable senator from Kentucky had himself referred to it, and explained the matter very distinctly and clearly in our hearing. The senator from Missouri had risen and expressed his surprise and disappointment that the senator from Kentucky did not come to his rescue upon that occasion, as he had expected from the intercourse that had taken place between them. And when this was announced, the senator from Kentucky made his explanation, and that explanation, as I remarked at the time, verified the belief that I had previously entertained.

Mr. Clay. But the senator went on to say that he saw the senator from Missouri come over from the other side of the chamber to this, and that he saw some whispering between us, and then proceeded to make his own deductions, for which I say he had no authority. Now, I repeat that, between the honorable senator from Missouri and myself there was no interchange of opinion, either in regard to the project which he had submitted to the Senate, or in regard to the resolutions which I have presented. When the senator from Missouri, on the morning to which the senator from Mississippi on a former occasion alluded, and to which the senator from Alabama, I suppose, has alluded, came across the chamber, it was to speak of the disposition of the question before the Senate. And let me ask, has it come to this, that one senator can not commune with another about the disposition of the public business of the country without incurring suspicion, without subjecting himself to animadversion, and in such language as is tantamount to a formal accusation? I protest against the right of any senator to subject my conduct or intercourse with my fellow-senators to any such trial or test as that. But, sir, so deeply am I impressed with the awful crisis that exists in the country, that if the senator from Missouri had been the worst enemy, the bitterest enemy I had in the world, and I thought that by any conference or intercourse with him we could mutually dispose each other, and the Senate and Congress, to settle this distracting question, burying in a moment all animosity that I entertained against him, I would have gone to him as the best and most affectionate friend I had on earth, in order to produce such a great and glorious result as that would be of harmonizing the different portions of this at present unfortunate country.

Sir, it is possible, indeed I am inclined to think that, on the occasion of preparing these resolutions, I consulted with too few. Those with whom I did consult were generally my friends from the South; with one solitary exception, I consulted no northern gentlemen. In the years 1832–'3, when I had occasion to present a scheme for compromising another great question that then existed in this country I committed the opposite error: I consulted too many; the effect of which was to endanger the fate of the measure that I suggested. I determined, therefore, on this occasion, to consult as few as possible, and to limit myself, with the one exception that

I have referred to, to my southern friends. So much, sir, as to any supposed connection or co-operation between the senator from Missouri and myself.

But, sir, there are one or two points upon which I beg the Senate to indulge me in an observation or two, which have been suggested by the remarks of the honorable senator from Alabama.

I said, Mr. President, that with regard to California there was no concession on either side; that it was offering to the North just what the North wanted, but that they got it, not by the action of Congress, but by the people of California themselves, who had a right to decide whether they would admit or exclude slavery. Well, sir, let us see the argument by which, and the manner in which, the senator from Alabama has answered this. He could not deny the fact that the exclusion of slavery was to be found in the Constitution of California. That is incontestable. Nay, but said the senator, if Congress now admits California, Congress will be responsible for that clause in the Constitution of California which interdicts slavery. Now, sir, let us suppose the case which the honorable senator from Alabama has himself put. Let us suppose that there had been a census taken, that an enumeration of the inhabitants had actually been made, and that they were found to be sufficient in number to entitle California to admission into the Union; and let us suppose that an act of Congress had passed authorizing her, in the old mode of introducing States, to hold a convention and decide for herself whether she should become a member of this Union or not. Suppose that she had formed a Constitution and declared her desire to become a member of the Union, and had come here and solicited admission. Well, if Congress admitted her, would it not have been Congress, then, that did this? Would it not have been Congress that authorized the taking of the census? Would it not have been Congress that passed the previous act authorizing them to meet in convention, and to determine whether they would or would not become a member of the Union? Would it not have been Congress that gave her the power to come here and ask for admission? And would it not have been Congress that finally received her? And might not, upon such a supposition, the honorable senator as readily charge Congress with indirectly excluding slavery from California as he can do it now?

Sir, I understand that, no matter how her Constitution may be formed, whether with or without the consent of Congress, when that Constitution is presented to us, our consideration is limited to the inquiry whether it is republican. It is true, that where a Constitution has been formed with some degree of irregularity, as in the case of California, you have to consider of that irregularity, and determine whether, as statesmen looking to great objects, looking to the accomplishment of a great purpose—a purpose affecting the harmony of this Union—you are to be led off by mere technicalities as to the admission of a State under these circumstances.

Well, sir, it is just as much the right of California to decide the ques-

tion of slavery for herself as it would have been if a previous act of Congress had passed authorizing her to form herself into a State, and we had admitted her afterward. And Congress is no more responsible for the interdiction of slavery which exists in the Constitution of California now, than Congress would be responsible for it if there had been a prior act of Congress authorizing the people of California to consider for themselves, and to determine whether they would or would not come into the Union as a member of it.

I have said, sir, and I repeat, that I have heard nothing yet that in the slightest degree contravenes the force of this argument. I said that, in regard to California, she had an excuse which did not exist in the case of other States that have been admitted into this Union without previous authority of Congress. In the case of the other States, they were not abandoned by Congress. Congress performed its parental duty of providing for them suitable territorial governments. They had got governments; they had got good governments; they had got free governments. But what is the case in regard to California? She was abandoned by Congress at the last session. Congress failed to discharge its parental duty toward California at the last session. She was in a state of profound and perfect anarchy unless she could obtain or make some laws suited to her abandoned condition. And, when thus abandoned by Congress, what does California do? Why, she calls a convention, and that convention forms a Constitution—a very excellent Constitution, as I believe, so far as I have looked into it. She chooses herself, of her own free will, to refuse to admit slavery within her limits; and she now comes here. How? Dictating to Congress? No, sir; she comes to the very parent who has treated her in this heartless manner, respectfully asking the parent who has thus turned her loose, cast her off from all law, without a government emanating from the only authority which could institute a real and legitimate and proper government—she comes to her, how? Threatening to make herself independent—threatening secession, threatening disunion? No, sir, no; she comes here, and in a most respectful, if not in a most humble manner, asks you to admit her to the enjoyment of the blessings of self-government, which you denied to her in any form at the last session of Congress. And you are bound, not only by the Constitution of the United States, but by the treaty by which she was acquired, and by the higher law of God himself, to give to those who are thrown into your power or possession, by conquest or by purchase, the benefits of government. You have refused, sir, you denied to her a government. You abandoned your child, and now, when that child comes to you, having shifted for itself as well as it could in the absence of your parental authority, you reproach it with usurpation, with impudence; and are ready—at least some portion of Congress seems ready—to repel her from your doors, and send her back without any suitable government, to shift as she can during the residue of this contest, which may last for years.

The difference, therefore, between the case of Michigan and that of California is the difference between government and no government; between government and anarchy; between the exercise of parental authority on the part of Congress toward Michigan, and the abandonment of all duty, constitutional, natural, and parental, on the part of Congress toward California. And yet gentlemen can see in one case apologies for the conduct of Michigan, and can see none in the case of poor California.

Michigan had, we are told, been patiently knocking at our doors for years, and yet we rejected her. Why, sir, there were some difficulties, not altogether insuperable, to be sure, about the extent, about the limits, the boundary of that State, and some difficulty resulting from the contest between her and her neighbor Ohio. These were some of the difficulties which existed, but all this time she was enjoying a government; all this time she had her own Legislature, her own representation, her own laws; she had the power to govern herself as she pleased in her territorial condition.

Sir, it does seem to me that if we will look at things as they are, and not be misled by mere forms, by technicalities not worthy of consideration for a moment, that we will not only draw a distinction favorable to California between her case and that of Michigan, but that we will draw from the facts in the case a conclusion of duty, which, for one, I am ready and anxious to perform.

I heard a sentiment uttered to-day which I have again and again heard uttered, and which I have never heard uttered but with a shuddering and apprehension. We are told that upon certain contingencies, upon the occurrence of certain events, the South must take a particular, a specified course, regardless of consequences. Regardless of consequences! Why, sir, can we acquit ourselves to ourselves, can we acquit ourselves to civilization, can we acquit ourselves to that religion which we all profess to respect and adhere to; can we acquit ourselves to the great God of heaven himself, if, upon a measure of this magnitude, of this transcendent importance, we are to take it regardless of consequences? Sir, I know of no condition of man, individually or associated, wherever he may be, whether solitary and alone, in the midst of the wide prairies of the West, or upon the ocean's billows when tossed by storms, or acting in a deliberative assembly, I know of no condition where a religious, moral, rational, responsible being can take a step regardless of consequences. Sir, it is precisely because I do regard consequences, and I apprehend them, not to this or that side of the Union alone, but to all parts, to the entire country—consequences not only affecting us, but affecting all mankind, in a greater or less degree; consequences which affect the existence of self government, which affect the preservation of liberty itself; it is because I do look to these consequences, because I regard them, because I have deliberated upon them, that I am led to the conclusion of making an exertion, of making every effort the power to make which is yet reserved to me to avert the

greatest of all human calamities, not only that could befall this country, but that could befall the whole race of civilized man. * * *

A word or two only, Mr. President. I do not rise to prolong this discussion, from which I do not perceive that any profitable results are likely to accrue. With respect to the honorable senator from Mississippi having a right to comment on my public conduct and career, I have never doubted it; I have never complained of it. I did complain that the honorable senator should describe the position of myself in relation to another senator some days ago, and draw from our respective attitudes certain conclusions.

Mr. Foote. Will the honorable senator bear with me for a moment? He will find in my printed speech, now lying before me, that I did not question his motives.

Mr. Clay. I know that. But will the senator tell me what sort of intention is implied, when one who is intimated to have been animated by corrupt purposes—as was intimated with regard to the other senator—is dealing with me, conversing and conferring with me; and how I, as a man of honor, could listen to his language while making such overtures—

Mr. Foote. The senator will recollect that I commended him for not permitting himself to be made use of in this way. [Laughter.]

Mr. Clay. I know the kindness of the honorable senator's nature. I have had abundant evidence of it; and it would be extremely difficult for him to make me think otherwise than that in all the private relations of life at least he is as kind as any other senator in this body. But let me put it to him, in that spirit of moderation in which he would address me. There was a senator came to me this morning (I will not tell whom—that is a matter between the senator and myself), and, leaning over the baunister at the back of my chair, we had a very long and interesting conversation upon the most important topics of the day, in which there were many things said not necessary or proper now to repeat. Now, suppose that some northern man had watched the motions of the honorable senator from Miss— ah! I beg pardon, I was just going to name him. [Laughter.] Does the honorable senator allow me to refer to him?

Mr. Foote. Unquestionably. Will the senator allow me simply to say that I have nothing to conceal; I wear my heart upon my sleeve; and if there was any thing illicit in the language I used he is welcome to proclaim it. I happen to be a man who would not be suspected of any thing fraudful.

Mr. Clay. I was about to say, sir, that the honorable senator from Mississippi himself came to my seat this morning, and we had a very long and interesting conversation, and he spoke of the ways and means of the delivery of our country from the difficulties which now surround it. Now, suppose that any northern or southern man, having watched the movement of the honorable senator, in coming over to me, should rise in his place and impute motives which did not exist—make charges wholly unauthorized—would he not conceive it improper?

Mr. Foote. It would be very wrong.

Mr. Clay. Is it not improper for the private intercourse which may take place from time to time between any two senators in this body to become the subject of public observation, and compose a part of the animadversions which senators may choose to throw into their speeches? That is all I have to say upon that point.

Now, with regard to the reference which the gentleman has made to a letter of mine addressed to a free-soil Convention in Ohio during the past summer; that is all fair, and I shall state what the contents of that letter were. I was invited to attend the celebration of the anniversary of the passage of the ordinance of 1787; and I think I gave a very delicate rebuke to the parties sending me an invitation to the celebration of any such day. I said that it was the first time the day had been celebrated, although sixty years have elapsed since the passage of that ordinance. I added, and I add here and everywhere, that not one of them, that no man in the United States was more opposed than I was to the introduction of slavery into any of the new territories of this country by positive enactments of law, and that I did not believe there existed, under the present state of what I conceive to be the laws of Mexico, any right on the part of any individual to carry slaves there. This is what was in the letter.

The honorable senator has chosen to go back for a term of fifty years. I do not know that there is any great merit in uniformity or consistency on the part of public servants. There is one advantage in it, which I will state. If a man is uniform in his conduct, it can always be inferred, if any new case or exigency arises, where he will be; but if he is perpetually vacillating, no matter what may be the motives for the change of his conduct, it is impossible to place him. Although, as an abstract truth, we may possibly allow that where a man honestly changes his opinion, it is from an internal conviction of the error of that opinion, the difficulty is in making mankind believe in his sincerity for having done it. I therefore think it is better, as a general rule for public men, that they should never change their opinion unless on palpable evidence, which all mankind consider as plain.

I have made no change. From the earliest moment when I could consider the institution of slavery, I have held, and I have said, from that day down to the present, again and again, and I shall go to the grave with the opinion, that it is an evil, a social and political evil, and that it is a wrong as it respects those who are subject to the institution of slavery. These are my opinions. I quarrel with no man for holding contrary opinions; and it is perfectly true that in my own State, about this time last year, I addressed a letter to a friend in which I suggested these opinions, and sketched out what appeared to me might be a practicable plan for the gradual emancipation of slavery in Kentucky That letter I chose to put on record. I knew at the moment when I wrote that letter at New Orleans, as well as I know at this moment, that a majority of the people of Kentucky would not adopt my scheme, or probably any project what-

ever of gradual emancipation. Perfectly well did I know it; but, sir, I was anxious that, if any one of my posterity, or any human being who comes after me, should have occasion to look into my sentiments and ascertain what they were on this great institution of slavery, to put them on record there; and ineffectual as I saw the project would be, I felt it was a duty which I owed to myself, to truth, to my country, and to my God, to record my sentiments. The State of Kentucky has decided as I anticipated the State would do. I regret it, but I acquiesce in her decision. I wish it had been otherwise; but I acquiesce in it most cheerfully, and no man hereafter will see me making any efforts there, or anywhere else, to disturb the deliberate decision of the commonwealth made after full consideration.

Now, I really should be much indebted to the honorable senator for the sympathy which he felt for me, in respect to the recent attack, which I believe has been in the newspaper which I think has been laid on the tables of all of us. But, sir, I desire the sympathy of no man—the forbearance of no man; I desire to escape from no responsibility of my public conduct on account of my age, or for any other cause. I ask for none. I am in a peculiar situation, Mr. President, if you will allow me to say so—without any earthly object of ambition before me; standing, as it were, upon the brink of eternity; separated to a great extent from all the earthly ties which connect a mortal with his being during this transitory state. I am here expecting soon to go hence, and owing no responsibility but that which I owe to my own conscience and to God. Ready to express my opinions upon all and every subject, I am determined to do so, and no imputation, no threat, no menace, no application of awe or terror to me, will be availing in restraining me from expressing them. None, none whatever. The honorable senator, if he chooses, may deem me an abolitionist. Be it so. Sir, if there is a well-abused man in this country—if I were to endeavor to find out the man above all others the most abused by abolitionists, it is the humble individual who is now addressing you. The honorable senator from Mississippi does not perhaps see these papers as I do; but they all pour out from their vials of wrath bitterness which is perfectly indescribable; and they put epithets into their papers accompanied with all the Billingsgate which they can employ, and, lest I should not see them, they invariably take occasion in these precious instances of traduction to send their papers to me. I wish the honorable senator from Mississippi [Mr. Foote] could have an opportunity of seeing some of them.

Mr. Cass. I can give the honorable senator from Mississippi a bushel of them, if he will take the pains to read them; and I must say that the honorable senator from Kentucky is about the best-abused man in all this Union, with perhaps but one exception. [Laughter.]

Mr. Clay. Now, sir, when I brought forward this proposition of mine, which is embraced in these resolutions, I intended, so help me God, to propose a plan of doing equal and impartial justice to the South and to

the North, so far as I could comprehend it; and I think it does yet. But how has this effort been received by the ultraists? Why, at the North they cry out—and it is not that paper alone to which the honorable senator from Iowa [Mr. Dodge] refers, but many other papers also—they all cry out, "It is all concession to the South." And, sir, what is the language in the South? They say, "It is all concession to the North." And I assure you, Mr. President, it has reconciled me very much to my poor efforts, to find that the ultraists, on the one hand and on the other, equally traduce the scheme I propose for conceding every thing to their opponents.

The honorable senator from Mississippi says I have not spoken in such fervent language, on this occasion, as I did eleven years ago. Sir, I think I have employed as strong language as was suited to the occasion, and the office I am endeavoring to perform to both sections of the Union. Did I fail to reproach the North with a violation of constitutional duty with regard to fugitive slaves? Did I fail to go as far—further, perhaps, than any other senator on this floor—to reproach her also, or to remind her, that this feeling was with her a sentiment of philanthropy and humanity only, while with us it was a feeling which involved the safety of our property, a question of life and death? But, sir, I will not take up the time of the Senate in further discussing this matter. The resolutions, and the speech with which I supported them, are both before the country, and of them the country must judge. But, sir, I would ask the honorable senator from Mississippi if he is conscious of the language which he used? He said, if I understood him aright, that when I addressed the Senate on a former occasion, instead of adhering to the interests of the South, I had gone over to the ranks of the enemy. Enemies! Where have we enemies in this happy and glorious confederacy?

[On the 1st of April, 1850, Mr. Clay made some very interesting and touching remarks on the death of the Hon. John C. Calhoun, extracts from which will be found in vol. iii., page 453.]

ON MR. FOOTE'S MOTION

FOR A SPECIAL COMMITTEE TO PREPARE A BILL OF COMPROMISE ON MR. CLAY'S AND MR. BELL'S RESOLUTIONS.

IN SENATE, APRIL 8, 1850.

[On the 28th of February, one month after Mr. Clay's resolutions of compromise had been submitted, Mr. Bell of Tennessee introduced another set of resolutions having the same object; and Mr. Foote of Mississippi subsequently moved for the appointment of a special committee to prepare a bill or bills of compromise, embracing the general subject of Mr. Clay's and Mr. Bell's resolutions, which resulted in the appointment of the Committee of Thirteen, April 19. It was during the pendency of this motion that Mr. Clay made the following remarks.]

Mr. President—Although far from being well, suffering still under the common malady of the times—the influenza, I suppose—I feel myself called upon to make some reply to a portion of the arguments which we have just heard from the senator from Missouri. Sir, I have to express an unfeigned regret that it is not my fortune to concur in opinion with that senator in reference to the mode of accomplishing a common object which we both have very much at heart. My respect for the ability, and my deference to the long service and great experience of that senator, and my knowledge of the deep interest which he takes, and in which I most heartily share, in the admission of this new State as soon as practicable, renders it extremely unpleasant, and as I think unfortunate, that we should differ as to the means of accomplishing a common object.

Mr. President, I stated on Friday last, and I have on various occasions stated, that, for one, I was ready to vote for the admission of California separately, by itself, and unconnected with any other measures, or in conjunction with other measures. And I stated on that occasion to the Senate and to the senator from Missouri, that I believed, as I yet believe, that the most speedy mode of accomplishing the object which both he and I have in view, is by combining some of these measures in connection with California, and by this combined bill presenting subjects which, I shall presently show, are fairly connected in their nature, to the consideration of

Congress at one and the same time. The whole question between the senator from Missouri and myself, is, which is the best mode of accomplishing the object. I say, connect the several measures together; he says, no, take California separately and alone. Sir, I should be glad, if the experiment could be made without injury to the public, that the two modes should be tested by experience, and it would then be ascertained whether the senator from Missouri or myself was correct. He has made an allusion to a remark of mine on Friday last, with reference to the difficulties that may arise on the passage of a bill alone for the admission of California, and he has inquired what I had in contemplation at the time I made that remark. Mr. President, I had various matters in contemplation at that time, and one was this. About California we all know there is no difficulty as to her admission, either separately or conjointly with other measures: we all know perfectly well that there are large majorities in both Houses in favor of the admission of California. We know at the same time that there are great difficulties with reference to the passage of territorial governments unconnected with the Wilmot proviso. We know that one portion of Congress desire very much the admission of California, when many members comprising that portion are opposed—some to the establishment of any governments at all for the Territories, and many of them to the establishment of such governments without the introduction of the proviso. Thus, while that party, anxious for the accomplishment of its own views and the satisfaction of its own wants, are pressing on for the passage of a bill for the separate admission of California, they are holding back in reference to other subjects equally important to the great object which I trust animates the breasts of all—the great object of quiet and pacific action to the country. And, beside, there are those who desire the establishment of governments for the Territories without the proviso, but who are willing to take the admission of California in combination with governments for the Territories without the proviso. I did allude to other considerations, not likely to happen in this House, but which have happened, and may again happen in the other House of Congress; I did allude to what we heard said, not in approbation—far from it—but with most decided disapprobation of it on my part. I did hear—as we know has occurred once at least on one day during this session—that if it was attempted to force on the minority of that House a measure which is unacceptable to it, and abhorrent to its feelings, without its association with other objects in view, that minority would resort, in resistance of it, not I trust to acts of violence, but to those parliamentary rules and modes of proceeding of which we have had before instances in this country, and which I myself witnessed forty years ago, in a most remarkable degree, in the House of Representatives, and which we know some consider lawful at any time to be employed. For myself, I differ perhaps from most members of this body, or of any deliberative body, on this subject. I am for the trial of mind against mind, of argument against argument, of reason against rea-

son, and when, after such employment of our intellectual faculties, I find myself in the minority, I am for submitting to the act of the majority. I am not for resorting to adjournments, calls for the yeas and nays, and other dilatory proceedings, in order to delay that which, if the Constitution has full and fair operation, must inevitably take place. There is great loss of sleep, with great physical discomfort, in the one mode of proceeding, without any in the other. But, while this is my judgment of what is proper, in deliberative bodies, other gentlemen entertain different opinions. They think it fair to employ all the parliamentary means that are vested in them by the Constitution, or by the rules which regulate the body to which they belong, to defeat, impede, or delay to any extent the passage of the measure which they consider odious. I repeat, sir, I do not justify such a course; but we must take man as he is, with all his weaknesses and infirmities, and we can never expect to make him as we could wish him to be.

Now, the senator from Missouri has chosen to characterize this measure with unfairness of proceeding. Sir, if I were disposed to retort, which I am far from doing, I could say that there had been some unfairness in the argument of the senator from Missouri, when he endeavored to show that the pending proposition was to combine California, the territorial governments for the two proposed Territories, the fixation of the line of Texas, the fugitive slave-bill, the bill for abolishing the slave-trade in this District, abolition, and God Almighty knows how many other subjects, which his imagination depicted as contemplated to be introduced into our omnibus bill, and to be considered in that way. The senator from Missouri knows perfectly well that no such purpose existed, and he has no right to infer any purpose of the kind. No longer ago than Friday last, when I misunderstood my colleague, and supposed that his object was to combine this fugitive slave-bill with these measures, he rose at once and disclaimed any such intention. Sir, nobody has gone further in this proposed combination of subjects than the admission of California, the establishment of territorial governments, and—doubting its propriety, as I did on Friday, not being absolutely determined in my own mind—adding to these two measures the establishment of a suitable boundary for Texas, with the offer of an equivalent for the surrender of any title which she might be supposed to have in the territory so surrendered. Let us look, while on this subject of Texas, to another part of the senator's argument, and I put it to the candor of the senator to admit how unfair, how improper, at least, it is to suppose that, by such a combination as I have indicated, the result would be to give Texas a veto on California? Who imagines that? You pass a bill with the separate section for the admission of California, other sections in the same bill establishing governments in the two Territories, and other sections in relation to the proposition to Texas for the settlement of her boundary, making her certain offers, and this latter proposition dependent on the consent which Texas might or might not give. But suppose Texas

does not give her consent, does any body say that the other parts of the bill would become dead or nugatory? Each portion of the bill is of force and effect according to the object in view, and each might stand, although the other portion of the bill might be rendered null, in consequence of the non-concurrence of Texas in any other power.

It has been said that it is wrong to make those who might be in favor of the admission of California, and against the establishment of territorial governments, or *vice versâ*, vote on such a combination—that it would be wrong to combine them in one bill, because they would have to vote against both, not liking a portion of the bill, or for both, still disliking a portion of the bill. And we are told that what the wisdom of California suggested in her Constitution—that is to say, the keeping of subjects separate and distinct—is thereby to be disregarded. Now there is very little of practicability in this idea of a total separation of subjects. Suppose you have the California bill alone before you, is that a single idea? There is first the admission of the State, and secondly the proper boundaries of the State. Now there may be senators, if you had this single bill before you, who would say we are willing to admit a State, to be carved out of this territory, but we are against the boundaries proposed, and why not separate it into two bills, one for the admission of the State, and the other for the fixation of its limits. Why, thus you might go on, cutting subjects up into as many parts as they are capable of being divided into, and say that each one of them shall contain a single, and only a single, idea. Take the tariff bill. It contains five hundred items usually, and we have never passed a tariff bill, or given a vote upon it, without some parts of it being objectionable to some, or that did not contain items for which some man voted against his judgment, but which he did vote for, because of other items in the same bill. And so with the course we propose. If we combine together a bill for the admission of California, and for governments for the Territories, in the first place those who opposed the combination may oppose it. If it is introduced already in the bill, it may be proposed to strike out what relates to the Territories; or if it is proposed that they shall be added to the bill for the admission of California, they can move amendments, call for the yeas and nays, and thus show their opposition to the association of the measures together. But suppose the majority overrules them. Suppose there is a majority in favor of the association of the measures, and then the final question is put: Will you vote for or against the bill? And what are you to do in a case of that kind? Exactly what we would do in all human concerns. There is bad and good mixed together. You may vote against it if you please in toto, because of the bad there is in it, or you may vote for it, because you approve of the greater amount of good there is in it. The question for the time is, whether there is more of the good than of the bad in the bill; and if the good outweighs the bad, that will be a further consideration for voting for the whole measure.

But, sir, my object now is to show that there is a perfect connection between the subjects proposed to be united, and I refer not to what the senator from Missouri has charged, but to the State of California, territorial governments for the Territories, and at most the fixation of the boundary of Texas. Sir, are these subjects connected together or are they not? Let us look at facts and at history. Let us appeal to the very facts which the senator from Missouri himself insists ought to be so influential on our judgment. Well, sir, California, New Mexico, and Utah, all were component parts of the Mexican republic, and they were ceded together, in association, to the republic of the United States. They were of a like grade of government in Mexico. All of them were provinces; none of them were States under the Mexican republic. They came here together, in association, under the treaty by which we acquired them. They came here at the last session together, all imploring the establishment of territorial governments within their respective limits. It was not done. Why was it not done? The South reproaches the North for not doing it, by saying, You insisted upon the introduction of the Wilmot proviso. The North reproaches the South by saying, You are responsible for it by opposing the Wilmot proviso.

Mr. President, both parties were wrong, and neither was wrong. They were wrong in the aggregate, but not wrong separately. They were wrong in the aggregate because Congress failed to devise and establish governments which it was called upon to do by all the solemn obligations of treaty stipulations, and all the solemn duties which resulted from the fact of the acquisition of those territories by this country. They were not wrong separately, because, you who contended for the proviso did so, I have no doubt, honestly, and you who opposed the proviso, did so, I have no doubt, honestly. It was a case, therefore of irreconcilable difference of opinion between two large parties in Congress; and their convictions, their consciences, respectively restrained them from yielding the one to the views of the other. No reproaches, therefore, I think, can justly be made by one party upon the other. It was a subject of deep and profound regret that proper governments were not then devised, but it was attributable solely to those unhappy divisions which sometimes exist in deliberative bodies, and prevent legislation. But, sir, these territories were all together—Utah, California, and New Mexico. One short year ago they were all territories, and allow me to say, however much it may be emphasized, that California is no State yet, and she can be no State until she has the seal and sanction of the paramount authority which pervades all this country. It is in the power of Congress, if it choose to exercise the right, to put down the present State government which has been established there, and establish a territorial government there. I am not disposed to charge on a community the misconduct or peculiar opinions of any individual of that community, but I must say what I have been constrained to feel, that I am pained to see with what contumacy, with what

disregard of the allegiance due from the States, old and new, they sometimes treat the parental and paramount authority. And I was lately—I will not say provoked, for the annoyance was too slight—somewhat grieved at seeing some letter-writers from California talking already of breaking off from this Union and setting up for themselves. They will venture on no such hazardous experiment as that. If they do, I venture to say the common authority of the Union will recall them to obedience and a sense of their duty very quickly. But, sir, these three Territories, one of which is now called a State, were component parts of Mexico, and they are now component parts of the United States; and allow me to say in reference to that part of the argument of the senator from Missouri which speaks of the wretched condition of California at this moment, with her mines of boundless extent of gold—that desperate condition, that anarchy with which she is threatened, that want of law which exists, that danger of breaking into pieces (for such I believe was the remark of the honorable senator) if there is not some legislation here—do not all these considerations, every one of them, apply with equal force, and ought they not to receive equal application, to the Territories of Utah and New Mexico? Why, in regard to New Mexico especially, she is not only at present without any government, except some patched-up military form of government, but she is at this moment threatened with civil war with her neighbor Texas, and if I were to single out of these three Territories, that in regard to which it was the most imperative duty of Congress at once to legislate, I would say it was New Mexico, and the adjustment of the boundary between her and Texas. Every consideration derived from anarchy, confusion, the want of government, the want of law, the danger from disorder which the senator has arrayed in reference to California, applies with full force and vigor to New Mexico. Well, how does this matter stand? The three sisters came here at the last session of Congress: New Mexico the eldest, California next, and Utah the youngest. They came here all soliciting territorial governments. Attempts were made to give them all territorial governments, but they failed. In the mean time, Miss California has made a runaway match of it—and she has not only done that, but she has taken as large a portion of the common patrimony of the whole as she pleases. She comes here now with her two sisters—the one older and the other younger—and cocks up her nose, and asks if you will associate her with those two girls. [Laughter.] Mr. President, I might laugh, if I did not feel the profoundest respect toward California; but, as was asked on another memorable occasion, "Ye gods, on what meat has our Cæsar fed, that he has grown so great?" I believe the meat of California would seem to be gold; for although it appears to abound in all parts of the country, yet it is said that they can not carry on the government without some loan. I have seen some documents of late from the Legislature of California, and I find in one of them a very sensible report to one branch of the Legislature, in which it is proposed to levy a

poll tax of five dollars, which it is said will collect an ample revenue by July next for all the purposes of the government. But is there not, in the nature of the subject—which is the establishment of governments for our recent acquisitions; is there not in the fact of their community of existence heretofore, and in the community of their present existence; is there not in the fact that we propose government for the one, matured, it is true, in the form of a State government, and for the others, governments also adapted to their peculiar condition—ample reason why they should be combined? And what is there, I ask, in the nature of the case, that offends the dignity of California, or renders it less to her honor to be associated hereafter, where she has always been associated heretofore, with Utah and New Mexico?

But, sir, the honorable senator from Missouri has endeavored to place himself behind precedent, and he asserted that in every instance of the admission of a new State the question of admission has stood by itself, unconnected with any measure whatever. Now, it is very remarkable that that honorable senator did not recollect the case of the admission of the very State of which he is such an able and efficient senator. Why, sir, that State was not admitted alone. Other subjects were connected with the act by which she was admitted. Here it is:

"An act to authorize the people of the Missouri Territory to form a Constitution and State government, and for the admission of such State into the Union, upon an equal footing with the original States, and to prohibit slavery in certain Territories.

And the eighth section of the bill provides expressly, not merely for the establishment of a temporary territorial government, but a permanent, perpetual, fundamental law in reference to these other Territories:

"That in all the territories ceded by France to the United States, under the name of Louisiana, lying north of 36° 30′ north latitude, not included within the State contemplated by this act, slavery and involuntary servitude, otherwise than as a punishment for crime, whereof the parties shall be duly convicted, shall be, and is hereby, forever prohibited."

What did we do in the case of Louisiana? In 1805 two territorial governments were established—one for the Territory of Orleans, and the other for the Territory of Louisiana; the latter one embracing the very State to which this provision in reference to slavery was applied. But if I were to open the records of this body what would they disclose? Not a Territory and a State combined, but two States, as far separated from each other as possible, were combined by the Senate of the United States in the same bill, and by a perseverance almost unexampled in the history of legislation, each House, having disagreed with the other—vote after vote was taken without any practical result. But they finally saw land, and the question was settled by the Senate yielding to the separation of the two

States, Maine and Missouri, in consideration of the introduction of the free clause to which I have referred. But, if there were no precedent in the case, I might very properly say that the peculiar situation of affairs would supply a precedent. There is, I admit, no case exactly in all points like California, and the two Territories adjacent to it, which are seeking the establishment of territorial governments.

In most of the cases to which the honorable senator has referred, Vermont, Kentucky, Tennessee, and others, there was but one single Territory to be admitted, and that was clearly defined; and its muniments ascertained by the parent States. But here we have the subject before us, and I put it to you, sir, and to every member of this body, if there is not a connection, and fitness, and propriety, and sympathy, in the subjects themselves, that not only warrant but demand that you should connect them together.

But, sir, see the enormity of this proposition. I hope it will be distinctly understood that I am equally anxious with the honorable senator from Missouri for the admission of California. I think her admission has been improperly delayed; it has been unavoidably delayed, by causes which we all know and understand. But not only does the honorable senator require that this elder sister, who treats with so much contempt the other poor members of her family—not only does he require that her superior honor and dignity shall be recognized, but he exacts from us that she shall be kept separate and alone; that she shall not be contaminated by any sort of connection with her sisters, lest she might contract some contagious and fatal disease. The honorable senator is not satisfied that she should stand alone, but she must lead off in the dance: she must precede all the others. He insists that it will be treating her with indignity, with contempt, if you take up the territorial bills in the first instance, and act upon them before you act upon the question of the admission of California.

Mr. President, I hope I am doing a less imprudent thing in the attempt I am making to keep these subjects together than I am doing in regard to my personal condition in occupying so much of your time. If I had supposed otherwise, I should not have said a word. But, sir, I hope I have said enough to show, first, that California would be more speedily admitted by being connected with the Territories in a common bill than if it should stand separated from them; secondly, that there is no incongruity in the association of the subjects; and, thirdly, that according to precedent and all the analogies to be drawn from precedents not exactly like, but somewhat similar to, the present case, there is no impediment in the way of the course which I have proposed. And if I am right in this view, I am sure no difficulty need be apprehended. Every member of this body is desirous of restoring once more peace, harmony, and fraternal affection to this distracted people. Various projects have been suggested to accomplish that patriotic object. Among them a proposition has been made by the senator from Mississippi to refer all the subjects to one committee, to be

appointed by the Senate, with power to report as that committee may, upon consideration, deem it best, either a separate or a conjoint measure. The purpose of the committee is to settle, if they can, the causes of difference which exist in the country by some proposition of compromise. There are, no doubt, many men who are very wise in their own estimation, who will reject all propositions of compromise, but that is no reason why a compromise should not be attempted to be made. I go for honorable compromise whenever it can be made. Life itself is but a compromise between death and life, the struggle continuing throughout our whole existence, until the great Destroyer finally triumphs. All legislation, all government, all society, is formed upon the principle of mutual concession, politeness, comity, courtesy; upon these, every thing is based. I bow to you to-day because you bow to me. You are respectful to me because I am respectful to you. Compromise is peculiarly appropriate among the members of a republic, as of one common family. Compromises have this recommendation, that if you concede any thing, you have something conceded to you in return. Treaties are compromises made with foreign powers contrary to what is done in a case like this. Here, if you concede any thing, it is to your own brethren, to your own family. Let him who elevates himself above humanity, above its weaknesses, its infirmities, its wants, it necessities, say, if he pleases, I never will compromise, but let no one who is not above the frailties of our common nature disdain compromises.

Well, what does the honorable senator from Mississippi propose? Here is a proposition to refer all the subjects to a committee with a view to a compromise. The honorable senator from Missouri rises up and says no; here is one subject that you must not refer to the committee; another senator may rise up and say here is another subject that you must not refer; and a third may rise up and say here is a third subject that you must not refer to the committee. This proposition establishes a committee the object of which is to compromise all the differences that arise out of the subject of slavery. Constitute your committee for such a purpose, and then take from them the consideration of one branch of the subject. Would this be right, sir? Can you not trust your committee? Whatever is done by the committee has to be brought before the Senate for its consideration, for confirmation or rejection at the pleasure of the Senate. If they report an improper bill, either as a separate measure, or a connected measure, you have the controlling power. Will you not allow the subject to be considered, examined, determined upon by the committee, according to the best judgment of those to whom you confide the great and responsible duty? Sir, I am done; I ought not to have said so much, and I beg pardon of the Senate for occupying so much of their time.

ON ABOLITION PETITIONS.

IN SENATE, APRIL 18, 1850.

[During the debate on the Compromises of 1850, numerous abolition petitions were laid on the desks of members of Congress, which, if respectful, were referred. Mr. Clemens of Alabama, as will be seen from the following extracts from the debate of April 18, thought he had obtained a very pleasant morceau for the committee on abolition petitions, and gave notice that he should propose its being referred. It gave Mr. Clay an opportunity of making some remarks well worth being preserved.]

Mr. Clemens. I disagree with my colleague, and my friend from Mississippi, as to the importance of these abolition petitions. I think they are great humbugs at the best. I agree with the honorable senator from Kentucky that it will be proper to send them to this committee. I want them to go there; and, while up, I will give notice of a petition which I have received from New York, and which I shall present to-morrow, and ask that it shall go along with these petitions to the committee. I will read it.

"*To the Honorable the Senate of the United States respectfully showeth:*

"That your petitioner, with all respect to your honorable body, would urge the absolute necessity of establishing a United States lunatic asylum for the immediate treatment of some of the worthy senators and representatives now in Washington. Your petitioner has viewed with extreme pain the mad suicidal course pursued by some of the abolition members, and would respectfully entreat that they may at once be placed in confinement, so that they may not injure themselves, their friends, or their country."

It then goes on to name one particular senator, and to suggest that "he may at once be seized, and be placed in the most secure place in Washington, and that his head be shaved and blistered, and that he be at once bled and placed on a water diet." [Laughter.]

Mr. Clay. As to the point of order, the proposition is to refer these resolutions to a committee of thirteen, and we have been acting upon the subject. It is like putting in a plea in abatement, after putting in a plea on the merits of the case. We can do it if first made; but, according to

strict parliamentary usage, the first motion should have been to take up the resolutions of my friend from Tennessee and my own, and then to move to refer them. But, inasmuch as the motion was made to refer, and we have discussed the matter and proposed amendments to the resolutions before us, I think my friend from Illinois will concur with me, that, in this proceeding, it is rather too late to raise a question of order.

I wish, however, while I am up, to make a suggestion. This proposition is totally different from those we have been voting upon to-day. Those we have been voting on to-day were those of restriction. The proposition now is one of enlargement of the powers of the committee without restriction. And what is it? It is to refer all those questions to the committee, and to consider such circumstances as a proper respect will lead them to bestow upon them. I know that my friend from Alabama and myself differ about the propriety of the reference of these petitions, and I regret it. I have always been disinclined to give a chance to any portion of the country to reproach Congress for the non-reception of petitions, and it is precisely upon that same principle that I now hope the opposition to the reference of these petitions may be withdrawn.

Sir, I congratulate you, I congratulate the nation, I congratulate mankind, upon the prospect that now opens for a final and amicable settlement of this question. I believe such a settlement will be made after the occurrences in this body this week, and after what we know of the patriotic disposition of the majority in the other House. Now, sir, when these questions are settled, I want no man to have it in his power to go home and make just such speeches as the senator before me [Mr. Hale] has made in the Senate. I want no man to go home and endeavor to excite the people by using such language as this:

"Your petitions were treated with the utmost indignity. They were laid on the table, unread, unconsidered: and when I proposed to refer them to the committee to which all the subject-matters of the petitions were referred, and with which, therefore, they had a necessary connection, even that was opposed."

I am no great hand at making a stump speech, but I think I could take up that theme in such a way as to exasperate and excite the populace. I hope these petitions will be taken up and referred to the committee. I do not think there is any fear that they will recommend any mischievous plan. Whereas I do fear that the non-reference of these petitions would tarnish the prospect of a general amity, with satisfaction to the whole country. I am, therefore, in favor of the reference of these petitions to the committee.

ON GIVING LANDS FOR RAILROADS.

IN SENATE, APRIL 29, 1850.

[When the bill for setting apart a portion of the public lands for the Illinois Central Railroad was before the Senate, Mr. Clay made the following remarks.]

Mr. Clay. Mr. President, I rise to do nothing more than to express an opinion or two, and not to enter into the general discussion. I am very glad to learn that such a great measure of public justice as I deem it—as the distribution of the proceeds of the public lands—commends itself to the approbation of my friend from South Carolina [Mr. Butler], and that he now deems that an acceptable measure which—

Mr. Butler (interposing). Ah! I am sure that my friend from Kentucky will allow me to say that I was looking at alternatives; and, doing so, I had a right to say which of two events I would deprecate least, without being understood to desire either.

Mr. Clay. Well, sir, it is exceedingly agreeable to me to hear the honorable senator express an opinion—either with or without the modification he has now made—at all favorable to a great national measure of justice which would have redounded greatly to the benefit of posterity; and I can not but hope that his fear of the entire waste of the public lands will induce him, if some similar project is brought forward, to go for it.

Sir, with reference to the particular question before the Senate, I have arisen merely to say, in the first place, that I entertain no doubt about the general power, under proper guards and appropriate restrictions, to make the species of appropriations of the public lands which is here contemplated; and I hope to see a portion of that power extended to our lakes, and our rivers, and our harbors. I am ready, for one, to concur in any cautious, but liberal measures for the improvement of those lakes, and rivers, and harbors. The Ohio river—the greatest thoroughfare in this country, with the exception of the Mississippi—has depended almost for the possibility of navigating it upon the exercise of this same general power, which I believe the government possesses. I have no doubt, I can entertain no doubt, of the right of the general government, as one of the greatest—the very greatest—of landholding proprietors, to appropriate a portion of that land for the purpose of making the remainder more valuable and available.

A great deal has been said about the trusteeship of the government.

It is true that all government is a matter of trust. Individual men are trustees created by Providence, bound to administer their faculties to the best advantage, not merely for themselves but for their fellow-men. But if, by the use of the term trustee, it is proposed to qualify, limit, or restrain the trust so as to resemble the ordinary trusts that are created in the course of human transactions, I do not concur at all in that idea. The government is a trustee for the purpose of administering the affairs of the nation according to its best judgment for the good of the whole, and all the parts of the whole. With respect to the State of Illinois—and I believe the same is true to a considerable extent with reference to Mississippi and Alabama, but I happen to know something personally of the interior of the State of Illinois—that portion of the State through which this road will run is a succession of prairies, the principal of which is denominated the Grand Prairie. I do not recollect its exact extent, but it is, I believe, about three hundred miles in length, and but one hundred in breadth. Now, this road will pass directly through that Grand Prairie lengthwise, and there is nobody who knows any thing of that Grand Prairie, who does not know that the land in it is utterly worthless for any present purpose —not because it is not fertile, but for the want of wood, and water, and from the fact that it is inaccessible, wanting all facilities for reaching a market, or for transporting timber, so that nobody will go there and settle while it is so destitute of all the advantages of society, and the conveniences which arise from a social state. And now, by constructing this road through the prairie, through the center of the State of Illinois, you will bring millions of acres of land immediately into market, which will otherwise remain for years and years entirely unsalable.

Well, so with regard to Alabama and Mississippi: the road which is proposed will pass through what is called the pine barrens. The soil there, except in occasional spots, is entirely valueless, though it is covered with timber which is intrinsically very valuable, but now worthless, because it is unapprcachable, and not available for the want of some means of transport to a market. Well, by running this road through those portions of Mississippi and Alabama, you will again bring into market an immense amount of lands, increasing their value to the benefit of the treasury of the United States.

Now, is it possible that the government, trustee, or whatever you may choose to call it—an intelligent being, at any rate—is not bound to manage the property belonging or intrusted to it in such a manner as shall, in its own judgment, redound most to the benefit of the whole country? And in promoting the good of the parts, you promote the good of the whole. Is there a man even in Georgia, Alabama, Mississippi, Tennessee, Kentucky, Illinois, or the adjoining States, who will not, in one way or another, avail himself of the advantages of such a road in the facilities for travel or transportation? It will furnish a continuous route from Chicago to Mobile. And Georgia has already her iron arms stretch-

ing out in the same direction, and will readily form junctions with the Alabama road.

The honorable senator from South Carolina [Mr. Butler] has anticipated some difficulty in relation to Tennessee and Kentucky. Why, sir, the project is to carry the road from Mobile to the mouth of the Ohio river, or to some place in that vicinity, perhaps to Columbus, a town a few miles below the mouth of the Ohio—thus making one grand line from Mobile to Chicago, or wherever the northern terminus may be, passing through Kentucky at that part of the State where it is extremely narrow; and I can not think there will be any difficulty under the provisions of this bill, either in that State or in Tennessee, on account of the want of public lands along the route. It is impossible, in the administration of the great interests of this country, to distribute the advantages of the administration equally among all the States. Take the collection of the revenue for example. In the city of New York alone, there are eight or nine hundred functionaries connected with that branch of the public service, from all whom that city derives an advantage in the expenditure of their salaries and their residence as citizens there, and from other incidental causes. If we were to insist upon the principle of a precisely equal distribution if the benefits arising from such sources, we should be obliged to have a corps of eight or nine hundred officers, stationed in every city throughout the country, with fixed salaries and with no duties to perform; and so of the other great interests of the country. But the custom-house at New York, and the corps of officers maintained at New York, are not intended for the benefit of New York. They are for the benefit of the whole country; and just so this road, proposed to be built in Illinois, although she will derive, doubtless, the largest and most immediate advantage from it. It is for the sake, in the first place, of the public lands, and for the sake of the commerce, and travel, and intercourse, between the people of this great republic, which, the more the facilities of intercommunication are augmented, becomes the more harmonious and homogeneous in all its parts.

Then, sir, I am in favor of these measures. I have not had it in my power to look into the bill with that care that I ought to have bestowed. I confess I have some hesitation, unless it is put under proper restriction, about going so far from the road on either side of it—a distance of six miles. To go away off where the making of the road will create no additional value to the land, is doubtful, especially unless it is placed under proper restrictions. But so many of these restrictions are provided that I can not entertain a doubt as to the exercise of this power—a power of this government by whatsoever name it may be called, of which I can have no doubt as to its right, or of the propriety of applying a portion of the public land in order to increase the value of the rest. These are my views and opinions. I do not intend to discuss these subjects now, for I have often discussed them heretofore; but I have thought it right to express these opinions thus briefly.

ON THE SEARCH FOR SIR JOHN FRANKLIN.

IN SENATE, MAY 1, 1850.

[It would, of course, be expected that this humane enterprise would enlist the sympathies of Mr. Clay, as illustrated in the following remarks.]

Mr. Clay. I think I feel myself authorized to say that the senator from Indiana will not make any further opposition, if it can be said to be opposition that he made before to this resolution. If it is to be passed, it seems to me that it should be passed immediately. In a very few days the vessels will take their departure, and therefore I hope the resolution will be taken up, and I shall be happy to find that it meets with general concurrence.

The motion was agreed to, and the resolution was considered, as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the president be and he is hereby authorized and directed to receive from Henry Grinnell, of the city of New York, the two vessels prepared by him for an expedition in search of Sir John Franklin and his companions, and to detail from the navy such commissioned and warrant officers and so many seamen as may be necessary for said expedition, and who may be willing to engage therein. The said officers and men shall be furnished with suitable rations, at the direction of the president, for a period not exceeding three years, and shall have the use of such necessary instruments as are now on hand and can be spared from the navy, to be accounted for or returned by the officers who shall receive the same.

"*Resolved further*, That the said vessels, officers, and men, shall be in all respects under the laws and regulations of the navy of the United States until their return, when the said vessels shall be delivered to the said Henry Grinnell: *Provided*, That the United States shall not be liable to any claim for compensation in case of the loss, damage, or deterioration of the said vessels, or either of them, from any cause or in any manner whatever, nor be liable to any demand for the use or risk of the said vessels, or either of them."

I beg leave to say a few words only in support of this resolution. The navigator whose fate has interested so large a portion of the world, went upon his perilous expedition not merely for the sake of his own country, or his own fame, but for the general good of mankind, and of the com-

mercial world of all mankind; and it does, therefore, seem to me peculiarly proper and expedient, that the interest which is taken in his fate should not be confined merely to the country from which he went, but that it should be co-extensive with Christendom, and all those parts of the world which could possibly be benefited, if he had succeeded in that expedition. I think, therefore, that upon that ground the resolution should be adopted. Although I accord in the expression of opinion urged against the union of a public and individual enterprise generally, yet, in a case of this kind, I should hope that would not be permitted to prevent the passage of this resolution. Indeed, it appears to me, that when any one of our merchants displays a spirit of enterprise and humanity, such as has been manifested on the part of the unpretending, modest, and highly worthy gentleman who has tendered these vessels to the government, it is very proper on the part of the government to encourage such efforts on the part of commercial men, all over the country, and sanction them, and aid in carrying them out. All that is asked for the accomplishment of this enterprise is, that government shall give the authority of its name to those commanding these ships, in order to preserve that subordination which may be essential to the success of the enterprise. I beg leave to add, that although I am among those who despair of the recovery of this lost navigator, it will be a matter of satisfaction to know, if possible, what his fate has been; and it may turn out, too, that in carrying out this enterprise, other discoveries may be made, which will benefit our country and the world. In consideration of the nature of the enterprise, and of the high character of this body, which, above all others in the whole world, should seize on every opportunity to aid in such a noble enterprise, I trust the Senate will not hesitate to give its sanction to it.

ON THE REPORT OF THE COMMITTEE OF THIRTEEN.

IN SENATE, MAY 13, 1850.

[The special Committee of Thirteen, to consider Mr. Clay's and Mr. Bell's resolutions, and to report a bill or bills of compromise, was appointed April 19, 1850, and was composed as follows: Messrs. Cass, Dickinson, Bright, Webster, Phelps, Cooper, King, Mason, Downs, Mangum, Bell, and Berrien, Mr. Clay being chairman. On the 8th of May, Mr. Clay made his report, a notice of which, and some extracts, will be found in the third volume of this work.* On the 13th of May, he took up the report, explained it in detail, and endeavored to show why it should be adopted by the Senate. The following is the speech made on this occasion.]

Mr. Clay said: I have risen for the purpose of making some statements and an additional exposition relative to the report of the committee, of their proceedings, and of their action upon the important subjects before you. When the report of the committee was presented to the Senate, last week, various members of the committee rose, and stated that parts of that report had not met with their concurrence. Mr. President, it might have been stated with perfect truth that no one member of the committee concurred in all that was done, or omitted to be done. There was, however, a majority upon most of the subjects, indeed, upon all of the subjects, which have been reported by the committee to the Senate. Each senator, perhaps, if left to himself separately, would have presented the various matters which have been reported to the Senate in a different form from that in which they now present themselves. I was myself, upon one occasion, in a minority. I have not been discouraged, Mr. President, in the smallest degree, by the differences which existed, either in the committee, or which were manifested in the Senate when the report was presented. Gentlemen who did not agree exactly to what was done, will, no doubt, in the progress of the measure, endeavor to make it conformable to their wishes. If it should not be so modified, I indulge with confidence the hope that no one

* Pages 161 and 359.

of them is so irrevocably committed against the measure as to induce him, upon the question of its final passage, to vote against it. I am not authorized to say, and I do not mean to say, that there will be an affirmative vote of every member of the Senate who was upon the committee in favor of the measure upon the final passage of the bill; but I mean to say that I indulge a hope that, whether all the modifications which were desired by various members of the committee may or may not obtain, finally there will be not only a mere majority of the committee voting in favor of the measure—and I greatly hope they will vote for it unanimously—but I trust that it will leave this body with a large majority in its favor. I am not discouraged, I repeat, by any thing that has transpired in the committee, or in the Senate, or in the country, upon the subject of this measure. I have believed from the first, and I yet firmly believe, that if these unhappy subjects which have divided the country are to be accommodated by an amicable adjustment, it must be upon some such basis as that which the committee has reported; and can there be a doubt in the mind of any honorable senator on the subject? Sir, I believe that the crisis of the crisis has arrived; and the fate of measures which have been reported by the committee will, in my humble judgment, determine the fate of the harmony or continued distraction of this country. Entertaining this belief, I can not but indulge the hope that honorable senators, who, upon the first hearing of the report, might have seen some matters in it objectionable, according to their wishes and judgment, and that the entire Senate, after a full consideration of the plan, and after a fair contrast between it and all the other proposed plans, and all the other practicable plans for the adjustment of these questions—whatever expectations or hopes may have been announced elsewhere out of this body—will ultimately give it a general concurrence.

But, sir, I have risen, as I announced, more particularly for the purpose of entering into some further explanations of the course of the committee, and of throwing out some few observations in support of the measures which they have recommended to be adopted by the Senate. The first measure which they reported, Mr. President, was that of the true exposition of the compact between the United States and Texas upon the occasion of the admission of that State into the Union. Upon that subject, as has been already announced in the report, I am happy to say there was an undivided opinion. Two honorable senators, one of whom is now absent, and the other present, while they declared their concurrence in it of the true exposition of the compact, qualified that declaration by stating that they did not hold themselves, and did not intend to be understood as holding themselves, in all possible state of things and in every possible contingency, pledged to vote for the admission of States that might be carved out of Texas; they intended to preserve to themselves the right to determine, when any new State formed out of Texas should present itself, whether, under all the circumstances of the country, and all the circumstances under which the new State might present itself, it should or should not be ad-

mitted. While they made this reservation, both united most heartily in the true exposition of the compact between the United States and Texas, according to which, as you know, sir, a number of States not exceeding four, with or without slavery, having the requisite population, and with the consent of Texas, were to be admitted in the Union from time to time, as they might be matured and present themselves for admission. But I will not dwell longer upon that part of the subject.

I will now, Mr. President, approach that subject which in the committee and the two Houses of Congress has given most trouble, and created the most anxiety of all the measures upon which the committee have reported —I mean, the admission of California into the Union. Against this measure there are various objections. One of these objections is with respect to its population. It has been contended that it ought only to be admitted, if admitted at all, with one representative; that if admitted with two representatives, it will be a violation of the Constitution of the United States; and that there is not sufficient evidence before the Senate and the country that it has a population entitling them to one representative. I suppose, sir, that no one will contend—California and the other acquisitions from Mexico having been admitted into the Union only about two years ago; last February two years is the date of the treaty of Hidalgo—no one will suppose that that sort of evidence to entitle California to one or two representatives could be furnished by the decennial enumeration of the population of the United States. It is impossible, with respect to California, that any such evidence could be furnished—she having become a part of this empire eight years after the last census.

Now, sir, let me ask what was done on the first apportionment of representation among the several States of the Union? There was no federal enumeration of the people of the United States on which that apportionment was made. So many representatives were allotted to one State, so many to another, and so on, completing the number provided for by the Constitution of the United States. In that instance, the Congress, or rather the Convention that allotted those representatives to the various States, went upon all the information they possessed, whether it was perfectly authentic or not. It is known by those who are at all acquainted with the adjustment of the question of representation among the several States that the number of representatives allotted was larger than the actual population of the State would entitle them to in some instances. I may mention more particularly the case of Georgia. It is pretty well known that a larger number of representatives was allowed to her than the exact state of her population would authorize; but it was said, Georgia is a new State rapidly filling up; a strong current of emigration is pouring into her limits, and she will soon, perhaps even by the time her representatives take their seats upon the floor of the House, have the requisite population. In this way, upon information not obtained on federal authority, but upon information obtained by all the modes by which it could be procured, and

which was of a nature calculated to satisfy the judgment of the Convention, was the apportionment made by the Convention that framed the Constitution. So, sir, in the case of more recent acquisitions and annexations. That of Texas, for instance. Nobody believed, I think, at the time, that Texas had a population entitling her to two representatives, but as in the case of some of the old thirteen States, so in the case of Texas, she was rapidly filling up. It was known—as I have no doubt will turn out to be the case when the census comes to be taken in Texas—that before the next enumeration should take place she will have a population not only entitling her to two, but probably to more than two representatives.

Now, sir, there is an error existing, at least, I thought so from the remarks of one or two friends the other day, with regard to the requisite population to entitle California to two representatives. It is not, as is supposed, double the ratio which was fixed ten years ago by Congress. That ratio was fixed at 70,680, but it was expressly provided in the law establishing it that any State which had an excess beyond the moiety of the ratio established should be entitled to an additional representative. According to the provisions of that law, to entitle California to two representatives, she would only be required to have a population of 106,021, and not, as was supposed the other day, of one hundred and forty odd thousand. Well, now, the question is, putting out of view altogether the rapid augmentation which is daily taking place in the population of California, whether she has a population at this time—at the time when her members come to be admitted—which would entitle her to two representatives?

Mr. President, I have here what satisfies my mind, and I trust will also satisfy the minds of other senators. In the first place, I offer to the Senate an extract from a memorial of the senators and representatives from the State of California to the Congress of the United States. It is a document dealing in details and figures, and would take up some time to peruse the whole. That memorial has been before every senator, and can be resorted to by him; if he has not already examined it, he can examine it for himself. According to the details contained in that memorial—partly conjectural, it is true, but partly, and I believe the larger portion of them official—the population of California on the 1st of January, 1850, was 107,069, exceeding the amount of population requisite to entitle the State of California to two representatives. But that brings it down only to the 1st of January, 1850. Since that time we are authorized to add to the number above mentioned the arrivals by sea at the port of San Francisco, as shown by the official report of the harbor-master, from the 1st of January, 1850, to the 27th of March, 1850. Sir, without going into a classification, there are of Americans, 11,454, and of foreigners, 5,503, making a total from the 1st of January to the 27th of March, 1850, of 16,957. The number of desertions from ships, as stated in the memorial before alluded to, is 3,000, in round numbers. The official report of the harbor-

master, made on the 1st of March last to the Legislature, states that the "number of officers and seamen who have left their vessels, from various causes, is 14,240." An aggregate of all these statements will give us the population of California at different periods, and will show the following result: On the 1st of January, 1849, there were 26,000; of these 8,000 were Americans, 13,000 were Californians, and 5,000 were foreigners. On the 1st of January, 1850, there were 107,069; making a total number up to the 27th of March, 1850, of 124,026; add to this for deserting seamen 14,240, and you will have a total population up to the 1st of March, of 138,266; to which is to be added the population which has arrived from the United States and other places since the time mentioned. I have no earthly doubt—indeed I am perfectly satisfied in my own mind—that putting all these statements together, there is at this moment a population in California that would entitle her to two representatives, even supposing there had been no provision for the fraction exceeding the moiety of the ratio fixed upon by Congress.

Well, upon this question of population, I do not wish to take up the time of the Senate unnecessarily; but it will be said that they are fresh population. Sir, they are bone of our bone, and flesh of our flesh, for the greater part. They have lost none of their intelligence or capacity for self-government by passing from the United States to California. There are foreigners there, it is true; but by our treaty with Mexico, all the Californians who remained became citizens of the United States in one year, if they did not adopt the alternative of remaining Mexicans after the treaty of Hidalgo was signed. I remark, that the Constitution of the United States itself nowhere fixes any term of residence necessary to constitute an individual or person a portion of the people of the United States. The language of the Constitution, in the adjustment of the question of representation and taxation, is "the people" and "numbers." I think, then, that however long or short a time they have been there, as they ought to be represented somewhere—I mean those who have left the United States and gone there—there is little doubt that at this moment there is a number of citizens of the United States, sufficient to entitle California to two representatives. Well, sir, they are not now represented, and will not be represented in the United States. They ought to be represented somewhere; and having gone to California—it is said they have gone there only for temporary purposes, yet, Mr. President, they have gone to California; they are there; and the question of how many will return, or how many will remain there, it is impossible to tell. It is all right to move from place to place; and with regard to the State of Louisiana, I will state a fact, which will be recollected and confirmed by the honorable gentleman in my eye from that State, that thousands and thousands who went to New Orleans and Louisiana shortly after the acquisition of that territory by the treaty of Louisiana—and who, up to the present time, go there only for temporary purposes—intending to make a fortune and return home, never did return

home, but finding so delightful a climate, and finding themselves so happy when they got there, scarcely one in a hundred ever came back. So of California. I dare say that vast numbers are going there, some with the intention of returning, but, sir, after they are connected by marriage, and by social ties, and by the acquisition of wealth, and by all those ties which tend to fix in a permanent home this residence of the animal "man," they will relinquish this purpose of returning to the United States, and become permanent and fixed inhabitants of California. On the question of population, therefore, I think there is no ground—no serious ground—of rational objection to the number of representatives proposed—two representatives. This is precisely the same number as in the case of Texas.

Now, with regard to the limits of California. Mr. President, upon that subject an effort was made in the committee to extend a line through California at 36° 30′ of north latitude, and one member, not satisfied with that line, proposed 35° 30′. A majority of the committee, I believe, were in favor of that amendment; but, on the question being taken for the line of 35° 30′, a majority was found to be against it. Sir, it is not a little remarkable that this opposition to the line—this attempt to cut California in two by the line of 36° 30′, or 35° 30′, or by any other line—is a line not coming from the North at all, from whence we might suppose it would be proposed. For, with respect to the North, there can be no earthly doubt that if there were half a dozen States made out of California, they would be all what are called free States. The North, however, does not seek such a division. It is from the South that the opposition to acceding to the limits of California, as proposed in her State Constitution, comes. The South wants other States there, or another State there. Some gentlemen from the South, it is true, propose that there should be an express recognition of the right to carry slaves south of that line; but I believe that the major part of those who insist on the establishment of that line do not ask for the recognition or a positive enactment of the right to carry slaves south of that line; and I think that those who are acquainted with the country, or who have taken the pains to look over the map, will come to the conclusion of a friend of mine from the South (who, I believe, is now in my hearing), a large planter, who said to me the other day, "Mr. Clay, if Congress were to offer me five hundred dollars apiece for every slave I own, requiring me as a condition to take them to California, or to either of the new Territories, and there to keep them—if I could keep them—for ten years, I would not accede to the proposal." Now, suppose you take a line at 35° 30′ or 36° 30′ of north latitude, cutting California in two, what would become of her southern portion as a slave State? There would be the open sea on the one side ready for the escape of your slaves; there would be the free State of California on the other, and Mexico, with her boundless mountains, on the third. Who believes that, if you establish the line proposed, slavery would ever be carried there? Moreover, I have understood that all the delegation in the Convention—of course

all of them must, because the Convention was unanimous—the whole Convention—all south of the line of 35° 30′ as well as north of it—voted against the introduction of slavery. It can not, therefore, be, and I presume it is not, under any hope—if California should be curtailed in the manner proposed—that there will ever be slavery within her limits, or upon the Pacific at all. The fact, therefore, of the establishment of a new State or of new States out of the present limits of California, is merely to add to the objection which has been made by the South of the preponderance and influence of the North, and the apprehensions which they entertain from that preponderance and influence of northern power. If the North is satisfied, and if the thing is not very unreasonable in itself, it seems to me that there should not be any hesitation on the part of our southern friends in Congress in acceding to these limits.

But it is said that they are unreasonable. California has some six or seven hundred miles of coast on the Pacific ocean. It is said that it is too large. Sir, it is stated in the report that, with respect to all the southern portion of California, south, for example, of 36° 30′, shortly after you have left the coast, you encounter deserts of sand which never can be inhabited; and that after you have passed these deserts of sand you approach mountains, and then get involved in successive chains of mountains, till you reach a population in the midst of these mountains and beyond them, which have no intercourse at all with the Pacific, and whose intercourse is almost exclusively with Mexico, or with countries on the Atlantic ocean and on the Gulf of Mexico. So also when you go to the northern portion of California; there is a vast desert not known to have been passed, extending from the country occupied by the Mormons down to the Pacific ocean. Now, if you go there, how could you reach the coast of the Pacific through this impassable desert? There seems to me to be no adequate motive for the curtailment of the limits of the Pacific, with a view to the accommodation of future States; at least I judge not, from the amount of geographical knowledge which we at present possess of these territories.

But, Mr. President, it was said here the other day, with respect to California, that her case was different from that of the other new States which have been admitted into this Union. It is mentioned in the report that there are cases of States which have been admitted without the previous authority of Congress. And is it not so? My honorable friend from Alabama stated that in all the instances of States which have been admitted into the Union, they had served an apprenticeship of so many years; but, sir, the observation and statement in the report of the committee stands uncontradicted. Michigan, Arkansas, and Florida, if not other States, came in without any other act of Congress, according to the usage which prevailed in the early admission of States, authorizing them to hold a convention to frame a Constitution, and to come in with that Constitution. They laid off limits for themselves. They called a convention; they adopted a Constitution, and they came here and asked for admission. It was said that

they were under the government of the United States. So much the better for them; they had a good government; a territorial government. But how is it with California? She has no government. You have deserted her; you have abandoned her; you have violated your engagement contained in the treaty of Guadalupe Hidalgo, and left her to shift for herself as well as she could. In this state of abandonment she chose to form for herself a Constitution, and she has come here to ask for admission; and I ask again, as I had occasion to ask three months ago, whether she does not present herself with much stronger claims for admission than those States which had all the advantages of free governments, which have come here to be admitted into the Union? I think, then, Mr. President, that with respect to the population of California, with respect to the limits of California, and with respect to the circumstances under which she presents herself to Congress for admission as a State into the Union, all are favorable to grant her what she solicits, and we can find neither in the one nor in the other a sufficient motive to reject her, and to throw her back into the state of lawless confusion and disorder from which she has emerged.

Sir, with the committee I unite in saying on this occasion that all the considerations which call upon Congress to admit California as a State, and to sanction what she has done, and to give her the benefit of self-government, apply with equal force to the Territories of Utah and New Mexico.

Mr. President, allow me at this stage of the few observations which I propose to address to the Senate, to contrast the plans which have been presented for the settlement of these questions. One has come to us from a very high authority, recommending, as I understand it, the admission of California, and doing nothing more, leaving the question of the boundary unsettled between New Mexico and Texas, and leaving the people who inhabit Utah and New Mexico unprovided for by government. Mr. President, I will take occasion to say that I came to Washington with the most anxious desire—a desire which I still entertain—to co-operate in my legislative position in all cases in which I could conscientiously co-operate with the executive branch of the government. I need not add, however, sir, that I came here also with a settled purpose to follow the deliberate dictates of my own judgment, wherever that judgment might carry me. Sir, it is with great pleasure that I state that we do co-operate with the President of the United States to the extent which he recommends. He recommends the admission of California. The committee propose this. There the president's recommendation stops, and there we take up the subject, and proceed to act upon the other parts of the territory acquired from Mexico. Now, which of these two courses commends itself best to the judgment of those who are to act in the case? In the first place, if we do not provide governments for the other portions of the country acquired from Mexico, we fail to fulfill an obligation, a sacred obligation, contained in the treaty with Mexico. It is said that they will have a government of their own, a local government; that they have such a one now; but that they have not

such a one now as they had when they were part of Mexico. When they were a part of the republic of Mexico, with the common government of Mexico, stretching over all the parts constituting that republic, they had all the benefits resulting from their own local laws, and the additional benefit and security resulting from the laws of the supreme government covering all parts of the republic. We took the place of that supreme government. They were transferred from that sovereignty to this sovereignty; and we stipulated with the agents of their former sovereignty that we would extend to them protection to their persons, security to their property, and the benefit of pursuing their own religion according to the dictates of their own consciences. Now, sir, if you admit California and do nothing for Utah and New Mexico, nothing in relation to the settlement of the boundary question with Texas, I ask you in what condition, in what state will you leave those countries? There are the Mormons—a community of which I do not wish to say one word of disrespect, for I know very little about them; I have heard very opposite accounts of them; I believe that during this session my colleague before me had occasion to present some memorials to the Senate showing some very harsh if not oppressive and tyrannical treatment by the Mormons toward citizens of the United States who did not happen to compose a portion of their community—

Mr. Underwood. They were strangers, and were merely passing through their settlement.

Mr. Clay. My colleague says they were strangers, merely passing through their settlement. Well, of that people, of their capacity to govern, of the treatment which they would give other citizens of the United States who might settle among them, or pass through their country, not belonging to their community—upon all these matters—matters upon which senators from Missouri and Illinois are much more competent to afford information to the Senate than I am—I care not whether they are as bad as they are represented by their enemies, or as good as they are represented by their friends; they are a portion of the people whom we are bound by treaty as well as by other high obligations to govern; and I put it to you, is it right to say to the people of Utah, comprehending the Mormons, and to the people of New Mexico, deprived as they are of the benefit of the government they once had, the supreme authority of which resides at Mexico—is it right to say that we will leave them to themselves? It is said that they will "take care of themselves," and that "when they get ripe for State government—and when will they get ripe for State government?—after the lapse of many years, let them come forward and we will admit them as States." Sir, is that discharging our duty? I will go further with reference to the message in relation to California—which I am sorry it is my duty to contrast with the plan of the committee now under consideration—and say that I have no doubt that there were strong, or at least plausible reasons for the adoption of the recommendation contained in the message of the president, at the time it was sent to Congress, at the beginning of

the session. I have no doubt that it was apprehended at that time that it was impossible to pass any measures for providing governments for the Territories, without producing in Congress scenes of the most painful and unpleasant character. I have no doubt it was believed, as indeed was stated in the message, that the distraction would be greatly aggravated; that differences of opinion would be carried to extreme lengths, if, as the president believed at the time the message was sent in, any attempt should be made to extend the authority of the government over these Territories. But, sir, I am happy to be able to recognize, what all have seen, that since the commencement of the session a most gratifying change has taken place. The North, the glorious North, has come to the rescue of this Union of ours. She has displayed a disposition to abate in her demands.

The South, the glorious South—not less glorious than her neighbor section of the Union—has also come to the rescue. The minds of men have moderated; passion has given place to reason everywhere. Everywhere, in all parts of the Union, there is a demand—a demand, I trust, the force and effect of which will be felt in both Houses of Congress—for an amicable adjustment of those questions, for the relinquishment of those extreme opinions, whether entertained on the one side or on the other, and coming together once more as friends, as brethren, living in a common country and enjoying the benefits of freedom and happiness flowing from a common government.

Sir, I think if the president had at this time to make a recommendation to Congress, with all the lights that have been shed upon the subject since the commencement of the present session of Congress, nearly five months ago, he would not limit himself to a recommendation merely for the admission of California, leaving the Territories to shift for themselves as they could or might. He tells us in one of these messages (I forget whether in the one which was sent in December or January) that he had reason to believe that one of these Territories, at least, New Mexico, might possibly form a State government for herself, and might come here with an application for admission during the progress of the session. But we have no evidence that such an event is about to happen; and if it did, could New Mexico be admitted as a State? At all events, there has been such a change of circumstances from the period when the message was sent in down to the present time, that I can not but believe that the gentleman who now presides at the head of our public affairs, if he had had the benefit of all these lights, would have made the recommendation much more comprehensive, and much more general and healing in its character, than a simple recommendation for the admission of California, leaving all the other questions unsettled, and open to exasperate the feelings of opposing parties.

Sir, I have spoken of the abandoned condition of Utah and New Mexico, left without any authority of this government, acting locally to protect the citizens who come there to settle, or to protect those who are in transitu

through the country, without any authority connected with the supreme government here, or any means of communicating from time to time the state of things as they exist there. To abandon these countries, in the face of our obligations contained in the treaty of Hidalgo, and other high obligations by which we are bound—to abandon them thus would not, as it appears to me, be conformable to that duty which we are called upon to perform. Leave these territorial questions unsettled, and the door of agitation is left wide open—settle them, and it is closed, I hope, forever.

Well, then, there is the boundary question with Texas. Why, sir, at this very moment we learn through the public papers that Texas has sent her civil commissioners to Santa Fé, or into New Mexico for the purpose of bringing them under authority; and if you leave the Texas boundary question unsettled, and establish no government for Utah and New Mexico, I venture to say that, before we meet again next December, we shall hear of some civil commotion, perhaps the shedding of blood, in the contest between New Mexico and Texas with respect to the boundary; for, without meaning to express at this time, or at any time, any positive opinion on that question, we know that the people of Santa Fé are as much opposed to the government of Texas, and as much convinced that they do not belong to Texas, that they constitute no portion of the territory of Texas, as we know Texas to be earnest in asserting the contrary, and affirming her right to the country from the mouth of the Rio Grande to its uppermost source. Is it right, then, to leave these Territories unprovided for? Is it right to leave this important question of boundary between New Mexico and Texas unsettled? Is it right that it should be left unsettled to produce possibly the fearful consequences to which I have adverted?

Sir, on these questions I believe—though I do not recollect the exact state of the vote in committee—that there was no serious diversity of opinion. We all thought we should establish governments for them if we could; that, at any rate, we should make the attempt; and if we failed, after making the attempt, we should stand irreproachable for any voluntary abandonment or neglect of them on our part.

The next question which arose before the committee, after having agreed upon the proposal to be made to Texas for the settlement of the boundary between her and Mexico, was the question of the union of these three measures in one bill. And upon that subject, sir, the same diversity of opinion which had developed itself in the Senate displayed itself in the committee.

A senator, in his seat. What of the amount to be paid to Texas?

Mr. Clay. Ah; I am reminded that I have said nothing about the amount proposed to be given to Texas for the relinquishment of her title to the United States of the territory north of the proposed line. The committee, I hope with the approbation of the Senate, thought it best not to fill up that blank until the last moment, upon the final reading of the bill; that if it were inserted in the bill it would go out to the country, and might

lead to improper speculation in the stock markets; and that therefore it was better to leave it out until the final passage of the bill. When we arrive at that point, which I hope we shall do in a short time, I shall be most happy to propose the sum which has been thought of by the committee.

Sir, the committee recommend the union of these three measures. If the senator from Missouri will allow me the benefit of those two cannons pointed to this side of the House (alluding to two volumes of Hatsel), I will be much obliged to him. I believe the senator from Missouri has them on his table.

Mr. Benton. They are in the secretary's office.

Mr. Clay. The union of these three measures in one bill has been objected to, and has been already very much discussed in the Senate. Out of respect to the senator from Missouri and to the Senate, I feel myself called upon to give some answer to the argument which he addressed to the Senate some days ago to show that it was improper to connect them together. I must begin by stating what I understood to be parliamentary law in this country. It consists, in the first place, of the Constitution of the United States, and of the rules adopted by the two Houses of Congress; of the practice and precedents of Congress; and if you please, sir, Jefferson's Manual, which has been respected as authority, and used, I believe, in most of the deliberative bodies in this country. Now, sir, either the senator from Missouri or myself totally misunderstands what is meant by Hatsel in the use of the word "tacking." We have no such thing as tacking in the English sense of the term. Jefferson has no chapter in his Manual on this subject of tacking. Hatsel has. Tacking in England is this: by the Constitution of England—or, in other words, by the practice of England, which makes her Constitution—money bills, supply bills, bills of subsidy and aid of all kinds, are passed by the House of Commons, sent to the House of Lords, and the Lords are obliged to take them word for word without making any amendment whatever. They are sent in that shape to the crown, and the crown is obliged to take them without amendment at all. The practice of tacking in England is confined to money bills. Knowing that a money bill is obliged to be passed without any alteration or amendment in the Lords, the Commons in England frequently, when they have a public object or measure to carry out, tack that measure to a money bill, and send it to the House of Lords. They know that the overruling necessity of the aristocracy and of the crown is such that they must, for the sake of the money granted to them, agree to that clause favorable perhaps to liberty, or to something else that is tacked on to it. The process of tacking in England is therefore objected to by the crown and by the aristocracy always. It is favorable to the Commons. It was more practiced during the reign of the Stuarts than since. And according as the prevalence of the authority of the crown and the aristocracy, or of the public branch of the Legislature takes place, the practice of tacking is re-

sorted to. Hence the quotation read by the senator the other day from Chancellor Finch. The king always, and the lords always complain of it. Hatsel, in the very loose and very unsatisfactory work of his which I have often had occasion to refer to, complains of it; but the fact is, the process of tacking in England is favorable to liberty; it is favorable to the Commons of England. It is less objected to by them, but it is always objected to by the crown and the aristocracy. Her majesty would be glad to get the money without being obliged to make any concessions to her subjects; and the House of Lords would be equally disposed with her majesty to think it very wrong to be compelled to swallow the whole. They would be willing to take the money, but they would have to take along with it the clause which has been tacked on in favor of personal liberty or of some rights of the subjects. Sir, I had intended to go into the details of this subject, by way of answer to the honorable senator; but, really, I think it hardly necessary. You find in the third volume of Hatsel that he has a chapter on the subject of bills tacked to bills of supply. I repeat, sir, that we have no such thing as that tacking process in this country. And why? Because, although tax bills and other money bills originate in the House of Representatives, and by the Constitution are required to originate there, the Senate has a right to amend, to strike out any clause, to reduce the tax, or to make any additions or amendment which they please. The Senate is under no such restraint as is the House of Lords in England. Hence we have no such thing as tacking in the English parliamentary sense of the term. But tacking, even in England, was not restrained by the incongruity of the measures tacked together. Now, sir, the question is, whether there is any incongruity in these measures; a bill for the admission of California; a bill establishing a territorial government in Utah; a bill establishing a territorial government for New Mexico; and, what is indispensable, if we give her a government, a bill providing what shall be her boundary, provided Texas shall accede to the liberal proposal made to her. Is there any thing, I ask, incongruous in all this? Where is it? What is the incongruity? What is the indignity? for I have heard, time after time, that it is undignified, or that it is ill-treating California to attach her to those portions of territory acquired from Mexico, included in Utah and New Mexico. What is the indignity? I admit that in general, for the sake of simplicity of business, it is better not to make any one bill complex, or even to embrace too great a variety of subjects of a congruous nature. But that rests in the sound discretion of Congress. It rests in the pleasure of Congress. Sir, it has been said that California has set us a very good example, by providing by her Constitution that no two subjects are to be united in the same bill. Louisiana has done the same thing in her Constitution. Ask the senator from Louisiana, or ask an honorable member of that Legislature, who has just arrived here from Baton Rouge, and they will tell you to what vast inconvenience legislative action is exposed in consequence of constitutional restriction. What are incongruous sub-

jects, what are distinct subjects, is a matter not always absolutely certain. If any thing which is thought incongruous is incorporated in a bill in that Legislature, it is sent to the judiciary, and if the judiciary thinks the subjects are incongruous, the law can not be constitutional, because, in the opinion of the judges, it was in violation of the Constitution, which declared that the Legislature should pass only a single subject in one bill. I have been told, and the senator from Louisiana can state whether I have been correctly informed or not, that in two or three instances laws which have been passed by the Legislature of Louisiana have been declared unconstitutional, in consequence of this constitutional restriction upon legislative action, and the courts would not enforce them.

I have stated what I think ought to satisfy every body, without dwelling upon it further. Now, sir, I will show you what has been done by Congress from time to time in the annexation of different subjects in the same bill. Here, sir, is volume second, page 396, chapter five, of The United States Statutes at Large, in which I find "an act to regulate and fix compensation for clerks, and to authorize the laying out of public roads, and for other purposes." The very title shows the incongruity of the subjects treated of. You will find in volume four, page 125, chapter 83, "an act to extend the time for the settlement of private land claims in the Territory of Florida, to provide for the preservation of the public archives in said Territory, and for the relief of John Johnson." [Laughter.] Here the name of the individual came last, but I have a case before me in which the individual came first. It is to be found in the Statutes at Large, private acts, volume six, page 813, chapter 99, entitled "an act for the relief of Chastelain and Pouvet, and for other purposes." And what do you suppose those other purposes to have been? About fifty appropriations such as ordinarily arise in the administration of government. Will my friend read the extract for me?

Mr. Underwood accordingly read the extract as follows:

An act for the relief of Chastelain and Pouvet, and for other purposes.

Be it enacted, &c., That the collector of the port of New York is hereby authorized to deduct from the amount of a bond given by Chastelain and Pouvet, for duties on merchandise imported in the schooner *General Jackson*, Hawes, master, from Nuevitas, in the island of Cuba, such duties as may have been charged on that portion of said merchandise which was not landed in the United States, having been destroyed by fire in the harbor of New York, upon their producing proof to the collector of New York of the destruction of said merchandise.

And be it further enacted, That the following sums to pay the balance of accounts for which no appropriations now exist, and which have been passed upon and allowed by the proper accounting officers of the government, or are now before them for audit, and for the payment of which appropriations are recommended by the heads of the proper departments, be, and the same are appropriated, viz.: For an award made by the proper accounting officer of the treasury in favor of the owners of the steamboats *Stasca* and *Dayton*, for services ren-

dered under an agreement with Major Charles Thomas, quarter-master, for the transportation of supplies, laborers, and other things for the use of the works at Fort Smith, Arkansas, in the year 1838, $13,350. For payment of a balance due for supplies furnished to the Creek Indians, and medical services rendered to those Indians, after the commencement of the disturbances in the Creek country, and before and during the removal of the said Indians west of the Mississippi, which accounts were incurred under the direction of the proper officers or agents of the government, $7,741 44. For the payment of the expenses of a division of the lands of the Brothertown Indians among the members of the tribe, in obedience to the act of Congress of the 3d of March, 1839, entitled "an act for the relief of the Brothertown Indians in the Territory of Wisconsin," the duties having been performed and the accounts presented, $1,830.

Mr. Clay. There are a great many others.

Mr. Benton. What is the date of that act?

Mr. Clay. It was approved July 1st, 1840; but I have one of a later date if the honorable senator will prefer it. Here is one in 1849, entitled "an act for the relief of James Norris, and for other purposes."

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Navy be, and he is hereby directed, to place the name of James Norris, of Sandwich, in the State of New Hampshire, on the roll of invalid pensioners, and pay him a pension at such rate per year as is provided by law for the total disability of an assistant surgeon in the navy of the United States, to commence on the 1st day of July, A. D. 1848; and continue during his natural life.

"Sec. 2. *And be it further enacted*, That there be, and hereby are, appropriated, out of any money in the treasury not otherwise appropriated, the following sums, for the government of the Territory of Minnesota:

"For salaries of governor, three judges, and secretary, nine thousand dollars.

"For contingent expenses of said Territory, three hundred and fifty dollars.

"For compensation and mileage of members of the Legislative Assembly, pay of the officers and attendants, printing, stationery, fuel, and other incidental expenses, thirteen thousand seven hundred dollars.

"Approved March 3d, 1849."

I never knew that our young sister Minnesota thought her dignity at all affected or offended by this association with James Norris. [Laughter.] There was a civil and diplomatic bill under consideration the last session. The senator's recollection will assist me if it were not last session. To that bill the senator from Missouri (Mr. Benton) moved to add an amendment to pay certain expenses incurred in the conquest of California. At the second session of the 30th Congress the bill "making appropriations for the civil and diplomatic expenses of the government for the year ending June 30th, 1850, and for other purposes," being under consideration in the Senate, Mr. Walker proposed an amendment, the object of which was to provide a government for the territory recently acquired from Mexico, in-

cluding California, which was adopted: yeas 29, nays 27. At the same session, the same bill being under consideration, Mr. Walker, for the first time, proposed the amendment quoted above as agreed to. Mr. Bell proposed an amendment to the amendment of Mr. Walker, which was disagreed to: yeas 4, nays 39. (Senate Journal, second session, 30th Congress, pp. 241–243.)

I shall next notice an act making appropriations for the civil and diplomatic expenses of the government for the year 1842. It will be found in the fifth volume of the Statutes at Large, page 476, chapter 29. To that act is annexed a proviso, limiting the compensation which should be received for printing the laws and documents of Congress. The next subject I shall notice is an act to provide for the support of the Military Academy of the United States for the year 1838, and for other purposes. It will be found in volume fifth of the Statutes at Large, page 264, chapter 169. These are only some out of a multitude of the same kind that might have been produced of the passage of such laws, from time to time, founded upon the discretion and good sense of Congress, embracing subjects of every variety and incongruity. And yet, upon a bill, which proposes to unite three subjects perfectly compatible in their nature, without the slightest incongruity existing between them—subjects which, at the last session, were proposed to be united together by the honorable senator from Wisconsin, in his proposal for the adjustment of these unpleasant questions, it is all at once discovered that the powers of government are paralyzed; that it is "tacking"—a word which has not yet been imported from England in her parliamentary law—it is all at once discovered that it is "tacking," a most dangerous and undignified course, which ought not to be sanctioned.

I mentioned, sir, awhile ago, acts which embraced every possible variety of legislation. I referred to an act providing for the support of the Military Academy of the United States for the year 1838, and for other purposes. That act makes thirty or forty appropriations for different objects. It makes an appropriation for the documentary history of the Revolution, for continuing the construction of the patent office, for furnishing machinery and other expenses incident to the outfit of the branch mints at New Orleans, Charlotte, Dahlonega, for the salaries of the governor, chief judge, associate justices, district attorney, marshal, and pay and mileage of the members of the Legislative Assembly of the Territory of Iowa, the expense there of taking the census, and for other incidental and contingent expenses of that Territory, and in relation to the investment in State stock of the bequest of the late James Smithson, of London, for the purpose of founding at Washington, in this District, an institution we denominate the Smithsonian Institution. These and various other acts are all comprehended in a bill making an appropriation for the Military Academy at West Point.

Now, sir, after this, can it be said that there is any want of power, or any nonconformity to the practice of Congress, in endeavoring to unite

together, not three incongruous and discordant measures, but three measures of the same character, having, in a different form, the same general object.

I will pass on, with a single observation on an amendment introduced by the committee into the territorial bill. To that amendment I was opposed, but it was carried in the committee. It is an amendment which is to be found in the tenth section of one of the bills limiting the power of the territorial Legislature upon the subject of laws which it may pass. Among other limitations, it declares "that the territorial Legislature shall have no power to pass any law in respect to African slavery." I did not then, and do not now attach much importance to the amendment, which was proposed by an honorable senator, now in my eye, and carried by a majority of the committee. The effect of that clause will at once be understood by the Senate. It speaks of "African" slavery. The word African was introduced so as to leave the territorial government at liberty to legislate as it might think proper on any other condition of slavery—"Peon" or "Indian" slavery, which has so long existed under the Spanish regime. The object was to impose a restriction upon them as to the passage of any law either to admit or exclude African slavery, or of any law restricting it. The effect of that amendment will at once be seen. If the territorial Legislature can pass no law with respect to African slavery, the state of the law as it exists now in the Territories of Utah and New Mexico will continue to exist until the people form a Constitution for themselves, when they can settle the question of slavery as they please. They will not be allowed to admit or exclude it. They will be restrained on the one hand from its admission, and on the other from its exclusion. Sir, I shall not enlarge on the opinion which I have already announced to the Senate as being held by me on this subject. My opinion is, that the law of Mexico, in all the variety of forms in which legislation can take place—that is to say, by the edict of a dictator, by the Constitution of the people of Mexico, by the act of the legislative authority of Mexico—by all these modes of legislation, slavery has been abolished there. I am aware that some other senators entertain a different opinion; but without going into a discussion of that question, which I think altogether unnecessary, I feel authorized to say that the opinion of a vast majority of the people of the United States, of a vast majority of the jurists of the United States, is in coincidence with that which I entertain; that is to say, that at this moment, by law and in fact, there is no slavery there, unless it is possible that some gentleman from the slave States in passing through that Territory may have taken along their body slaves. In point of fact and in point of law, I entertain the opinions which I expressed at an early period of the session. Sir, we have heard since, from authority entitled to the highest respect, from no less authority than that of the delegate from New Mexico, that labor can be there obtained at the rate of three or four dollars per month; and, if it can be got at that rate, can any body suppose that any owner of slaves

would ever carry them to that country, where he could get only three or four dollars per month for them?

I believe, on this part of the subject, I have said every thing that is necessary for me to say; but there remain two or three subjects upon which I wish to say a few words before I close what I have to offer for the consideration of the Senate.

The next subject upon which the committee acted was that of fugitive slaves. The committee have proposed two amendments to be offered to the bill introduced by the senator from Virginia (Mr. Mason), whenever that bill is taken up. The first of these amendments provides that the owner of a fugitive slave, when leaving his own State, and whenever it is practicable—for sometimes in the hot pursuit of an immediate runaway, it may not be in the power of the master to wait to get such record, and he will always do it if it is possible—shall carry with him a record from the State from which the fugitive has fled; which record shall contain an adjudication of two facts, first, the fact of slavery, and secondly the fact of an elopement; and, in the third place, such a general description of the slave as the court shall be enabled to give upon such testimony as shall be brought before it. It also provides that this record, taken from the county court, or from the court record in the slaveholding State, shall be carried to the free State, and shall be there held to be competent and sufficient evidence of the facts which it avows. Now, sir, I heard objection made to this, that it would be an inconvenience and an expense to the slaveholder. I think the expense will be very trifling compared to the great advantages which will result. The expense will only be two or three dollars for the seal of the court, and the certificate and attestation of the clerk, etc. Sir, we know the just reverence and respect in which records are ever held. The slaveholder himself will feel, when he goes from Virginia to Ohio with this record, that he has got a security which he never possessed before for the recovery of his property. And when the attestation of the clerk, under the seal of the court, is exhibited to the citizen of Ohio, that citizen will be disposed to respect, and bound to respect, under the laws of the United States, a record thus exhibited coming from a sister State. The inconvenience will be very slight, very inconsiderable, compared with the great security of the slaveholder,

Mr. Butler. As the bill to which the senator refers has been somewhat under my care, I am sure the honorable senator will allow me to ask a question in relation to this amendment. Is it proposed that the certificate shall be from the judge or shall be from the court, as it is termed? because I see it seems to be inferred that it must be given by a court, and a court of record, which has a technical meaning. I desire the honorable senator to inform me whether it is thus to be given by a court or by a judge at chambers?

Mr. Clay. Mr. President, I confess I had in view the county courts and courts of probate which prevail throughout the United States, and not

the judge. But it can be so modified, if it be deemed essential in the progress of the bill.

The committee partake of the same spirit which I have endeavored to manifest throughout this whole distracted question. They are not wedded to any particular plan; and if any amendments are offered that will improve and better the bills reported, they will be accepted. I am sure that I answer for every member of the committee, with pleasure, that any amendments to aid the object we have in view will be accepted. I repeat, sir, I confess I had in view that this record should be taken from the county courts, which prevail in almost all the States except Louisiana and South Carolina, which have their parish courts. Any one of these courts, after hearing evidence about the ownership of property and the escape of the property, could give the required record, and this would be carried to that part of the country where the parties go.

With respect to the other amendment offered by the committee to the fugitive bill, I regretted extremely to hear the senator from Arkansas object so earnestly and so seriously to it. I do not pretend to question his right, or the right of any other senator, but he will surely allow me to say, in all kindness, that of all the States of this Union, without exception, I will not except even Virginia herself, I believe that the State which suffers more than any other by the escaping of slaves from their owners, seeking refuge in Canada, or in some of the non-slaveholding States, Kentucky is the one. I doubt very much whether the State of Arkansas ever lost a slave. They may, very possibly, once in a while, run off to the Indians, but very rarely. So of other interior States, such as Georgia and South Carolina. Sometimes, perhaps a slave escapes from their seaports, but very rarely by land. Kentucky is the most suffering State, but I venture to anticipate for my own State that she will be satisfied with the provisions to which I am now about to call the attention of the Senate.

Mr. President, in all subjects of this kind we must deal fairly and honestly by all. We must recollect that there are feelings, and interests, and sympathies on both sides of the question, and no man who has ever brought his mind seriously to the consideration of a suitable measure for the recapture of runaway slaves, can fail to admit that the question is surrounded with great difficulties. On the one hand, if the owner of the slave could go into the non-slaveholding States, and seize his negro, put his hands upon him, and the whole world would recognize the truth of his ownership of property, and the fact of the escape of that property, there would be no difficulty then in those States where prejudices against slavery exist in the highest degree. But he goes to a State which does not recognize slavery. Recollect how different the state of fact is now from what it was in 1793, nearly sixty years ago, when the fugitive law passed. There were, then, comparatively few free persons of color—few, compared to the numbers which exist at present. By the progress of emancipation in the slaveholding States, and the multiplication of them by natural causes, vast numbers of

them have rushed to the free States. There are in the cities of Philadelphia, New York, and Boston—I have not looked into the precise number—some eight or ten to one in proportion to the number there were in 1793, when the act passed.

In proportion to the number of free blacks, multiplied in the free States, does the difficulty increase of recovering a fugitive from a slaveholding State. Recollect, Mr. President, that the rule of law is reversed in the two classes of States. In the slaveholding States the rule is, that color implies slavery, and the *onus probandi* of freedom is thrown on the persons claiming it, as every person in the slaveholding States is regarded *prima facie* as a slave. On the contrary, when you go to the non-slaveholding States, color implies freedom, and not slavery. The *onus* is shifted, and the fact of slavery must be proved. Every man who is seen in the free States, though he be a man of color, is regarded as free. And when a stranger from Virginia or Kentucky goes to a remote part of Pennsylvania and sees a black person, who perhaps has been living there for years, and claims him to be his slave, the feelings and sympathy of the neighborhood are naturally and necessarily excited in favor of the colored person. We all respect these feelings where they are honestly entertained. Well, sir, what are you to do in a case of that kind? You will give every satisfaction that can be given that the person whom you propose to arrest is your property, and is a fugitive from from your service or labor. That is the extent of one amendment which we propose to offer; but there is also another. The amendment upon which I have been commenting, provides for the production of a record. Now, what is the practical inconvenience of that? The other amendment provides, that when the owner of a slave shall arrest his property in a non-slaveholding State, and shall take him before the proper functionary to obtain a certificate to authorize the return of that property to the State from which he fled, if he declares to that functionary at the time that he is a free man and not a slave, what does the provision require the officer to do? Why, to take a bond from the agent or owner, without surety, that he will carry the black person back to the county of the State from which he fled; and that at the first court which may sit after his return, he shall be carried there, if he again assert the right to his freedom; the court shall afford, and the owner shall afford to him all the facilities which are requisite to enable him to establish his right to freedom. Now, no surety is even required of the master. The committee thought, and in that I believe they all concurred, that it would be wrong to demand of a stranger, hundreds of miles from home, surety to take back the slave to the State from which he fled. The trial by jury is what is demanded by the non-slaveholding States. Well, we put the party claimed to be a fugitive, back to the State from which he fled, and give him trial by jury in that State.

Well, sir, ought we not to make this concession? It is but very little inconvenience. I will tell you, sir, what will be the practical operation.

It will be this: When a slave has escaped from the master and taken refuge in a free State, and that master comes to recapture him and take him back to the State from which he fled, the slave will cry out, "I do not know the man; I never saw him in my life; I am a free man." He will say any thing and do any thing to preserve to himself that freedom of which he is for a moment in possession. He will assert most confidently before the judge that he is a free man. But take him back to the State from which he fled, to his comrades, and he will state the truth, and disavow all claim to freedom. The practical operation, therefore, of the amendment which we have proposed, will be attended with not the least earthly inconvenience to the party claiming the fugitive. The case is bond without surety. That bond is transmitted by the officer taking it to the district attorney of the State from which he has fled. That officer sees that the bond is faithfully fulfilled, and that the slave is taken before the court. Perhaps, before the slave reaches home, he will acknowledge that he is a slave; there is an end of the bond and an end of the trouble about the matter. Is this unreasonable? Is it not a proper and rational concession to the prejudices, if you please, which exist in the non-slaveholding States? Sir, our rights are to be asserted; our rights are to be maintained. But they ought to be asserted and maintained in a manner not to wound unnecessarily the sensibilities of others. And in requiring such a bond as this amendment proposes to exact from the owner, I do not think there is the slightest inconvenience imposed upon him, of which he ought to complain.

Sir, there is one opinion prevailing—I hope not extensively—in some of the non-slaveholding States, which nothing we can do will conciliate. I allude to that opinion that asserts that there is a higher law—a divine law—a natural law—which entitles a man, under whose roof a runaway has come, to give him assistance, and succor, and hospitality. Where is the difference between receiving and harboring a known fugitive slave, and going to the plantation of his master and stealing him away? A divine law, a natural law! And who are they that venture to tell us what is divine and what is natural law? Where are their credentials of prophecy? Why, sir, we are told that the other day, at a meeting of some of these people at New York, Moses and all the prophets were rejected, and that the name even of our blessed Saviour was treated with blasphemy and contempt by these propagators of a divine law, of a natural law, which they have discovered, above all human laws and constitutions. If Moses and the prophets, and our Saviour and all others, are to be rejected, will they condescend to show us their authority for propagating this new law, this new divine law of which they speak? The law of nature, sir! Look at it as it is promulgated, and even admitted or threatened to be enforced, in some quarters of the world. Well, sir, some of these people have discovered another plausible law of nature. There is a large class who say that if a man has acquired, no matter whether by his own exertions or by in-

heritance, a vast estate, much more than is necessary for the subsistence of himself and family, I, who am starving, am entitled by a law of nature to have a portion of these accumulated goods to save me from the death which threatens me. Here are you, with your barns full, with your warehouses full of goods, collected from all quarters of the globe; your kitchens, and laundries, and pantries all full of that which conduces to the subsistence and comfort of man; and here am I standing by, as Lazarus at the gate of the rich man, perishing from hunger—will not the law of nature allow me to take enough of your superabundance to save me a little while from that death which is inevitable without I do it? Another modern law of nature is that the possession of more land than you can cultivate, is a forbidden monopoly; and that the parchment from heaven supersedes the parchment from government! Wild, reckless, and abominable theories, which strike at the foundation of all property, and threaten to crush in ruins the fabric of civilized society. Why, sir, trace this pretended law of nature, about which, seriously, none of the philosophers are agreed, and apply it to one of the most interesting and solemn ceremonies of life. Go to a Mohammedan country, and the Mohammedan will tell you that you are entitled to as many wives as you can get. Come next to a Christian country, and you will be told that you are entitled to but one. Go to our friends the Shakers, and they will tell you that you are entitled to none. But there are persons in this age of enlightenment, and progress, and civilization, who will rise up in public assemblages, and, denouncing the church and all that is sacred that belongs to it—denouncing the founders of the religion which we all profess and revere—will tell you that, notwithstanding the solemn oath which they have taken, by kissing the sacred book, to carry out into full effect all the provisions of the Constitution of our country, there is a law of their God—a divine law, which they have found out, and nobody else has—superior and paramount to all human law; and that they do not mean to obey this human law, but the divine law, of which, by some inspiration, by some means undisclosed, they have obtained a knowledge. That is the class of persons which we do not propose to conciliate by any amendment, by any concession which we can make.

But the committee, in considering this delicate subject, and looking at the feelings and interests on both sides of the question, thought it best to offer these two provisions—that which requires the production of a record in the non-slaveholding States, and that which requires a bond to grant to the real claimant of his freedom a trial by jury, in the place where that trial ought to take place, according to a just interpretation of the Constitution of the United States, if it take place anywhere. Therefore, in order to obviate the difficulties which have been presented, and to satisfy the prejudices in the non-slaveholding States, we propose to give the fugitive the right of trial by jury in the State from which he fled. The statement in the report of the committee is perfectly true, that the greatest facilities are always extended to every man of color in the slaveholding States who

sues for freedom. I have never known an instance of a failure on the part of a person thus suing to procure a judgment and verdict in his favor, if there were even slight grounds in support of his claim. And, sir, so far is the sympathy in behalf of a person suing for his freedom carried, that few members of the bar appear against them. I will mention—though with no boastful spirit—that I myself never appeared but once in my life against a person suing for his freedom, but have appeared for them in many instances, without charging them a solitary cent. That, I believe, is the general course of the liberal and eminent portion of the bar throughout the country. One case I made an exception; but it was a case where I appeared for a particular friend. I told him, "Sir, I will not appear against your negroes unless I am perfectly satisfied that they have no right to freedom: and even if I shall become, after the progress of the trial, convinced that they are entitled to freedom, I shall abandon your cause." I venture to say, then, that in all that relates to tenderness and treatment to that portion of our population, and to the administration of justice to them, and the supply of their wants, nothing can be found in the slaveholding States that is not honorable and creditable to them.

Mr. President, the only measure remaining, upon which I shall say a word now, is the abolition of the slave-trade in the District of Columbia. There is, I believe, precious little of it. I believe the first man in my life that I ever heard denounce that trade was a southern man—John Randolph, of Roanoke. I believe there has been no time within the last forty years, when, if earnestly pressed upon Congress, there would not have been found a majority—perhaps a majority from the slaveholding States themselves—in favor of the abolition of the slave-trade in this District. The bill which the committee has reported is founded upon the law of Maryland, as it existed when this District was set apart and ceded to the United States. Maryland has since very often changed her laws. What is their exact condition at present I am not aware. I have heard that she has made a change at the last session, and I am told that they may again be changed in the course of a year or two. Sir, some years ago it would have been thought a great concession to the feelings and wishes of the North to abolish this slave-trade. Now, I have seen some of the rabid abolition papers denounce it as amounting to nothing. It is nothing that slavery is interdicted in California. They do not care for all that. And will my friends—some of my friends on the other side of the House—allow me to say a word or two with respect to their course in relation to this measure? At the beginning of this session, as you know, that offensive proviso, called the "Wilmot proviso," was what was the most apprehended, and what all the slaveholding States were most desirous to get rid of. Well, sir, by the operation of causes upon the northern mind friendly to the Union, hopes are inspired, which I trust will not be frustrated in the progress of this measure, that the North, or at least a sufficient portion of the North, are now willing to dispense with the proviso. When, the other

day, on the coming in of the report of these measures, it was objected, by way of reproach, that they were simply carrying out my own plan, my honorable friend from North Carolina at the moment justly pointed out the essential differences between the plan, as contained in the resolutions offered by me, and that now presented by the committee. At the time I offered those resolutions, knowing what consequences, and, as I sometimes feared, fatal consequences might result from the fact of the North insisting on that proviso, by way of compensation, in one of the resolutions which I offered—the second one—I stated two truths, one of law and one of fact, which I thought ought to satisfy the North that it ought no longer to insist on the Wilmot proviso. Those truths were not incorporated in the bill reported by the committee, but they exist, nevertheless, as truths. I believe them both now as much as I did in February last. I know there are others who do not concur with me in opinion. Every senator must decide for himself, as the country will decide for itself, when the question comes to be considered. Well, when our southern friends found they were rid of the proviso, they were highly satisfied, and I shared with them in their satisfaction. If I am not much mistaken, a great majority of them would have said, "If, Mr. Clay, you had not put those two obnoxious truths in them, we should have been satisfied with your series of resolutions." Well, sir, we have got rid of the Wilmot proviso; we have got rid of the enactment into laws of the two truths to which I refer; but I fear there are some of our southern brethren who are not yet satisfied. There are some who say that there is yet the Wilmot proviso, under another form, lurking in the laws of Mexico, or lurking in the mountains of Mexico, in that natural fact to which my honorable friend from Massachusetts adverted, as I myself did when I hinted that the law of nature was adverse to the introduction of slavery there. Now, as you find in the progress of events that all is obtained which was desired or expected three months ago, there is something further, there are other difficulties in the way of the adjustment of these unhappy subjects of difference, and of obtaining that which is most to be desired—the cementing of the bonds of the Union.

Mr. President, I do not despair, I will not despair, that the measure will be carried. And I would almost stake my existence, if I dared, that if these measures which have been reported by the committee of thirteen were submitted to the people of the United States to-morrow, and their vote were taken upon them, there would be nine-tenths of them in favor of the pacification which is embodied in that report.

Mr. President, what have we been looking at? What are we looking at? The "proviso"—an abstraction always—thrust upon the South by the North against all the necessities of the case, against all the warnings which the North ought to have listened to coming from the South; pressed unnecessarily for any northern object; opposed, I admit, by the South with a degree of earnestness uncalled for, I think, by the nature of the provision, but with a degree of earnestness natural to the South, and which the North

itself perhaps would have displayed if a reversal of the conditions of the two sections of the Union could have taken place. Why do you of the North press it? You say because it is in obedience to certain sentiments in behalf of human freedom and human rights which you entertain. You are likely to accomplish those objects at once by the progress of events, without pressing this obnoxious measure. You may retort, why is it opposed at the South? It is opposed at the South because the South feels that, when once legislation on the subject of slavery begins, there is no seeing where it is to end. Begin it in the District of Columbia; begin it in the Territories of Utah, and New Mexico, and California; assert your power there to-day, and in spite of all the protestations—and you are not wanting in making protestations—that you have no purpose of extending it to the southern States, what security can you give them that a new sect will not arise with a new version of the Constitution, or with something above or below the Constitution, which shall authorize them to carry their notions into the bosoms of the slaveholding States, and endeavor to emancipate from bondage all the slaves there? Sir, the South has felt that her security lies in denying at the threshold your right to touch the subject of slavery. She said, "Begin, and who can tell where you will end; let one generation begin and assert the doctrine for the moment, forbearing as they may be in order to secure their present objects, their successors may arise with new notions, and new principles, and new expositions of the Constitution and laws of nature, and carry those notions and new principles into the bosom of the slaveholding States." The cases, then, gentlemen of the North and gentlemen of the South, do not stand upon an equal footing. When you, on the one hand, unnecessarily press an offensive and alarming measure on the South, the South repels it from the highest of all human motives of action, the security of property and life, and of every thing else interesting and valuable in life.

Mr. President, after we have got rid, as I had hoped of all these troubles —after this Wilmot proviso had disappeared, as I trust it may, both in this and the other end of the capitol—after we have been disputing two or three years or more, on the one hand about a mere abstraction, and on the other, if it were fraught with evil, not so much present as distant and future, when we are arriving at a conclusion, what are the new difficulties that spring up around us? Matters of form. The purest question of form that was ever presented to the mind of man—whether we shall combine in one united bill three measures, all of which are necessary and homogeneous, or separate them in three distinct bills passing each in its turn if it can be done.

Mr. President, I trust that the feelings of attachment to the Union, of love for its past glory, of anticipation of its future benefits and happiness; a fraternal feeling which ought to be common throughout all parts of the country; the desire to live together in peace and harmony, to prosper as we have prospered heretofore, to hold up to the civilized world the example

of one great and glorious republic fulfilling the high destiny that belongs to it, demonstrating beyond all doubt man's capacity for self-government; these motives and these considerations will, I confidently hope and fervently pray, animate us all, bringing us together to discuss alike questions of abstraction and form, and consummating the act of concord, harmony, and peace, in such a manner as to heal not one only, but all the wounds of the country.

ON THE QUESTION: DOES THE CONSTITUTION CARRY SLAVERY INTO THE TERRITORIES?

IN SENATE, MAY 15, 1850.

[Mr. Davis, of Mississippi, had moved an amendment to the bill to establish governments in the Territories of Utah and New Mexico, so as to recognize the doctrine, that the Constitution of the United States would authorize and protect slavery there; in answer to which Mr. Clay said as follows.]

Mr. President—I am not perfectly sure that I comprehend the full meaning of the amendment offered by the senator from Mississippi. If I do, I think he accomplishes nothing by striking out the clause now in the bill, and inserting that which he proposes to insert. The clause now in the bill is, that the territorial legislation shall not extend to any thing respecting African slavery within the Territory. The effect of retaining the clause as reported by the committee will be this: that if in any of the Territories slavery now exists, it can not be abolished by the territorial Legislature; and if in any of the Territories slavery does not now exist, it can not be introduced by the territorial Legislature. The clause itself was introduced into the bill by the committee, for the purpose of tying up the hands of the territorial Legislature in respect to legislating at all, one way or the other, upon the subject of African slavery. It was intended to leave the legislation and the law of the respective Territories in the condition in which the act will find them. I stated on a former occasion that I did not, in committee, vote for the amendment to insert the clause, though it was proposed to be introduced by a majority of the committee. I attached very little confidence to it at that time, and I attach very little to it at the present. It is, perhaps, of no practical importance whatever.

Now, sir, if I understand the measure proposed by the senator from Mississippi, it aims at the same thing. I do not understand him as proposing that if any one shall carry slaves into the Territory—although by the law of the Territory he can not take them there—the legislative hands of the territorial government should be so tied as to prevent its saying he shall not enjoy the fruits of their labor. If the senator from Mississippi means to say that—

Mr. Davis, of Mississippi. I do mean to say it.

Mr. Clay. If the object of the senator is to provide that slaves may be introduced into the Territory contrary to the lex loci, and, being introduced, nothing shall be done by the Legislature to impair the rights of owners to hold the slaves thus brought contrary to the local laws, I certainly can not vote for it. In doing so, I shall repeat again the expression of opinion which I announced at an early period of the session. I think that the language of the amendment which the senator from Mississippi has offered, is just as much restricted as is the language of the bill which he proposes to strike out. His amendment does not provide in express terms for the privilege of introducing slaves, but merely declares that the territorial Legislature shall not interfere with the rights of property in slaves, as that property exists in a certain class of States. Very well. The Legislature is already restrained from so interfering, unless slaves are brought in contrary to the lex loci. If they be so brought in, then the amendment of the gentleman—although its language does not comprehend it—might secure to the introducer of slaves the protection of his property.

If the object of the senator, however, is, as he states, the language of it, I think, does not necessarily imply it. I repeat what I have before said, that I can not vote to convert a Territory already free into a slave Territary. I am satisfied, for one, to let the lex loci, as it exists, remain. Now, let us see what will be the effect of this in that portion of New Mexico east of the Rio Grande. Three opinions prevail upon that subject in the Senate. According to my opinion, the laws of Mexico still prevail in that country, because Texas never had possession of that country, never legislated for that country, and her laws never stretched over that country; but, on the contrary, the country remained in the possession of Mexico until, by the treaty of Guadalupe Hidalgo, it was ceded to the United States. In my opinion, therefore, the local law which prevails in New Mexico—as well in New Mexico east of the Rio Grande as west of it—is the law of Mexico, as pronounced by the Dictator of Mexico, by the constitutional authority of Mexico, and by the legislative power of Mexico. That is my own opinion. But, sir, there are, I may say, two other opinions on this subject. According to one of these opinions—which is maintained with so much ability by my friend from Georgia [Mr. Berrien] who sits near me—even admitting that the law of Mexico did extend to New Mexico this side of the Rio del Norte, the Constitution of the United States, by its own necessary operation, abrogated that local law, and invested the owners of slaves with the power of carrying their slaves into any portion of the territories acquired by us from Mexico. But there is still another opinion. There are many senators and members of the House of Representatives, and a large portion of the American people, who believe that all the territory this side the Rio del Norte, from its mouth to its source, is Texas, and that the laws of Texas consequently extend over

it; and therefore that the Texas laws comprehend New Mexico this side of the Rio del Norte, and that the lex loci of the territory east of the Rio del Norte is at this moment the law of Texas. If that opinion be correct, there is nothing in the bill reported by the committee to restrain the transportation of slaves from the slaveholding States into that portion of New Mexico which is on this side of the Rio del Norte. Hence there is nothing to prevent the bringing before the Supreme Court of the United States the question of the right of the slaveholder to preserve possession of his property, and enjoy the benefits of it, if he should take it to the Territories. There will be no difficulty about the matter if the bill as reported by the committee remains unchanged. And if the Supreme Court shall be of opinion either that the laws of Texas stretch over New Mexico this side of the Rio Grande, or, as maintained by my friend from Georgia that the Constitution of the United States abolished the Mexican laws by which slavery was abrogated, in either case the owner of slaves in New Mexico would have a right to enjoy the possession of his property. But if, on the contrary, as I believe, the Constitution did no such thing, and Texas, not having actual possession, did not extend her laws there, then it would follow that the right to maintain and carry slaves there would not prevail. I have endeavored, sir, to state the effect of the provision in the bill as reported by the committee, and the operation of the amendment of the gentleman from Mississippi, as I understand it.

Mr. Rusk. I desire, in this stage of the proceedings on this bill, to say but a few words in answer to a part of the argument of the senator from Kentucky. He seems to suppose that the extension of the laws of Texas over every foot of the territory claimed by her, is necessary to constitute a title to the territory; that unless actual possession and an actual extension of the law in the exercise of jurisdiction absolutely over every foot of the soil takes place, her title is incomplete.

Mr. Clay. My friend will allow me to correct him. I said nothing about title. I spoke of the law as it exists *de facto* or *de jure*. But law can not be introduced without some action by legislative authority, if there be a pre-existing local law. If there be a law *de facto*, although the title may be in Texas, yet the lex loci will exist until the law assuming that Texas has a good title is carried through by the force of legislative authority. I repeat, I said nothing about title. * * *

Mr. President, I desire to say only a few words. I had no purpose, sir, in any observations I made, to enter into any discussion or consideration of the question of title on the part of Texas to the country this side of the Rio del Norte; and my friend from Texas, therefore, whose zeal is entitled to the highest commendation in behalf of the rights of his own State, when he supposes them to be either directly or remotely infringed or endangered, might have saved himself the necessity of making any observations on the subject. The whole scheme, as he well knows, is founded on putting aside the consideration of the validity or invalidity of the title of

Texas to this territory. The bill—that part of it which relates to Texas—assumes that she has a claim to the country, and proposes a large pecuniary equivalent for that claim. In other words, we propose to buy our peace with Texas; and I am sure, when my friend comes to consider the liberal terms we propose—whether Texas has a good or a bad title to these lands, whether that title is a valid or an invalid one—he will say that these terms are such as are conceived and offered in a spirit of liberality.

Now, sir, with respect to another friend—my friend from Mississippi—allow me to say a few words. He seems to think that there is some inconsistency between my present course and that which I took the other day on the subject of non-action. Now this subject of non-action has been very much misconceived, both in the country and in Congress. Non-action, as respects legislation on the subject of slavery, is one thing—and for that I go; but non-action, so far as giving to these people, separated from their connection with the republic of Mexico, and brought under our jurisdiction—non-action as to giving them a suitable government, is a totally distinct thing. I am in favor of action as respects government for the Territories, but I am in favor of non-action as respects the question of slavery. I think that the honorable senator from Mississippi [Mr. Davis], when he comes to consider the distinction, will see that there is no inconsistency between my present course, and that which I took a few days ago.

Now, sir, with respect to the amendment offered by the senator from Mississippi. The senator says there is a right on the part of the slaveholder in any of the slave States of the Union, to carry his slaves into Utah and Mexico, on this side or on the other side of the Rio Grande; that the Constitution of the United States has abrogated or abolished the laws of Mexico, and that, therefore, in virtue of the operation of the Constitution, this right exists. He went on further to intimate that the laws of Texas perhaps privileged them, and that the laws of Texas might have abrogated the laws of Mexico on the subject of slavery. These are the opinions of the senator from Mississippi. It is my misfortune—and I regard it as one, I assure him—to have to declare that I differ from him. And, sir, how is the existing difference to be settled? By that very judicial authority to which the senator in a former session was so ready to refer it. If I am right in my supposition or opinion in regard to the prevalance of this or that law, why then, when the question comes before the Supreme Court of the United States, to which it will be carried, the right to carry slaves there will be disavowed. If, on the other hand, the senator from Mississippi is right, either in supposing that by the Constitution of the United States or by the local law the introduction of slaves is authorized, or that the laws of Texas stretch over the country, and authorize the introduction of slaves, in either contingency the senator will attain the object he proposes—the right of the owners of slaves to carry them there. I think with these two chances against me the honorable senator ought to be satisfied, believing, as he appears to believe, that both the

Constitution of the United States and the laws of Texas authorize the carrying of slaves there; whereas I go upon the ground that the laws of Mexico did stretch over there, and that the laws of Texas did not; because although it may be conceded, for the sake of argument, that Texas has a good title, yet she had not the possession *de facto;* and I can assure him, and I can put it to nobody more confidently, that there is a difference between a title without possession, and the obligations of the local law, or the obligations of the government *de facto* to maintain its authority, notwithstanding it is not connected with the title. Sir, there are numbers of cases of this kind. In the case of the Stuarts, in England, when contending with the Commonwealth—when the throne was vacated, when Charles I. was beheaded, when England was under the Commonwealth, who ever supposed, after there was a restoration of the authority of the crown, and a replacement of the monarch on the throne—who ever supposed that the laws passed during the reign of the Commonwealth had no force, because they were laws by a government *de facto* and not by a government *de jure?* However, these are questions which are not worth taking up the time of the Senate to consider, and the simple question now before the Senate is, whether it will adopt an amendment; and I shall feel myself constrained to vote against it, although I greatly regret to differ from the senator from Mississippi [Mr. Davis]. But I will take his amendment as he intends to propose it, and I shall vote against it upon the supposition that the sense which he intends to convey is in fact conveyed by its language. Then, what is that proposition? The proposition is, that, by express legislative authority you shall recognize the right of the owners of slaves to carry these slaves into Utah and New Mexico; that they should be carriable there by the authority of Congress; that they may be transported there by the authority of the amendment which the senator offers.

Now, sir, I can only repeat, what I have often had occasion to say before, that while I am willing to stand aside and to make no legislative enactment, one way or the other—to lay off the Territories without the Wilmot proviso on the one hand, with which I understand we are threatened, or without an attempt to introduce a clause for the introduction of slavery into the Territories—while I am for rejecting both the one and the other, Iam contented that the law as it exists shall prevail; and if there be any diversity of opinion as to what it means, I am willing that it shall be settled by the highest judicial authority of the country. While I am content thus to abide the result, I must say that I can not vote for any express provision recognizing the right to carry slaves there.

And allow me to say to the senators from the South, and to my friend from Mississippi, if he will allow me to apply that expression to him, which I do with the most profound truth and sincerity—for he is not only my friend, but he was also the friend of one who is now no more—allow me to ask him, sir, and the other southern senators, if, with their views of

what ought to be done on the subject of slavery, they can think it right that Congress, by an express enactment, should authorize its introduction into these Territories? Does not that power, in virtue of which you would expressly provide for the introduction of slavery, imply the converse of the proposition, and the right to pass a law for the prohibition of slavery? And yet if I have been fortunate enough to understand the doctrine of southern gentlemen generally, it is one of entire absence of all legislation upon the subject of slavery, either pro or con. Yet, if the amendment of the senator from Mississippi be adopted, as I understand it, it recognizes, by an irresistible conclusion, the power of Congress to prohibit as well as to introduce slavery into these Territories.

Now, Mr. President, I appeal to the senator from Mississippi upon this occasion, with the great object in view which animates us all with a great desire—a desire which is prevalent throughout the country—to terminate the discussion of these questions, and to settle them upon some basis of amicable accommodation—is it worth while for us to be disputing about —what? The right to carry slaves where no man on earth would ever think of carrying them—the right to carry slaves north of the line delineated in the bill for the adjustment of the territorial question with Texas; to carry them where they can not go, where they would not be held as a gift, and where labor at this moment, as I learn from authorities referred to the other day, may be obtained at the rate of from three to four dollars per month? Sir, I hope we will not allow ourselves to be divided upon this unimportant question, but that we will dispose of it in such a manner as will show that we are anxious to consummate the great object we all so earnestly desire.

ANSWER OF OBJECTIONS TO THE REPORT OF THE COMMITTEE OF THIRTEEN.

IN SENATE, MAY 21, 1850.

[The report of the Committee of Thirteen, of which Mr. Clay was chairman, was doomed to encounter objections, both from the North and from the South—more especially from the South. It became necessary, therefore, for Mr. Clay, as chairman of the committee, and having this report in charge, to answer these objections. The following speech is chiefly devoted to that object.]

The Senate, having under consideration the special order, being the bill to admit California as a State into the Union, to establish territorial governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries—and Mr. Soulé having addressed the Senate—

Mr. Clay said—

Mr. President: The debate has been conducted in this case with great irregularity. A single proposition was before the Senate, and that an amendment to a particular section, in relation to the prohibition as to legislation by the territorial governments on the subject of African slavery. And, although this was the sole question pending before the Senate, senators have launched out upon the broad ocean, and embraced in the course of their arguments, the entire subject. Sir, I feel constrained, in vindication of the acts of the committee of which I was an humble member, to meet some of the arguments of the honorable senators; and I will begin with the last, who has just sat down. The senator from Louisiana finds himself unable to concur in the scheme of compromise which has been proposed. Will that senator condescend to present a contra project of his own for the satisfaction and reconciliation of the people of this country? Will he tell us what he wants? Sir, this finding of fault, and, with the aid of a magnifying glass, discovering defects, descrying the little animalculæ which move upon the surface of matter, and which are indiscernible to the naked natural eye, is an easy task, and may be practiced without any practical benefit or profitable result. It is the duty of the

senator who has just addressed us—it is the duty of all who assail this compromise, to give us their own and a better project; to tell us how they would reconcile the interests of this country, and harmonize its distracted parts. And I venture to say that, upon every subject of which the learned senator has treated, he has done great injustice to the acts of this committee. I do not mean to follow him throughout the whole course of his remarks, but I will take a rapid notice of his objections to the various features of this report.

Sir, he began, if I am not mistaken, with that which relates to the recovery and restitution of fugitive slaves; and he said, with an air of great dissatisfaction, if not of derision, that the committee had brought back that bill with certain embarrassments instead of improvements. Sir, I beg you to recollect that the greatest objections made to the amendment relating to fugitive slaves come from States which are not suffering under the evil of having to recover fugitive slaves. I stated here the other day, what I repeat again now, that my own State is perhaps the State suffering most from this cause, while the State of Louisiana is among those States which suffer from it the least. And yet the honorable senator from Louisiana, when we are satisfied with these provisions, sees in them objections which are insurmountable. And what are the embarrassments of which he complains? Why, sir, that the slave owner, in the pursuit of his fugitive property, has to carry with him a record! That instead of carrying with him, in pursuit of his slave, at great trouble and expense, witnesses and loose affidavits, he is fortified by an authentic record! That, I say, is an advantage and a protection to the slaveholder—a great advantage; for that record will command respect in the free States, and will give him an advantage which oral testimony or loose affidavits taken before a justice of the peace could never confer. The record, moreover, is a cumulative, not an exclusive remedy, leaving him free to employ the provisions of the act of 1793.

With respect to the other portion of the report which relates to this subject—that of trial by jury—where is the inconvenience of such a trial taking place in the State from which the fugitive has fled? In point of fact it will be no disadvantage, for there will not be one instance in a thousand where the bond to allow a trial by jury at home will incommode the slave owner, since the fugitive will be found to have asked for it as a mere pretext; and when he gets back to his own State he will, beyond all question, abandon that pretext. Sir, I put it to the honorable senator whether he does not believe that this will be the case; and this, you will recollect, is proposed as a substitute and a satisfaction to the North of that trial by jury which they contend for at a distance from home, and which I have already insisted would amount to a virtual surrender of the constitutional provision. Moreover, it is granting to the slave only the right which he now indisputably possesses, in all the slaveholding States, of resorting to their tribunals of justice to establish his claim to his freedom, if he has one.

Mr. President, I find myself in a peculiar and painful position in respect to the defense of this report. I find myself assailed by extremists everywhere; by under currents; by those in high as well as those in low authority; but, believing, as I do, that this measure, and this measure only, will pass, if any does pass, during the present session of Congress, I shall stand up to it, and to this report, against all objections, springing from whatever quarter they may.

Sir, it was but the other day that I found myself reproached at the North for conveying an alledged calumny of their institutions by saying that the trial by jury in this particular description of case, could not be relied upon as a remedy to the master who had lost his slave; as if I had made any such charge on northern judges and juries, in ordinary cases, in the way of reproach, or had not applauded the administration of justice both in our State and our federal courts generally. But I urged, that if, in Massachusetts, you require a Kentuckian, going in pursuit of his slave there, to resort to a trial by jury on the question of freedom or slavery of a fugitive, it would be requisite, in consequence of such an assertion of privilege on the part of the fugitive, that the parties should produce testimony from the State of Kentucky; that you will have to delay the trial from time to time; that there must be a power to grant a new trial, and that a supervisory power would be necessary when you come to a final trial; that distant and foreign courts would be called on to administer the unknown laws of a remote commonwealth; and that, when you sum up the expenses and charges at the end of the case, although the owner may eventually recover his property, the contest to regain it would have cost him more than it is worth; that, in short, he might be largely out of pocket, and that he would find he had better never have moved at all in the matter. That was the argument which I used; and yet, at the North, I am accused of casting unmerited opprobrium upon the right of trial by jury and the administration of justice; while at the South, in another and the last extreme, from which I should have expected any thing of the kind, I find that this amendment is objected to as creating embarrassments to the owners of fugitive slaves. Sir, this is something like the old song—

> "I do not like thee, Doctor Fell:
> The reason why, I can not tell;
> But this I know, and know full well,
> I do not like thee, Doctor Fell."

Such, Mr. President, are their objections to this measure.

Now, let us follow the honorable senator from Louisiana a little further. One of his great objections, was in the clause which prohibits the territorial Legislatures from passing any law in respect to African slavery within the Territories. Did the honorable senator know the history of that clause? Did he know that that clause was moved in the Committee of Thirteen by his own colleague? Did he know that that clause was voted for by every

southern member on that committee except myself, if I am so to be denominated, contrary to what is my usual habit of denominating myself? Every southern man on that committee voted for the clause which is the theme of the senator's criticism to-day, against my opinion, and that of all the northern members of that committee, with I believe one solitary exception! And yet, the moment it presents itself, although it comes under southern auspices, it is objected to!

Again, I ask the honorable senator from Louisiana, if this is to be rejected, tell us what you want; put it down in black and white; put down your project; compare it with that of the committee, and let us know the full extent of your demands, and then we shall be able to pass judgment upon them, approving them if we can, and do not restrict yourselves, in this unstatesmanlike manner, to the mere finding of fault with what is already proposed, without offering a solitary substitute for the measures you oppose.

Now, sir, the honorable senator raises great objection to this clause of prohibition. He tells us that no police regulations can be made. Either there is slavery there or there is not. If there is no slavery there, then there is no need of any police organization. If there be slavery there, then the necessary police regulations exist already. And I imagine that they will be found sufficient, as they have already been found in time past; at all events from the present time until the time when States shall be formed out of these Territories. Now, let him escape from that dilemma if he can. I repeat it, if there is slavery there, there are police regulations; if there is no slavery, then none are required.

Sir, the aim of the committee, in the introduction of that clause—I speak for every member of it, and the honorable mover of it as well as others—was simply to do this: to declare that the territorial Legislatures should have power neither to admit nor to exclude slavery. That was our purpose—our sole purpose; and if the amendment does not accomplish that purpose, would it not be more consistent with a spirit of amity—with that desire of settling these questions which, I trust and hope, animates the senator from Louisiana as well as others—would it not have been more conformable to that spirit to have moved an amendment, simply providing against the admission or exclusion of slavery in these Territories, leaving them free to establish any police regulations they please, than to have attacked this measure in the manner which he has done, as if that clause contained some new and dangerous principle to be guarded against; and as if it did not embody the exact principle for which the South has uniformly contended?

Again, the honorable senator objects to the clause interdicting the slave-trade in the District of Columbia. He objects to it on two grounds. In the first place, because the committee do not affirm in their report that there is no constitutional power in Congress to pass upon the subject of slavery in this District. Now, what is the opinion of the senator and of

the Senate upon the subject? A large portion, probably a majority of the Senate, believes that Congress has the power; another portion believes that Congress has no such power. And how does the honorable senator expect to arrive at a compromise in which one of these opinions shall be made to triumph over the other? How does he expect that those senators who think that the power does exist in Congress to abolish slavery in the District of Columbia, are to plunge their hands into the inmost recesses of their souls, and drag out the truth which lies there? If he wants a compromise, he must take it without asking senators, on the one side or on the other to repudiate their fixed and deliberate opinions; if he does not want a compromise, then let him insist that one class of senators shall surrender the opinions which they hold to the other class. Sir, I thought that the committee were on that subject as happy as they could be. The report neither affirms nor denies the power of Congress to abolish slavery within the District of Columbia. It says that it ought not to be done; and he who thinks it ought not to be done upon constitutional grounds, ought to be satisfied; and he who thinks it may be done constitutionally, but who believes that it ought not to be done, from considerations of expediency or kindness, or fraternal regard toward other portions of the country, ought also to be satisfied. Thus, by neither affirming nor denying the power, but by asserting that the power ought not to be exercised, I say it is a compromise with which all ought I think to be perfectly satisfied. Does the honorable senator expect that my learned friend in my eye [Mr. Webster], who has no doubt about the power, will give up that opinion? Does he expect that he will renounce his deliberate, well-considered, and well-formed opinion, which he has entertained for years? Does the South expect to succeed in any such demand as that? Will the senator from Louisiana demand it? If he does, he demands that there shall be no compromise, no settlement of the questions which are now agitating the country.

But, sir, the honorable senator has misconceived the bill for abolishing the slave-trade which the committee have reported. This bill is a mere adoption of the law of Maryland. I will here mention a fact which shows how wrong it is to prejudge a thing. An honorable friend of mine, in my eye, has suggested that the object can be accomplished in a certain mode; and I should like to know, from the senator from Louisiana, whether he thinks it attainable and acceptable in that way or not? The introduction of slaves now into this District, either for sale or for being placed in dépôt for subsequent transportation, arises out of two laws which were passed by Congress itself, one in the year 1802, and the other some years after, permitting it to be done. The senator to whom I have referred observed to me some time ago, "Mr. Clay, you can accomplish your object simply by repealing these two laws, and by leaving the state of the law where it was before Congress allowed by law the introduction of slavery into this District." I have not examined the two acts of Congress; but, as I know the

senator to be familiar with the laws of this District and the laws of Maryland, I have no doubt that he is right. Now, if instead of adopting the law of Maryland, which, in other words, is the bill proposed by the committee, we had proposed simply to repeal these two acts of Congress, in virtue of which alone slaves have been introduced into the District for the purpose of being transported to New Orleans and elsewhere, would he think it wrong, would he think it unconstitutional? Would he think it was alarming to the rights of the people of the South for Congress to repeal its own laws? Sir, where there is a disposition to look at things with an impartial and a candid eye, and to look at all the interests of all the parts of the country, and all the opinions, and all the prejudices, if you will, of our fellow-citizens, we shall be much more likely to arrive at a satisfactory and harmonious result, than by attaching ourselves to a single position, and viewing from that point every thing, and seeking to bring every thing to the standard of our own peculiar opinions, our own bed of Procrustes.

The senator is mistaken in saying that a resident of the District can not go out of the District and purchase a slave and bring him here for his own use.

Mr. Soulé. I feel assured that the honorable senator has misunderstood me. I have merely stated that the effect of this section, if I understand it well, will be to preclude the introduction into the District of any slave for the purpose of being sold, even if it were for the purpose of supplying the necessities of those inhabiting the District; and I know that the honorable senator will do me the justice, on looking at the section, to admit that such will be its legal effect.

Mr. Clay. Well, what is the inconvenience of it? A slave can not be brought within this place for sale and be here sold, but a man who wants a slave here may go to the distance of five miles and purchase one, and bring him here, not for sale, but for his own use. The real amount of inconvenience, is, that a resident within the District will have to travel five miles to purchase a slave, instead of the slave being brought here to be sold. There is nothing whatever in the bill which prohibits a resident within the District from going out of the District and purchasing a slave for his own use. The only prohibition is, that no slave can be brought into the District or into market for sale, as merchandise, without a forfeiture. But, sir, I repeat that, by the repeal of the laws under which this is done, all difficulty might have been obviated; and as it will probably be, if the bill be allowed to take its usual course.

No part of this compromise seems to receive commendation from the senator of Louisiana, or to afford him any solace or satisfaction. He says that it has been contended by me and by others, that the law of Mexico abolished slavery, and that it does not exist there by law, and is not likely to be introduced there, in point of fact. I can not renounce that opinion. It is impossible in my nature for me to do so. I can not disbelieve what I believe. But the honorable senator has taken up the greater portion of the

time in which he has so ably and so eloquently addressed us, to prove—what? That that opinion of mine is incorrect. He has gone into a historical account of the abolition of slavery in Mexico; he has gone into the negotiations which led to the conclusion of the treaty of Hidalgo; he has gone behind the negotiations into the instructions given with regard to the proposition of the Mexican commissioners, forbidding the introduction of slavery in the ceded Territories. He has come into the Senate, and traced what has been done in this body, in order to prove that even here, by the negative of a proposition, moved, I believe, by a senator from Connecticut, there was an implied purpose on the part of Congress to allow slavery, or rather to recognize it there. Now, can not the senator be satisfied with his own view? He thinks that slavery is not abolished there. I know that he is much more eminent as a jurist than I ever aspire to be. Why, then, is he not satisfied with his own opinion? Will he not, in a spirit of liberal toleration, allow an opposite opinion to be entertained? But the objection to the measure is, that, although this proposes to be a settlement of all the questions involved, yet there is one question which is left unsettled, that of the lex loci in regard to slavery in these Territories, which ought to have been adjusted. Will he tell me how it could be settled? Will he or any body else tell me how it can be settled, otherwise than by the Supreme Court of the United States, whether the law of Mexico did or did not abolish slavery within the limits of those Territories? That is what the committee propose to do. They have recommended this plan to the consideration of the Senate, and of the country, as a measure of general compromise, which would settle all the questions that were practicable or possible for legislation to settle. The question which the senator supposes is left unsettled, can only be settled by the Supreme Court of the United States, and there it is left.

Now, sir, it is a little remarkable that the senator argued with such great ingenuity, and great earnestness, that, according to the local law of Mexico, slavery was not abolished; that according to the local law of Mexico, there was a right on the part of the slaveholder to carry his slaves there; that, according to that local law, and the Constitution of the United States, that right exists. If it does, ought not the senator to be satisfied? Why, I should suppose that it was all that he wanted. He says that the right to carry slaves there exists, and that Congress has no power to legislate on the subject of slavery one way or the other. What more, then, does he want? He says that the lex loci admits the existence of slavery. Then has not the honorable senator got precisely what he wants?

Mr. Soulé. The honorable senator does me injustice. I expressly admitted that slavery was abolished by the Mexican law. I never raised a doubt upon that question. Slavery has been abolished within the limits of Mexico by the constitutional power of Mexico. So far as that goes, therefore, there can not be the shadow of a doubt in the mind of any one, that, if the Mexican law prevails, slavery is already abolished and utterly eradicated.

Mr. Clay. I understood the senator to be assailing the opinion which I entertained and expressed.

Mr. Soulé. I certainly did not.

Mr. Clay. Be that as it may, the honorable senator contends for that which is equivalent to the non-abolition of slavery by the Mexican law—that the right to carry slaves into the ceded Territories was restored by virtue of the Constitution of the United States.

Mr. Soulé. That is it.

Mr. Clay. That, then, is what the senator contended for. Very well, then. If, by the Constitution of the United States, there is a right, on the part of every slaveholder in this country, to carry slaves into the ceded Territories (which I certainly do not believe or admit), what more does the senator want? He talks about the *statu quo*. The *statu quo* is precisely what I should suppose him to want. But, superadded to that, if that be with him, is the Constitution of the United States. And yet he is not satisfied. Does he wish the Constitution to be re-enacted? Can the paramount authority be strengthened by an act of subordinate power? Would he recommend the introduction of the Wilmot proviso into the bill, or a legislative enactment to admit slaves, because the plan of the committee is silent upon that subject? The senator is not satisfied with this compromise. Will he tell us now, in so many words, what he would put into an act of Congress to satisfy himself upon the subject of slavery? I should be extremely happy to hear it.

Mr. Soulé. I am ready to answer the honorable gentleman at once. I will be satisfied with this section of the bill, if the amendment proposed by the senator from Louisiana prevail. That is all I want. I am willing to abide by that section, provided the amendment proposed by the senator from Mississippi, and which I have this morning sustained, be adopted. I will also be satisfied with other portions of the bill, if reasonable amendments shall be made.

Mr. Clay. I am happy to find that there is some possibility that the senator may yet vote with us. Perhaps I should have been less earnest if I had not despaired of ever obtaining his vote. I really thought that, from the course of his argument, and from the manner in which he treated every proposition contained in the report, he was a gone case; that he was hopeless; that nothing could reconcile him to any scheme that the committee could propose. I regret, however, to perceive that the senator, in announcing what would satisfy him, restricts himself to this section. But, now, I should like to know what other law the senator wants upon the subject of slavery than the paramount law of the Constitution of the United States?

Mr. Soulé. Protection.

Mr. Clay. The paramount law of the Constitution affords that protection.

Mr. Soulé. I think it does not afford that protection.

Mr. Clay. Will the senator be satisfied with striking out the clause?

Mr. Soulé. I will be satisfied with the clause provided it be modified as proposed by my friend from Mississippi.

Mr. Clay. But that amendment the senator knows I can not agree to, because it assumes a fact the existence of which I deny. It assumes the fact that slaves are there. I maintain that there are none there, except here and there a body servant that has been carried there by those who are sojourning or traveling through the country.

If the senator will be satisfied with striking out the clause, I will vote to strike it out, because I voted against putting it in. Or I would consent to its being so modified as to declare that the territorial Legislature shall neither admit nor exclude slavery, which will leave it open to police regulations. If the senator will be satisfied with that, I am content. But, if the senator desires, by any indirect means, by any clause which goes beyond its professed object, by any implication which can result from that clause, to assert either that slavery exists now in that country, or that it is lawful to carry it there under the Constitution of the United States, I, for one, can not agree to it. If the senator will agree to the modification of the clause, so as to declare that the territorial Legislature shall pass no laws either to admit or exclude slavery—

Mr. Webster. Respecting the establishment or exclusion of slavery.

Mr. Clay. Certainly. If the senator will agree to modify the clause so as to declare that the territorial Legislature shall pass no laws respecting the establishment or exclusion of slavery, I will go for it with pleasure.

Mr. Soulé. I wish not to misunderstand the honorable senator, but if I understood his argument, it seems to imply that the amendment proposed by the honorable senator from Mississippi assumes the existence of slavery there; I can not concur with him in that. The amendment assumes that slaves may be there, but it certainly will not carry them there if they be not already there. And if any right exists under the state of things which that asserts, I can not conceive what serious objections can be entertained on the part of the honorable senator to the amendment proposed by the senator from Mississippi. It only protects whatever rights may exist there. It does not give any right. It only seeks to protect such rights as, under the Constitution of the United States, may now, or hereafter exist. For these reasons I shall vote for the amendment. I beg the pardon of the honorable senator for interrupting him.

Mr. Clay. Well, sir, if the honorable senator will be satisfied with such an amendment as I have suggested, and which I understood the other day was satisfactory to most gentlemen on that side of the House—an amendment declaring that the Legislatures of the Territories shall neither establish nor exclude slavery—I am content. Then it will leave open all these questions of right to be settled under the Constitution of the United States, and all those matters of police which are stated to be desirable. But I can not agree to an amendment which, in point of fact, assumes that

slavery has an existence there at this time, and assumes in point of law that, under the Constitution of the United States, there is a right to carry slaves there. I can not vote for either proposition. I repeat that I am ready to vote to strike out the clause, to retain the clause, or to modify the clause in the way I have suggested, which will accomplish all the objects sought for on the other side of the House, if I understand them.

Now, Mr. President, I am not going, at this time of the session, and at this stage of the progress of this measure, to discuss the question of the validity of the laws of Mexico. The question whether the opinions expressed by me and by others, or the opposite ones, be right, can only be decided by the Supreme Court of the United States, upon a proper case brought before that tribunal. We go as far as we can to settle all these questions. We establish governments there and courts there, from which courts appeals may be taken, according to the express provisions of the bill, to the Supreme Court of the United States. A question as to whether or not the Mexican law prevails in these Territories, or whether the Constitution admits slaves to be taken there, can only be decided by that tribunal.

Mr. President, I will not say any thing more with respect to the able, ingenious, and eloquent argument of the senator from Louisiana; but I will proceed to the other subjects which I propose to discuss. I am not one of those who, either at the commencement of the session or at any time during its progress, have believed that there was any present actual danger to the existence of the Union. But I am one of those who believe that, if this agitation is continued for one or two years longer, no man can foresee the dreadful consequences. A dissolution of the Union, the greatest of all calamities in my opinion which can befall this country, may not in form take place; but next to that is a dissolution of those fraternal and kindred ties that bind us together as one free, Christian, and commercial people. In my opinion, the body politic can not be preserved unless this agitation, this distraction, this exasperation, which is going on between two sections of the country, shall cease. Unless it do cease, I am afraid that this Union, for all the high and noble purposes for which our fathers formed it, will not be preserved.

Mr. President, I will go so far as to venture to express this opinion, that unless this measure of compromise, not the exact words of the bill—for the committee, I am sure, will agree to any amendments or modifications which will better the measure—but unless some measure of this kind pass, I hazard the prediction that nothing will be done for California, nothing will be done for the Territories, nothing upon the fugitive slave bill, nothing upon the bill which interdicts slavery in this District. Unless some such measure prevail, instead of healing and closing the wounds of the country, instead of stopping the effusion of blood, it will flow in still greater quantities, with still greater danger to the republic. And I repeat, that in my opinion the measure upon your table, with such amendments as it may re-

ceive, or some tantamount measure, must pass, or nothing passes upon all the subjects to which the report refers.

Let us look at the subject. If you do not pass this measure, there is a possibility, some gentlemen will say a high probability, that the California bill will not pass. I have no doubt myself but that there are large majorities in both Houses of Congress in favor of the admission of California into the Union; but from causes upon which I shall not dwell, and which are adverted to by me not with pleasure, but with pain, I am afraid that that bill never will pass the two Houses as a measure by itself. What, then, will be the condition of the country? Let us suppose that Congress does nothing; let us suppose that it fails to furnish a remedy for any one of the evils which now afflict the country. Suppose we separate and go home under those mutual feelings of dissatisfaction and discontent which will arise out of the failure of Congress to adjust these questions. I will say nothing of the reproach and opprobrium that would be brought upon us by all Christendom. I will say nothing of those who are looking upon us with anxious solicitude, under the hope that we will fulfill all the expectations and fulfill the high destinies which appertain to one among the greatest of all countries. I will say nothing of that large portion of mankind who are gazing with intense anxiety upon this great experiment in behalf of man's capacity for self-government and man's freedom. I will say nothing of all this. Suppose, then, after the lapse of six or seven months, during which we were vainly endeavoring to reconcile the distracted and divided parts of the country, we go home full of the feelings of rage and animosity, one section against another. In such a state of feeling can the republic long continue? Let us suppose, however, that you reject this bill and pass the California bill, and go home in that state of things; what will not the South say? What reproaches will it not level at the North upon this subject? They will say to the North, "You got all you wanted; you got the substitute for the Wilmot proviso; you have got a clause much more potent, much more efficacious than that; you have got the interdiction of slavery in the Constitution of California; you have got all you wanted for the present, and have refused us every thing; you have seized upon California, and hereafter, from time to time, you mean to appropriate the whole of our acquisitions to your exclusive benefit." In that state of feeling of mutual exasperation and excitement, with a heated press, with heated parties, with heated lecturers, with heated men, how can you expect hereafter to come back to this theater of strife and contention calm and composed, to settle difficulties which six months of earnest and anxious labor have not enabled you to adjust?

It is said that nothing has been done for the South in the establishment of these territorial governments; nothing in this measure of compromise. What, sir! Is there nothing done for the South when there is a total absence of all congressional action on the delicate subject of slavery; when Congress remains passive, neither adopting the Wilmot proviso, on the one

hand, nor authorizing the introduction of slavery on the other; when every thing is left in *statu quo?* What were the South complaining of all along? The Wilmot proviso—a proviso, which if it be fastened upon this measure, as I trust it may not be, will be the result, I apprehend, of the difficulty of pleasing southern gentlemen. Their great effort, their sole aim has been for several years to escape from that odious proviso. The proviso is not in the bill. The bill is silent; it is non-active upon the subject of slavery. The bill admits that if slavery is there, there it remains. The bill admits that if slavery is not there, there it is not. The bill is neither southern nor northern. It is equal; it is fair; it is a compromise, which any man, whether at the North or the South, who is desirous of healing the wounds of his country, may accept without dishonor or disgrace, and go home with the smiles which the learned senator regretted he could not carry with him to Louisiana. They may go home and say that these vast Territories are left open. If slavery exists there, there it is. If it does not exist there, it is not there. Neither the North nor the South has triumphed; there is perfect reciprocity. The Union only has triumphed. The South has not triumphed by attempting to introduce slavery, which she would not if she could, because she maintains (although it is not my own individual opinion) that Congress has no right to legislate on the one hand for its introduction, or on the other for its exclusion. Nor has the North been victorious. She may, indeed, and probably will, find her wishes ultimately consummated by the exclusion of slavery from our territorial acquisitions; but if she does, that ought not to be an occasion of complaint with the South, because it will be the result of inevitable causes. The bill has left the field open for both, to be occupied by slavery, if the people, when they are forming States, shall so decide; or to be exclusively devoted to freedom, if, as is probable, they shall so determine.

Now let me call the attention of the Senate to a very painful duty, which I am constrained to perform, and which I shall perform let it subject me to what misinterpretation it may, here or elsewhere. I mean the duty of contrasting the plan proposed by the executive of the United States with the plan proposed by the committee of thirteen. If the executive has a friend —(I do not mean exactly that, because I believe and wish myself to be a friend of the executive, feeling most anxious to co-operate with him)—but if there be a friend of the executive who supports his measure to the exclusion of the committee, will he stand up here, and meet us face to face upon the question of superiority of the one measure to the other? Let us here, and not in the columns of newspapers, have a fair, full, and manly interchange of argument and opinion. I shall be ready to bear my humble part in such a mental contest. Allow me to premise by assuming, in the first place, that every friend of his country must be anxious that all our difficulties be settled; and that we should once more restore concord and harmony to this country.

Now, what is the plan of the president? I will describe it by a simile,

in a manner which can not be misunderstood. Here are five wounds—one, two, three, four, five—bleeding and threatening the well-being, if not the existence of the body politic. What is the plan of the president? Is it to heal all these wounds? No such thing. It is only to heal one of the five, and to leave the other four to bleed more profusely than ever, by the sole admission of California, even if it should produce death itself. I have said that five wounds are open and bleeding. What are they? First, there is California; there are the Territories second; there is the question of the boundary of Texas the third; there is the fugitive slave bill the fourth; and there is the question of the slave-trade in the District of Columbia fifth. The president, instead of proposing a plan comprehending all the diseases of the country, looks only at one. His recommendation does not embrace, and he says nothing about the fugitive slave bill or the District bill; but he recommends that the other two subjects, of territorial government and Texas boundary, remain and be left untouched, to cure themselves by some law of nature, by the vis medicatrix naturæ, or some self remedy, in the success of which I can not perceive any ground of the least confidence. I have seeu with profound surprise and regret, the persistence—for so I am painfully compelled to regard the facts around us—of the chief magistrate of the country in his own peculiar plan. I think that in the spirit of compromise, the president ought to unite with us. He recommends the admission of California. We are willing to admit California. We go with him as far as he goes, and we make its admission compose a part of a general plan of settlement and compromise, which we propose to the consideration of the Senate. In the spirit of compromise which, I trust, does, and which I know ought to, animate both ends of Pennsylvania avenue, we had a right to suppose, when the committee announced in its report that it was satisfied with his recommendation, so far as it went, but that it did not go, in our respectful judgment, far enough, and that we therefore offered our measure to close up the four remaining wounds—I think, that in a spirit of peace and concord, and of mutual confidence and co-operation, which ought to animate the different departments of the government, the president, entertaining that constitutional deference to the wisdom of Congress which he has professed, and abstaining, as he has declared he would abstain, from any interference with its free deliberations, ought, without any dissatisfaction, to permit us to consider what is best for our common country. I will go a little further in this comparison, which I make most painfully. After the observations which I addressed to the Senate a week ago, I did hope and trust there would have been a reciprocation from the other end of the avenue, as to the desire to heal, not one wound only, which being healed alone would exasperate and aggravate, instead of harmonizing the country, but to heal them all. I did hope that we should have had some signification in some form or other, of the executive contentment and satisfaction with the entire plan of adjustment. But, instead of concurrence with the committee on

the part of the executive, we have an authentic assurance of his adherence exclusively to his own particular scheme.

Let us look at the condition of these Territories, and I shall endeavor to do what has not been done with sufficient precision, to discriminate between non-action or non-intervention in regard to slavery, and non-action as it respects the government of the people, who, by the dispensations of Providence, and the course of events, have come to our hands to be taken care of. To refrain from extending to them the benefit of government, law, order, and protection, is widely different from silence or non-intervention in regard to African slavery.

The recommendation of the president, as I have already said, proposes the simple introduction of California as a State into the Union—a measure which, standing by itself, has excited the strongest symptoms of dissatisfaction in the southern portions of the confederacy. The recommendation proposes to leave all else untouched and unprovided for. In such an abandonment, what will be the condition of things? The first approximate territory to California is Utah, and in what condition is that left by the president's message? Without any government at all. Without even the blessing or curse, as you may choose to call it, of a military government. There is no government there, unless such as the necessities of the case have required the Mormons to erect for themselves. Until the common parent shall have spread its power and its authority over them, they have no adequate government.

Then, next comes New Mexico; and in what condition does the president's message leave her? With a military government—a military government which, administered as it is proposed to be, is no government. While upon this part of the subject, let me call your attention to what has been said by the delegate from that Territory, in a feeling address which he has recently published to the people of New Mexico.

Mr. Underwood, at the request of Mr. Clay, read the following extracts:

"Why have our rights, which are certainly indisputable, been so long withheld? Why have we been compelled to live under a military domination, so repugnant to freemen, and so opposed to the acknowledged spirit and foundation of this government? Why, our condition, instead of being improved by the transfer of allegiance, as was promised to us, has been continually getting worse. Why has this government so long neglected giving you that protection against Indian depredations, which was so often promised, both before and since the treaty of cession? Why, the connection with this government, which you have been encouraged to look forward to as the beginning of your prosperity and improvement, has had its opening with three years of depredation, miserable misrule, and military despotism."

Again:

"It is useless for me to remind you that you have no other than a military

government to administer the civil laws with which you came into the Union (and under which you and your ancestors have lived for two centuries). What other executive have you but the commander of the troops in New Mexico? Does he not absolutely control all the civil establishments of your country? Is there a civil officer but holds his office by commission from the military officer during his will and pleasure? Has he not, indeed, assumed to order the courts whom to bring to trial, and in every way prescribed their jurisdiction? And when the Secretary of War commands him not to interfere, or prevent the officers from Texas to exercise their commissions in your territory, can that be called a neutrality? Is it not a virtual abandonment of the government?"

Mr. Clay. Mr. President, with regard to Utah, there is no government whatever, unless it is such as necessity has prompted the Mormons to institute; and when you come to New Mexico, what government have you? A military government, by a lieutenant-colonel of the army! A lieutenant-colonel—a mere subordinate of the army of the United States—holds the governmental power there, in a time of profound peace! Stand up, whig who can—stand up, democrat who can, and defend the establishment of a military government in this free and glorious republic, in a time of profound peace! Sir, we had doubts about the authority of the late president to do this in time of war, and it was cast as a reproach against him. But here, in a time of profound peace, it is proposed by the highest authority, that this government, that this military government—and by what authority it has continued since peace ensued, I know not—should be continued indefinitely, till New Mexico is prepared to come as a State into the Union. And when will that be? There are now about ten thousand people there, composed of Americans, Spaniards, and Mexicans; and about eighty thousand or ninety thousand Indians, civilized, uncivilized, half civilized, and barbarous people; and when will they be ready to come in as a State? Sir, I say it under a full sense of the responsibility of my position, that if to-morrow, with such a population, and such a Constitution as such a population might make, they were to come here for admission as a State, I, for one, would not vote for it. It would be ridiculous; it would be farcical; it would bring into contempt the grave matter of forming commonwealths as sovereign members of this glorious Union. She has no population, in sufficient numbers, morally capable of self-government; nor will she have, for many years to come, such a population as will make it proper to admit her as a State. And yet the plan of the president is to leave this military government under this lieutenant-colonel in full operation, declaring, as he does, in opposition to evidence, that they have a very good government there.

But what sort of a government does this lieutenant-colonel, placed over them, administer to his subjects? Why, I suppose, one of the greatest and first duties of government is to give protection to the people, to give defense to the territory which he governs, and to repel invasion from the

limits of the country. And how does this military commander, acting as it is said under the authority of the Secretary of War, behave upon the first approach of an invasion? While commissioners are sent there as pioneers in the work of bringing all that part of New Mexico on this side of the Rio Del Norte under the authority of Texas, as the territory of Texas, what does this military government do, or propose to do, to protect those people and repel invasion, and to protect their domain? He says he means to be neutral, and has instructions from head-quarters to be neutral, in this contest between the people of Santa Fé or New Mexico and Texas! The governor of this people, who are opposed to the jurisdiction of Texas, says he means to take no part with those whom he governs, but to leave them to fight it out as well as they can with the power of Texas! What American can say that under the circumstances, this course is justifiable? And what will become of the sacred obligations of the treaty of Hidalgo? Of all the honorable distinctions which characterize man in his social and aggregate, or individual character, that of good faith, of the honorable fulfillment of obligations, and the observance of contracts in private life, and of treaties in public life, is one which commends itself most to the approbation of enlightened mankind. Here we have a provision in this treaty, staring us in the face, requiring us to extend the protection of government to the people of Utah and New Mexico. We are told we may safely—it is not said, I admit, in terms, but it is in effect—we may withdraw from the fulfillment of our obligations, and leave this people to themselves, to work out their own happiness and salvation in such way as they can!

In what circumstances will this country be, if Congress adjourns without a settlement of this boundary question, and without establishing territorial governments for Utah and New Mexico? In what condition would the people of New Mexico be, east of the Rio del Norte, in their conflict with Texas? Sir, I need not remind you of what every body knows—of the settled dislike, the insuperable antipathy existing on the part of the people of New Mexico toward Texas, denouncing and denying her authority, contravening the existence of her laws, and ready, if they had the power to do it, to resist her claim of jurisdiction to the last extremity. And yet they are to be left to take care of themselves! They have got a government good enough for them!

Mr. President, that is not my conception of my duty as an American legislator. My duty tells me to perform what we have promised to perform; my duty tells me to extend to this people in Utah and New Mexico the benefits of that supreme authority residing in the city of Mexico which they had when they constituted a part of the republic of Mexico, but which, when they came to us, we promised to extend to them from Washington, on our part. That is my conception of duty, and I will undertake to perform it, if I can. If I can not do it, on account of the Wilmot proviso, or if, as the result of any other obstacle that may be thrown in the way, I can not accomplish what I deem my duty, I shall stand acquitted

in the sight of God and my own conscience; I shall be irreproachable as to any deliberate neglect, even if I fail in the attempt to perform my duty.

I will close this part of what I have to say by grouping, comparing, and contrasting the features of the respective plans of the executive and the committee, which I shall be glad if the reporters will publish in parallel columns:

The president's plan proposes an adjustment of only one of the five subjects which agitate and divide the country.	The committee's plan recommends an amicable settlement of all five of them.
The president's plan proposes the admission of California as a State.	That of the committee also proposes the admission of California as a State.
He proposes non-intervention as to slavery.	They also propose non-intervention as to slavery.
But he proposes, further, non-intervention in the establishment of territorial governments; that is to say, that we shall neglect to execute the obligation of the United States in the treaty of Hidalgo; fail to govern those whom we are bound to govern; leave them without the protection of the civil authority of any general government; leave Utah without any government at all, but that which the Mormons may institute; and leave New Mexico under the military government of a lieutenant-colonel.	They propose action and intervention by the establishment of civil government for the Territories, in conformity with treaty and constitutional obligations; to give the superintending and controlling power of our general government, in place of that of Mexico, which they have lost; and to substitute a civil instead of that military government which declares it will assume an attitude of neutrality in the boundary contest between New Mexico and Texas.
His plan fails to establish the limits of New Mexico east of the Rio Grande, and would expose the people who inhabit it to civil war, already threatened, with Texas.	Theirs proposes a settlement of the boundary question, and, being settled, a civil war with Texas would be averted.
He proposes no adjustment of the fugitive slave subject.	They offer amendments, which will make the recovery of fugitives more effectual, and at the same time, it is believed, will be generally satisfactory to the North.
He proposes no arrangement of the subject of slavery or the slave-trade in the District of Columbia.	They propose to interdict the slave-trade in the District, and to leave slavery there undisturbed.
Thus, of the five subjects of disturbance and agitation—to wit: California, territorial governments, the boundary question with Texas, the fugitive bill, and the subject of slavery in the District—	They propose to adjust all five of them on a basis which, it is confidently believed, is just, fair, and honorable, and will be satisfactory to the people of the United States.

His plan settles but one, leaving the other four unadjusted, to inflame and exasperate the public mind, I fear, more than ever.	They offer the olive branch of peace, harmony, and tranquillity.
Under his plan, one party, flushed with success in the admission of California alone, will contend, with new hopes and fresh vigor, for the application of the Wilmot proviso to all the remaining territory; while the other party, provoked and chagrined by obtaining no concession whatever, may be urged and animated to extreme and greater lengths than have been yet manifested.	Under their plan, all questions being settled in a spirit of mutual concession and compromise, there will be general acquiescence, if not satisfaction; and the whole country will enjoy once more the blessings of domestic peace, concord, and reconciliation.

While the president's plan is confined to a single measure, leaving the governments of Utah and New Mexico unprovided for, and the boundary between Texas and New Mexico unsettled, another, and one of the most irritating questions, is left by him, without any recommendation or any provision, to harass and exasperate the country.

He fails to recommend any plan for the settlement of the important and vexatious subject of fugitive slaves. He proposes no plan of settlement of the agitating questions which arise out of this subject. I will repeat, let him who can stand up here and tell the country, and satisfy his own conscience—when the whole country is calling out for peace, peace, peace; when it is imploring its rulers above and its rulers below to bring once more to this agitated and distracted people some broad and comprehensive scheme of healing, and to settle all these questions which agitate this afflicted people—let any man who can, not in the public press, but in the Senate of the United States, stand up and show that the plan which is proposed by the executive authority is such a one as is demanded by the necessities of the case and the condition of the country. I should be glad to hear that man. Ay, Mr. President, I wish I had the mental power commensurate with my fervent wishes for the adjustment of these unhappy questions—commensurate to urge upon you and upon the country forbearance, conciliation, the surrender of extreme opinions, the avoidance of attempting impossibilities.

Sir, I know there is a floating idea in the southern mind, such as we have heard before, of the necessity of an equilibrium of power between the two sections of the Union—of a balancing authority. However desirable such a state of political arrangement might be, we all know it is utterly impracticable. We all know that the rapid growth and unparalleled progress of the northern portion of this country is such that it is impossible for the South to keep pace with it; and unless the order of all republics shall be reversed, and the majority shall be governed by the minority, the

equilibrium is unattainable. But, sir, because there is not and can not be, and in the nature of things it is impossible that there should be, this equilibrium of power between the two sections of this country, does it therefore follow that the southern portion is in danger with respect to that great institution which exists there, and is cherished with so much solicitude? I think not; I believe not. All apprehensions of danger are founded on flagrant abuses of power; and the possibility of such abuses would prevent all investment of power, since no human power is free from the danger of abuse. But what are the securities for the maintenance of southern rights, connected with that peculiar institution? In the first place, there is that sense of truth, that sense of justice, which appertains to enlightened man, to Christian man. In the next place, there is the Constitution of the United States, with the oath which all take to abide by that Constitution. Next, there is a necessity for the concurrence of both branches of Congress before any act of legislation, inflicting a wrong upon that southern portion of the country, could take place. Then there is the veto of the President of the United States, applicable to any unconstitutional legislation which might take place in reference to that institution. Last of all, with regard to peaceful and civil remedies, there is the Supreme Court of the United States, ready to pronounce the annullment of any unconstitutional law which might unconstitutionally impair such right; and there is also a sense of responsibility on the part of senators and representatives to their constituents. But last, though I trust in God the occasion for its exercise will never arise, there is that right of resort to arms, and to make forcible resistance when oppression and tyranny become insupportable.

Nor is this great interest of the South, this institution of slavery, the only one to be affected by the fact that it is in a minority. Is it peculiar to that interest? No, sir. How is it with the fishing interest? How with the navigating interest? They are both greatly in the minority. How is it with the manufacturing interest? In the minority. How is it with the commercial interest? In the minority. In short, without continuing the enumeration, every interest in this country is in the minority, except that great and all-pervading interest of agriculture, which extends from one end of the country to the other. We must be reconciled to the condition which is inevitable. There is all reasonable security against any abuses which may be inflicted in the progress of events, which you can no more arrest than you can seize and hold the beams which are poured forth from that great luminary of the system of which we compose a part, or than you can stop, in its onward course, the flowing of the Mississippi river, and compel it to turn back to its sources in the Rocky and Alleghany mountains. It is utterly vain to suppose you can acquire that equilibrium of which we have heard so much between the slaveholding and the non-slaveholding portions of the Union. It is not necessary, I hope; it is not necessary, I believe; but, whether it is or not, it is unattainable, by the operation of causes beyond all human or earthly

control. And to oppose the immutable and irrevocable laws of population and of nature is equivalent to a demand for the severance of the Union.

I conclude by repeating that here are five wounds which, by the committee of compromise, are proposed to be closed. Sir, I know what may be said. I know it will be said that agitators will, even after the passage of all these measures, continue to agitate; that the two extremes will still cry out for their respective favorite measures; that the Wilmot proviso, although territorial governments will be established, will be pressed, to be added by a supplementary act, or to be incorporated in the Constitutions which these Territories may establish. I know it may be urged—indeed, I have heard it stated on this floor—"Pass all your measures, and we will cry out for repeal." I know something, I think, of the nature of man. I know something of the nature of my own countrymen. I speak, also, with the authority and with the aid of history. At the time of the memorable Missouri compromise, as at this—and I have been unable to determine in my own mind whether more solicitude and anxiety existed then than now—the whole country was in an uproar, on the one side, for the admission of Missouri, and, on the other, for her exclusion. Every legislative body throughout the country—I believe there were twenty-four then—had denounced or approved the measure of the admission of Missouri. The measure was finally carried by a small majority; only six in the House of Representatives, where the great struggle—where the long-continued exertion—was carried on. And what were the consequences—the tranquillizing consequences—which ensued throughout this distracted country? The act was everywhere received with joy, and exultation, and triumph; and the man who would have dared to interrupt the universal, and deep-felt, and all-pervading harmony which prevailed throughout the country, in consequence of that adjustment, would have stood rebuked, and repudiated, and reproached by the indignant voice of his countrymen. And I venture to say, if this measure of compromise goes to the country with all the high sanctions which it may carry—sanctions of both Houses of Congress, and of the executive, and of the great body of the American people—to a country bleeding at every pore—to a country imploring us to settle their difficulties, and give once more peace and happiness to them—I venture to say that the agitation will be at an end, though a few may croak and halloo as they please. There are a few miserable men who live upon agitation—men who are never satisfied until they can place themselves at the head of a little clique of agitators, and, fastening them to their tails, go to the democratic party and say, "Take me—I am a good democrat, and I will bring to you this capital which I have, and insure your success;" or go to the whig party and say, "Take this little balancing power which I possess, and I will enable your party to triumph over their adversaries." I venture to say they will be hushed into silence, by the indignation they will meet everywhere, in their vain and

futile attempt to prolong that agitation which has threatened this country with the most direful calamity which, in all the dispensations of God, could befall it.

Sir, I am done. I would say much more, but I can not longer trespass upon your time. I did not expect to have said so much, and my physical powers will not permit me to say more.

MR. CLAY AND MR. SOULÉ—A SKIRMISH.

IN SENATE, MAY 24, 1850.

[In the great debate on the Compromise of 1850, there were frequent skirmishes between Mr. Clay and his opponents, of which we have given very few specimens, as they generally relate to amendments and side issues. The following, however, between Mr. Clay and Mr. Soulé, we have thought might be interesting, although it bears on no great question.]

Mr. Clay. Will the senator from Louisiana allow me one word? I do not wish to interfere with the senator if he wishes to avail himself of an opportunity of replying, but I desire an explanation from the senator from Louisiana who has just taken his seat. I understood the senator to say that the committee had held up to the eye one thing, intending at the same time another and a different thing—intending to cover the question with a "drapery" or "trickery," I did not hear the precise expression, but I thought it was one or other of these words.

Mr. Soulé. Oh, no; the senator from Kentucky is mistaken.

Mr. Clay. Well, then, I want to know what the senator did say?

Mr. Soulé. The honorable senator gives to my language a meaning which I had not intended it should convey. Speaking of the measures in progress of debate, and commenting upon them, I said, indeed, that "they spoke to the eye what they meant not to the sense;" intimating thereby that they were so worded that a careless reader might be led to imagine that they imported something which, in fact, they did not import. I did by no means intend imputing to the committee a deliberate design to impart to the measures which they recommended, and with a view to mislead, the duplex meaning which I thought I discovered in them; I intended only to signify that such would be the effect of the phraseology which had been adopted, and that it would unavoidably be misapprehended. That such would be the case is most clearly shown in the fact, now apparent to all of us, that those who concurred in the bill are still in disagreement as to the legal bearing of some of its most important provisions. Besides, from the manner in which I have conducted my humble share in this important discussion, I had hoped I would have been spared the misapprehension that I had designed any thing that was unkind or disrespectful to the honorable senator and his colleagues.

Mr. Clay. Mr. President, I certainly felt gratified by the very unmerited compliment which the honorable senator chose to pay me personally; but that does not satisfy me if, as I supposed, he intended to cast reflections on the motives of the committee by intimating that it was their purpose to practice any deception toward the Senate.

Mr. Soulé. Truly, sir, the honorable senator bears down hard upon me; for, even supposing that any unseemly expression had escaped my lips, ought I not to have met at his hands somewhat more of indulgence, and I might say of strict justice, considering that I was wrestling with the peculiarities of a language not my own, whose vocabulary is so apt to rebel against my best intentions? I questioned the motives of no one. I believe them good, and do not doubt at all the purposes of the committee were most patriotic and honorable.

Mr. Clay. I am satisfied. As the chairman of the committee, and as one of the committee, I certainly would not have allowed, without suitable explanation, any remarks reflecting upon the purposes or intentions of that committee.

Sir, I should be glad, if time permitted, to make a reply to the honorable senator, but I shall have other occasions to do so. But will he and the Senate allow me for a few moments only to make one or two observations?

Now, sir, what is the course of the honorable senator with respect to these resolutions of mine, and the report of the committee? The senator takes them up and compares them together. *Cui bono?* The resolutions were the resolutions of an individual; the report of the committee is the report of an aggregate number of gentlemen sent out for the purpose of considering these subjects. To bring, therefore, the report to the test of the resolutions is to suppose that I, who was alone responsible as the author of these resolutions, constituted the committee of thirteen to act upon the whole of the subject. He says that in my resolutions the South was promised suitable limits to California. Well, sir, the committee have said that the limits of California as proposed are suitable limits, and I never intended to exclude the consideration of the limits which California took for herself.

But I do not mean to-day to go into the subject, except to make one additional observation.

Sir, the senator is not satisfied with the repudiation in the bill of the Wilmot proviso. No, sir, it is not there, and all that the South has been struggling for for years has been to avoid its being put there. But he wants more. He wants an argument against it; he wants it denounced as unconstitutional. Now, let me put this case. The referees are sent out to make a decision upon a case referred to them. Although they agree in the decision, each having his peculiar reasons, but all uniting in the conclusion, yet if they do not agree in the premises, and in the arguments, according to the doctrine of the senator their award is worth nothing.

Sir, the senator tells us that he is for compromise and for the Union, although I was sorry to hear him concluding his speech by saying that he did not consider disunion so great a calamity as others did.

Several senators around Mr. Clay. "No, no;" "he never said so;" "you are mistaken."

MR. SOULÉ. Will the honorable senator excuse me for interrupting him; but I must say, distinctly, that I never said any thing of the kind. The senator does me injustice. I most emphatically deny having ever said any thing of the kind.

MR. CLAY. I understood the senator most distinctly to say that he did not see any thing in the calamities which would result from a dissolution of the Union.

Several senators. "No, no." "You are wrong; he did not say so."

MR. SOULÉ. No, sir, that could not be. I said nothing that could have conveyed any such meaning. On the contrary, I most unequivocally declared that I was not of those who would stake the perpetuity of the Union upon the issues before us, should it be possible to avert it by any sacrifices we could make without dishonor, although I apprehend they might seriously endanger it.

MR. CLAY. I am very happy to hear it.

MR. SOULÉ. There could have been no mistake—no misunderstanding. Every senator here, I feel assured, understood me differently. What I did say is this: that if the South was to be crushed to the ground, at least she should be suffered to fall with dignity, and so as to command the respect, and not to attract the insulting pity of her adversaries. [Applause.]

MR. CLAY. I am, indeed, happy to hear these sentiments from the honorable senator, but he will allow me to say, that although he may not be desirous—and I am sure he is not—of a dissolution of the Union, the course which he may happen to take may possibly lead to such a consequence at no distant day. He said that he did not like this compromise. He complained that while he was restricting himself to the subject under debate, he had been misrepresented by me as having traveled over the whole compromise. Now, I appeal to the Senate whether the senator did not take up every topic in the report and comment upon, and criticise, and reject it. I hope, Mr. President, that, when this measure, which has been before the committee, shall have received all the improvements of which it is capable, of which nobody will be more desirous than the committee, the senator may yet find it in his power to concur with the committee in their efforts to settle those questions.

MR. SOULÉ. I should be most happy if I am able to do so.

MR. CLAY. I have already said that at this hour, and for other reasons, I will not detain the Senate now, especially as the senator from Virginia (Mr. Mason), having obtained the floor, desires to speak. I forbear, therefore, making any further observations until some future occasion.

ON THE TITLE OF TEXAS.

IN SENATE, JUNE 7, AND JUNE 13, 1850.

[THE State of Texas claimed the Rio del Norte as its western boundary, which comprehended the largest and most desirable part of New Mexico. One of the compromises of 1850, was the award of ten millions of dollars to Texas for resigning its claims to that part of New Mexico which lies east of the Del Norte. The following remarks are upon the same general subject as those of the preceding speech.]

June 7. In reply to Mr. Rusk, Mr. Clay said.

I will answer the question in a very few words. By referring to the controversy between Rhode Island and Massachusetts, the senator from Texas will see how this matter can be brought before the Supreme Court. The Constitution of the United States, as it originally stood, allowed citizens of the United States or foreign subjects to bring suit against the States. The Constitution was afterward amended so as to deprive the judiciary of the United States of any power to exercise jurisdiction over a suit brought by a foreign subject or by a private citizen against a State. There, amendment to the Constitution stops. Before I proceed more directly to answer the question of the honorable senator from Texas, allow me to advert to that portion of his argument in which he says, that, as Texas has been admitted as a State, there is no power to curtail her limits. But the question is, what is admitted? What was the territory admitted? I admit that where the limits of a State are acknowledged and indisputable, no power exists to take any portion of its territory from that State. But the question of what was the acknowledged, ascertained, and indisputable boundary, is a totally different question.

Now, I will tell the senator how the question can be brought before the Supreme Court. Let New Mexico be admitted as a State. She will then be a State, a peer, and equal with Texas. New Mexico, then being a State, the question would arise as to the title to this territory between New Mexico, as the new State, and Texas, the prior State. That question can be brought before the Supreme Court by a bill in equity, the mode of proceeding which is generally carried on. That was the mode of proceeding adopted in the dispute between New York and New Jersey, and between Illinois and some other State.

While up, I would say that I have purposely abstained from all discussion upon the question of the title of Texas. I certainly did not mean to say that there was nothing in that title. I know that there are many plausible acts of government, and acts of the military and civil authority, which give color to that title. It may, perhaps, give a valid title. I, however, abstained from discussion on that point. I will repeat that it was not to contest the title ofTexas that the proposition offered by the committee has been brought forward. If the committee did not think there was something in her title, they would not propose a large and liberal equivalent to Texas for the surrender of whatever title she has beyond El Paso. If I did not conceive that she had some sort of title, I should not justify myself in offering her such a large equivalent for the surrender of her title. I suppose that she has a title. I have no doubt that it is the belief of the honorable senator, and of a large portion of the people of the United States, that she has a good title. If Texas had not any sort of title at all, how could we propose an equivalent for her title? I do not believe that a member of this body or a citizen of this country, is more anxious for the settlement of this unhappy case than my worthy friend from Texas. I know he is willing to make great sacrifices in order to bring about a good state of feeling between the two sections of the Union. This explanation has been made by me, to prevent misapprehension. The South has said that this is giving her nothing, and giving the North every thing. I have shown that there are grounds for mutual concession, and that there was a mutual concession, and that, therefore, neither party has a right to complain.

I shall be sorry to see the question entering into that boundless discussion—almost as boundless as the territory claimed by Texas herself—of what is the exact state of the title of Texas. I do not think it necessary to go into that now. I would say, however, that the honorable senator from Texas has, on this occasion, as he has on every occasion, shown that he will support what he believes to be the just rights of his State, at every hazard, and to the last extremity.

I beg pardon for having trespassed thus long on the patience of the Senate. I merely rose at first for the purpose of showing how this question might be brought before the Supreme Court.

Again, same day, in reply to Mr. Davis of Mississippi, Mr. Clay said:

I certainly do not rise for any purpose of discussing the title of Texas to all the country on this side the Rio Grande, but to make a few observations in reference to what fell from the senator from Illinois. The senator from Illinois suggests the propriety of making the eastern limit of New Mexico the ridge which separates the waters of the Mississippi on the one hand from those of the Rio Grande on the other. Now, in the committee of thirteen I proposed myself substantially that limit. I proposed that we should run the eastern line of New Mexico by beginning at El Paso and thence running to the uppermost source of the Red river, and thence to

the forty-second degree of north latitude, or the ancient line between the United States and New Mexico. That would have assigned to New Mexico all of what was originally considered as a part of New Mexico, and left east of that line and south of it down toward Texas, an extent of territory, according to my recollection of the map, of about two thirds of what is proposed to be ceded by Texas to the United States in the proposition before the Senate. I proposed that line in the committee, beginning at El Paso, which is the ancient limit of New Mexico, and running from El Paso to the Red river, and thence to the forty-second degree, leaving about two thirds of the present territory comprehended in the proposed cession by Texas to the United States. The committee, upon full consideration, thought it best to run a line in the manner proposed, beginning twenty miles up the Rio Grande by El Paso and to the north-west angle of the Indian country; and it was proposed and recommended to the Senate.

Now, sir, I think there is a good deal in the suggestion of enlarging the Indian Territory, by making to it an addition from what would be ceded by Texas, if this bill pass—if that two thirds or one half, be it more or less, be taken from her, leaving what were regarded her ancient limits; for I need not tell gentlemen familiar with the subject that with respect to the boundaries of provinces, it was not the habit of Spain to demark all their external lines; they were designated generally by their principal cities, or places which constituted their center, and the outward lines were not demarked by the authority of Spain or Mexico. But El Paso, according to an ancient document I have seen, of nearly two hundred years' standing, as well as by the treaty of Guadalupe Hidalgo, was one of the limits of New Mexico. My proposition, I repeat, was to begin at El Paso, that ancient limit of New Mexico, and run to the head of the Red river, and thence to the forty-second degree of north latitude. But does not the senator from Illinois perceive that if the proposition made by the committee should be acceded to by Texas, it will always be in the power of the government of the United States to take such part of New Mexico as it pleases and assign it to the Indians there?

Now upon the other supposition. The propositions of the senator from Alabama are two—first to confirm the title of Texas from the mouth to the source of the Rio Grande, and to declare it to be a part of Texas. Well, it is known that with a large number of the members of this body it is impossible to do that.

The next proposition is this: considering Texas as undertaking to remove the Indians and place them north of the line of the thirty-fourth parallel of latitude, still within Texas; how can we do that? By what authority can we do it?

Mr. Clemens. The senator from Kentucky misunderstands the amendment.

Mr. Clay. Ah! that may be; I have, however, the printed amendment before me.

Mr. Clemens. But it has been modified. It proposes to remove the Indians to such part of the Territory as the Legislature of Texas may select.

Mr. Clay. It was the printed amendment I had before me. It is to be done with the consent of Texas. Well, I shall not quarrel with that; but the question is, whether it is not better to take the line proposed by the committee, in which will be contained the power of the United States to take any portion of it, from the head-waters of the Arkansas river—for really, sir, it is a country not worth disputing about, only fit for Indians to hunt upon—take it any time and assign it to the Indians.

But, sir, allow me to express another sentiment, and to make a request. Let us take a vote upon the amendment now proposed. Let it be adopted or voted down, according as the majority shall determine. If it is rejected, it will be competent for the senator from Illinois to make the proposition he has suggested. Voting this proposition down will not prevent that proposition from being made. Let us take a vote upon this, and its adoption or rejection will not prevent us from making any other proposition.

June 13, Mr. Clay said:

Mr. President, I hope the blank will not be now filled, and that any proposition to that effect will be voted down. The committee had this subject of filling the blank before it at the time of arranging this measure. There were several considerations which induced the committee to forbear to recommend any specific sum to the Senate. One of them was, that if the committee did propose any specific sum, it might lead to stock speculations; and again, the committee could not know what extent of territory Texas would yield her claim to, and whether the line would not be extended above or below El Paso, a greater or less distance. They, therefore, thought that the proper time for filling the blank was that which is the usual time for filling blanks—upon the third reading of the bill; and they left it to the chairman of the committee to propose a suitable sum after the bill was perfected, and when it had arrived at the stage of being put upon its passage, when the whole subject will be open to discussion and full consideration. I hope, therefore, that the senator from Alabama will not persevere in his motion, and if he perseveres in it, I trust that the Senate will vote down the motion, for the present, reserving the filling of the blank, as the committee wish, to be done at the usual and proper time—the third reading of the bill.

But, sir, while I am up, feeble as I am, I feel constrained by the connection which I have with this subject, and with the committee, to make a few observations in reply to the gentleman who sits in the vacant seat (Mr. Seward). Sir, the senator from New York began with an assertion which I utterly deny. He began with an assertion that the effort to get these measures passed had arrested the progress of the public business, and prevented Congress from discharging its duties. Now, let us look a little into this matter. There has been no compromise measure before the other

branch of Congress; how, then, I ask him, has the proposition for compromise in this branch of Congress interrupted the public business in the other? But, so far from its being true that the committee, or the majority of the Senate, are liable to the charge of interrupting the progress of the public business, the senator himself, and those who co-operate with him, are the true and legitimate cause of the interruption of the public business in this branch of Congress. And how, sir? How? I will tell you how; and the country shall know how it is. I find by a memorandum which has been placed in my hands, that on the 13th of February the senator from Mississippi (Mr. Foote) made his motion for the appointment of a committee of thirteen. If the committee had been appointed according to the ordinary course of legislative proceeding; if it had been appointed, as it ought to have been, for such an object as national reconciliation, without opposition; if, as an experiment to settle the distraction of the country, every senator had voted for it, as, in my humble opinion, without wishing to cast reproach upon any one, they ought to have done, three months ago we might have had a report and a definitive settlement of the question. The minority, who perseveringly, from first to last, resisted the appointment of the committee, and after the committee was appointed, resisted action upon the report of the committee—they (I charge them before the country, and the senator from New York, who sits on my right hand, among the number) are the true cause of the interruption of the public business—not of Congress, but of this branch of Congress. How often did the Senate, by a majority decisive and conclusive, express itself in favor of this committee? How often were instructions and other dilatory modes of delay resorted to, for the purpose of thwarting the action of the majority?

I should be justified in applying a term which I forbear to apply to the course of this minority, which, from the beginning to the end, has been the cause of the impediment of the public business in this branch of Congress. The gentlemen who were not satisfied with the expression of the opinion of the majority once, twice, thrice, and four times, but who resorted to every possible means of thwarting the declared and known wish of the majority, I charge them with being the cause of the obstruction, if there has been any, in the dispatch of the public business in this branch of Congress. Sir, what have we been doing this week—this precious week, when the whole country is looking on with undivided anxiety for some definite conclusion of this question, and when the other House also may be naturally anxious to hear what is the opinion of the accordant branch of the Legislature? On the first day of this very precious week, a motion was made on which to hang speeches, and three days after the motion was made, and when the speeches have been delivered, a withdrawal takes place of the proposition. And yet we, the majority, are to be charged with impeding the progress of the public business! Sir, a more unjust, a more unmerited, a more unfounded charge was never preferred against the majority of any body

upon earth. The delay does not come from us. Why, sir, an attempt was made to lose a whole week after the return from the funeral ceremonies of one of our colleagues. Yes; an attempt was made, and made apparently too, by some concert, to lose an entire week. To postpone, to delay, to impede, to procrastinate, has been the policy of the minority in this body, and yet they rise up here and charge us who have been anxious for speed—for the speedy appointment of the committee, for a speedy report, and speedy action on that report—with causing delay. As little delay took place in the committee as was proper on a subject of such vast complication and magnitude. There was a delay of about —— weeks in the committee; and since the report of that committee, it has been our anxious wish, and our most ardent desire, to come to a final conclusion upon the important questions which are involved in this report. What has been done by that committee, and by myself as an humble member of it? We have taxed our physical powers, and required the meeting of the daily sessions to be fixed an hour in anticipation, and we sat out all the working days last week, in order to arrive at some definite conclusion, and yet we are to be charged with delaying the public business. Sir, I answer for my friends of the majority, I answer for the committee, that they will be ready and willing, if they are permitted by the minority to do it, to come to a final decision in less than half a dozen days from this time. Sir, I felt the horrible injustice of the unfounded imputation of delay to this committee with such a degree of sensibility, that I forgot the weak and feeble, and, I might almost add, the trembling limbs with which I have come to this body to-day.

But now for the amendment, to strike out which is suspended only, as I understand it, until the amendment to fill up the blank, now immediately under consideration, is disposed of. What is that amendment? It is proposed by the amendment of the senator from Tennessee [Mr. Turney] to strike out all that relates to a compromise of the title of Texas to the country of New Mexico, or an equivalent which is proposed to be offered to her, and to leave that question as it now is. In other words, the proposition of the committee is to preserve new Mexico entire, with a slight exception, to which I will presently pay some attention; to detach it from Texas, to define its limits, give it the benefit of a civil government, and put it into a position to become a State, when the amount and the intelligence of its population shall authorize it to be formed into a State. That is the proposition of the committee. Now, what is the course proposed by the senator from New York, and other northern men, who have so much at heart the preservation of New Mexico, detached and separated from Texas? The senator tells us that he is against the whole bill, and therefore against any part of the bill. Well, sir, if he be against the whole bill, I put it to him and to others, if the bill is to pass, would you not rather that it should pass with the preservation of New Mexico and the adjustment of the boundary of Texas than without it? Now, if the amendment of the senator from

Tennessee prevails, what is the consequence? New Mexico is left to the claim of Texas. The learned senator is of opinion that it is worthless; that she has no claim at all. Well, sir, I should think that my friend here to my left (Mr. Berrien), and the eminent statesman who has just resumed his seat (Mr. Webster), and who, without expressing a positive opinion with regard to the title that Texas has, said that the inclination of his mind was toward the validity of her title to the extent of her claim—

Mr. Webster. No, no; I said the reverse.

Mr. Clay. Well, then, I misunderstood him; but at least half a dozen senators on the other side of the Chamber, of the first eminence in the country—the senator from Mississippi (Mr. Davis), I believe the senator from South Carolina (Mr. Butler) and others—have expressed their opinion in favor of the claim of Texas.

Mr. Webster. Will my friend allow me to explain?

Mr. Clay. Certainly; I yield the floor.

Mr. Webster. What I said was, that I had heard it admitted by the senator from New Jersey (Mr. Dayton), a day or two ago, that he did not mean to deny that Texas had some claim or plausible pretense of a claim to some territory west of the Nueces. And then I said, sir, that that being so, or if that be so, then it becomes very important to know where that claim, or pretense of a claim, is bounded northerly; for Texas claims not only up to the Rio del Norte, but all on the eastern side of the Rio del Norte; and if there be a supposition or admission that she owns a portion of the territory west of the Nueces and east of the Rio del Norte, then, certainly, there is a question for decision.

Mr. Clay. Well, now, sir, the gentleman at my right (Mr. Seward) and those who may happen to vote with him, favor what? The non-adjustment of the question of title between Texas and New Mexico, leaving the question open to all the possible consequences which may ensue—to civil war and to the continuance of an anomalous military authority. For although the honorable senator from New York says that there is political connection between the government of the United States and New Mexico, what is it? What is the political connection at this moment? Has Congress any authority over it? Is there any power but that which is exerted through the executive government and the lieutenant-colonel who is at the head of the government there, the grounds for the exercise of which powers, as I understand them, are the necessity and exigency of the case, and the absence of all law and constitutional authority on the part of the executive; but still the power is exercised, because Congress has failed to exercise its authority. My friend from Massachusetts stated what I should be glad to hear any gentleman make an answer to. It is this: Suppose that New Mexico forms a State government and comes here to be admitted as a State: what is to be admitted, the question of title between her and Texas remaining unsettled? How is a Constitution to be formed for New Mexico? West of the Rio del Norte, I understand, from information upon which

I can rely, there are not half a dozen American citizens, but about three thousand Mexicans and Indians. Now, how is the work of forming a State Constitution to be executed by New Mexico? Will the people of Santa Fé be allowed to vote? How can they, unless you define the territorial line between Texas and New Mexico? But, sir, I want to push the argument one step beyond my friend from Massachusetts, and I earnestly entreat the attention of the Senate to the case which I am about to suppose. Suppose that New Mexico, embracing Santa Fé and all this side of the Rio del Norte, should form a government and come here to be admitted as a State, and you admit her: very well, what then have you admitted? You have admitted New Mexico east and west of the Rio del Norte, and of course the population east and west of the Rio del Norte, for I apprehend that she could not form a State without the population east of the Rio del Norte. Well, suppose that after her admission as a State, a suit is instituted before the Supreme Court to decide upon the limits between her and Texas, and the Supreme Court decides that all east of the Rio del Norte belongs to Texas: what becomes of your New Mexican State then? Where is she? Why, sir, she has lost all her territory and all the population which could constitute any ground for her admission as a State. It will not do for me to hear from any learned senator, however eminent he may be as a jurist, that in his opinion the Supreme Court can make no such decision. The uncertainty of the law is proverbial. I put it to any senator to answer the case which I have supposed. Where, then, would be the State of New Mexico, which we had admitted into the Union? She would be a State without any population, a State without any habitable territory, or scarcely any, west of the Rio del Norte. The senator from New York complains that there is a little slice taken off from New Mexico, running eastwardly from a point twenty miles above El Paso to the south-west angle of the Indian country. Well, sir, it is only a triangle, embracing a very small amount of territory—indeed, of no consequence, or at most of very little consequence. Some portion of it on the Rio del Norte is of some value, and in lieu of that, New Mexico will get eastward of her easterly boundary, extending to the Indian country, more territory than belongs to her legitimately. But what is the senator's remedy for this slight curtailment of the limits of New Mexico? He proposes to throw the whole overboard; in other words, to strike this section out of the bill, and leave New Mexico to the inevitable and irreversible fate of becoming a part of Texas, in process of time, if we do not make some such settlement as that now proposed.

Mr. President, I must now yield to the necessity imposed upon me by my physical condition. I should like to have made some other observations, but I must beg to be excused now.

[In the same debate of June 13, we find the following:]

Mr. President, I wish to state that I thought once or twice of calling the

senator from Missouri to order. I believe it is out of order to read a bill three times on the same day without unanimous consent. I think the rule ought to extend to a speech. The senator read my speech three times, which would have been out of order if the same rule applied to speeches that applies to bills. One reading might have answered the purpose of the honorable senator. He read from the "Republic" of yesterday, and I suppose that that may be considered as one of his readings.

Now, with respect to lecturing the Senate, it is an office which I have never sought to fill. There are many reasons why I do not like to do it. In giving a lecture, the person lecturing ought to have some ability to impart instruction, and the person to whom it is addressed should have the capacity of receiving it. In this case, as between the senator and myself, both of these conditions are wanting. (Laughter.) Therefore I do not aspire to the office of a lecturer.

Now, how did this dispute as to who caused the delay arise? Did I begin it? Did not the senator from New York (Mr. Seward), one of the co-operators of the senator from Missouri, begin it? Was I doing any thing more than repelling an unfounded charge made against a majority of the Committee of Thirteen? This discussion did not originate with me.

I have received an intimation as to the former position of the senator from Missouri, the correctness of which I do not know any thing about; but the senator himself can say. I have understood that, during the canvass of last summer, the senator from Missouri in his own State denounced the admission of California as an unconstitutional and highly improper measure. I do not assert that he said so, but I have heard he did. If that was the opinion of the senator last summer, the change of opinion in him is certainly quite as remarkable a change as that which he has attributed to me.

Now, as to another subject to which the senator has adverted—the annexation of Texas. If I am not mistaken, he pronounced that the admission of Texas by a resolution of Congress would be unconstitutional. And yet the honorable senator changed his opinion on that point afterward. He himself introduced the alternative of annexation by diplomatic arrangement or by a resolution of Congress, declaring that to admit it by resolution would be unconstitutional. And yet, although the alternative was not embraced by the then president, and although he did not think it proper to employ his diplomatic powers to bring Texas into the Union as Louisiana and Florida had been brought in—by treaty, to be ratified by two thirds of the Senate—the senator changed his opinions and voted for that as entirely constitutional which he before regarded as unconstitutional. I do not mention this with any feelings of reproach. But I ask the senator, if he denounced the admission of California as unconstitutional during the canvass of last summer in Missouri, and has since changed his opinion on that point, and if he changed his opinion with regard to the constitutionality of annexing Texas by resolution, ought he not to have some regard

for those who may find it necessary to change their opinions in regard to some subjects?

Mr. President, at the commencement of this session of Congress, when I heard that California had formed a State Constitution which was to be submitted to Congress in the course of a few weeks, I own that I was for her immediate admission. I regret that it could not be done. If it depended on me it should have been done before this. But I have aimed throughout life to be a practical man, and to give and take, to yield in all cases not involving essential principles. And, sir, do you not know, does not every member of the Senate know, that after two or three weeks had elapsed, after I had ascertained the condition of the two Houses of Congress, I adopted the opinion, upon which I have acted ever since, that the speediest mode of admitting California was by a combination of these several measures? Every senator knows that these were my views; and every senator knows that I expressed them to the Senate; and if the senator from Missouri, instead of confining himself to the reading of a single speech from the "Republic" of yesterday, had looked at other speeches of mine—and he does me honor in reading any of my speeches—he would have seen that I had assigned the causes why I was induced to abandon the ground of the separate admission of California for a combination. He would also have seen that I did it in reference to practical legislation, and the condition of the other House and of this House. There is no great difference of principle involved in the two modes. It is true we have heard a great deal about the dignity of California, and all that. Sir, the most perfect microscopic instrument that ever was made would not enable the best eyes that man was ever blessed with to describe this indignity to California in being associated with other measures.

But I do not mean to dwell on this subject. It is said that the fact that the sum to be paid to Texas for the settlement of her boundary is left a blank by the committee, will leak out and affect speculation. That can not well be, because the committee itself has not absolutely determined on the alternative, and the committee has not absolutely fixed any sum to be paid to Texas. The sum will be determined according to the shape which the bill may finally take. It is impossible, therefore, for any member of the commitee to disclose, if there be, as I am sure there is not, a member of it that would have made such a disclosure, the sum the committee intend ultimately to propose. This is enough on this point, and I will not detain the Senate longer.

Also, June 14, we have the following interesting morceaux:

I hope we shall not adjourn till we get through with this bill, either to take up a carpet, or for any other reason. I believe, if the senator from New Hampshire will waive his motion, we can get through all the amendments, and all that are likely to be proposed, and get at the question of a third reading by Monday. At all events we shall get through some of the amendments, and make some progress. I do not propose—I have too

much respect for the Senate and myself—to impute motives to any one; still it is a fact, whatever may be the purpose, that all these motions come from senators who do not view this bill as the majority of the Senate view it. Still those persons charge this bill with having caused the delay of the business of the body. Every motion of this kind, so far as I remember, has come from those who were opposed to the bill. I hope we shall not adjourn. Sir, if there is a man in Congress, and especially in the Senate, who wants rest and repose, it is the one who happens, I believe, to be the oldest member of this body; and yet I would work on this carpet, or on any other carpet, to accomplish the completion of this bill. Washington surrendered his sword in an uncarpeted room, and yet we must adjourn three days, when the whole country is in a crisis, to take up a carpet which I would prefer to the one which it is proposed to substitute for it. I hope we shall not adjourn till we get through this bill, and then, if members desire it, I will be one of the first to agree to it; and then the carpet can be changed if it is desired. * * *

I am asked how I know that a majority are in favor of this measure. I do not know how the majority will be found on the final passage of the bill; but all the questions hitherto disposed of evince that there is a majority in favor of the bill. But, whichever way the majority happens to be, we know full well which way the senator will vote. We know he is opposed to the bill. The senator from Florida asks how I know we can get through this bill in a week. I will now ask the senator from Florida how he knows we will not get through with this bill in the course of the next week?

Mr. Yulee. I know many members desire to address the Senate, and feel bound to do so.

Mr. Clay. I should suppose that six days—a period in which the universe was made—might admit of a good many speeches being made. I do not know, but I will take the senator at his word, that it will take a month to get through with it. Then there is so much more necessity not to give up a day, or three days, to be spent for the purpose of exchanging a carpet. Why, sir, I do not know how it is, I can not afford to have a great many carpets, and I have been accustomed to a woolen carpet throughout the whole year; and the only change I have made this year was to procure a softer one, and the effect has been that I took cold by the means.

How can we go out to the country and the people—this anxious people—and excuse ourselves for leaving this bill in such a crisis? The senator from Florida talks about what was done at a former session on the subject of a change in the Hall; but when before, in this country, was there ever a question of such deep and vital importance as the one before us at this moment? and yet the senator calls on us, at the very crisis of this question, to adjourn over, first to-morrow, and then from Monday till Thursday of the next week, in order, I repeat it, to change the carpet! Sir, I can

not, according to my sense of duty, vote for such a proposition. I call for the yeas and nays on the motion.

[To the above extracts may be added the two following, delivered in a subsequent debate, July 16, on the boundaries of Taxes.]

The question before the Senate is the proposition made by a senator to amend the bill so as to vary most essentially the line separating New Mexico from Texas. I wish to say, sir, a few words upon that question, but I do not intend to enter into a general reply to the remarks of the senator who introduced this amendment. There are one or two remarks, indeed, which I will notice before I proceed to consider the question of the actual boundary—the southern boundary—of New Mexico.

The senator has indulged in considerable criticism upon the mutual cessions by Texas and the United States, as provided for in the bill before the Senate, and has contended that, according to the language of these reciprocal cessions, the title to the territory mutually ceded is admitted to be in Texas, on the one hand, and in the United States on the other. Mr. President, what was the state of the case? Here was a question of disputed boundary—Texas claiming on the one hand, and the United States on the other—as to the true limits of New Mexico. It is extremely difficult to reconcile the conflicting opinions prevalent on the subject, and among the reproaches which the senator from Missouri, who introduced this amendment, has brought against the committee, is this omission to express any opinion. Why, in the first place, if we had expressed any opinion, it would have been as little respected by the senator, I presume, as he has respected their labors; but what necessity was there to express any opinion as to the title, when the object of the bill was to propose a compromise, an adjustment, a settlement of the controverted question between the parties! None—none whatever. And, sir, I should like to know, in the case of an adjustment of a disputed boundary, where there was a mutual surrender of respective claims by the parties in dispute, what other language should be employed than that criticised by the senator from Missouri? Sir, what is that language? It is that Texas cedes to the United States any right, claim, or title; and the United States, on the other hand, cedes to Texas any right, title, or claim. Well, sir, I think, if you look into all the instances of cession made between the United States and the different States, and especially that of Georgia—the history of which transaction you will remember—where there were mutual claims set up by the United States and by Georgia, you will find that whatever were the rights of Georgia they were ceded to the United States. And what is the operation of these mutual cessions or concessions by the two parties? It operates to transfer the rights, if there be rights, the claims, if there be claims, the pretensions, if there be only pretensions; it transfers, in short, whatever one party has to the other, be it less or more, of title, claim, or pretension. And I think it would embarass any gentleman to sit down and make such a mutual con-

cession or cession between the two parties, to use any other language than that employed by the committee.

Another observation, and I proceed to the consideration of the title. The senator allowed himself yesterday, and I see it deliberately printed in both copies of his speech which I have seen this morning, to use language to this effect:

"The bill is caught *flagrante delicto*—taken in the fact—seized by the throat, and held up to public view—(and here Mr. B. is represented by the reporter as grappling the bill and holding it up)—in the very act of perpetrating its crime, in the very act of auctioneering for votes to pass itself."

Now, sir, with regard to the boa-constrictor struggle between the senator and the bill, the issue of it may be what it pleases; but, sir, I put it to the Senate and to the country whether language such as this is admissible upon the floor of this Senate. "Auctioneering for votes to carry the bill?" Who auctioneered?—the bill, or the Senate, or the committee? If the senator means to say that the committee, or any member of the committee, or that it was the intention of the bill to auctioneer for votes to carry it, I repel the charge as a groundless and unfounded imputation. But, sir, is not such language as this remarkable to be used in a deliberative body? Why, sir, it would be applicable to every case of appropriation of money. It might be said that the object is to bribe, to auctioneer for votes, to purchase votes, in order to carry the appropriation. When I heard that remark I could not help being struck with the bill—which I ask the secretary to read—which the senator himself introduced in the early part of the session. I will beg the secretary to read it.

The secretary read a bill introduced by Mr. Benton, on the 16th of January last, as follows:

"A bill proposing to the State of Texas the reduction of her boundaries, the cession of her exterior territory, and the relinquishment of all her claims upon the United States, for a consideration to be paid her by the United States.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following propositions shall be, and the same hereby are, offered to the State of Texas, which, when agreed to by the said State, in an act passed by her General Assembly, shall be binding and obligatory upon the United States and upon the said State of Texas.

"First, The State of Texas will reduce her boundary on the west to the one hundred and second degree of west longitude, from the meridian of Greenwich; and on the north to the Main or Salt Fork of the Red river, between the parallels of one hundred and one hundred and two degrees of west longitude.

"Second, When the population of said State shall equal or exceed one hundred thousand souls west of the line formed by the ninety-eighth degree of west longitude, and by the river Colorado, from its mouth to its intersection by said parallel, that the State of Texas will further reduce her western boundary to that line; and the part of Texas lying west of that line, as reduced by the first

article of this agreement, shall be and remain a separate State, entitled to immediate admission into the federal Union, on an equal footing with the original States.

"Third, The State of Texas cedes to the United States all her territory exterior to the limits to which she reduces herself by the first article of this agreement.

"Fourth, The State of Texas relinquishes all claim upon the United States for liability for the debts of Texas, and for compensation or indemnity for the surrender to the United States of her ships, ports, arsenals, custom-houses, custom-house revenue, arms, and munitions of war, and public buildings, with their sites, which became the property of the United States at the time of the annexation.

"Fifth, The United States, in consideration of said reduction of boundaries, cession of territory, and relinquishment of claims, will pay to the State of Texas the sum of fifteen millions of dollars, in a stock bearing five per cent. interest, and redeemable at the end of fourteen years, the interest payable half yearly at the treasury of the United States."

That will do, sir. You find that the very same language employed by the committee is used in this bill: "A cession"—"a ceding." But what further, sir? A proposition to Texas to give her $15,000,000 for the cession which is proposed by that bill to be made by her to the United States. Well, now, I wish to know what is the difference in principle between the bill of the senator and the bill reported by the committee? There is a great difference in point of extent of territory; more land is purchased by the bill proposed by the senator, but that is all. In principle they are the same. In both cases it is a cession, or relinquishment, or purchase, as you choose to denominate it, which is proposed by the bill which the senator has introduced, and by the bill which the committee of the Senate have introduced. Now, sir, if it had been possible for me to have made the imputation—utterly impossible it is for me to make it, undoubtedly—that here were $15,000,000 tendered in his bill and to be put forth for the purpose of auctioneering, to obtain votes if possible for the bill, I should like to know how it would have been received by him? Would he not feel, as the committee must feel, if a reproach of this kind had been directed against his bill? And yet, when the committee concur in favor of some sum, not equal to that which the senator proposes by some fifty or one hundred per cent., it is auctioneering for votes to carry the bill, while no such purpose undoubtedly was designed by the senator in offering his bill! I feel ashamed, and it is in some degree a degradation to this body, when any one will get up and suppose any amount of money offered in the shape of an appropriation for legitimate purposes, either for the expenses of government or to buy territory of a foreign power, can be supposed capable of operating on the cupidity of members, either of the Senate or of the House. Who is the senator that is to be purchased or auctioneered for? Who the member of the House? Where is he? We have seen but little evidence of any change of opinion, notwithstanding the temptations supposed to be attached to this ap-

propriation, whatever it may be, as announced in the progress of this bill.

I feel myself called upon to repel, as I do, any charge of the kind, if intended to be made, either against the intention of the bill or against any member of the committee. That committee is known to the country, and I am proud of the association I have had with its members, many of whom have served their country in the highest places of honor abroad and at home. And I think when their names are announced in every quarter of this wide-spread country, their names will carry a vindication of them from any aspersion which may be made against the purity of their motives or purposes, or the purpose of any bill which they have presented. I beg pardon for being withdrawn from really the only question which the amendment ought to have brought up, the question as to what is the boundary of New Mexico and the northern boundary of Texas.

The senator from Missouri contends that it is at the mouth of the Puerco, about three hundred miles below El Paso, upon the Rio Grande. I contend that it is at El Paso, or possibly about a league above it. Now, sir, the senator relies upon maps, to some of which the senator from Texas (Mr. Rusk), has given a full, and I trust satisfactory, answer this morning; and with regard to the maps of Humboldt and General Pike, it is manifest from the maps themselves, as well as from the journals of the travels of American officers, that the sources of information were imperfect, loose, and unsatisfactory. The truth is, as has been remarked before to this body, that with regard to the boundaries of the various provinces and subdivisions of Mexico, whether under the regimé of Spain or of Mexico, there never was a certain demarcation of limits. The exterior limits of its various provinces and subdivisions were scarcely ever marked with any certainty. But I have thought it totally unnecessary to go into any consideration of the maps of Humboldt, Pike, or any other tourist, because I have, and mean to show the Senate, authentic and incontrovertible documents as to the fact of the true line of New Mexico crossing at El Paso, and consequently of the line of Texas being there, supposing New Mexico to constitute no part of Texas. Now, the first document which I have to establish this fact is the copy of a decree made by the Congress of Mexico as far back as the year 1824, and consequently before any question could arise, either on the part of Texas or the United States, with respect to the title.

"DECREE OF THE 27TH JULY, 1824.

"*Demarcation of the territory of the province of Chihuahua.*

"The sovereign constituent Congress of the United Mexican States has decreed that the territory of the province of Chihuahua shall be composed of all that comprised within straight lines drawn from the east to the west of the point of pueblo, called Paso del Norte, on one side, with the jurisdiction which it has always had, and the hacienda of the Rio Florida, on the side of Durango, with its respective *pertinencias*."

Now, sir, here you find of this province of Chihuahua, the line is drawn

through El Paso to the east and the west, and consequently forms the southern boundary of New Mexico. But this is not all. The treaty itself —the treaty of Guadalupe Hidalgo—contains an express allusion to the line of El Paso, as being that which constitutes the southern boundary of New Mexico. Article 5th declares:

"The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch, emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso), to its western termination; thence northward, along the western line of New Mexico, until it intersects the first branch of the river Gila (or if it should not intersect any branch of that river, then to the point on said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific ocean."

The other part of the description of the boundary is inapplicable to the case. But, besides that, we have a corroborative proof of El Paso being the true boundary, furnished by the present military government of New Mexico, among the papers submitted to Congress by the president:

"The latitude of 32° referred to by Major Van Horne, and marking the southern limit of the 9th military department, is nowhere mentioned in the treaty between the United States and Mexico. By a law of Mexico the southern boundary of New Mexico is an east and west line, running on both sides of the Rio Grande, a league, or somewhat less, north of El Paso."—*J. Monroe.*

By a law of Mexico, which is the law, I presume, to which I have referred, the southern boundary of New Mexico is an east and west line, running on both sides of the Rio Grande, a league, or something less, north of El Paso. Now, the way I understand this league came to be regarded as the true point of the line was this: there was a town called El Paso near the pass of the river; it was desirable that the whole of that town, with its suburbs, should be entirely in the lower province, the province of Chihuahua; and, in order to do this and to avoid dividing the town into two parts, throwing one part of it above and the other below, the line was shifted a little from where it was directed to be run by the decree of 1824.

Now, I take it that, without any further argument or evidence, the testimony is complete that the basis of El Paso, used by the committee, is the true line—a line running east and west from El Paso being the true southern boundary of New Mexico and the northern boundary of Texas. I say that, without any other evidence, and in spite of ancient documents, maps, or the journals of tourists or travelers, these documents establish conclu-

sively the fact of the existence of the line where the committee suppose, and on the basis of which they proceeded to act.

With regard to what has been done by Texas, it has been before stated to the Senate that, from a desire on the part of Texas to bring within her limits some towns or settlements above El Paso, and also a desire understood, whether correctly or not, to exist on the part of those settlements to be attached to Texas rather than to New Mexico, the line, therefore, was directed to be run twenty miles in a straight line above El Paso, and thence to the 100th degree of west longitude, or the angle formed by the Indian territory—so as to throw into Texas a small unimportant triangle, inconsiderable in amount of territory, to which she attached great importance, and the settlers on which were desirous to continue their connection with Texas—and so far doubtless it detaches that little triangle from the province of New Mexico. But, on the other hand, New Mexico is most abundantly indemnified and compensated by the territory proposed to be included within her limits by the committee's bill. There is nearly as much territory added to New Mexico—I believe, however, of little consequence—on the head-waters of the Red river and the Arkansas, east of where the supposed line of New Mexico runs—for it never was actually marked and bounded by appropriate signals or monuments—there is, I say, as much ceded to New Mexico of what was never within her true limits, between Santa Fé and the Indian country, as those limits legitimately comprehended originally by the bill of the committee.

Of the extent of the territory I am very uncertain, and I do not mean to make any statement, any thing approximating to absolute precision; but according to any map or conjecture which I have examined or can form, the true line of New Mexico, would be a line beginning at El Paso and running to the head of Red river, and thence to the forty-second parallel of north latitude; which embraces only one half, if it is equal to that, of the territory which is assigned by this bill to New Mexico. Its magnitude is not diminished at all by the little triangle cut off from her under the consideration which I have stated, but large acquisitions of territory have been made to it, of which the United States, if a territorial government be established, can make such disposition as may be thought expedient. Indeed, I proposed, during the progress of the bill, if it would conciliate opposition to it, to attach and annex to the Indian country this portion of the Territory; but the proposition did not meet with general acceptance. And I did not persevere in it for another reason: because it would be in the power of Congress to alter or vary the boundaries of the Territory if a territorial government was established for New Mexico, and this was included within her limits, by assigning any portion of it, more or less, to the Indian territory.

Entertaining these views, I hope the amendment offered by the senator from Missouri will not be adopted, and that the bill will remain in this respect as reported by the committee. * * *

I have only a word or two on this subject which I choose to address to the Senate. I shall not speak of the epithets which have been applied to this bill; for they have been disclaimed as imputations upon the motives of senators.

The dispute between the senator from Missouri and myself is this: He says the boundary runs down to the mouth of the Puerco, and the boundary of New Mexico is three hundred miles below El Paso. I say the boundary of New Mexico stops at El Paso. He says that by the proposition which we make to Texas we give up 70,000 square miles of territory which belongs to New Mexico, lying south of the line which we have proposed. I say we give up not an acre south of the line. That is the point which is in contest between the senator from Missouri and myself. Now, sir, it is immaterial whether it is Chihuahua or any other province of Mexico below El Paso. Does New Mexico—that is the point—does New Mexico run below El Paso to the Puerco? If it stops at El Paso, it does not. If it goes beyond, why, it may extend wherever the gentleman chooses to place it. But the moment you pass El Paso then you come to Chihuahua, and unless that is identical with New Mexico, the one the same as the other, then I am right in declaring and proving from authentic documents, drawn from the Mexican archives, that the southern limit crosses at El Paso, at or about that point.

The senator says I have avoided the question. So far from that, I spoke of the limit, or what would be the limit of New Mexico, lying east of the line not run, and bordering on her territory. I admitted that there was a large territory which did not of right, according to her ancient line, belong to her. The senator says we cut off New Mexico at the hips—I think that was the classic expression he employed—and gave half to Texas below, and retained the other half above El Paso. I say we do not cut off a foot below El Paso, and consequently the documents which I have cited to show this prove that the true southern line of New Mexico, and the northern line of Texas, is to run through El Paso east and west; although the eastern boundaries of New Mexico were never run and marked there. That is the only point, the only question necessary to be discussed to determine this proposition.

ON THE BOUNDARIES OF TEXAS.

IN SENATE, JUNE 8, 1850.

[THE following extracts from the debate on the boundaries of Texas, were uttered by Mr. Clay in reply to Mr. Rusk.]

MR. CLAY. I regret extremely this obstruction to the bill on the subject of a few miles more or less on the Rio Grande. I repeat again what I have said before, that I have got no ultimatum or sine qua non; but really, I do think, after the full consideration given to the subject by the committee, that there ought to be some disposition to acquiesce in the decision to which they came. The senator from Alabama has correctly stated what occurred before the committee. The first idea was El Paso, very much pressed, and anxiously pressed by me. The next idea was to go just above El Paso, so as to leave El Paso to Texas, and to begin there. Then there was some talk of those inhabitants who could not get to Santa Fé, and could get, by going twice the distance, to Austin, the seat of government of Texas. Then we proposed ten miles; then twenty, and then twenty miles in a straight line was proposed, instead of with the meandering of the river. The senator from Alabama will recollect that the committee had no satisfactory information concerning the people of this country, or their disposition to be annexed to one party or the other. I beg to call the attention of the Senate to the difference between the positions of Texas and New Mexico. Texas has her two senators upon this floor entirely disposed, in negotiating for their State, to get all they can. I make no reproach against them for it, but the information which I get from the delegate from that Territory is very different from that which we derive from the senators from Texas, acting as both parties do, on information given them, rather than upon personal knowledge. Now, in point of fact, I understand that the bulk of the inhabitants are twenty miles above El Paso, although there may be one or two hundred inhabitants scattered along the valley all the way up to the commencement of the Passage of Death. But, let me ask, in fixing the boundaries of States—of empires perhaps—is it of any importance whether there are a few inhabitants above or below the line? Now, we do not hear from these people. The honorable senator from Texas states, as he no doubt believes, that they desire to be attached to Texas. The delegate from New Mexico behind me states directly the reverse.

Mr. Rusk. Has he ever been there?

Mr. Clay. Yes, he has been over the whole road from Santa Fé to El Paso, and has letters in his possession recently written, representing that the inhabitants do not want to be joined to Texas. How, then, are we to act in this state of uncertainty and absence of information? But look at the fact. The fact is, that the inhabitants proposed to be annexed to Texas are not less than seven hundred miles from their seat of government, and I really can not see how they can get there. How are these few inhabitants, whom it is so desirous to attach to Texas and not to New Mexico, to travel to their seat of government, which will be twice the distance off?

The honorable senator from Texas speaks of some inaccessible valley. Well, if Santa Fé is inaccessible and difficult to be got at, the same objection applies to Austin. Besides that, I am told that there is a fine natural road, a great commercial highway, one of the finest commercial roads in the United States, and the only difficulty is the want of water, and the caravans with merchandise have no difficulty in supplying themselves with water. Besides, wells can be sunk. Why, I have had half a dozen ponds made at Ashland, and we have hundreds and thousands of them in Kentucky, and as settlements fill up and population increases, there will be no difficulty in forming dépôts of water for the accommodation of travelers over these ninety or one hundred miles of fine natural highway, without any obstruction of mountains or even very inaccessible hills, and with the finest grass pasturage on every side.

Now, really, I do hope that the honorable senator from Texas will not persevere in this desire to go to the line of 34°; in other words, to leave but two and a half degrees. As I have already stated, a much less amount of pecuniary equivalent must be offered to Texas than if the line remains where fixed by the committee. There may be a few inhabitants left out, but according to the present information we possess, it would not amount to much.

I repeat that the fixation of this line between New Mexico and Texas, giving to Texas, as we propose to do, El Paso and the bulk of the inhabitants around El Paso, she ought to be satisfied that the report of the committee should be adhered to. * * *

I am fully persuaded of the anxious desire of the senator from Texas to concur in some amicable settlement of this whole affair. I do not doubt it. But I think he has allowed himself to be unnecessarily excited on this occasion. He speaks of the bravery and determination of the people of Texas. I never doubted it. They have given the whole world evidences of their bravery, but they are no braver than the rest of the people of the United States; not a particle more brave. They constituted once a part of the people of other States, and I do not imagine that the climate of Texas has infused any particular valor into their veins beyond what they carried there, and beyond what is retained by those they left behind. But it is useless to talk of bravery, and resorting to conflict, and the "degrada-

tion of Texas." What degradation is there? Are not the United States at liberty to make proposals to Texas for her acceptance, offering to buy a specified portion of what she claims to be her territory, and expressing their willingness to buy her peace? Why should these proposals, which appear to us proper, be offensive to Texas? Why, Mr. President, I always hear the senator from Texas with so much pleasure, and generally with so much instruction, that I never fail to listen to him with great satisfaction; but allow me to say that if he were representing Texas with full power to settle this question, we might discuss it more freely and fully. But this proposition is not from Texas to Texas, but from the United States to Texas, and we propose a certain boundary, and certain conditions for a certain sum of money.

Now I can no more imagine that that can well be offensive to Texas than if I were to offer to purchase a tract of land from one of my neighbors, at a price proposed, it would be offensive to him. He is freely at liberty to accept or not, as he chooses. Sir, toward Texas I have the kindliest feelings, and among other considerations which urged me to oppose the taking of thirty-four as the boundary line between Texas and New Mexico, thereby taking away nearly half the territory between thirty-two and thirty-six and a half—one consideration, I say, was that we shall not be at liberty, on establishing that line, to offer to Texas any such pecuniary equivalent as, for one, I feel strongly disposed to do. Sir, there will be difficulties enough upon this part of the subject, I anticipate, when we arrive at it; but let us not increase them by giving to Texas nearly half of the territory between thirty-two and thirty-six, for the sake of including a few scattered inhabitants, when she will afterward expect to get just as much money as an equivalent as if she had not demanded this. Sir, the matter has been already more discussed than was necessary. I am very sorry a proposition of this kind was made. Of all the topics connected with this arrangement, the one that gave me most trouble and anxiety has been the proper adjustment of this territorial line. I sought most anxiously from day to day to effect it in an amicable manner. I found it impossible to agree in all respects with the gentlemen who represented the State of Texas. We took up the subject, acted upon it, proposed a line. I would be willing to take the line in substance presented by the senator from Illinois, beginning at El Paso, or twenty miles above El Paso, if you please, and running it to the Red river at the forty-second degree, throwing off, according to the maps—although I know they are not always much to be relied on—nearly two thirds of what is proposed to be ceded by Texas to the United States, and retaining only the slip of land on the Rio Grande. I would be willing to agree to that. In short, so anxious am I for the adjustment in an amicable and satisfactory manner of these great and troublesome questions, that there is scarcely any thing I would not be willing to do; but I repeat that I think it would be better to adhere to the line proposed by the committee.

[The following remarks of Mr. Clay were made June 7, on an amendment offered by Mr. Clemens, of Alabama.]

Mr. President, the amendment, I believe, which has been proposed by the senator from Alabama is to strike out the proposition made to Texas for the purchase of the portion of her territory which is designated in the bill; that is to say, the territory claimed by her, embracing New Mexico; to strike out all the propositions, if I understand the amendment, made to Texas for settling the question of her title to the territory which I have described, and in lieu of them to recognize and confirm her rights, as claimed by her, from the mouth to the source of the Rio Grande.

Mr. President, I had hoped that I would not be compelled to address the Senate any more on amendments to this bill; but the one now offered renders it necessary that I should say a few words. The effect of the proposition of the senator from Alabama is to leave the whole territory ever claimed by Texas, including New Mexico, in the possession of Texas, sovereignty and all, and consequently to place New Mexico under the permanent dominion of Texas. To that, for one, I can not consent. This I consider to be far the most important amendment which has been, or which probably will be offered to this bill. I conceive that there is a good deal of misunderstanding on this subject, both in the country and in Congress; and I desire, in this stage of the bill, to present a few considerations to the Senate and to the country, without, however, discussing at any length the various questions connected with the boundaries of Texas.

The questions involved in the amendment are very complicated, and it requires earnest attention to comprehend it. It involves questions of title, questions of law, and perhaps some other questions. Before I consider any of these questions, let me say that the whole section which it is proposed to strike out, amounts to nothing more than a proposal, on the part of the government of the United States to the government of Texas, to settle and quiet a disputed title. That is the view I take of it. If these proposals be acceded to by Texas, then the question of title in controversy is quieted and settled. If they are rejected, both Texas and the United States revert back respectively to all the rights which they possessed prior to making the proposals. It is, therefore, a mere overture to settle a territorial matter in dispute between Texas and New Mexico and the United States.

It has been said that the proposals involved a great concession of slave territory to the principle of free territory. Sir, I think I shall be able to show that, upon a certain hypothesis, which may be well assumed, there is a great conversion of free territory into slave territory; that there is a concession of three fourths of the disputed territory to slavery by the terms of the proposals to Texas. I say upon a certain hypothesis. I do not mean, at this time of day, to enter into a discussion of the validity of the title of Texas to all that portion of the territory conceded to us by Mexico lying east of the Rio Grande. That question has been discussed again and again. It has been very ably discussed by two or three members now in

my eye. It has been discussed by the distinguished senator from Missouri (Mr. Benton), who, upon that occasion, displayed, as he does upon almost all occasions, the extent and the value of his diligent researches. It was discussed by a member from Maryland (Mr. Pearce) also, who contended with great ability that the Nueces was the western limit of Texas; and, consequently, that the hypothesis to which I allude is correct. I do not deem it necessary again to discuss, and now to settle the question of the controverted title. And I beg leave to say to those who believe in one state of the title, and to those who believe that the opposite state of title exists, not to draw from any observations which I am about to make, conclusions favorable or unfavorable to the one side or the other.

Sir, we know that this question has greatly divided the people of the United States—whether the western boundary of Texas was or was not the Nueces. I believe I may say that one great party in the United States, without, as far as I know, any exception, were of opinion, a few years ago, that the Nueces was the western limit of Texas. But that opinion was not confined to that party. The distinguished senator from Missouri, to whom I have referred, on the other side of the chamber, belonging to the other party, was always of that opinion. We all remember—none of us can forget—the great effect of the powerful speech of the honorable senator. Though not a member of this body at that time, I must confess that I read the speech of the honorable senator from Missouri with great attention, and I went along with him generally in the conviction which he sought to impress upon the Senate and upon the public mind; but, while I abstain, and mean cautiously to abstain, from going into the general discussion, whether the Nueces or the Rio Grande from its mouth to its source was the western boundary of Texas, as declared by the act of the Congress of Texas of 1836, I will say that I think Texas would be unwise, extremely unwise, if she desires to increase the sphere of slave territory, to submit that question to the decision of the Supreme Court of the United States. Sir, assuming that the Nueces was the western limit of Texas—and that is the hypothesis to which I have referred—upon that predicate, there is a cession of free territory to slavery of the country extending from the Nueces to the Rio Grande, and from the mouth of the Rio Grande up to 36° 30′ of north latitude. That extent of territory upon the Rio Grande is about one thousand two hundred and fifty miles, about three-fourths of which are conceded by the partisans of free territory to slavery, assuming the Nueces to be the true western limit of Texas.

On the other hand, if you take the opposite principle, which has been contended for, that the Rio Grande, from its mouth to its source, be the western limit of Texas, what will be the result? We know that, besides the senator from Missouri, to whom I have referred, there are other gentlemen of each party who entertain the opinion that Texas has no title whatever to any portion of New Mexico. The honorable member from Illinois (Mr. Shields), just before me, who made a capital speech upon the general

subject, to which I listened with profound attention and unfeigned pleasure—a speech alike worthy of his head and of his heart; a speech worthy of an American heart; a speech worthy of an Irishman's heart (and that is saying identically the same thing)—declared that he did not think Texas had the slightest claim to any portion of territory contained within the limits of New Mexico. And the honorable senator clearly stated the whole case in a few convincing words. So that, while there is, or was, with one party a unanimous conviction that the Nuecés was the legitimate western boundary of Texas, distinguished members of the other party concur with those who maintain that the Nueces was the true boundary. I suppose, upon the assumption I made that the Nueces was the western limit of Texas, no one will doubt that there is a concession of all that scope of territory between the Nueces and the Rio Grande, and from the Rio Grande up to twenty miles beyond El Paso. In other words, that for about nine hundred and twenty miles, up to the Rio Grande, there is a concession, in the proposals to Texas, of what, in the hypothesis assumed, must be regarded as free territory to those who desire the extension of the theater for slavery.

Sir, this question of disputed boundary presents exactly one of those cases which are eminently suitable for accommodation and amicable arrangement. If there be in the circle of human affairs and transactions, a matter which is a fit and proper subject of arrangement and adjustment, for compromise, it is precisely the case of disputed titles, whether in a national or an individual point of view.

One side contend for the Nueces and the other for the Rio Grande, according as the one or the other wish the theater for slavery to be contracted or enlarged. I have, therefore, when looking at it as a question of adjustment of the disputed title of Texas, thought that gentlemen from the South ought to be content in withdrawing from all future controversy a large extent of territory, stretching nine hundred and twenty miles on the Rio Grande, and dedicating it to slavery, if its future population shall so decide. Now, on the other hand, what is the concession from the slaveholding States to the free States? It is that portion of the territory comprehended within the boundaries of New Mexico, between twenty miles beyond El Paso, on the Rio Del Norte, up to 36° 30′ of north latitude, or, in other words, about four and two third degrees. On the one hand, the amount conceded by the free States to the slave States, has an extent of nine hundred and twenty miles; while, on the other hand, the concessions on the part of the slave States to the free States, is only about three hundred and twenty or three hundred and thirty miles. Three fourths are received by one party, one fourth only by the other! Now, sir, in such an adjustment as that, I ask, if there be cause for complaint on either side, which is the side that ought to complain? I repeat, I do not mean to go into the argument of this question of title now. I know with what confidence it has been asserted that there can not be a particle of doubt about the title of

Texas to the territory east of the Rio Grande from its mouth to its source; but I will hazard the prediction, that if that question be ever determined by the Supreme Court of the United States, those who claim the validity of the title of Texas to the extent stated, will find themselves greatly mistaken. That is my opinion; and I merely repeat the opinion which I expressed in the beginning of the session. The conclusion at which I arrive, however, is, that it is a fair and fitting subject for adjustment and mutual concession between the two portions of the Union.

But now let me pass from El Paso, or from Texas proper, to the limits of New Mexico. I have heard it complained, in tones of the greatest severity, that we were conceding to New Mexico a vast territory, which being now slave territory, will by that means be appropriated to the principle of free soil. Here, again, I repeat that I shall not go into the argument of this question. My worthy friend in my eye (Mr. Shields) expressed, in two or three paragraphs of his excellent speech, to which I have already adverted, all that need be said, if we were discussing the title of Texas to the country called New Mexico, this side of the Rio Grande. But, let me ask, how it is made out that by purchasing the right of Texas, whatever it may be, to this territory, it would follow, as the argument goes, that it amounts to a conversion of slave territory into free territory? No such result can take place, if the passage of the bill now under consideration should occur. On the subject whether slavery does or does not exist within the limits of New Mexico, the principle of non-intervention is applied by the bill. Those who argue in this manner, say that it is now slave territory, because it composes a part of Texas, which, being a slave country, established slavery where its law extended, and gave slaveholders the right to carry their slaves to New Mexico. If that be true, the right of the slaveholder remains unaffected by the bill, because there is no prohibition of that right, no abrogation of the law of Texas. The Texas laws will remain in force and vigor, if it be true, as is contended, that the laws of Texas extended to and were in full operation in that Territory.

Again; it is contended by gentlemen on the other side of the House, and by some on this, that the Constitution of the United States, in virtue of its own self operation, removes all obstacles existing in these acquisitions of territory to the transportation of slaves thither, and that in virtue of the supremacy of the Constitution of the United States, the people of the slaveholding States have the right to carry their slaves to Utah or to New Mexico, as well as on this as on the other side of the Rio Del Norte. How, then, can it be said that there is a concession of New Mexico on the part of the slaveholding States to the free States, and the conversion of it from slavery territory into free territory? It is either right or wrong that New Mexico composes part of Texas, and that the laws of Texas prevail there, and that those laws entitle you to carry your slaves there. If it be so, your right is preserved, and it can not be abrogated or infringed by the operation of the bill which is now under consideration. You say again

that the Constitution gives you the right to carry your slaves into New Mexico this side of the Rio Del Norte. The bill leaves in full force the paramount authority of the Constitution. The conclusion then is irresistible, that if there be slavery there now, or if there be authority to carry slaves there, either by the prevalence of the Texan law or by the authority of the Constitution, those rights will continue unimpaired and in full force, notwithstanding the passage of this bill. On the other hand, if the Texan authority and Texan law never reached New Mexico, which is my private opinion, it follows that New Mexico continued, notwithstanding the passage of the act of 1836 by the Texan Congress, to be a part of the Mexican republic, and if it never were detached from that republic by the arms of Texas, and the Texan laws never stretched over New Mexico, it follows that, up to the moment of the cession of that territory to the United States by the republic of Mexico, the laws of that republic having, according to my humble conception, abolished slavery, slavery does not exist there, and the territory will be appropriated to the principle of free soil. Now, what ought to be done more satisfactory to both sides of the question, to the free States and to the slaveholding States, than to apply the principle of non-intervention to the state of the law in New Mexico, and to leave the question of slavery or no slavery to be decided by the only competent authority that can definitely settle it forever, the authority of the Supreme Court of the United States?

The honorable member from Connecticut (Mr. Baldwin) on yesterday wanted the law settled. He was answered in a manner triumphantly and irrefutably by the senator from Michigan (Mr. Cass) that we have no authority so to do. If we were to declare what the pre-existing law was, it would have to be done in the form of a declaratory statute. The effect of a declaratory statute I take to be this. Although the declaratory statute can not alter the pre-existing law, it becomes, with regard to the future state of the law, equivalent to a new enactment from its date. Suppose, then, we were to make a declaration of the law pleasing to the learned senator, whose eminence at the bar, and the knowledge of whose eminence is not confined to one State, but has been coextensive with the Union, how, if we were to attempt to settle this question, could it be settled? In the first place we can not settle it, because of the great diversity of opinion which exists; and yet the senator will ask those who differ with him in opinion to surrender their opinion, and, after they have made this sacrifice of opinion, can they declare what the law is? When the question comes before the Supreme Court of the United States, that tribunal alone will declare what the law is.

Mr. President, I did not rise, as I said, to discuss the state of facts under the operation of the bill now under consideration. But, while I am up, I should be wanting in the discharge of my whole duty, if I did not advert to the present condition of New Mexico. Has any man cast his eyes on that country, can any American statesman propose to leave this question

unsettled, without entertaining the most serious apprehensions of a domestic difficulty which will end in blood and slaughter? Already, according to the information which I have received, there has been a conflict between the people of Santa Fé and some persons—according to the account which I saw, about a hundred—in the employment of the quartermaster's department of the general government, under the direction and control of that military government, that lieutenant-colonel, who now holds in his hands perhaps the destinies of Santa Fé and New Mexico. He looks on wholly indifferent, and is neutral in the struggle about to arise between the people of Santa Fé, composed, I understand, of American citizens, Mexicans, and Spaniards, this side of the Rio del Norte, and the authorities of Texas. And this neutrality is to be kept by the appointed governor, the military governor, the lieutenant-colonel, who has the dealing out of civil commissions, acting, it is true, under one of the departments in Washington, as if he were the Autocrat of the Russias. This military governor, this lieutenant-colonel, who has been placed over this people, and who, as their guardian, is bound to protect them, looks with cold indifference upon that struggle already begun in the streets of Santa Fé, in the conflict, according to my information, of some one hundred men on each side, those in the service of this government taking part with Texas! It was suppressed, ultimately, it is true, by the application of some portion of that force under his command.

Now, Mr. President, I put it to the Senate and to the country—dismissing altogether the question of the title of Texas to the Nueces, or to the Rio Grande, leaving out of view the extent of concession from the slaveholding States to the free States, or from the free States to the slaveholding States—leaving out of view all these considerations, I submit, if you do not know that there is a most insuperable antipathy existing between the people of Santa Fé and those of Texas. We know they can not live happily together, and the inevitable result of doing nothing will be to lead to civil war. I ask you, waiving all these considerations about right, and about whether the Nueces or the Rio Grande was the western limit of Texas—waiving the question of the extent of free or slave territory gained by one or the other party—I ask if our obligations with regard to the people of Santa Fé do not impose on us the obligation to make some effort to dissever them from the authority of Texas, to which they are so unalterably determined not to be attached? Such is my view of the case.

I believe that there has prevailed a most extensive misconception of what is granted to the South by dissevering New Mexico from Texas. It is said that the South will gain nothing by that. Have I not shown that she will gain three times as much as the North, even assuming that New Mexico shall be free territory, and whether or not the Texan law, or the Constitution of the United States, carries slavery there?

I have felt it my duty to make this brief exposition of the reason why I think the amendment should not be adopted, and the bill should be allowed to stand as originally reported.

ON ECONOMY OF TIME.

IN SENATE, JUNE 26 & JULY 2, 1850.

[FEEBLE as Mr. Clay's health was, and having already been engaged nearly seven months in endeavoring to bring about the Compromises of 1850, we find him, on the 26th of June, moving in the Senate to meet at the hour of eleven o'clock, instead of twelve; and, on the 2d of July, earnestly opposing the fixing of a day of adjournment of Congress, until these great questions could be settled.]

June 26. Mr. Clay said:

Mr. President, I rise to move that when the Senate adjourn it adjourn to meet to-morrow at 11 o'clock, and at that hour every day thereafter, until otherwise ordered.

Sir, I complain of no one, I reproach no one, when I say, that it does appear to me, that, out of respect for ourselves, out of respect for the country, out of respect for the duty which we owe to the other public business of the country, we should ascertain what is to be the fate of this bill. I could not, this morning, refrain from making a contrast between the proceedings of another legislative body over the sea and our own. Upon a question as to the organic law of the government of France, limiting and restricting, to a great extent, the elective franchise, a body composed of upward of seven hundred members decided the question in less than ten days, passed the bill, and submitted it to the proper authority to be acted upon. And here we have been nearly two whole months upon a single bill, and if any man can see when the question is to terminate, I own, for one, that I am in utter darkness. My purpose, therefore, is to move that we meet again at 11 o'clock; and I shall insist, if the motion prevail, that we sit from day to day, until a decision is had. I ask for the yeas and nays on my motion.

MR. HALE. Mr. President, I hope the yeas and nays may be taken on this motion. I have risen simply to say that, for one, I shall vote against it.

MR. CLAY. I supposed so.

Also, same day:

Mr. President, the senator from New Hampshire is in his usual vocation. There has not been a proposition for dilatory proceedings in relation to

this bill, since its origin to this moment, to which he has not lent his aid, his countenance, and his support. He is in his accustomed vocation.

Sir, did I cite the proceeding in France for the purpose of approving the privation of the right of suffrage from two thirds of the people? If the senator says so, it is a great perversion of the purpose for which I cited it. I cited it to show that upon a great national measure, involving the rights of thousands upon thousands, the French Chamber of Deputies, in about ten days, came to a final decision.

If you go to the other side of the channel, you will find that it is not common, in the British House of Commons, to extend the discussions on any measure, whatever may be its object or character, more than a week or ten days. And yet here, nearly two months have been exhausted in the consideration of this measure. The senator tells us that this has resulted from the fact of connecting together measures, contrary to the usual mode of parliamentary proceeding. I deny the fact. This conjunction is not contrary to parliamentary law. I vindicated the conjunction of the measures in a manner which no one has yet ventured to answer. It depends upon the discretion, the sound discretion of the Senate, whether it will mix one or more measures together, and upon the final passage of any such combined measure every man must decide for himself, and according to his own conscientious convictions, whether he will vote for the combined measures or not; just as in the case of a tariff, combining thousands of items, with some of which he is satisfied, and to others of which he is opposed, he votes for or against the tariff, according to the manner in which he supposes there is contained in it a distribution of good or evil. But even supposing the objection to hold good that this measure is composed of incongruous parts, is it never to be decided? Why, sir, the week before last it was hoped, it was believed by every body, that we should arrive at a decision by the last of this week. Now no man thinks of any such thing. When, I ask, are we to come to a decision of it?

Sir, I can go before the country without fear, without trembling, as to the judgment which will be pronounced upon the course of action pursued by the Senate of the United States. Let the country decide, and decide it by the yeas and nays upon propositions for adjournment, who has procrastinated this measure. And does the honorable senator expect by delay, by procrastination, to prevent, finally and ultimately, a vote upon this measure? If not, why not come to a vote? Why not accelerate our arrival at that vote by meeting earlier, sitting longer, and sitting every working day in the week if necessary?

Mr. President, I regret this opposition. I am not, however, surprised at it, because it has been encountered in every stage of the progress of this measure. But, in spite of that opposition, I trust that a majority, a large majority, of the Senate will be found in favor of restoring the 11 o'clock hour for meeting and going on with this business until we can arrive at a conclusion.

July 2. On motion by Mr. Yulee, the Senate proceeded to the consideration of the following resolution, submitted by him yesterday:

Resolved, that the President of the Senate and the Speaker of the House of Representatives do adjourn their respective Houses on Thursday, the first day of August next, at twelve o'clock, meridian.

Mr. Clay. Mr. President, I should be very glad to learn what view has been taken by the honorable senator from Florida of the actual state of the public business, and the probability, by the time proposed in that resolution, of disposing of it, which is indispensable to the public service. There are questions in relation to the formation of territorial governments in our recently-acquired acquisitions from Mexico; there are questions relating to the subject of slavery within the United States and in these Territories, and I do trust that Congress will not think of an adjournment without some final and decisive adjustment of these questions, or at least the ascertainment of the utter impracticability of settling any of these questions. Besides, there are the appropriation bills, with respect to which I believe no progress has been made—bills which ordinarily have occupied of themselves more time than will elapse between now and the time proposed for the adjournment.

Indeed, with any view which I can take of the condition of public affairs, I think nothing would be more inexpedient than for the Senate at this time to commit itself to any day of adjournment, but especially one so near at hand as that which is proposed. There is no member of this body more anxious than I am that this session of Congress should come to a termination. But I would as soon quit the field of battle at the moment when our arms were directed against a foreign enemy, and when it was my duty to expose my life to the utmost hazard—I would as soon, aye, sooner, flee from such a field of battle, than I would quit my post here, and leave the country in the position in which it would be left if we do not settle these matters.

Sir, we are without even any suggestion from the honorable senator from Florida of the possibility of accomplishing the great works which lie before us, and which ought to be disposed of before we adjourn. It is with feelings of regret that I must say that we have not had the assistance of the honorable senator in our endeavors to settle these agitating questions.

There is an idea that, when there is a fixed day of adjournment, some moral or parliamentary coercion will operate upon members, and compel them to accelerate the dispatch of business. I can not act in reference to the great questions now pending upon any such hope as that. Thinking, then, that it would be altogether improper and highly imprudent to fix at this time a day for the adjournment of Congress, and especially to fix such an early day, I move that the resolution now under consideration be postponed until this day fortnight. By that time we shall, perhaps, be able to have a clearer view of what remains to be done, and of the time in which it can be done.

ON A MEMORIAL FROM THE STATE OF DELAWARE.

IN SENATE, JULY 3, 1850.

[Senator Wales, of Delaware, had read a somewhat long memorial from some of his constituents against the Compromise measures then in debate before the Senate, which occasioned the following remarks of Mr. Clay.]

Mr. President, I feel it proper and incumbent on me to say, that I have received a letter from one of the most eminent citizens of Delaware, by which I am informed that upon the question of the adoption of these resolutions, the meeting was so nearly equally divided, that it could not be ascertained on which side the majority lay, and it was only upon a second division of the meeting that a small majority was supposed to present itself in favor of the resolutions.

Sir, the resolutions which the honorable senator has presented endeavor to assail the bill before the Senate upon the ground of its being, in the popular language of the country—but I hope the term will not be applied in the Senate—an "omnibus" bill. Those resolutions which have a diplomatic odor about them, are much more incongruous in their character, and the subject of which they treat, than the bill to which this appellation has been applied. But the honorable senator near me is not satisfied with the presentation of the resolutions, but must make some observations on the great measure pending before the Senate. He thinks it has not yet produced the concord which its authors hope for. Let it be tried before the country, and I think the issue will be that it will produce concord throughout this distracted nation. He tells us that the senators from the South are not united, or that there is considerable division between them. I confess I have found some difficulty in counting votes in this body, and I have experienced no difficulty in ascertaining the course which the honorable senator himself means to pursue. But I hope, I yet hope, that he will find it incumbent on him to support this measure. If I know any thing of the people of Delaware—and my heart is full of gratitude toward them, and I have always had great respect for their sentiments throughout the long time that I have been acquainted with them and their representatives

—if I know any thing of the sentiments of the State, if influences are not brought to bear upon them, I venture to say they will stand alongside of the vast majority of the States of the Union in favor of this compromise —a majority so great that in some States, Maryland for example, the neighbor, the nearest neighbor of Delaware, and in my own State, it approximates almost to unanimity.

And, sir, to go beyond the slaveholding States, the State represented so ably by my friends in my eye, the States of Indiana and Illinois, are almost unanimous in favor of the bill. When I arrive, as I soon hope to do, at a period when I can vindicate this measure, I will show how predictions heretofore made in reference to compromises of former times have failed, as they will fail now. When the Missouri compromise was proposed, it was everywhere said, and in both Houses of Congress, "it will bring no peace to the country." And yet everywhere throughout this nation there was a degree of joy and exultation almost unparalleled in its existence. So it was said when the compromise of the tariff of 1833 was adopted. Repeal, agitation, and modification, it was announced, would be attempted at session after session, in order to destroy that compromise. So far from it, the manufacturing interest never enjoyed seven years of more profound peace and prosperity than it did during the prevalence of the compromise tariff of 1833, and up to the time when that compromise fell down to the lowest rate of revenue did that prosperity continue unchecked and unalloyed.

Sir, the nation wants repose; and, as has been properly remarked, it is not so much cared what mode be adopted—though I believe a vast majority of the people are in favor of this measure of compromise—as that some healing measure, some comprehensive measure, some measure that shall reach all the sources of distraction which prevail throughout the country, be adopted. And any such measure will be hailed with a delight which the disturbers of the peace will find themselves wholly unable to destroy or impair in the slightest degree.

I have felt myself called upon, standing in the relation I do to this subject, to make the few observations which I have made, in consequence of the remarks, and in consequence of the character of the resolutions, presented by the honorable senator. * * *

Mr. President, I wish to make but a single remark with respect to Wilmington. It is not a very large, though an extremely respectable city, full of industry and energy. Its population is, I suppose, about ten or fifteen thousand. There is no man in that city better acquainted with its public sentiment than my friend to whom I referred, and whose name is well known to the senator from Delaware.

But with regard to the editors who were there, and who voted against these resolutions. There was an editor, if I am rightly informed, from the "North American" press of Philadelphia, who went to Wilmington to assist the good people of Delaware in framing these resolutions.

Mr. Wales. He made a speech there.

Mr. Clay. Yes, he made a speech upon the occasion.

Now, with respect to the "diplomatic odor" which these resolutions emit, I did not locate the diplomacy in Wilmington, but I should be extremely happy to see the original resolutions as at first drafted. They embrace so much matter, they are so comprehensive. Our bill an "omnibus!" Why, their "omnibus" is ten times as large. It covers the foreign diplomacy of the country and the entire administration. That member of the administration from the senator's own State is lauded to the skies for the Nicaragua treaty and other diplomacy. Their "omnibus" contains matters vastly more incongruous than these measures, which we have conjoined in this compromise bill. And yet they oppose this bill because of the incongruity of the measures of which it is composed.

ON THE ADMISSION OF CALIFORNIA.

IN SENATE, JULY 15 & 19, 1850.

[It should be understood, that the bills reported by the Committee of Thirteen were for the admission of California, to establish territorial governments over New Mexico and Utah, to satisfy the claims of Texas over a part of New Mexico, to recover fugitive slaves, and to abolish the slave-trade in the District of Columbia. There was a long-protracted debate on the admission of California; and the following are some selections from what Mr. Clay said on that subject.]

July 15. Mr. Clay said:

It is true, as has been stated by the senator from New Jersey, that I entertained the purpose not to fill the blank with the sum to be paid to Texas until the third reading of the bill, if it should reach that point. At the time I made that intimation I was acting upon my general knowledge of parliamentary law, as laid down in the manual and the British books. According to these authorities, I knew that it was proper then to fill any blank that might, to that time, have been left in the bill; but since then my attention has been called to the particular rule of the Senate of the United States on this subject, which I believe I have never examined since it was adopted by the Senate, and I am now inclined to think that by one of our rules there has been a modification of the parliamentary law—that is, as to filling up blanks. By our rules I find that no amendment can be made on the third reading of a bill without unanimous consent; and upon ascertaining that our rules have thus modified the general parliamentary law, I changed my purpose as to the time when it would be proper to propose to fill the blank in this bill. My present purpose is to propose to fill the blank as one of the last amendments that it will be in order to make to the bill before it is ordered to an engrossment; and it will then be in order for the senator from New Jersey to offer his amendment which is now before the Senate. * * *

Mr. President, the proposition before the Senate, which has been submitted in that spirit of fairness which has characterized the senatorial course of the gentleman who made the motion, throughout my whole acquaintance with him, is one of great importance. It is vital. It is con-

clusive, if it prevail, of the fate of the bill. The question is, whether all the labor bestowed by the committee of thirteen, and by the Senate, upon this great work of pacification is now to be lost, and whether we shall be brought back to the simple question of the admission of California, with her limits as proposed, with her representation in both branches of Congress as proposed.

The question is, in other words, whether we will take California, with all the objections that have been made to her admission, without compensation; or whether, rejecting the motion, we will take California, with the compensations that are provided in this bill. If the motion prevail, the effect of it will be to bring up instantly the question of the admission of California. And upon that question, no senator can hesitate to believe but that there is a large and decisive majority in the affirmative; of which majority—I repeat the profession and declaration I have often made before—I am one.

If I am reduced to the necessity of voting separately and distinctly upon the question of the admission of California, with her whole limits—stretching along the entire length of our possessions on the Pacific, up to the boundary of Oregon—with her senators and representatives, without any compensation, without any equivalent, without any rejection of the principle of the Wilmot proviso, I am prepared to give the vote. And the question for the Senate, and for all parts of the Senate to consider is, whether or not they will take the admission of California with the compensation contained in this bill as it is, or as it may be hereafter modified by subsequent amendments, in preference to what is otherwise inevitable—the separate admission of California. I hope and trust the proposition will be rejected. If there were any doubts about it, I should ask for the postponement of the question until the return to their seats of three or four senators, who, I hear, will vote against it. But, as I presume the proposition will be rejected by a large majority, I shall not ask this.

Mr. President, I have two or three times indicated my purpose, at some suitable moment, after hearing all that has been said against this bill, to address the Senate in answer to all the leading topics of objection that may be urged against it. I would do that now, but that I think the moment for performing such a duty has not arrived, and but for the anticipation I feel that this motion will be rejected. I have risen for the purpose which I have indicated, of stating the consequences of the motion: California as she is, without compensation, or California with the compensation contained in this bill, or which may be put in it during its subsequent progress. That is the question before the Senate, and I wish the country to see and understand it.

July 19, Mr. Clay said:

Mr. President, my connection with this subject imposes upon me the discharge of a very painful duty. I should gladly not have been placed in a position in which I find it necessary to make some response to the argu-

ment of the two senators who addressed the Senate this morning. Throughout the whole progress of this measure I believe no mortal man has ever before, in any deliberative body, been placed in such a condition as I have been in connection with this subject. Sir, I am at a loss to decide whether the embarrassments which I encounter from the open enemies of the bill, or those which have arisen from gentlemen disposed to be friendly to it, are greatest. With the exception of three or four senators and members of the committee who have kindly stepped forward to sustain it, the measure, has received very little aid, very little countenance, from any side of the House.

Sir, the honorable senator from Alabama (Mr. King), this morning, in a manner perfectly cool, calm, and dispassionate, announced his desire to vote for the measure. He declared his readiness to do so if the difficulties he suggested were obviated. Now, I beg the earnest attention of that senator to what I have to say about the insuperable difficulties which he has stated. In the first place I must commence by admitting as incontrovertible the power of Congress to reject the admission of California *in toto*, to treat the country as a Territory, without the organization or form of a State, to reject it in whole or reject it in part, to remit the senators and representatives who have been deputed to this Congress by California, back entirely or not, as Congress may think proper to do. The power is incontestable. It has not, that I know of, been contested.

And now, allow me to proceed to the question which the senator from Alabama starts, and which produces all the difficulty in his mind. That question, I put it to his candor to say, is not a question of power—is not a constitutional question, but is a mere question of expediency. The Constitution of the United States gives to Congress the power to admit States. The power is plenary, full, unrestricted, unconditional. It is to be exercised and regulated, it is true, by its application to any given case of the admission of a State into the Union, by a sound discretion, by the application of all the wisdom, prudence, and judgment which Congress can apply to the subject. But there is no limitation upon the power to admit a State into the Union.

While upon this part of the subject I beg leave to reply to an argument urged by the honorable senator from South Carolina. He seemed to suppose that it was a constitutional prerequisite that there should be a territorial government. No such thing. The existence of the requirement of a territorial government as preceding the admission of a State into the Union, is not to be found in the Constitution. It is to be found I admit, in the practice of the government. But it is nowhere to be found in the Constitution of the United States. The power, then, to admit, is plenary and unconditional, requiring no previous territorial government, requiring no prescribed limits to the State which is proposed to be admitted, requiring no greater or less extent of territory; but it is in the constitutional power of Congress to admit a State as large as a whole continent, if it chooses to do so.

Mr. Butler. Mr. President, one single word, if the senator will allow me, to put myself right, and avoid a mistaken construction of my remarks. I did not contend that it was essentially necessary that a State should pass through a process of territorial government, but I did contend that no people, either in a territorial form of government, or any people living on the public domain, had a faculty to form for themselves a Constitution without the previous assent of Congress.

Mr. Clay. They have not, as a matter of right, the power or the right to do it; but, if they do it, and Congress chooses to waive the irregularity of their doing it and to admit them, the act of admission retroacts upon the fact of the organization, and makes it legal. For the sake of the argument, I am disposed to make even that concession. I contend that, if a people form a Constitution—I do not care what sort of people they are, of what color they are, what right they have to the soil, how they came there, whether for temporary or permanent purposes—and if Congress chooses, upon the presentation of the Constitution framed by such a people, to admit them, Congress has the power to do so.

The question recurs, then, to a ground of expediency in the exercise of an indisputable power, and that expediency to be regulated by the sound discretion of Congress. Now, with regard to the extent of territory which this bill gives California, does not my friend from Alabama know that upon this side of the Rocky Mountains there is a State of far greater extent than California? Texas, on this side of the Rocky Mountains, even with the reduction of her limits proposed by this bill, and certainly without that reduction, has an extent of territory far exceeding that of California on the other side of the Rocky Mountains. Look abroad at the map of the country, with the thirty States of this Union, as to the amount of population which should be contained within a State. I refer to them in no invidious spirit—for I regard both Rhode Island and Delaware as among my best friends—but who, if we had the geographical arrangement of the States now to make, would make a State so small as Rhode Island or as Delaware? We go by facts, by circumstances, and by the condition of the country, and by the application of sound considerations of policy to that condition and to that state of things.

It has been urged, Mr. President, that if you admit California with her proposed limits, you create a danger as to the continuation of this Union. Why, sir, cut her up as you may, if there is a disposition upon the Pacific to fly off from this Union—and I have never dreamed that the connection would be eternal—will that disposition be less capable of being carried into effect by a combination between two and three States, or by a single State, properly known as California? If there should be a disposition for a separation, that disposition would be common to every State on the Pacific though that number should be two, three, or four. But this is a danger equally applicable to Texas, not quite so imminent, because of the proximity of Texas to the residue of the Union. But if Texas, from the vastness of

her limits, and from other considerations, chose to consider it her interest to separate herself from the Union, the danger would be only less by the distance which California is to the residue of the Union and the nearer proximity of Texas.

Mr. President, I stand here as the guardian, not merely of the rights, and honor, and interests of one section, but of all sections, as far as my humble abilities can be applied to protect that honor and to preserve those rights and interests. But I must own that it is perfectly incomprehensible to me to perceive how the rights or the honor of the South can be appeased by a greater or less extent of territory given to California. The rights and honor of the North were not appeased by the vast extent of territory given to Texas. No, sir. It is not a question in which the honor of any section of the Union is concerned. It is not a question in which the rights of any section of the Union are concerned. If the rights—I should rather have said the wishes—of any section of the Union are concerned in the creation of a new State out of the present limits of California, those wishes, or those rights are to be found located, not in the South, but in the North. For, as certainly as the sun rises in the east and sets in the west, as certainly as the waters flow from the foot of the Rocky Mountains and discharge themselves through the channel of the Mississippi into the Gulf of Mexico, so surely will the formation of a new State on the shores of the Pacific ocean, by circumscribing the limits of California, result in the formation of another free State. How, then, I ask, are the rights or the honor of the South to be affected by the extent—comprehensive extent, if you please—of the limits of California? I earnestly beg my honorable friend to consider this subject.

Mr. President, it is said that this question of the limits of California is a question in which that State has arranged them in a manner unsatisfactory perhaps to every member of this Senate. Most free am I to admit that, if this were an original question and a single question, standing by itself, with no commitments, I might be disposed to look much more carefully into the question than I think it now, under all the circumstances of the case, deserves. But I have not yet heard answered the able and forcible argument of the senator from Massachusetts (Mr. Webster), who took a general survey of the whole territory of California, examining its waters, its mountains, its deserts, its arable land. According to the result of his argument, it will appear that, with all the vast extent of the limits of California, when you come to deduct her mountains and deserts and unprofitable and uncultivated lands, there will not be left more—and I venture to say there will be much less left—of actual arable land, than is now included in the State of Illinois.

But, Mr. President, all human questions almost, or rather few human questions, stand alone by themselves, and I now state to you, and to the country, what commends to my acceptance the limits of California as she presents them. Sir, we are engaged in a great work of compromise, in a

system of measures; and when I come to speak on the general subject, I undertake, and in advance I pledge myself, to show, so far as reasoning upon any moral and political questions, and their consequences, can enable one to demonstrate, that if this entire system of measures is adopted, there will be a revival of that concord which is so much needed; and an aversion of that danger which we all so much dread. But, sir, I reserve that for the occasion, if God spares my life and health, when I come to take a general examination of this bill. I am now considering the admission of California as not an unmixed question, as the senator from Alabama (Mr. King), viewed it, but as a part of a system, as part of a whole, as part of a scheme of accommodation and settlement of these great questions, to restore harmony and to put an end to this discord and division; and it is in that way that it commends itself to me; it is in that way that I am disposed to overlook any irregularities; and even to admit the State with all her extensive limits, considering it as a part of a great whole, which whole is to carry the balm of peace and contentment to a distracted country. I think, therefore, that it ought not to be treated as a separated and isolated question. It should be taken in connection with that system of measures which has been presented by the labors of the committee of thirteen, in order once more to tranquillize this country. Now, sir, the effects upon the representation in the two Houses of Congress by the adoption of this amendment is this: the representatives from California can not be admitted, in my humble opinion—at least I have such doubts upon the subject as to amount almost to positive conviction—they can not be admitted without being remitted back to the State which sent them here. If you make another State, as you do by cutting off the south of 35° 30′, one State will have sent senators and representatives and another State, distinct from that which has sent them, is admitted, and these members of the Senate and House of Representatives are allowed to take their seats. Now, upon this subject I have doubts approximating to conviction; and, inasmuch as I think that it would destroy the completeness and harmony and perfection of the whole system of measures comprehended in the bill before the Senate, and in the bills which are behind, to be taken up in order when this is disposed of, I would go for the admission of California with her present limits, even if there were more ground of exception to them than I think exists.

Mr. President. I have two or three remarks to make in reply to my neighbor who is near me (Mr. Berrien), and I must say, that if he meant to apply to me the observation with regard to the avowal of a disposition to judge of amendments without regard to their merits, but according to their effect upon votes, he did me injustice.

Mr. Berrien. The senator misunderstood me. I had no such intention; I made no such application.

Mr. Clay. But the senator stated that there had been such an avowal repeatedly made upon this floor, and I did not know to whom he referred.

I only mean to say this now, that there have been some amendments made to this bill which I should not care the pinch of snuff I hold in my fingers, whether I vote pro or con. upon it. One of them is the interdiction on the power of the territorial Legislature to admit or exclude slavery; another is the provision with respect to the passage of municipal laws in regard to slaves who have no existence there, and who are not going there, according to my profound conviction. I do not speak for others, who may have chosen to regard them differently, but, according to my understanding, and my interpretation, some of those amendments had no merit, and therefore I was indifferent about their fate, and I was willing to vote for or against them, as might be agreeable or otherwise to others of my colleagues.

But, Mr. President, the senator from Georgia has advanced a position which I controvert entirely; and what is that position? That if Congress admits California, it admits California with her restriction as to slavery, and that admitting California with her Constitution restricted as to slavery, is equivalent to the passage of the Wilmot proviso. I deny it. I utterly deny it, sir. I am not now speaking of consequences, of effects, but of power, of authority. What has been the doctrine of the South throughout this whole controversy, for three or four years past, with regard to the imposition by Congress of restrictions upon the Territories as to slavery? The doctrine of the South, and of the senator from Georgia among them, has been, that Congress has no power over the subject, that Congress has no constitutional power to impose the interdiction, and that, if Congress does impose it, it is a usurpation of power. That is their doctrine. I do not mean to say that it is my own. My opinions have been expressed; it is not necessary to repeat them; but that is the doctrine of the South, and that is the doctrine which I am combating. Now, sir, with regard to admitting a State having of itself inserted an article prohibiting slavery. Does Congress pass upon that article? Does it pass upon any provision? Can it constitutionally pass on any provision contained in the Constitution of a State submitting itself to be admitted into the Union? The sole inquiry is, is it a republican Constitution or not? That is the single restricted inquiry which Congress can make. If there are provisions of a local and municipal character, provided they do not impair the republican form of the government, Congress is not responsible for them one way or the other; it is their own affair.

And, sir, when speaking of the doctrine of the South, let me remind you that one among the wisest and most eminent of southern men [Mr. Calhoun], not three years ago, by a resolution submitted to this Senate, declared the doctrine to be that a State, when forming for herself a Constitution, and proposing to come into the Union, had exclusive power to decide for herself whether she would or would not have the institution of slavery.

Now, Mr. President, I am not going into that sophistry into which I

might be led by the argument that when Congress admits a State, and that State has interdicted slavery, that therefore Congress has interdicted slavery. Congress has no such power. The power of Congress is limited to ascertaining that the character of the State Constitution is a republican one. Now, sir, the difference between the case put by the senator from Georgia and the case before the Senate—between the exercise of the power by Congress and the exercise of the power by the State—is a case of the difference between the usurpation of power (in his view of constitutional doctrine) and the legal, lawful, constitutional exercise of power by a State which has chosen to judge for itself. He has confounded usurpation and lawful authority, legality and illegality, what may be done by Congress and what may be done by a State. If you can upset every thing, mix all the matters together, and say that right and wrong, authority, and the absence of authority, are the same, why then the opinion might triumph that, although we are limited to a solitary inquiry in the admission of a State, that the interdiction of slavery acquires a legality by our act which it would not otherwise have possessed.

Mr. President, I come back to the question before the Senate. I am sorry I have been drawn so far. I came to the Senate quite indisposed to-day, and not expecting, in that condition, that I should be drawn into any discussion on this subject. Sir, if there had been a prior territorial government established in California, by the authority of Congress, and that authority had also extended to permitting her to organize herself as a State for the purpose of coming into the Union, and she had gone in under that territorial government, and under that authority, and made such a Constitution as she has made, interdicting slavery within her limits, would it then be contended, would it then be urged, that Congress imposed the prohibition of slavery? Surely not. No more, then, can it now be contended that Congress imposes the interdiction. Congress has, I admit it, full power to admit or to reject the State of California, unbound by any constitutional restriction, unrestricted by any single provision in the Constitution of the United States. Congress has plenary power, and if, in the exercise of that power, Congress thinks proper to dispense with certain formulary and regular modes of proceeding that have been adopted in the instances of some other States, there can not be a doubt about the power, however much gentlemen may question the expediency or the soundness of the discretion.

Mr. President, I am, as might be well supposed, anxious for the passage of this measure. I thank the honorable senator from South Carolina [Mr. Butler] and the senator from Georgia [Mr. Berrien] for the expression of their friendly wishes that any credit or honors which might accrue from its passage might be my share and my lot. Mr. President, I do not think about myself. I care not about myself. Man or mankind have no honors or offices in their gift which I expect, which I want, which I desire. Poised, as I feel myself in some degree at my time of life, between heaven and earth, my hopes, my faith, my confidence are toward the former, and

I only desire, while I remain upon earth, while I linger yet a few years here, to perform all the duties and all the obligations which result from my connection with that society of which I am an humble member. These are the feelings with which I came here. I desire no éclât whatever. I have said twenty times that I was willing to take these measures in any form—yes, willing to take them in the conjoint form in which they are presented, or in a separate form, or in any mode; that I was wedded to no particular plan of harmonizing and tranquillizing this country. That is the end, the object—the great and (if I may be allowed to use an expression which perhaps may be deemed by some extravagant) the God-like object of restoring peace, and contentment, and harmony, to this people, that has all along animated me, without any desire at my time of life to add any thing whatever to the reputation which I may have acquired by any former public services in the councils of my country.

I can not vote for this amendment. I would do it with infinite satisfaction, if I could reconcile it with my judgment, in contemplating the beneficent effects which I think are to result from the successful adoption of the whole plan of settlement and accommodation which has been proposed by the committee. The senator from Alabama—and my friend from Georgia also—knows that if I could make any personal, individual sacrifice, unaffecting the interests of my country, as I regard them, there is no man for whom I would make the sacrifice more willingly than for himself; but I believe the interests of the country require that the bill should be kept as it is.

As to the fate of the measure, I am prepared for it, whatever it may be, as I am prepared for any event to which I may be exposed during the remnant of my days. Its fate, I know, is not absolutely certain. I have hoped and believed throughout that it would carry, and I have believed that it ought to carry, because of my perfect conviction of the beneficent effects which would result from the adoption of the scheme. But if it is not to carry, if defeat awaits it, I will not yet despair of the country. I will still hope that others, under better auspices, with more good fortune than may have attended the labors of the committee and myself, will bring forward some great, comprehensive, healing measure to reunite the Union of our country. If its fate be adverse, I submit. I resign myself to it. I shall have the consolation of knowing that I have sought most anxiously to perform my duty, my high duty to my country, to its Constitution, and to every part of that country. I shall feel no other regrets connected with its failure, if that should be its fortune, than those which belong to this distracted people and this menaced country. On my own account none—none whatever shall I have occasion to feel in the smallest degree.

Sir, I beg pardon for having trespassed on the Senate so long. I came here, believe me, with no expectation of saying one word upon this subject, but I have been drawn on in the performance of my duty, as chairman of the committee, to defend and support the measure. * * *

Again, same day, Mr. Clay said:

I will answer the gentleman's argument, and if not to the satisfaction of the members of the Senate and the gentleman himself, I am greatly mistaken. California is a State, at this moment, but not a State in this Union. That is my answer. What is a State? What makes a State? Go to the elementary writers, and they will tell you people, territory, certain landmarks of qualification which are defined in all the books. The error of the honorable gentleman consists in this, that his mind has been directed to the consideration of the question of fact whether she is a State in this Union. Well, I say that she is no State in this Union, but she is a State out of the Union asking for admission as a State into the Union.

So with regard to the other point of the senator, that no people have a right to take possession of any portion of the public soil or domain of the United States, and to erect themselves into a commonwealth, or to assume the government of that territory. I admit that. I admit that they have no such right. But if they choose to exercise such a right, and to organize themselves into a State, occupying territorry in part the property of the United States, and in part the property of individuals, and they come here to be admitted as a State, and we waive all these irregularities on their part, the moment she is admitted, she is a perfect and complete State. That is my answer to the honorable senator.

Also, in reply to Mr. Berrien, of Georgia, he said:

I do not know upon what authority the senator from Georgia has made the declaration that the friends of this bill commit the error of thinking this to be the only measure of salvation to the country. We have again and again avowed our desire to see any such measure proposed, to which we will give our hearty support. And if this bill shall fail, I assure the senator from Georgia that we are not so wedded to it but that we can accept, with alacrity and pleasure, one that will better secure the object in view. I hope the senator and his friends will come forward with his scheme of comprehensive measures, and let us see if he can produce one more likely to attain that end. We have rejected amendments, it is true. When gentlemen get up one moment and say that Congress has no power over the subject of slavery, and at the next moment ask us to exercise power over it, we can not consent to do what they ask. We compare their opinions of the Constitution with what they solicit from us. But let that pass. Congress, it is maintained, has no power to create a State! Why, all the new States of the Union have been created more or less under the authority of Congress. First, the land of a Territory was sold and settled, and being settled, the settlers had authority given them to make a Constitution and organize a State. Is not that creating a State by the action of Congress? But this is not a case of Congress creating a State. There exists now a State *de facto;* that is the language applicable to it in the public law of the world. There exists a State *de facto*, and that State comes and asks

us to make her a State *de jure*, a member of the Union. We have not created it. Did Congress organize the Legislature? Did it make the Constitution? Did it pass the laws for collecting the revenue? Did it do all these things of a municipal character, which are now transacted in the State of California under the authority of her Constitution? All these were matters resulting from the organization, which, whether with or without authority, *de facto* existed; and that *de facto* State comes here to ask admission into the Union. Why, the Commonwealth of England, during the reign of Cromwell, was a government *de facto*, but was it not a government? Was it not a State, having armies, navies, coining money, making war, exercising all the attributes of a sovereign State, a State *de facto*, as the line of kings choose to call it. So here the State of California is a State, illegal if you please, irregular in its conception, but nevertheless a State, consisting of territory, people, and all the attributes of a sovereign power—a State not made by Congress, but a State, if admitted into the Union, admitted by Congress as a pre-existing, fixed, and indisputable fact. Why, if we go a little into the history of our own country, what do we find? How came the Declaration of the Independence of these States, which made the Thirteen Colonies a State? It was done by a Congress having no authority to do it, by any delegated power which they possessed. They did act, and it was sanctioned by their constituents and the people of the United States. So of the existing Constitution of the United States—how came it into existence? Why, it was made by a convention in Philadelphia, assembled, not for the purpose of making an original Constitution, but for the purpose of amending the ancient articles of confederation. They chose to put it all aside, and to make a Constitution for a State, or for thirteen States, and to submit it to the people; and the ratification of the people was retroactive, and supplied the original defect of power, and made that legal and constitutional which originally was not so. But a more memorable instance is at hand—a case out of which have grown all these questions. What was the condition of the treaty of Guadalupe Hidalgo? Was it not a perfectly void instrument, absolutely and utterly void, not to resort to the distinction which jurists take and lawyers make, but an absolutely void act? Well, sir, this void treaty came here, and did Congress create the treaty between Mexico and this country? Just as much did they create that treaty as they create this State, if they admit California—a *de facto* State, not inside, but outside of the Union—which comes here and asks admission into the Union. No, sir, you sanctioned that treaty, you rejuvenated it, you revivified it, you reanimated it, you restored the original date, and you gave it validity from the day of that date. Sir, instances might be multiplied without number, both in the great transactions of nations and those of individual character, if it were worth while to multiply them.

Mr. President, what is proposed by the very amendment itself, which the senator vindicates and supports? Does it not propose to make a

State? Why, yes; and the sole difference between our State and his State is, that he wants to confine his State within the limits of the Sierra Nevada, and north of 35° 30′, and we contend for the whole. Now, at this very moment, when he is contending that there is no State there with a legal existence, but a mere Territory, and a band of disorderly, licentious men, who have united together—I do not attribute these expressions to the senator, but that is the substance of his argument—when men unauthorized have settled on that Territory, and without authority have come here with a State Constitution, the senator himself and the senator from Alabama (Mr. King), propose the admission of a State from that Territory, with restricted limits, embracing territory not quite so extensive as we contend for.

Mr. President, while up I can not help calling the attention of the Senate, and of the senator from Georgia particularly, to the too great facility of making constitutional questions out of questions of mere expediency. We were told the other day that it was a constitutional question whether we should allow two representatives in the other House from California. Why, what constitutional question was there? It is a question of evidence as to population. The Constitution says nothing about it, except that no State shall have less than one member. It does not limit the power of Congress to grant any number of representatives beyond the one. And the question, therefore, whether California is entitled to two or more members, or to only one member, is a question of evidence and not of constitutional power. A census is required, but what is a census? It is evidence—evidence of a high character, but any other evidence which satisfies the human mind and convinces the human judgment where a discretionary power exists, is just as ample and satisfactory as the higher kind of evidence which the census presents. With regard to her population, so much is it my misfortune to differ with the senator from Georgia, that if California had been assigned three members, I should have found myself fully justified, from the evidence and information which has reached me, to consent to her having them. The facts are so multifarious, the evidence is so conclusive, and the information so copious, that it is almost difficult to discriminate and distinguish between them. The other day, a man who knows California well, who is not six weeks returned from there, and who is the author of one of the best works that has been published on that country (Mr. Bryant, an old neighbor and friend of mine), was in my room. Tell me now, Mr. Bryant, said I, what is the population of California at this time? Said he, I do not doubt that at this moment it is full one hundred and fifty thousand, and that before the end of the year seventy-five thousand more will be added to it. And what was declared at a public meeting of the citizens of California, a large and extensive meeting, in April last, as the state of facts with regard to their population? Why, that they had at that time, in April last, a population of one hundred and forty thousand; and this coincided with remarkable exactness with the information

communicated to me by Mr. Bryant some two or three months after. Well, what is the character of the population of California? There are more fighting men in her limits than there are in Georgia. I do not mean more gallant or more valorous men, but more in number—because not two per cent. of her population consists of females or children. They are hardy enterprising young men, who have gone out from among us, bone of our bone and flesh of our flesh, inheriting from us that bold spirit of enterprise that we have received from our ancestors, and who have gone there to seek their fortunes and establish a home on the Pacific.

And if Georgia can raise one hundred and fifty thousand fighting men, gallant and chivalrous as she undoubtedly is, it is a much larger number than I suppose she could; and unless she can do that, I believe California to-morrow can exceed her in the amount of her militia force or of fighting men. This being, then, no constitutional question—for, as I humbly conceive, the amendment of the senator from Alabama addresses itself altogether to the discretion and the judgment of Congress—and one which does not impair or affect the rights of either the South or the North, nor the honor of either section, I trust that we shall argue it as a question of expediency, and not as a constitutional question.

I conclude by saying that in the admission of California, if admitted, we do not create any State, though I contend that the power exists on the part of Congress, by the successive acts of a Territory, to create a State. I contend that in admitting her, we admit her on the sole condition imposed by the Constitution—that her Constitution shall be republican in character. I contend that we are irresponsible for any other provision in her Constitution, just as much so as if Indiana should to-morrow introduce slavery into her limits, we should not be responsible. We should not be responsible for the introduction of slavery into Indiana, although it might be contended, as now: You admitted Indiana, and Indiana having become a State, and invested with the power to admit slaves, she did admit slaves; and therefore you admitted slaves into Indiana. Now that is the sort of argument we have heard to-day. Because we exercise a constitutional power which we have, the argument is, that we exercise it on subjects on which we have no constitutional authority to act whatever. I have no more to say.

Mr. Clay also remarked:

I wish to say that, according to the usages of every deliberative body with which I have had any acquaintance, it has been accorded to the individual who happens to have charge of a great measure an opportunity of making a general reply, in conclusion, upon such topics connected with the whole argument as might be supposed to affect it. I have long been desirous of reaching that point in the progress of the bill, so that I might be able to perform that duty. I would have been glad to have said a few words from time to time upon the various amendments, but refrained from doing so as much as possible. But the general summary or reply to the

leading topics of objections to this great measure with the effects, the consequences to the whole country of its adoption or rejection, I had reserved to the last moment; and I had hoped that there would have been no objection to indulging me in the exercise of that common courtesy, which is accorded on all occasions in legislative bodies to him who has charge of an important measure. Still, sir, I would add, if it is the pleasure of the Senate to come to a vote at once, I shall acquiesce; for no one is more desirous than I am to arrive at a conclusion, and to have this question settled—settled definitively, settled absolutely. If the bill is to be defeated, I should prefer that it should be by indefinite postponement, rather than by laying it on the table, whence it may be taken up at any time; for really, the state of my health is such as to render it absolutely necessary for me to repair to some sea-bathing place, so as to endeavor to invigorate it a little. If the bill is indefinitely postponed, I shall feel myself relieved from it; whereas, if it is laid upon the table it becomes a mere test question, and it may be taken up again at any time; and I should be sorry if it was taken up in my absence. If, however, it should be the wish of the Senate, that there should be no further debate upon it, I shall submit with pleasure.

I repeat that I am anxious to arrive at a final decision of the question. There is one proposition of amendment to make which I intended to make to-morrow—a proposition which might occupy the greater portion of the day—I mean the proposition to fill up the blank in regard to the amount to be paid to Texas. It will probably be a subject of some discussion whenever it is proposed. There will doubtless be a variety of propositions, and the yeas and nays will most likely be taken on each, and that may exhaust the day. My own opinion is, that we may arrive at a definite conclusion by Tuesday next; I fear not before that day. I am afraid, if the Senate should indulge me in listening to the address which I propose, and which only from a sense of solemn duty I feel anxious to make, there would not be time to-morrow. I should prefer Monday. And so far as depends upon me, I will consent most readily to have a final decision on Monday or Tuesday next.

A GENERAL REVIEW OF THE DEBATE ON THE COMPROMISE BILLS.

IN SENATE, JULY 22, 1850.

[It was now two months and a half since the report of the Committee of Thirteen was made, and it had been under debate, more or less, all this while. It was incumbent on Mr. Clay, who had charge of these measures, as chairman of the committee, not only to watch the progress of the bills, but to answer all objections to them. On the date above named, he set himself to this task, in the delivery of the following speech.]

Mr. President—It is known to the Senate that it has been my hope and expectation that we should dispose of all the amendments either proposed or to be proposed to the bill, and that upon the question of its engrossment I intended, with the permission of the Senate, to occupy some portion of its time in taking a rapid review of some of the objections that have been made to the adoption of the measure under consideration, and then to submit it into those hands in which, by the Constitution of the country, the responsibility is placed. The events of Saturday, of which we possess information, deprived us of the opportunity of employing that day in the consideration of those amendments which were intended to be submitted, or were yet before the Senate. But as some rather impatient anxiety has been manifested to arrive at the conclusion of this important subject—an anxiety in which, to some extent, I share with others—I have risen this morning to perform a duty toward the committee and to the subject which my position prompts me to endeavor to execute.

I say some impatience has been manifested. I do not mean it in any unkind sense. The honorable senator from New Hampshire (Mr. Hale), who now sits on my left, has upon two occasions moved to lay this bill on the table; and his motion was made with all the air of conscious power—as if he felt perfectly secure not merely of the general result, but in his being co-operated with by all the opponents of the bill. It is true that the senator finally most graciously condescended to withdraw his motion to lay the bill upon the table, at my instance, for which I am profoundly grateful. But as I do not desire again to place myself in any attitude of solici-

tation with regard to the progress and the final disposition of this bill, I have risen, I repeat, now to perform a duty which appertains to my position.

Mr. President, in the progress of this debate it has been again and again argued that perfect tranquillity reigns throughout the country, and that there is no disturbance threatening its peace, or endangering its safety, but that which was produced by busy, restless politicians. It has been maintained that the surface of the public mind is perfectly smooth and undisturbed by a single billow. I most heartily wish I could concur in this picture of general tranquillity that has been drawn upon both sides of the Senate. I am no alarmist; nor, I thank God, at the advanced age at which his providence has been pleased to allow me to reach, am I very easily alarmed by any human event; but I totally misread the signs of the times, if there be that state of profound peace and quiet, that absence of all just cause of apprehension of future danger to this confederacy, which appears to be entertained by some other senators. Mr. President, all the tendencies of the times, I lament to say, are toward disquietude, if not more fatal consequences. When, before, in the midst of profound peace with all the nations of the earth, have we seen a convention, representing a considerable portion of one great part of the republic, meet to deliberate about measures of future safety in connection with great interests of that quarter of the country? When before have we seen, not one, but more—some half a dozen—legislative bodies solemnly resolving that if any one of these measures—the admission of California, the adoption of the Wilmot proviso, or the abolition of slavery in the District of Columbia—should be adopted by Congress, measures of an extreme character, for the safety of the great interests to which I refer, in a particular section of the country, would be resorted to? For years, this subject of the abolition of slavery, even within this District of Columbia, small as is the number of slaves here, has been a source of constant irritation and disquiet. So of the subject of the recovery of fugitive slaves who have escaped from their lawful owners; not a mere border contest, as has been supposed—although there, undoubtedly, it has given rise to more irritation than in other portions of the Union—but everywhere throughout the slaveholding country it has been felt as a great evil, a great wrong, which required the intervention of congressional power. But these two subjects, unpleasant as has been the agitation to which they have given rise, are nothing in comparison to those which have sprung out of the acquisitions recently made from the republic of Mexico. These are not only great and leading causes of just apprehension as respects the future, but all the minor circumstances of the day intimate danger ahead, whatever may be its final issue and consequence. The establishment of a paper in this city—a sectional paper—and I wish I could say that upon all occasions it propagated truth with more attention than in a particular instance it has done—a sectional paper is established here to espouse, not the interests of the entire Union, but the interests of a particular section. The allusion I made with regard to a departure from the truth,

which has incidentally come to my notice, was called forth by an assertion made, that in the State of Kentucky there was existing great diversity of opinion upon the subject of the adoption of this measure, and that the constitutional convention of that State had unanimously, or nearly unanimously, rejected a proposition in favor of the compromise. Why, directly the reverse is the fact. I should not have observed it at all, had I not noticed on yesterday that it was copied in a paper in Mobile, and was spoken of as an undoubted fact that even in the State of Kentucky there was great division on the subject of the compromise. I will say in my place, with the authority which appertains to my position, that for fifty years I have never known so much unanimity upon any question in that State. It is a State from which I received a letter from a gentleman, formerly a democratic member of Congress, known very well to my friend from Indiana, now in my eye, from the county of Henry, one of the most populous counties in that State, in which there is a majority of democratic voters, and in an aggregate of nineteen hundred voters, this gentleman—an honorable gentleman I am proud to say, though I differ from him in politics—says that, as far as he knows or believes, there is no solitary individual to oppose it; and the constitutional convention of Kentucky, instead of opposing it by a unanimous vote of the body, expressed its approbation of this pending measure by a unanimous vote. One of the misfortunes of the times is the difficulty in penetrating the northern mind with truth, to make it sensible to the dangers which are ahead; to make it comprehend the consequences which are to result from this or that course; to make it give a just apprehension to all the events which have occurred, are occuring, or which must evidently occur. I said minor as well as major circumstances and events were all tending, rapidly, as I fear, to a fatal issue of the matters in controversy between the different sections of the Union.

I have seen a pamphlet—and it has been circulated with great industry—containing an exposition of political economy, written in a style well calculated to strike the mind of the masses, but full of error and exaggeration from one end of it to the other—errors of every sort—setting forth in the strongest terms the supposed disadvantages resulting from the existence of this Union to the southern portion of the confederacy, and portraying in the most lively hues the benefits which would result from separating and setting up for themselves.

Mr. President, I will not dwell upon other concomitant causes, all having the same tendency, and all well calculated to awaken, to arouse us—if, as I hope the fact is, we are all of us sincerely desirous of preserving this Union—to rouse us to dangers which really exist, without underrating them upon the one hand, or magnifying them upon the other.

It was in this stage, or state, rather, of the republic, that my friend from Mississippi [Mr. Foote], something more than four months ago, made a motion for the appointment of a committee, of thirteen. Unlike what occurred at an analogous period of the republic, when it was my duty to

make a similar motion in the other end of the capitol, and when, on account of the benefits which might result from the reconciliation of a distracted country, the proposition was immediately adopted—on the present occasion, unlike what occurred at that historical period, the proposition of the honorable senator from Mississippi was resisted from day to day, from week to week, for four or five weeks. An experiment to restore the harmony of the country, met with the most determined and settled resistance, as if the measure which the committee might report, whatever might be its character, would not still be under the power and control of the Senate, to be disposed of by it according to its own best judgment. Finally, however, the motion prevailed. A majority of the Senate ordered the committee to be appointed; and among the reproaches which were brought forward against the appointment of the committee by the senator from Massachusetts now in my eye [Mr. Davis], it was stated that that committee was organized and created by only a bare majority of the Senate. Sir, does such a reproach as that lie in the mouth of the senator, or of others who acted with him? A sense of my duty in this body, or in any body of which I am a member, prompts me to respect the opinion of the majority of the Senate, and to conform to it as far as is consistent with my views, and when not so to record my vote along with the minority. But in this case, upon the constitution of this committee, only about thirty or thirty-one members of the Senate voted at all; because the honorable senator, and others who concurred with him in opposing the constitution of the committee, chose to sit by in sullen silence, although members of the body—a minority of the body, it is true—without voting, as it was their duty to do. Is the contumacy on their part now to be made a ground of objection to the character, constitution, or labors of this committee?

Well, the committee was finally raised and went out. Of its composition it does not become me to speak, nor is it necessary to say any thing. The country, the Senate, will judge of that. Without, however, saying a word in respect to the humble person who now addresses you, I may be permitted to say that a large portion of that committee consisted of gentlemen who had honorably served their country in the highest stations at home and abroad—men of ripe experience, and whose large acquaintance with public affairs entitled them at least to respectful consideration when they were engaged in the holy office—if I may use the expression—of trying to reconcile the discordant parts of this distracted country. After having expended some two weeks upon their labors in their chamber, the committee agreed upon a report deliberately made. It had hardly been presented before all sorts of epithets were applied to the committee. They were called the thirteen doctors, not in kindness—for the honorable senator from New Jersey [Mr. Dayton] seemed not only disposed to deny their healing powers, but to intimate even that they were thirteen quacks [laughter]; that, instead of bringing forward a measure to cure and heal the public disease, they had brought forward a measure that only aggra-

vated the disorders of the country, and calculated to threaten it with more agitation. Mr. President, I need not use one word of recriminatory language. I leave it to the Senate, and to the country, and even to the senators themselves who have indulged in such expressions, deliberately to consider whether a measure intended, at any rate, as an olive branch, presented under such auspices as this was, ought to have been so treated, and whether the committee who presented it ought to have been so treated?

Well, sir, the committee presented their measure, or rather their system of measures, coextensive with all the existing disorders of the country, in relation to the subject of slavery—a system which, if allowed to produce its beneficent effects—and which I entertain the highest confidence it will produce, if it be adopted by Congress—leaves nothing in the public mind to fester and agitate the country.

The first three measures reported by the committee are those now under consideration—the admission of California, the establishment of territorial governments for Utah and New Mexico, and the adjustment of the boundary between New Mexico and Texas. With respect to the other two measures, I shall say but little at this time. It will be in order to speak of them when they come up for debate. I can not forego, however, the opportunity of remarking that really I think the honorable senator from Virginia [Mr. Hunter] has manifested too much eagerness to go aside to make occasions of fault-finding with the character of those measures. He has misrepresented, as I think, not intentionally no doubt, but misrepresented, as you yourself showed very properly, the nature of those bills. But, whatever may be their character at present, when they are taken up to be considered by the Senate, it will be in the power of the Senate to modify them according to the wishes of the honorable senator from Virginia. In two important particulars that senator misconceives the character of these two measures. First, in relation to the remedy by record in the recovery of fugitive slaves. That was intended to be, as his colleague could have told him, merely a cumulative remedy to that already in existence.

Mr. Mason (interposing). I am sure the senator will indulge me one moment. My colleague is not now in his seat. When he proceeded to discuss this measure upon a former day, he was promptly called to order and not allowed to proceed. I do not intend to call the senator from Kentucky to order, but I submit to the senator whether it is altogether courteous to refer to remarks of my colleague which he was not allowed to pursue.

Mr. Clay. I do not mean to go further than the senator himself did. I have remarked that I do not mean to argue this question at large. I wish to answer the objections only which were urged, after which I shall pass over the subject. I should have almost concluded by this time, if the honorable senator had not thought it his duty to interpose. I was merely

going to observe that the remedy of carrying a transcript of the record to the State to which the fugitive had fled, which his colleague alluded to, in the bill for recovering fugitive slaves, was merely cumulative. And I also intended to observe that there is nothing in the bill which proposes the abolition of the slave-trade in the District of Columbia, which prevents the slaveholder from passing through the District, in transitu, with his body servant—nothing to prevent him from retaining him here in his possession. The only object was to revive the law of Maryland; and to declare that if a slave be brought here for sale, then the person who brings him here for that purpose shall be liable to the penalty provided for in the law. But I pass from this subject. I mean to confine myself, while I address the Senate, to the three pending measures.

Mr. Hunter. Will the senator from Kentucky allow me to explain? I do not wish to prevent him—because I was called to order—from going into the subject as fully as he may choose. I hope he will be permitted to do so, if he has any such desire. In relation to that provision of the act prohibiting the slave-trade in the District of Columbia, he will find, if he will refer to that resolution, that it contains a prohibition of an introduction of slaves here for the purpose of being transported elsewhere. If that prohibition to transport them elsewhere would not cover the case of a man who has arrested a fugitive, and brought him and deposited him here while on his way home, or that of the man who should be accompanied by his slaves while emigrating to anothor country, I do not know what language could be framed that would do so. I have not the resolutions by me, or I would read the provision.

Mr. Clay. I am pretty sure the honorable senator is mistaken, and that it will be found so upon looking at the bill. He speaks of resolutions. I put it to the candor of the Senate, why the honorable senator should go back to the resolutions offered by me in the beginning of the session. The question is not with regard to them, or whether they be compatible or not with the measures reported by the committee, but in respect to the bill, which differs in several important particulars from my resolutions. The committee presented such measures as were agreeable to them; and with respect to the abolition of the slave-trade in the District of Columbia, it was their intention simply to revive the law of Maryland, and to provide for the case of the introduction of slaves into the District as merchandise.

Mr. Hunter. The senator will pardon me. When I used the word 'resolutions" I meant the bill, and I find on examination, that the bill is as I have stated.*

* The bill referred to was reported to the Senate by Mr. Clay on the 8th of May, entitled "A bill to suppress the slave-trade in the District of Columbia," and provides as follows:

Be it enacted, That from and after the —— day of —— next, it shall not be lawful to bring into the District of Columbia any slave whatever, for the purpose of being

Mr. Clay. Very well. With regard to the intention, that is as I have stated. If the language does not effect that intention, we should all be very willing to give it a form acceptable to the senator from Virginia. The language was only designed to prohibit that slave-trade which consists of purchasing and bringing slaves into the District of Columbia, and putting them into dépôts here for the purpose of being transported to foreign and distant markets. As to an idea which has been mentioned here upon a former occasion, I have already said that if a person residing in the District chooses to go out of the District five or ten miles, and purchase slaves for himself, the law would not prevent him from doing so. But I am taking up more time on this subject than I intended. When the proper time arrives for its discussion, the bill will be vindicated from the errors, into which, I still think, the honorable senator from Virginia has fallen. I have stated that it was my intention to confine my observations to the three measures under consideration—the admission of California as a State, territorial governments for the two Territories, and the establishment of the boundary between Texas and New Mexico.

It is a most remarkable circumstance connected with the debate upon, and the progress of this measure, that that feature of the bill which was supposed to be less likely to encounter objection—that measure which it has been asserted would draw after it, by the force of its own attraction, the other measures contemplated in the bill—it is truly remarkable that the measure of the admission of California has encountered the most of the difficulties which have been developed in the progress of the bill. The senator from Louisiana [Mr. Soulé], the senator from Georgia [Mr. Berrien], and yourself, sir [Mr. King], have all directed your attention mainly to the subject of the boundaries of California, and to the representation proposed for California by the measure under consideration. I believe, with very slight, if any further modification, all three of the senators to whom I have referred would have been willing, if they could have been satisfied with regard to California, to vote for the whole measure. But it is California which we have been charged with introducing into this bill for the purpose of conciliating support for other measures; it is California that has created all the difficulties, or at least the chief part of the difficulties, which the bill has encountered. Now, Mr. President, what may be the ultimate vote which may be given, in consequence of the mode in which California is bounded, by the three senators to whom I have referred, depends upon their own judgment, and upon their own proper sense of duty. I must say to them—and I hope they will take it in the same kind and candid spirit in which it is mentioned—that I can not see the slightest reason why they should reject the whole measure because there is something in it dis-

sold, or for the purpose of being placed in dépôt, to be subsequently transferred to any other State or place. And if any slave shall be brought into the said District by its owner, or by the authority or consent of the owner, contrary to the provisions of this act; such slave shall thereupon become liberated and free.

satisfactory to them in respect to California. They know that if this measure is defeated, the chairman of the Committee on Territories [Mr. Douglas] will call up the California bill separately, and that it will be passed as it is—with all its exceptionable features of extended limits and full representation—in both Houses by a considerable majority. Will they, then, on account of the California part of the bill—the passage of which, when presented singly, may be regarded as an inevitable event—will they on account of any difficulties not amounting to constitutional difficulties—for I admit, if gentlemen have, on a deliberate review of their opinions, difficulties of a constitutional nature, nothing can or should overcome them—will they be constrained from the necessity resulting from entertaining those opinions, to vote against the entire measure?

But, sir, as I happen to hold directly the opposite opinion, that there is nothing constitutional in any of the objections taken to the admission of California, and as I trust these senators will themselves perceive that there is no constitutional ground of objection—that it is altogether matter of expediency, addressing itself to the sound discretion and deliberate judgment of Congress—I do hope and trust, on account of the objections that exist to the admission of California, when they perceive it is a part of a great system of reconciliation and harmony to the country, they will not be disposed to reject the benefits and compensations to be found in other parts of the bill; because they know full well that California, just as she has presented herself, with the representation proposed by her, will be inevitably admitted, provided this bill is defeated. They must also well know that the admission of California alone, without any measure accompanying it, will have the unavoidable tendency of aggravating the sense of wrong and injury—whether well or ill-founded—that exists in the quarter of the Union from which the senators to whom I referred come.

With respect to the territorial governments, it is also a fact worthy of remark that scarcely a senator who has risen upon this floor has failed to acknowledge the duty of Congress to provide territorial governments. Every senator, almost, who has spoken on the subject, has admitted that territorial governments ought to be provided; some wishing for the Wilmot provisio, and others objecting to the proviso; but with or without the Wilmot proviso, I have not heard a solitary senator say that it was not the bounden duty of Congress to institute territorial governments for these Territories.

With regard to another plan of disposing of the question—the plan which, upon a former occasion, I characterized as the plan of the executive—of the late President of the United States—I shall have a few brief observations to make. Allow me to take this occasion—the only suitable one, in my opinion—of expressing my deep regret and my profound sympathy with the family of the illustrious deceased. I had known him, perhaps, longer than any other man in Washington. I knew his father before him—a most estimable and distinguished citizen of Kentucky. I knew the late

President of the United States from the time he entered the army until his death, although not seeing him often, in consequence of our operations in different spheres of public duty in our country. He was an honest man —he was a brave man: he had covered his own head with laurels, and had added fame and renown to his country. Without expressing any judgment upon what might have been the just appreciation of his administration of the domestic civil affairs of the country, if Providence had permitted him to serve out his term, I take pleasure in the opportunity of saying, in reference to the foreign affairs of our government, that in all the instances of which any knowledge has been obtained by me of the mode in which they were conducted by the late administration, they have met with my hearty and cordial concurrence. During the residue of the remarks which I may address to you, if I shall have occasion to say any thing upon the plan proposed by the late president, it will be with the most perfect respect to his memory, without a single feeling of unkindness abiding in my breast. Peace to his ashes! and may he at this moment be enjoying those blessings in another and a better world, which we are all desirous, sooner or later, to attain!

But with respect to the mode of getting over the difficulty in regard to New Mexico, the plan was that New Mexico should come in as a State, as soon as she had organized a State, adopted her Constitution, and presented it here. Now, Mr. President, the senator from New Jersey, who sits near me (Mr. Dayton), argued in this way: "You of the committee have given to the people of New Mexico the power of legislation, the power to elect their legislators, the power to pass such laws as may be best adapted to their condition; and where is the difference between the powers with which they are so invested, and receiving New Mexico as a member of the Union, represented in both branches of Congress?" Why, Mr. President, there is all the difference in the world. There is scarcely any people so low in the stage of civilization, even the Esquimaux, or the Indians on any portion of our continent, that they may not comprehend and be able to adopt laws suited to their own condition—few, simple, clear, and well understood, for, in their uncivilized state, it is not necessary for them to have a cumbrous code of laws. But it is a widely different thing whether the people of New Mexico may not be capable of passing laws adapted to their own unripe and yet half-civilized condition. I speak not of the American portion of the population there, but of the Indians, the Pueblo Indians, and some of the half-bloods. It is a very different thing whether they may not be capable of enacting laws suited to their own condition, or whether they may have two senators on this floor, and members in the other House, to survey the vast and complicated foreign and domestic interests of this great republic, and legislate not for themselves only, but for us and our present generation.

For one, sir, I must say I should be utterly unwilling to receive New Mexico as a State in her present immature condition. A census will be

shortly taken, and we shall then know the exact condition of her population. If I am not greatly deceived in my opinion, it will turn out that there are not perhaps one thousand American citizens within the limits of New Mexico, and perhaps not above eight thousand or ten thousand of Mexicans and mixed breeds, exclusive of Pueblo and other Indians, and they certainly not in a condition to comprehend the duties and attend to the rights and obligations which belong to the exercise of the government of the people of the United States. It will turn out, I am quite sure, when the returns of the census are made, that there is no stated population in New Mexico, such as would justify us in receiving her into the Union, and giving seats to be occupied by members from that State—may I not say it?—in this august assembly.

Now, sir, New Mexico herself was conscious of her own imperfect condition. New Mexico was desirous of a territorial government. If she has been pushed upon the proposal of a government of a different character, to which her population and her condition did not adapt her, it has only been in consequence of her extreme necessity, pressing her to despair upon her part of obtaining any territorial government.

Thus, then, Mr. President, we all agree about the necessity of a territorial government, with or without the Wilmot proviso. We all agree about the necessity of an adjustment of the Texas boundary—a boundary out of which I say there is imminent danger of springing—if the question be not adjusted during the present session of Congress—one, if not two civil wars —the civil war between the people of New Mexico, in resistance to the authority of Texas, to which they are utterly averse, and the civil war lighted up on the upper Rio Grande, which may, in time, extend itself to the Potomac. All, therefore, must agree—all have felt—every senator who has expressed his opinion upon this subject during the progress of this debate has avowed his conviction of the necessity of an adjustment, a compromise, a settlement of this boundary.

It has been objected against this measure that it is a compromise. It has been said that it is a compromise of principle, or of a principle. Mr. President, what is a compromise? It is a work of mutual concession—an agreement in which there are reciprocal stipulations—a work in which, for the sake of peace and concord, one party abates his extreme demands in consideration of an abatement of extreme demands by the other party; it is a measure of mutual concession—a measure of mutual sacrifice. Undoubtedly, Mr. President, in all such measures of compromise, one party would be very glad to get what he wants, and reject what he does not desire, but which the other party wants. But when he comes to reflect that, from the nature of the government and its operations, and from those with whom he is dealing, it is necessary upon his part, in order to secure what he wants, to grant something to the other side, he should be reconciled to the concession which he has made, in consequence of the concession which he is to receive, if there is no great principle involved, such as

a violation of the Constitution of the United States. I admit that such a compromise as that ought never to be sanctioned or adopted. But I now call upon any senator in his place to point out from the beginning to the end, from California to New Mexico, a solitary provision in this bill which is violative of the Constitution of the United States.

Sir, adjustment in the shape of compromise may be made without producing any such consequences as have been apprehended. There may be a mutual forbearance. You forbear upon your side to insist upon the application of the restriction denominated the Wilmot proviso. Is there any violation of principle there? The most that can be said, even assuming the power to pass the Wilmot proviso, which is denied, is that there is a forbearance to exercise, not a violation of, the power to pass the proviso. So, upon the other hand, if there was a power in the Constitution of the United States authorizing the establishment of slavery in any of the Territories—a power, however, which is controverted by a large portion of this Senate—if there was a power under the Constitution to establish slavery, the forbearance to exercise that power is no violation of the Constitution, any more than the Constitution is violated by a forbearance to exercise numerous powers that might be specified that are granted in the Constitution, and that remain dormant until they come to be exercised by the proper legislative authorities. It is said that the bill presents the state of coercion—that members are coerced in order to get what they want, to vote for that which they disapprove. Why, sir, what coercion is there? Is there any coercion in the numerous treaties made by the United States —the treaty in settling the Maine boundary; the treaty coming down from 54° 40′ to 49° in Oregon; all treaties which have been made upon commerce, upon boundaries, and other questions from time to time by the United States upon the principles of mutual and reciprocal concession on the part of those who made them? Is there any more coercion in this case than in the passage of a bill containing a variety of provisions, some of which you approve and others of which you disapprove? Can it be said, upon the part of our northern friends, because they have not got the Wilmot proviso incorporated in the territorial part of the bill, that they are coerced—wanting California, as they do, so much—to vote for the bill, if they do vote for it? Sir, they might have imitated the noble example of my friend (Mr. Cooper) from that State upon whose devotion to this Union I place one of my greatest reliances for its preservation. What was the course of my friend upon this subject of the Wilmot proviso? He voted for it; and he could go back to his constituents and say, as all of you could go back and say to your constituents, if you choose to do so, "We wanted the Wilmot proviso in the bill; we tried to get it in, but the majority of the Senate was against it." The question then came up whether we should lose California, which has got an interdiction in her Constitution, which, in point of value and duration, is worth a thousand Wilmot provisos; we were induced, as my honorable friend would say, to take the bill and the

whole of it together, although we were disappointed in our votes with respect to the Wilmot proviso—to take it, whatever omissions may have been made, on account of the superior amount of good it contains.

It is said, Mr. President, that this "omnibus," as it is called, contains too much. I thank, from the bottom of my heart, the enemy of the bill who gave it that denomination. The omnibus is the vehicle of the people, of the mass of the people. And this bill deserves the name for another reason: that, with the exception of the two bills which are to follow, it contains all that is necessary to give peace and quiet to the country. It is said sometimes, however, that this omnibus is too heavily freighted, and that it contains incongruous matter. I shall not repeat the argument which I have addressed to you heretofore, showing that, according even to the British parliamentary law, but more especially according to the congressional law, this bill is in conformity with practice in innumerable instances. But the ostensible objection that it contains too much matter is not the real one. Do you believe that the senator who sits before me (Mr. Baldwin), and other senators in this neighborhood, if you would attach to the territorial bills the Wilmot proviso, would have seen the incongruity or felt any intolerable burden? Would not the senator even from Massachusetts (Mr. Davis), have voted for the whole of this incongruous bill with pleasure, if it had only contained the Wilmot proviso? It is not that the bill has too much in it: it has too little, according to the wishes of its opponents; and I am very sorry that our omnibus can not contain Mr. Wilmot whose weight would break it down, I am afraid, if he were put there. (Laughter.) This incongruous measure, which has already too much matter in it, has not enough for the senator from Tennessee (Mr. Bell). He wants to put in it two or three more States from Texas, provisionally, upon the event of their becoming applicants for admission into the Union. No, sir; it is not the variety of the matter—it is not the incongruity, the incompatibility of the measures and the bill, but it is because the bill does not contain enough to satisfy those who want the "Wilmot," as it has been properly called, placed in the omnibus.

Why, Mr. President, incongruous as it may be supposed, this measure has not half the incongruity of the elements of opposition to the bill. While upon this part of my subject, allow me to answer an argument delivered with all possible self-complacency by the honorable senator near me (Mr. Hale) the other day. He said he had gone into a certain apartment of this capitol, and there he had found my friend from Michigan (Mr. Cass) and myself in close conversation; and the senator from Mississippi (Mr. Foote) with a senator now no longer in his place, but a senator called by a grateful country to a more responsible station, and who has left us only this morning (Mr. Webster). I might have inquired how the senator came there. May I ask to what keyhole he applied his ear or his eye —in what curtain he was ensconced—to hear and perceive these astonishing circumstances, which he narrated with so much apparent self-satisfac-

tion? (Laughter.) Sir, I have been in repeated consultation with my friend (Mr. Cass)—for so I will call him, and he has shown himself to be the friend of the peace of his country—during the progress of this measure, and also with other democratic friends upon this measure. Repeatedly have I been in consultation with them upon the subject of this bill and the amendments which have been proposed. I regret only that our consultations have not been more numerous and of longer duration. But how stands the matter with us, with the friends of this bill? On the subject of slavery, the treatment of California, the Territorries, the adjustment of the boundaries of Texas, the fugitive-slave bill, and the bill for abolishing the slave-trade, there is no difference of opinion between my democratic friends whom I have consulted and myself; but there has been perfect union during all our consultations. Allow me to say that there is not a a solitary instance in which a subject connected with party politics, upon which we might have heretofore differed in the progress of the administration of our government, has been adverted to. We spoke of that measure which absorbed all our thoughts, which engrossed all our hopes, which animated all our anxieties—the subject of pacifying, if possible, the distracted parts of the country—a subject upon which, between us, there was a perfect coincidence of opinion.

But how does the matter stand with the extremes who are united against this measure? Why, they are extremes upon this very measure, and upon this very subject of slavery! Upon the very subject under consideration there is among them no union of sentiment, no coincidence of opinion, and yet a most cordial and confidential co-operation. In our meetings upon this subject, in our consultations, democrats and whigs convened and consulted together. They threw aside, as not germane, and as unworthy of their consideration, all the agitating party politics of the day; and I venture to say that, in those meetings between my democratic friends and myself, there was no diversity or contrariety of opinion upon the only subject that brought us together. If I am not utterly mistaken, there are no such union and coincidence of opinion between the opponents of this bill, who, upon the very subject of slavery to which it relates, are as wide apart as the north and south poles. Some of the opponents of this bill have had quite as frequent consultation as its friends. Whether the senator near me, from New Hampshire [Mr. Hale], was present or not, I am not able to say. I do not recollect to have heard that he was one of them; but I—

Mr. Butler (interposing). I hope that the senator—

The President. Does the senator from Kentucky yield the floor?

Mr. Clay. No, sir, unless it is for an explanation.

Mr. Butler. I only wish to know of one meeting of the particular kind alluded to, caucus or any thing of that sort, where these incongruous elements have met together.

Mr. Clay (resuming). I was going to exonerate you from the associa-

tion, and I only wish I could separate you upon the final vote. [Laughter.] I am afraid we shall find you then together. Whose eyes have not witnessed the consultations between the extremes of this chamber from day to day? The eyes of every discerning senator must have noticed it. But whether in the consultation between these ultra gentlemen from the South there was any mixture of the abolition element which is near me or not, I was about to remark that I could not say. I have not heard, indeed, that the senator from New Hampshire [Mr. Hale] was present. But if he was absent, and those others about to vote upon the final question with some of our friends upon the other side, there is no doubt of the fact, from what I have heard, that the consultations of some of the opponents of the bill were quite as frequent as any which have taken place between the friends of the bill.

Mr. Dayton (interposing). I dislike to interrupt the senator; but I desire, as one of the opponents of this bill on this side of the chamber, to disclaim all knowledge, either direct or indirect, of any such meeting for consultation upon this subject.

Mr. Clay. Does the senator deny all consultation?

Mr. Dayton. I have no knowledge of any.

Mr. Clay. I alluded more particularly to some senators whose consultations, as I have heard, have been frequent, very frequent; but I do not assert it as a fact.

Mr. Mason. I would ask the senator, when he alludes to southern senators, of whom I am one, if he would be good enough to declare whether he ever heard, or whether he has any reason to believe, that senators from the southern States have met in consultation upon this bill with any senator from the free States?

Mr. Clay. No, sir; I have not heard so. But at the same time I would ask the senator from Virginia whether they have not had frequent consultations among themselves?

Mr. Mason. I will answer freely. There certainly have been frequent consultations between senators from the southern States upon questions involving the dignity, honor, and safety of the southern States, involved as they conceived in the provisions of this bill.

Mr. Clay. And so, undoubtedly, did our consultations relate to the dignity, honor, and safety of the Union, and the Constitution of our country. [Loud applause from the gallery.]

The President. Order! The sergeant-at-arms will clear the gallery if order is not preserved. The Chair will not permit the applause to be repeated; if it is, he will be under the necessity of ordering all persons to leave the gallery.

Mr. Clay. Mr. President, there is neither incongruity in the freight nor in the passengers on board our omnibus. We are all heartily concurrent upon the only topic which brought us together, and which constitutes the sole subject of our consultation. We have no Africans or abolition-

ists in our omnibus—no disunionists or free-soilers, no Jew or Gentile. Our passengers consist of democrats and whigs, who, seeing the crisis of their common country, and the dangers impending over it, have met together, forgetting and throwing far behind them their political differences on other subjects, to compare their opinions upon this great measure of reconciliation and harmony.

Mr. President, how stand the questions which have formed the subjects of our deliberation so long? One party wants the immediate admission of California, and wants the imposition of the proviso in the territorial governments. The other party wants the limits of California circumscribed, and the Missouri compromise line applied—some of them with the express recognition of the right to carry slaves south of it; others without such a recognition, trusting to an implied constitutional right; and these other parties are strenuously opposed to the proviso. Some, again, want the Texas boundary settled, and others want it to be left open. These are the conflicting opinions which we recognize in this body. How are they to be adjusted? Is there a senator or member of the House, is there a man in this wide country, who will say that Congress ought to adjourn without settling these questions? Not one. How are these conflicting opinions to be adjusted, then? Can it be otherwise done than by meeting in the spirit of amity and conciliation, and reconciling the great interests to be preserved and promoted by union and concord?

The honorable senator from Massachusetts [Mr. Davis] says there are no parties who can make a compromise. Will the senator excuse me for saying that this remark smells too much of the technicality of Blackstone? No parties! Are there not great conflicting interests, conflicting opinions, pervading the whole country? Who are the parties in that greatest of all compromises—the Constitution of the United States? There were no technical parties to that instrument; but in deliberating upon what was best for the country, and perceiving that there were great and conflicting interests pervading all its parts, they compromised and settled them by ample concession, and in the spirit of true patriotic amity. They adjusted these conflicting opinions; and the Constitution, under which we sit at this moment, is the work of their hands—a great, a memorable, magnificent compromise, which indicates to us the course of duty when differences arise which can only be settled by the spirit of mutual concession. Sir, do we not know, and have we not reason to apprehend, that without a combined measure you can do nothing? I have heard, Mr. President, that a different temper prevails at this time—that it is possible to carry these measures if they are presented in succession, just as they have been reported by the committee. I take the occasion to say, and I am sure I express the sentiment of every member of the committee, that we are not prompted by the pride of opinion, or wedded to any given system of arrangement or settlement of these great national questions. We preferred combining them in one measure because we thought it most practical and

most likely to lead to an auspicious result But if it can not be adopted in the conjoint form reported by the committee, and if the desired object can be better attained by action upon a series of successive measures, without the odious proviso, not a murmur of complaint, I am quite sure, will ever be heard from a member of the committee. It is not the means, it is the great specific end we have in view; and however that end is attained —whether by such an arrangement as this committee has proposed, or by separate acts of legislation—the committee and myself are utterly indifferent. But it is known to you that if all the measures comprised in the bill under consideration are not passed, there is danger that in the presentation of those measures in detail, some of them would fail, and the result would be, that while one party got all that it immediately wanted, the other would obtain nothing which it desired. You know there was great cause to apprehend—I hope there may be none now—that, in the separate presentation of the measures, the consequence would be the attachment of the Wilmot proviso in one or the other of the two Houses, and the utter failure to establish any territorial governments of Utah and New Mexico. It was thought then that, in the spirit of our revolutionary sires, in the spirit which has heretofore pervaded all our government, conciliating and reconciling as much as possible opposing and conflicting interests and opinions, we would present a measure which would bind all, and that would lead both parties, as far as practicable, to unite upon it for the sake of harmony and tranquillity. We thought then, as I think now, that senators from the northern States might go home to their constituents, after this measure shall have been passed, and say, "We have got California; she is secure; there is a prohibition of slavery in her Constitution that will last perhaps forever; whereas the Wilmot proviso would have a limited and an evanescent duration, existing while the territorial form of government remained, but ending whenever the State should come to form for herself a Constitution." This, our northern senators might say with great propriety to their constituents: "We have secured California for you; she is dedicated now forever to that free-soilism which you so much prize." "Well; but why, then," they might reply, "have you not put in a restriction in the territorial bill, so as to secure that, at least until they come to be ripe enough to form State governments for themselves?" Would it not be a satisfactory reply to them to say, that in your opinion, and in the opinion of a large portion of this Senate, the law of nature, and of nature's God, excluded slavery from these Territories, and, according to your opinion also, the lex loci of the land also exclude slavery? And might you not further add, with propriety, that you endeavored to reconcile the distracted and disunited portions of this great empire, and you thought that no imposition or restriction was necessary to any object which you desired to attain, and in a spirit of conciliation, therefore, you forbore to vote against the final measure, because it secured so much of what the North wanted? Could

you not say that you were not in danger of losing what you also wanted in respect to the residue of the country?

This subject has presented one of the most extraordinary political phenomena that I ever witnessed. Here is a united Senate almost in favor of all the measures in detail—in favor of the admission of California; in favor of territorial governments for Utah and New Mexico, with or without the proviso; in favor of the settlement of the boundary with Texas—in favor of all these measures in detail, but opposed to them when they come to be presented unitedly to be acted on; admitting the validity of every item of the account, but, when it comes to be footed up, denying or unwilling to acknowledge the justice of paying the aggregate! Sir, if the measures had been more incongruous than they are alledged to be, there has been ample time for a just conception of them, and just as perfect an understanding of them as if they had been presented in successive details.

I wish again to make only a very few observations about this same proviso. It has been argued with an ability which requires no addition, or attempt at addition, from me, by the senator from Massachusetts who has just vacated his seat, that the proviso is not, in itself, a principle, but a means to accomplish an end. And where, let me ask, exists the necessity for a proviso? You have been told that the existence of African slavery depends upon the character of the climate and of the soil. The nature of the soil of New Mexico forbids the expectation that slavery will ever be planted there. Why, we all know that slave labor is applicable only to the great staples which constitute the subjects of our foreign commerce—cotton, sugar, hemp, tobacco, and rice. Slave labor has been found, according to American experience, to be utterly valueless, or at least to a great extent valueless, in those States where these staple articles are not cultivated. Does any body pretend that the soil of New Mexico or Utah is adapted to the cultivation of these articles? Do we not all know that if it were adapted, and the climate and soil would allow of their being cultivated, the expense of transportation from New Mexico or Utah, either to the Pacific on the one hand, or to the Gulf of Mexico or the Atlantic on the other, would be, perhaps, ten times the value at home of any of these articles?

But the honorable senator from Massachusetts (Mr. Davis) has found out a new object of temptation in respect to slaves in New Mexico. He has employed an expression which filled all of us with profound regret, on account of the dignity, the character of the senator, and the high stations which he has occupied. He spoke of New Mexico being adapted to the breeding of slaves. He has had the good taste to omit that expression in his printed speech, and to substitute for it the "traffic" in slaves.

Mr. Davis (in his seat). I believe I did not use that expression.

Mr. Clay. The senator did employ it, for it was heard and noticed by more than myself.

Mr. Davis. One can not always remember the language he uses in the hurry of a debate. I can only say that I have no recollection of using the word "breeding;" and I think if the reporter's notes are preserved and referred to, the word will not there be found. I shall have the curiosity to look and see if it is so; but according to the best of my recollection, I spoke of the capacity of the country for the "traffic" in slaves.

Mr. Clay. That is the language of the gentleman's speech, as printed; but the word "breeding" was used by the gentleman, or I never heard a word of the speech. Several senators took a note of it, and we expressed how much we were shocked and surprised at it. It was one of the principal topics of the senator's speech to talk about the cotton power, the cotton interest, and the breeding of slaves. Now, if the senator had put it on the ground of a *lapsus linguæ* from the heat of debate, or the unguarded character of debate, I should not insist upon attributing it to him; but the expression was used by him, and I marked it; it was fixed on my memory, and very much did I regret that he made use of it. This talk, sir, about the cotton power, the lords of the loom, and the breeding of slaves, will do for the bar-rooms of cross-road taverns; but I never hoped or expected to hear upon the floor of the Senate such epithets applied to the great manufactures of the North and the cotton-growers of the South. I have struggled with the honorable senator side by side, and I think he might have been disposed to do some little justice to those States which stood by the North in the great measure of protection to American industry. They were Maryland, Delaware, North Carolina, Kentucky, and Tennessee, which have generally stood by the principle of protection to northern interests; and, among the more southern States, Georgia, I believe, from what I have seen of recent manifestations of opinion by her representatives, was almost ready to come up to the support and protection of our own domestic interests. And does not the senator know that it was not the South, the unaided South—for what could the South do alone in prostrating the principle of protection?—but it was the North and the South combined—it was Pennsylvania (unintentionally) and New York, and Indiana, and Illinois, and Maine, and New Hampshire, and other free States, that decided the memorable contest of '44, and, combined with portions of the South, repealed the act of '42 by the passage of the act of '46, and prostrated the principle of protection. And although, as I have stated on a former occasion, the South may be said in some sense to have had the general sway in the political affairs of this country for a long term of years, and, although the presidential office has been filled for the most part with her citizens, perhaps it would be as near the truth of history to say that the North itself has governed the country through the South. And is the honorable senator from Massachusetts sure that if the calamitous event of the dissolution of the Union were to take place, and the North exclusively had the power of passing upon the principle of protection, it could be now established? Unquestionably without the concurrence and support of the North, none

of these great measures which are charged to the account of southern domination—the "slave power," or the "cotton power," could have passed. Sir, if my honorable friend (for so I wish still to regard him) wishes ever to see a moderate tariff established in this country, which shall secure protection to some extent, he will not do it by throwing out taunts such as he has done toward the southern portion of the country in respect to the "cotton power" or "slave-breeding interest."

This charge upon the slaveholding States of breeding slaves for market is utterly false and groundless. No such purpose ever enters, I believe, into the mind of any slaveholder. He takes care of his slaves; he fosters them, and treats them often with the tenderness of his own children. They multiply on his hands; he can not find employment for them, and he is ultimately, but most reluctantly and painfully, compelled to part with some of them because of the increase of numbers and the want of occupation. But to say that it is the purpose, design, or object of the slaveholder to breed slaves, as he would domestic animals, for a foreign market, is untrue in fact, and unkind to be imputed, or even intimated, by any one. And it is not by such reproachful epithets as "lords of the loom," "lords of the plantation," "the slave power," and "the money power," that this country is to be harmonized, especially when we are deliberating upon those great measures which are essential to its onward progress, and to its present and future prosperity.

Mr. President, it is one of the peculiar circumstances attending my present position, as I remarked on a former occasion, that I am generally called upon to vindicate the measures proposed in this bill against those whom we have regarded as the friends, as well as those who are considered as open, avowed opponents of the measure. I anticipated the other day, somewhat, the argument which I beg leave barely to advert to now. I think among our southern friends two or three great errors are occasionally committed. They interpret the Constitution according to their judgment; they ingraft their exposition upon it; and, without listening to or giving due weight to the opposite interpretation, to the conflicting exposition which is as honestly believed by the opposite interpreters as they believe on their side, they proclaim their own exposition of the Constitution, and cry out, "All we want is the Constitution!" In the comparison and expression of opposite opinions, infallibility is not the lot of mortal man. It belongs only to Him who rules the destinies of the world; and for any section or any set of gentlemen to rise up and say the "Constitution means so and so, and he who says otherwise violates the Constitution," is, in itself, intolerant, and without that mutual forbearance and respect which are due to conflicting opinions, honestly entertained by all who are equally aiming to arrive at the truth. Now, I said the other day that the Wilmot proviso, as proposed to be enacted by the Congress and incorporated in territorial bills, was a question totally distinct from the insertion of the restriction in a Constitution formed by a newly organized State.

It is the opinion of the opponents of the bill, and the opinion, too, of some of its friends—although it is not my own opinion—that the Constitution confers no authority upon Congress to impose a restriction upon the subject of slavery in territorial governments. Very well; if Congress has no power to impose such a restriction, and nevertheless does exercise such a power, it is usurpation; it is the assumption of illegal authority; it is wrong in any view of the matter—a grievous and oppressive wrong. But when a State which is about to enter into the Union, and is deliberating concerning a Constitution which is best adapted to promote her interests and happiness, chooses to consider whether she shall admit or exclude slavery, and decides to exclude it, can such an exercise of authority on the part of the State—a conceded power—be confounded with the unconstitutional exercise of it by Congress?

Now, do not our southern friends who oppose this bill upon the ground that there is an interdiction to the introduction of slavery in the California Constitution, and that this is equivalent to an interdiction exercised unlawfully by Congress, according to their views—do they not mingle truth and falsehood, black and white, things totally dissimilar? It is of no consequence what effects the one or the other measure may produce. That is a different question. The question is one of power; and I say the exercise of such a power, which they regard as a usurpation by Congress, is totally distinct from the lawful exercise of a similar power by the State forming for herself and her own government a Constitution. Three years ago, two years ago, one year ago—one short year ago—the great complaint, on the part of the slaveholding States of this Union, was the apprehended infliction upon their interests of a restriction called the Wilmot proviso. Well, we have met together; there has been a change of public opinion, a modification of public opinion, at the North. And allow me to say that, with regard to that most important portion of our Union—its north-west section—that no man is more entitled to honor and gratitude for this salutary change than the honorable member in my eye (Mr. Cass), who represents Michigan. He came here with his hands tied and bound by a restriction which gave him no other alternative than a violation of his conscientious convictions of duty, or a resignation of his seat into the hands of those who sent him here. Discussions have taken place in this House, in the country, in the press—they ran through the North, and Michigan nobly released and untied the hands of her senators, and left them free to pursue their own best judgment to promote the interests of their country. And allow me to say this is the feeling of all the north-west. There is, indeed, one honorable senator here (Mr. Dodge, of Wisconsin), whose grave and Roman-like deportment in this body has filled me with admiration throughout our entire service here together—a senator crowned with laurels by his military deeds in the field of battle. And if he will allow me to address him, approaching, as we both are, to the close of life, I would say to him that there is nothing wanting to a consummation of his glory, and his

assignment to a more important and conspicuous position in the country's history—there is nothing wanting but to cap the climax of renown by contributing to carry triumphantly through this important measure of conciliation.

Let me for one moment—assuming the passage of the various measures which compose the system reported by the Committee of Thirteen—let me see what will be the condition of the two sections of the Union—what has been gained and lost by each. The North gains the admission of California as a free State, and the high probability of New Mexico and Utah remaining or becoming free territory; avoids any introduction of slavery by the authority of Congress; sees New Mexico detached from Texas, with a high degree of probability—from the nature of the climate and the character of the soil, and from other circumstances—that New Mexico will ultimately become a free State; and secures the abolition of the slave-trade in the District of Columbia. Are not these subjects of sufficent magnitude to satisfy any moderate, rational, northern wishes? And what will the South gain? The South avoids the assertion by Congress of the dangerous principle, as they regard it, contained in the Wilmot proviso; places beyond controversy nine hundred miles of the territory of Texas on the Rio Grande, now in dispute; gains an efficient fugitive slave bill, and silences the agitation about the abolition of slavery in this District. Sir, it may happen—and I am not going to disguise my convictions as to the probabilities of the fact—that the South will get no territory in Utah, New Mexico, or California, adapted to slave labor, in which slaves will be introduced. But this is not the fault of Congress. It is congressional power, congressional usurpation, congressional assumption of an unlawful authority over the institution of slavery, against which the South raises her voice in protestation. If she can not get slave territory in California, New Mexico, and Utah, whose fault is it? She can not blame Congress, but must upbraid nature's law, and nature's God!

In human affairs yet to be attained, there are four conditions under which they present themselves—the certain, the probable, the possible, and the impossible or the inevitable. The certain requires no effort; the probable only a little effort; the possible might be accomplished by an indomitable will, and an energetic perseverance in the pursuit of it. But that which is impossible and inevitable, philosophy, reason, religion, and all the guides which are given to us by the blessing of God, inculcate upon us the duty of submission to His will, and resignation to His paramount authority. Now, it is inevitable in my opinion, that southern slavery is excluded from the possession of any portion of California, Utah, probably of New Mexico; and, if so, why contend for it? Now, what is it that distracts the public mind? A mere abstraction. We look back with surprise and astonishment at the prosecutions and punishments for witchcraft that some two hundred years since occurred in the States of Massachusetts and Connecticut. Two hundred years hence, if not much

sooner, our posterity will read the history of the present times, agitating and threatening the country as they do, with as much astonishment as we pore over the leaves of the historian in which he recounts the witchcraft and the persecution and punishment of witches in former times. And why contend for carrying slaves to Utah and New Mexico, where there is nothing upon which their labor can be employed—where nobody will take them? Let me remind gentlemen now, while upon this part of the subject—I mean those who are desirous for the greatest extension of the theater of slavery—of a danger, and a great and imminent danger, which they are incurring. I venture a prediction—not likely to be fulfilled or decided, perhaps, in the course of the short remnant of my life—that if Texas includes all the territory now claimed by her—nay, I go further, although the contingency I am about to state is less likely to happen by the curtailment of the boundary—I venture to say that, in some thirty, forty, or fifty years, there will be no slave State in the limits of Texas at all. I venture to predict that the northern population—the population upon the upper part of the Rio Grande—will in process of time greatly outnumber the population holding slaves upon the Gulf and the lower waters of Texas; and a majority will be found to be adverse to the continuance of slavery, and it will either be abolished, or its limits effectually circumscribed. This is no new opinion with me. I think that I gave the same in a letter which I wrote some six years ago from Raleigh, in the State of North Carolina. I said, that if two, three, or four States were formed out of Texas, they would ultimately become free States. And I say that the probability is very great of all Texas becoming free, if it all remains as she has claimed, including from the mouth of the Rio Grande to its source, or even limited by El Paso. But, whether it be great or small, it appears to me that it is the interest and duty, and it should be the inclination of the South, to look at facts and nature as they exist, and to reconcile themselves to that which is inevitable and impossible—to reconcile themselves to the fact that it is impossible, however desirable it may be in the opinion of any of them, to carry slaves to the countries which I have described.

But, Mr. President, in the supposition which I have made as to what is gained by either section of the Union in consequence of this arrangement of the common difficulties between them, is there any thing of which the South can justly complain? The fault of Congress can not be cited as depriving them of the opportunity of carrying their slaves there. The provisions of the bill are that the people are left free to do as they choose. There is, indeed, one provision, which did not meet with my approbation, and with which I would have been better satisfied had it been left out; and that is, the provision which does not permit the government of the Territories to establish or prohibit slavery. But it was introduced at the instance of some southern gentlemen. And another amendment was also introduced at their instance, which expressly provides that if any States from this Territory shall come here, with a Constitution admitting slavery,

such State is to be admitted; that the fact of the provision for or against slavery is to constitute no objection to her admission into the Union. Now, what complaint can the South make if the whole scheme is carried out? The South gains a virtual abandonment of the Wilmot proviso, avoids the assumption of any power dangerous to the institution of slavery within the States, or the application of such power to slavery without the States, and secures nine hundred miles of now disputed territory. It is quite unreasonable for any gentlemen from the South or elsewhere to get up and say that the title of Texas to this country is indisputable; that it is as clear as the title of any other State to any territory in the Union. There is an opposite opinion, and I share myself in the doubt of the validity of the claim of Texas from the mouth of the Rio Grande to the source of that stream. There are opposite opinions, honestly and sincerely entertained by both parties. What is to be done in such a case? You refuse to appeal to the Supreme Court of the United States; you disown any jurisdiction which can settle the question. Texas at this moment threatens, we understand, by force of arms to enforce her claim upon New Mexico. How is the question to be settled? Can it be done otherwise, satisfactorily done, than by compromise, and by the compromise proposed in this bill? I repeat, the South gets nine hundred miles of the best part of the country bordering upon the Rio Grande put out of the controversy as to the present right to transport slaves there. She gains the abandonment of the Wilmot proviso, and she gets a fugitive slave bill, which I trust will be rendered efficient; and she also gets, as I trust I shall be able to show in the progress of my argument, the abandonment of the agitation of the abolition in the District of Columbia. What more can the South ask? Congress does nothing to injure her, denies her no rights, has offered as much as it can, and says that if any new State shall come here, it shall be admitted with or without slavery, as they choose. What more, let me ask, can the South demand?

Sir, I repeat that, if the South does not gain the sanction of her right to carry slaves into the new acquisitions, it is because, according to her own doctrine, Congress has no constitutional authority to confer such a privilege, and because California, exercising her undoubted power, has excluded slavery from her limits, and because in the limits of Utah and New Mexico the laws of nature and of nature's God exclude slavery. Now, let me, at this point of the case, stop a moment to compare the system of measures recommended by the committee with what has been contended for by some of the southern senators during the progress of this bill, viz., the line of thirty degrees thirty minutes to be run to the Pacific—to cut that much off, of course, from the State of California. Let us consider that question under two aspects; first, without a provision that slaves may be carried south of that line; and secondly, with a provision that they may be carried south of that line. If a line is run without a declaration as to its effect upon the one side or the other of the line, you might as well

run a line upon the sands, upon the ocean, or in the air; it would be obliterated by the first blast of wind or the first billow. I am aware that there are gentlemen who maintain that, in virtue of the Constitution, the right to carry slaves south of that line already exists, and that, of course, those who maintain that opinion want no other security for the transportation of their slaves south of that line than the Constitution. If I had not heard that opinion avowed, I should have regarded it as one of the most extraordinary assumptions, and the most indefensible positions that was ever taken by man. The Constitution neither created, nor does it continue, slavery. Slavery existed independent of the Constitution, and antecedent to the Constitution; and it was dependent in the States, not upon the will of Congress, but upon the law of the respective States. The Constitution is silent and passive upon the subject of the institution of slavery, or rather it deals with a fact as a fact that exists, without having created, continued, or being responsible for it, in the slightest degree, within the States. There are but three provisions in the Constitution which relate to the subject of slavery. There is that which subjects slave property to taxation; that which makes it a component part in the estimation of the population in fixing the ratio of representation; and that which provides for the recovery of fugitive slaves. That is the whole extent of the constitutional provisions upon the subject of slavery. It no more instituted slavery, or is responsible for its continuance or its protection for a moment, while it remains within the bosom of the States, than it is responsible for the protection of any other personal property, depending for its protection upon the State and not upon congressional law. Why, it is said that upon the high seas, a vessel, of whose cargo slaves compose a part, would be under the protection of the Constitution and the government of the United States. So it would be upon the ocean; and why? Because there is no separate jurisdiction existing there in any nation; but there is a common jurisdiction—common to all nations—and the flag which floats at the mast-head of the ship carries with it the laws of the nation to which the vessel belongs. But the moment the vessel gets out of that jurisdiction, the moment it gets into a separate territorial jurisdiction, the flag, and the ship, and the cargo become subject to that territorial jurisdiction, and are no longer under the protection of the Constitution of the United States. Why, sir, that is not only true of the free States of this Union, but is true of the slave States. Thus, if a vessel leaves the port of Charleston with a cargo of slaves, and enters into the port of Boston or New York, the moment she casts anchor within the harbor—the moment she comes within the territorial jurisdiction of the laws of Massachusetts or New York, those laws operate upon the slaves, and determine their actual condition. I speak of course of the case in which they are voluntarily carried there. If they are carried there without the consent of the owner, they may of course be pursued under the provision of the Constitution which relates to fugitives. But if they are voluntarily carried, the instant they

quit the wide ocean, and come within the territorial jurisdiction, they are subject to the laws of that territorial jurisdiction. If you were to carry a cargo of slaves into the port of Liverpool or Havre, does any man pretend that the flag of the United States would protect them, after they enter into the territorial jurisdiction of England or France? No such thing. Nor is it like the case which has often been cited in argument, of the slaves which were cast upon the Bahama islands, which occurred some years ago. That was an involuntary loss of property, consequent upon the act of God. I do think Great Britain was bound in comity, if not in strict justice, in that case, to surrender those slaves, or to make ample indemnity for them, and not to take advantage of an involuntary and inevitable misfortune. But if slaves are voluntarily carried into such a jurisdiction, their chains instantly drop off, and they become free, emancipated, liberated from their bondage.

But I have said that this is not the only general law, and the law applicable to the free States of this Union, but it is the law of the slave States themselves. The law in Louisiana is now repealed; but some years ago there was a law in that State which prevented the exportation of slaves from other States into the limits of that State; and if then you had gone with a cargo of slaves into the port of New Orleans, they would have become legally free, or the owners would have been subjected to a heavy penalty, according to the enactment of that State. And there is at this time, if I am not mistaken, a law of Mississippi, which is not repealed (one of the members from Mississippi will inform me if I am wrong), which forbids the introduction of slaves as merchandise; and if you carry from Kentucky or Tennessee a steamboat load of slaves, you lose your property. I believe that in the case of Mississippi the slave does not become free, but that the party who imports him is subjected to a heavy pecuniary penalty. Such is the state of the law, as I believe, at this time, in the State of Virginia. It is, therefore, not only true of other foreign nations, but it is true of the States composing this Union, that the moment a slave enters the territorial jurisdiction of the State or foreign country, the laws of the place determine his condition, and not the laws of the flag of the ship in which he is transported there. On the ocean the flag determines the jurisdiction, for the reasons I have assigned; but the moment they come within the separate jurisdiction of any State or country, that moment they become amenable to, and are liable to be dealt with according to, the laws of that country. If the Constitution possess the paramount authority attributed to it, the laws of even the free States of the Union would yield to that paramount authority. If, therefore, it be true that, according to the laws now in force in California, New Mexico, and Utah, slavery can not be introduced—if such is the lex loci, the Constitution of the United States is as passive and neutral upon the subject as the Constitution or government of any other country upon earth. It protects wherever upon the high seas the slave is out of the separate jurisdiction of any State, foreign or domestic.

It affords no protection when it comes within the scope and jurisdiction of laws which forbid the existence of slavery. I do not mean to go into a long argument upon this subject. I did intend at one time, to take it up and discuss it very fully. I have thought it best, however, under all the circumstances of the case, merely to express these brief opinions, which I entertain in relation to it. In my opinion, therefore, the supposition that the Constitution of the United States carries slavery into California, supposing her not to be a State, is an assumption totally unwarranted by the Constitution. Why, if the Constitution gave the privilege, it would be incompetent for California to adopt the provision which she has in her Constitution. The Constitution of the United States being supreme, no State could pass an enactment in contravention of the Constitution. My rules of interpreting the Constitution of the United States are the good old rules of '98 and '99. I have never in my life deviated from those rules. And what are they? The Constitution is an aggregate of ceded powers. No power is granted except when it is expressly delegated, or when it is necessary and proper to carry into effect a delegated power. And if in any instance the power to carry slaves into the Territories is guarantied to you by the Constitution, or is an incident necessary to the carrying out of any other power than is delegated in the Constitution, I have been unable to perceive it. Amid all the vicissitudes of public life, and amid all the changes and turns of party, I never have in my life deviated from these great, fundamental, and I think indisputably true principles of interpreting the Constitution of the United States. Take these principles to be true, and where is the power—can any body point it out to me?—which gives you a right to carry your slaves to California? Where is the delegated power, or the power to which it attaches as a necessary implication? It is nowhere to be found. You must resort to some such general principle as the Federalists did in the early history of this country, when they contended for the doctrine of the "general welfare." But you can not put your finger on the part of the Constitution which conveys the right or the power to carry slaves from one of the States of the Union to any Territory of the United States.

Mr. President, you will remark that I am expressing an opinion upon the power, the constitutional right. I do not go into the question of how the powers of government are to be exercised or applied in the course of administration. That is a distinct question. I am arguing the question of constitutional power. Nor, sir, can I admit for a single moment that there is any separate or several rights upon the part of the States, or individual members of a State, or any portion of the people of the United States to carry slaves into the Territories, under the idea that these Territories are held in common between the several States. It is a joint property, held by a common trustee for the general good, and to be administered by the general government, according to its deliberate judgment of what will best promote the common happiness and prosperity, and do justice to all.

If, therefore, I am right in these opinions which I have expressed, to run a line at 35 degrees or 36 degrees 30 min. through California, without declaring what the effect of that line shall be, either south or north of it, would, I repeat, be running a line in the sand—a line without motive, without purpose, without accomplishing any end whatever. Therefore I must say that those senators upon the other side, who have contended for an express recognition of the right to carry slaves south of that line, have contended for something much more perfect and efficient than to run a naked line without any such declaration. But, then, there are two considerations which oppose insuperable objections to any such recognition or declaration to carry slaves south of that line. The first is, that you can not do it without an assumption of power upon the part of Congress to act upon the institution of slavery; and if they have the power in one way, they have the power to act upon it in the other way; and the power to act upon it either way is what you have denied, and opposed, and endeavored to prevent being accomplished for the last two or three years. It would be an assumption, a usurpation, according to the southern doctrine, for Congress to exercise any power either to interdict or establish slavery upon either side of a given line. The other objection to accomplishing this end is, that it is impracticable and unattainable. A majority neither of this House nor of the other House—not one third probably of this House, and perhaps still a smaller portion of the other House—could be got to affirm any right of transporting slaves south of 36 deg. 30 min. It is, then, wrong in principle, and impracticable and inexpedient. Why, then, contend, let me ask, for a line which, if attainable at all, is attainable without value, without necessity, without advantage to the South? Or why attempt that which is utterly unattainable—a line which shall secure any express provision for the power or right on the part of the slaveholder to carry his slaves south of it?

Having endeavored to show that the measure which we have under consideration is better for the South than the Missouri line, let me compare the measure, in a few brief words, with the other one which has been under consideration by us heretofore. The other measure proposes to admit California forthwith, and New Mexico as soon as she presents a Constitution, and Utah to follow on soon after New Mexico is admitted—all to be permitted to decide the question of slavery for themselves, without any intervention of the power or authority of Congress.

Well, what advantage is that to the South? You know—for I believe it has been already done by the Constitution of New Mexico, as well as by that of California—that slavery will be prohibited. You know that if New Mexico comes in, she comes in like California, with an interdiction of slavery; and you know that she will never come in without such an interdiction. What do you get, then? What advantage to the South? Sir, it is a one-sided measure—the measure which I am considering. It is all North, and looks not at all toward southern interests. It is liable to objec-

tions which I have already stated upon a former occasion, and which it is not necessary that I should repeat now. But if you admit New Mexico with the boundary between her and Texas unadjusted, what may the consequence be? You admit a Territory and people who, if Texas shall establish her claim to the whole extent of the eastern border of the Rio Grande, may be cut off by the subsequent action of Texas, or of the Supreme Court of the United States. You admit the State of New Mexico, afterward to be cut in two, and a State let into the Union without territory, and without people; for I will state what is well known I dare say to other senators, that all the people who can constitute any ground or color of claim for the admission of New Mexico into the Union as a State, are upon the east side of the Rio Grande, and all the territory worth having is upon the same side of that river. Then it happens, if the plan presented for the admission of these States be adopted and carried out, you take California absolutely with all her present limits, and New Mexico in such a way that it may happen that you will have a State in the Union without territory and without people. Texas by the assertion and successful prosecution of her claim, will have taken all the territory and all the people that would have constituted any ground for the admission of the State of New Mexico.

Mr. President, I approach now to the question of what the consequence must be of the defeat of the measure now before the Senate, and what the consequence will probably be in case of the successful support of the measure by Congress. If the bill is defeated, and no equivalent measure be passed, as in all human probability will be the case—if this measure is not passed, and we go home, in what condition do we leave this free and glorious people? In regard to Texas there is danger, as I have remarked, of two civil wars. There is danger, in the first place, of the resistance of the people of New Mexico to the authority of Texas, supposing non-interference on the part of the general government. But if New Mexico goes on to organize herself into a State government, and insists upon the exercise of the powers which appertain to State sovereignty, we must shut our eyes and be blind to passing events, if we do not see that there is danger of a servile civil war, originating between Texas—and if you please—the troops of the United States that may come in in aid of New Mexico. Assuming that Texas will move with military array upon New Mexico, there will probably be resistance upon the part of the general government to the entry of the troops of Texas into the limits of New Mexico, although there may be uncertainty as to the course upon this subject which will be taken by the administration just coming into power, upon which we have the advantage of no light whatever. But we know that the administration which has just passed out of power would, in that contingency, have repelled the attack made by Texas. If the present administration should feel it incumbent upon itself to repel such an invasion, the consequences which I am about to portray are at least possible, if not likely to occur.

I am not going to magnify the power of Texas, I am not going to magnify the power of any single State. It is with infinite regret, with profound sorrow and surprise, that I hear individuals in States talking as they occasionally do, with so little respect to the power and justice of the general government. Why, it was only the other day that a member, returned from the Nashville convention, addressed, we are told, the people of Charleston, South Carolina, proposing to hoist the standard of disunion. I do not know which most to admire, the gravity and possible consequences which may ensue from carrying out the views of the delegate to the Nashville convention, or the ridiculous scenes which occurred during the course of the public meeting. He was applauded most enthusiastically—as I learn from the public papers, and as I learn also from a creditable gentleman who was present at the meeting—when he declared that if the South did not join herself to this standard of rebellion, South Carolina would herself raise it, and fight this Union singly and alone! Yes, said a gentleman in the audience, in a fit of most patriotic enthusiasm, and if South Carolina does not do it, I with my strong arm and my long purse, will fight the Union myself.

Mr. President, I have no patience for hearing this bravado, come from what source it may. At the same time, I am not disposed to undervalue its importance as one of many cotemporaneous events.

There are certain great interests in this country which are contagious, sympathetic. If the contest were alone with Texas and the United States, I think there would be some little probability that the United States might come off victorious in such a contest with Texas. It is possible that the twenty-nine other States in the Union might repel an invasion of Texas upon New Mexico, if every other country stood aloof, and left the two parties, the United States and Texas, to fight out the contest. I think there is some probability that, with the gallant individual now in my eye (General Scott), in command of our armies, who has already so signalized the glory of his country and himself, we might come off not second best in a contest with Texas alone. But, sir, Texas will not be alone: if a war breaks out between her and the troops of the United States on the Upper Rio Grande, there are ardent enthusiastic spirits of Arkansas, Mississippi, Louisiana, and Alabama, that will flock to the standard of Texas, contending, as they believe they will be contending, for slave territory. And they will be drawn on, State by State, in all human probability, from the banks of the Rio Grande to the banks of that river which flows by the tomb of Washington. I do not say this will happen, but I say there is danger that it may happen. If there should be a war, even of all the southern States with the residue of the Union, I am not going to say that in such a contest, such a fratricidal contest, the Union itself, the residue of the Union, might not prove an overmatch for southern resistance. I will not assert what party would prevail in such a contest; for you know, sir, what all history teaches, that the end of war is never seen in the beginning of war,

and that few wars which mankind have waged among themselves. have ever terminated in the accomplishment of the objects for which they were commenced. There are two descriptions of ties which bind this Union and this glorious people together. One is the political bond and tie which connects them, and the other is the fraternal commercial tie which binds them together. I want to see them both preserved. I wish never to see the day when the ties of commerce and fraternity shall be destroyed, and the iron bands afforded by political connections shall alone exist and keep us together. And when you take into view the firm conviction which Texas has of her undoubted right; when we know at this moment that her Legislature is about to convene, and before the autumn arrives, troops may be on their march from Texas to take possession of the disputed Territory of New Mexico, which she believes to belong to herself—is there not danger which should make us pause and reflect, before we leave this capitol without providing against such a perilous emergency? Let blood be once spilled in the conflict between the troops of Texas and those of the United States, and, my word for it, thousands of gallant men will fly from the States which I have enumerated, if not from all the slaveholding States, to sustain and succor the power of Texas, and to preserve her in possession of that in which they, as well as she, feel so deep an interest. Even from Missouri—because her valiant population might most quickly pour down upon Santa Fé aid and assistance to Texas—even from Missouri, herself a slave State, it is not at all unlikely that thousands might flock to the standard of the weaker party, and assist Texas in her struggles. Is that a state of things which you, senators, can contemplate without apprehension? Or can you content yourselves with going home, and leaving it to be possibly realized before the termination of the current year? Are you not bound, as men, as patriots, as enlightened statesmen, to provide for the contingency? And how can you provide for it better than by this bill, which separates a reluctant people about to be united to Texas, a people who, themselves, perhaps, will raise the standard of resistance against the power of Texas—which separates them from Texas, and guards against the possibility of a sympathetic and contagious war, springing up between the slave States and the power of the general government, which I regard as almost inevitable, if Congress adjourns with the admission of California alone, stopping there, and doing nothing else. For, sir, the admission of California alone, under all the circumstances of the time, with the proviso still suspended over the heads of the South, with the abolition of slavery still threatened in the District of Columbia—the act of the admission of California, without provision for the settlement of the Texas boundary question, without the other portions of this bill, will aggravate, and embitter, and enrage the South, and make them rush on furiously and blindly, animated, as they believe, by a patriotic zeal to defend themselves against northern aggression. I call upon you, then, and I call upon the Senate, in the name of the country, never to separate from this capitol, without set-

tling all these questions, leaving nothing to disturb the general peace and repose of the country.

Mr. President, I have hitherto argued upon the contingency of nothing being done but the simple admission of California. Now, let me argue upon the contingency of the passage of this bill. What will be its leading effects? What its reconciling and salutary consequences? The honorable senator who usually sits before me, but who now sits upon my left [Mr. Hale], has told us more than once that if you pass this bill you do not hush agitation; you even increase it; that it will become more violent than ever. With regard to the senator, while I detest his abolition principles, I admire his manly, pleasant, convivial, and personal qualities; his good humor, his power of ready debate, the promptness with which he can carry on a guerilla fight in the Senate.

[Mr. Clay here declined a suggestion from Mr. Clemens, to yield to a motion to adjourn.]

I will not say that the senator from New Hampshire does not believe what he says. That, respect for the decorum of debate, and respect for him, will prevent me from saying. But, Mr. President, do you believe that the abolitionists conceive that more agitation will spring out of this measure than exists now? They live by agitation. It is their meat, their bread, the air which they breathe; and if they saw in its incipient state, a measure giving them more of that food and meat, and bread, and air, do you believe that they would oppose themselves to its adoption? Do you not believe that they would hail [Hale] it as a blessing? [Great laughter.]

Why, Mr. President, how stands the fact? There is not an abolitionist in the United States that I know of—there may be some—there is not an abolition press, if you begin with the abolition press located at Washington, and embrace all others, that is not opposed to this bill—not one of them. There is not an abolitionist in this Senate chamber or out of it, anywhere, that is not opposed to the adoption of this compromise plan. And why are they opposed to it? They see their doom as certain as there is a God in heaven who sends His providential dispensations to calm the threatening storm and to tranquillize agitated man. As certain as that God exists in heaven, your business [turning toward Mr. Hale], your vocation is gone. I argue much more from acts, from instinctive feelings, from the promptings of the heart, from a conscious apprehension of impending ruin to the cause which they espouse, than I do from the declamatory and eloquent language which they employ in resistance to this measure. What! increased agitation, and the agitators against the plan. It is an absurdity.

Let us now take up the measure in detail, and see how there could be greater agitation after the adoption of this general system of compromise than without its adoption. Let us begin and go over the whole five meas-

ures, if you please. There is California, she is admitted into the Union: will they agitate about that? Well, there are the territorial governments established: will they agitate about that? There is the settlement of the Texas boundary question: upon what can they agitate about the settlement of the boundary of Texas? They have every probability—I own it frankly to my southern friends, not resulting from the settlement of the boundary, but from the nature and character of the country—of having that dedicated also to free soil: will they agitate about that? About a constitutional fugitive bill? Then, will they agitate about the slave-trade in the District of Columbia? That is accomplished. Then what can they agitate about, supposing the whole system of measures to be carried out? They might agitate a little about not getting the proviso fastened upon the bill; and might agitate a little about not getting the abolition of slavery itself in the District of Columbia. The senator behind me [Mr. Seward] has estimated the number of slaves at one thousand. I think he is mistaken, and that it is a little more than that. What, in the name of heaven will they agitate about if these five measures are carried? Whom will they agitate? Who will be their auditory in the agitation? Here is a scheme of national reconciliation, a scheme or system which brings into fraternal harmony those whose hands were about to be raised against each other as enemies, a system to which the whole country becomes reconciled. What will they agitate about? To whom will they agitate? Where will they get followers and disciples? There is a portion of them—I speak not of the free-soilers; I speak not of those who from principle are honestly opposed to the extension of slavery, but of that fanatic, desperate band who call themselves, I don't know what—liberty men, or something of the kind—but there are those who have declared that this Union ought not to exist—those who would strike down the pillars upon which stands the most glorious edifice that was ever erected by the arm of man—self-government—and that would crush amid the ruins of the fall all this people, and all the hopes and expectations of ourselves and mankind. Men who would go into the temples of the holy God and drag from their sacred posts the ministers who are preaching His gospel for the comfort of mankind and their salvation hereafter, and burn the temples themselves—they might agitate. Men who, if their power was equal to their malignity, would seize the sun of this great system of ours, drag it from the position in which it keeps in order the whole planetary bodies of the universe, and replunge the world in chaos and confusion to carry out their single idea—they, perhaps, might agitate. But the great body of the people of the United States will acquiesce in this adjustment, will be reconciled to this settlement by their common representatives, after nearly nine months of anxious and arduous struggle. The great body of the people of the United States will be satisfied and acquiesce in this great settlement of our national trials and difficulties, at this the most momentous crisis that has ever existed in our history. No, sir; they may threaten agitation; they may talk of

it, here and elsewhere, but their occupation is gone. They will be stigmatized—justly stigmatized—as unworthy disturbers of the peace, if they attempt longer to prolong the dissensions and distractions of this country, after we have settled, and so well settled, so many questions which have divided us.

But, Mr. President, I am not only fortified in my convictions that this will be the salutary and healing effect of this great plan of compromise and settlement of our difficulties, but I am supported by the nature of man and the truth of history. What is that nature? Why, sir, after perturbing storms a calm is sure to follow. The nation wants repose. It pants for repose, and entreats you to give it peace and tranquillity. Do you believe, that when the nation's senators and the nation's representatives, after such a continued struggle as we have had, shall settle these questions, it is possible for the most malignant of all men longer to disturb the peace, and quiet, and harmony of this otherwise most prosperous country? But, I said, not only according to the nature of man, but according to the universal desire which prevails throughout the wide-spread land, would the acceptance of this measure, in my opinion, lead to a joy and exultation almost unexampled in our history. I refer to historical instances occurring in our government to verify me in the conviction I entertain of the healing and tranquillizing consequences which would result from the adoption of this measure. What was said when the compromise was passed? Then, as now, it was denounced. Then, as now, when it was approaching its passage, when being perfected, it was said, "It will not quell the storm, nor give peace to the country." How was it received when it passed? The bells rang, the cannons were fired, and every demonstration of joy throughout the whole land was made upon the settlement by the Missouri compromise. Nor is it true, as has been unkindly suggested, I think by the senator who sits at my left [Mr. Hale], that northern men were obliged to remain at home and incur the displeasure of their constituents. There was Henry Baldwin of Pittsburg, Henry Storrs of New York, and others, if I had time to enumerate them, who voted for a settlement of the Missouri question, and who retained the confidence and affection of their respective constituents.

I suppose the senator was understood, as I understood him, to throw out something by way of menace to northern senators, to make them swerve from the patriotic duty which lies before them of healing the agitation of the country. They did not lose the confidence of their country. They may have in particular instances, but I speak of those of which I had a distinct recollection. Yes, sir, the Missouri compromise was received with exultation and joy. Not the reception of the treaty of peace negotiated at Ghent, nor any other event which has occurred during my progress in public life, ever gave such unbounded and universal satisfaction as the settlement of the Missouri compromise. We may argue from like causes like effects. Then, indeed, there was great excitement. Then, indeed, all

the Legislatures of the North called out for the exclusion of Missouri, and all the Legislatures of the South called out for her admission as a State. Then, as now, the country was agitated like the ocean in the midst of a turbulent storm. But now, more than then, has this agitation been increased. Now, more than then, are the dangers which exist, if the controversy remains unsettled, more aggravated and more to be dreaded. The idea of disunion then was scarcely a low whisper. Now, it has become a familiar language in certain portions of the country. The public mind and the public heart are becoming familiarized with that most dangerous and fatal of all events, the disunion of the States. People begin to contend that this is not so bad a thing as they supposed. Like the progress in all human affairs, as we approach danger it disappears, it diminishes in our conception, and we no longer regard it with that awful apprehension of consequences that we did before we came into contact with it. Everywhere now there is a state of things, a degree of alarm and apprehension, and determination to fight, as they regard it, against the aggressions of the North. That did not so demonstrate itself at the period of the Missouri compromise. It was followed, in consequence of the adoption of the measure which settled the difficulty of Missouri, by peace, harmony, and tranquillity. So now, I infer from the greater amount of agitation, from the greater amount of danger, that, if you adopt the measures under consideration, they, too, will be followed by the same amount of contentment, satisfaction, peace, and tranquillity which ensued after the Missouri compromise.

Again, another instance of a compromise which was attended with happiest effects—I mean the compromise of 1833 of the tariff. I could name half a dozen senators who said then, as the senator from New Hampshire says now, that there would be agitation still upon the subject of the tariff. It was said: "You have adopted the measure which will ultimately prostrate the principle of protection. But they will come here at the next session, and at every session, until they get that compromise of the tariff of 1833 removed." Far different, however, was its reception among the great mass of the people of the United States, and among the manufacturers themselves. I made a tour of New England in that fall. The compromise passed in March, I think, and that autumn I made a tour of New England; and never in my life have I met with more demonstrations of cordial affection and confidence than I experienced at the hand of New England, and above all at the hand of the manufacturers. Sir, with regard to that compromise, I take the opportunity of saying that I consulted with the manufacturers in preparing that bill—not with the political manufacturers, but with Dupont and other friends of the North, Mr. Simmons, of Rhode Island, and some others not now necessary to be named. I said to them, "How will this measure operate for your interests?" "Admirably," was the reply, "for seven years, until you approach the fall of the measure of duties down to twenty per cent." I told them what I believed, that before

that period arrived Congress would take up the subject; and I urged the Van Buren administration to take up the subject, and remodify the tariff—not to go back to the former high duties, but to interpose some degree of protection in behalf of the interests of the country, beyond the twenty per cent. They did not do it. They suffered the thing to run out, and when they came down to 1842, the twenty per cent. went into full operation, and the year before, I believe, it operated very disadvantageously to the manufacturers. The tariff of 1842 would have restored that interest to the North. The North, and not the South chose, in the contest of 1844, to bestow their suffrages in a way which led to the passage of the tariff of 1846. Sir, I hope you will not understand me as making any complaint on a personal ground. None; none whatever. I felt relieved from the responsibility of the situation which my friends, more than myself, wanted me to be placed in. But it was the North, it was New York it was Pennsylvania, unintentionally, aided by other free States, that led to the adoption of the tariff of 1846, by the results of the contest of 1844.

Mr. President, I wish I had the physical power to give utterance to the many, many ideas which I still have; but I have it not. I must hasten toward a conclusion.

The responsibility of this great measure passes from the hands of the committee, and from my hands. They know, and I know, that it is an awful and tremendous responsibility. I hope that you will meet it with a just conception and a true appreciation of its magnitude, and the magnitude of the consequences that may ensue from your decision one way or the other. The alternatives, I fear, which the measure presents, are concord and increased discord; a servile civil war, originating in its causes, on the lower Rio Grande, and terminating, possibly, in its consequences, on the upper Rio Grande in the Santa Fé country—or the restoration of harmony and fraternal kindness.

I believe from the bottom of my soul, that the measure is the re-union of this Union. I believe that it is the dove of peace, which, taking its ærial flight from the dome of the capitol, carries the glad tidings of assured peace and restored harmony to all the remotest extremities of this distracted land. I believe that it will be attended with all these beneficent effects. And now let us discard all resentment, all passions, all petty jealousies, all personal desires, all love of place, all hungering after the gilded crumbs which fall from the table of power. Let us forget popular fears, from whatever quarter they may spring. Let us go to the limpid fountain of unadulterated patriotism, and, performing a solemn lustration, return divested of all selfish, sinister, and sordid impurities, and think alone of our God, our country, our consciences, and our glorious Union; that Union without which we shall be torn into hostile fragments, and sooner or later become the victims of military despotism, or foreign domination.

Mr. President, what is an individual man? An atom, almost invisible without a magnifying glass—a mere speck upon the surface of the im-

mense universe—not a second in time, compared to immeasurable, never-beginning, and never-ending eternity; a drop of water in the great deep, which evaporates and is borne off by the winds; a grain of sand which is soon gathered to the dust from which it sprung. Shall a being so small, so petty, so fleeting, so evanescent, oppose itself to the onward march of a great nation, to subsist for ages and ages to come—oppose itself to that long line of posterity which, issuing from our loins, will endure during the existence of the world? Forbid it, God! Let us look at our country and our cause; elevate ourselves to the dignity of pure and disinterested patriots, wise and enlightened statesmen, and save our country from all impending dangers. What if, in the march of this nation to greatness and power, we should be buried beneath the wheels that propel it onward. What are we—what is any man worth who is not ready and willing to sacrifice himself for the benefit of his country when it is necessary?

Now, Mr. President, allow me to make a short appeal to some senators—to the whole of the Senate. Here is my friend from Virginia, (Mr. Mason) of whom I have never been without hopes. I have thought of the revolutionary blood of George Mason which flows in his veins—of the blood of his own father—of his own accomplished father—my cherished friend for many years. Can he, knowing, as I think he must know, the wishes of the people of his own State; can he, with the knowledge he possesses of the public sentiment there, and of the high obligation cast upon him by his noble ancestry, can he hazard Virginia's greatest and most glorious work—that work, at least, which she, perhaps more than any other State, contributed her moral and political power to erect? Can he put at hazard this noble Union, with all its beneficial effects and consequences, in the pursuit of abstractions and metaphysical theories—objects unattainable, or worthless, if attained—while the honor of our common native State, which I reverence and respect with as much devotion as he does, while the honor of that State, and the honor of the South are preserved unimpaired by this measure?

I appeal, sir, to the senators from Rhode Island and from Delaware; my little friends which have stood by me, and by which I have stood, in all the vicissitudes of my political life; two glorious patriotic little States, which, if there is to be a breaking up of the waters of this Union, will be swallowed up in the common deluge, and left without support. Will they hazard that Union, which is their strength, their power, and their greatness?

Let such an event as I have alluded to occur, and where will be the sovereign power of Delaware and Rhode Island? if this Union shall become separated, new unions, new confederacies will arise. And with respect to this—if there be any—I hope there is no one in the Senate—before whose imagination is flitting the idea of a great southern confederacy to take possession of the Balize and the mouth of the Mississippi, I say in my place never, never! Never will we who occupy the broad

waters of the Mississippi and its upper tributaries, consent that any foreign flag shall float at the Balize or upon the turrets of the crescent city—never—never! I call upon all the South. Sir, we have heard hard words—bitter words, bitter thoughts, unpleasant feelings toward each other in the progress of this great measure. Let us forget them. Let us sacrifice these feelings. Let us go to the altar of our country and swear, as the oath was taken of old, that we will stand by her; we will support her; that we will uphold her Constitution; that we will preserve her Union, and that we will pass this great, comprehensive, and healing system of measures, which will hush all the jarring elements, and bring peace and tranquillity to our homes.

Let me, Mr. President, in conclusion, say that the most disastrous consequences would occur, in my opinion, were we to go home, doing nothing to satisfy and tranquillize the country upon these great questions. What will be the judgment of mankind, what the judgment of that portion of mankind who are looking upon the progress of this scheme of self-government as being that which holds out the highest hopes and expectations of ameliorating the condition of mankind—what will their judgment be? Will not all the monarchs of the old world pronounce our glorious republic a disgraceful failure? What will be the judgment of our constituents, when we return to them and they ask us, How have you left your country? Is all quiet—all happy—are all the seeds of distraction or division crushed and dissipated? And, sir, when you come into the bosom of your family, when you come to converse with the partner of your fortunes, of your happiness, and of your sorrows, and when in the midst of the common offspring of both of you, she asks you, "Is there any danger of civil war? Is there any danger of the torch being applied to any portion of the country? Have you settled the questions which you have been so long discussing and deliberating upon at Washington? Is all peace and quiet?" What response, Mr. President, can you make to that wife of your choice, and those children with whom you have been blessed by God? Will you go home and leave all in disorder and confusion, all unsettled, all open? The contentions and agitations of the past will be increased and augmented by the agitations resulting from our neglect to decide them. Sir, we shall stand condemned by all human judgment below, and of that above it is not for me to speak. We shall stand condemned in our own consciences, by our own constituents, and by our own country. The measure may be defeated. I have been aware that its passage for many days was not absolutely certain. From the first to the last I hoped and believed that it would pass, because from the first to the last I believed it was founded on the principles of just and righteous concession—of mutual conciliation. I believe that it deals unjustly by no part of the republic; that it saves their honor, and, as far as it is dependent upon Congress, saves the interests of all quarters of the country. But, sir, I have known that the decision of its fate depended upon four or five votes in the Senate of the United States,

and upon whose ultimate judgment we could not count upon the one side or the other, with absolute certainty. Its fate is now committed to the hands of the Senate, and to those five or six votes to which I have referred. It may be defeated. It is possible that, for the chastisement of our sins or transgressions, the rod of Providence may be still applied to us, may be still suspended over us. But, if defeated, it will be a triumph of ultraism and impracticability—a triumph of a most extraordinary conjunction of extremes; a victory won by abolitionism; a victory achieved by free-soilism; the victory of discord and agitation over peace and tranquillity; and I pray to Almighty God that it may not, in consequence of the inauspicious result, lead to the most unhappy and disastrous consequences to our beloved country. (Applause.)

Mr. BARNWELL. It is not my intention to reply to the argument of the senator from Kentucky, but there were expressions used by him not a little disrespectful to a friend whom I hold very dear, and to the State which I in part represent, which seem to me to require some notice. * * *

Mr. CLAY. Mr. President, I said nothing with respect to the character of Mr. Rhett, for I might as well name him. I know him personally, and have some respect for him. But, if he pronounced the sentiment attributed to him of raising the standard of disunion and of resistance to the common government, whatever he has been, if he follows up that declaration by corresponding overt acts, he will be a traitor, and I hope he will meet the fate of a traitor. [Great applause in the galleries, with difficulty suppressed by the chair.]

The PRESIDENT. The chair will be under the necessity of ordering the gallery to be cleared if there is again the slightest interruption. He has once already given warning that he is under the necessity of keeping order. The Senate chamber is not a theater.

Mr. CLAY resumed. Mr. President, I have heard with pain and regret a confirmation of the remark I made, that the sentiment of disunion is becoming familiar. I hope it is confined to South Carolina. I do not regard as my duty what the honorable senator seems to regard as his. If Kentucky to-morrow unfurls the banner of resistance unjustly, I never will fight under that banner. I owe a paramount allegiance to the whole Union—a subordinate one to my own State. When my State is right—when it has a cause for resistance, when tyranny, and wrong, and oppression insufferable arise—I will then share her fortunes; but if she summons me to the battle-field, or to support her in any cause which is unjust against the Union, never, never will I engage with her in such a cause.

With regard to South Carolina, and the spirit of her people, I have said nothing. I have a respect for her; but I must say, with entire truth, that my respect for her is that inspired by her ancient and revolutionary character, and not so much for her modern character. But, spirited as she is, spirited as she may suppose herself to be, competent as she may think herself to wield her separate power against the power of this Union, I will

tell her, and I will tell the senator himself, that there are as brave, as dauntless, as gallant men and as devoted patriots, in my opinion, in every other State in the Union, as are to be found in South Carolina herself; and if, in any unjust cause, South Carolina or any other State should hoist the flag of disunion and rebellion, thousands, tens of thousands, of Kentuckians would flock to the standard of their country to dissipate and repress their rebellion. These are my sentiments—make the most of them.

WHO OCCASIONED THE LOSS OF THE BILL?

IN SENATE, AUGUST 1, 1850.

[THE Compromises of 1850 had been in debate from January 29 to July 31, on which latter day the final vote on the bill reported by the Committee of Thirteen, to admit California, to establish territorial governments over Utah and New Mexico, and to compensate Texas for her claims on that part of New Mexico which lies east of the Del Norte, was taken; and the bill was lost by thirty-two to eighteen. It was not because the Senate had determined not to pass these measures in detail; but because they preferred to pass them in separate bills; which was soon after done. But Mr. Clay was disappointed, perhaps mortified at this result. On the 1st of August, therefore, Mr. Clay referred to the loss of this bill with considerable spirit, and held Mr. Pearce of Maryland responsible for having occasioned its loss, by a very indiscreet amendment.]

MR. CLAY said:

I wish to say only a few words. We have presented to the country a measure of peace, a measure of tranquillity; one which would have harmonized, in my opinion, all the discordant feelings which prevail. That measure has met with a fate not altogether unexpected, I admit, on my part, but one which, as it repects the country at large, I deplore extremely. For myself, personally, I have no cause of complaint. The majority of the committee to which I belonged, have done their duty, their whole duty, faithfully and perseveringly. If the measure has been defeated, it has been defeated by the extremists on the other side of the chamber and on this. I shall not proceed to inquire into the measure of responsibility which I incurred. All I mean to say upon that subject is, that we stand free and liberated from any responsibility of consequences. How it was defeated, we know full well. The proposition of the senator from Maryland [Mr. Pearce] made, no doubt, upon a conscientious conviction of his duty, led to the defeat—was the immediate cause of it. That proposition led to consequences, I repeat, which are fresh in the recollection of the Senate.

Sir, I have said, from first to last that there was no fear in regard to the admission of California, and I think so still; and if the proposition of my worthy friend from Mississippi had been received in the spirit in which it was tendered on the other side of the hall by southern senators, I would have voted for it with great pleasure. But, sir, it is presented now, not as a part of a general pledge or plan of compromise, but as a separate measure, detached from any compensating measures contained in a combined bill, and relates only to California itself.

Now, Mr. President, I stand here in my place, meaning to be unawed by any threats, whether they come from individuals or from States. I should deplore, as much as any man living or dead, that arms should be raised against the authority of the Union, either by individuals or by States. But, after all that has occurred, if any one State, or a portion of the people of any State, choose to place themselves in military array against the government of the Union, I am for trying the strength of the government. [Applause in the galleries, immediately suppressed by the chair.] I am for ascertaining whether we have got a government or not—practical, efficient, capable of maintaining its authority, and of upholding the powers and interests which belong to a government. Nor, sir, am I to be alarmed or dissuaded from any such course by intimations of the spilling of blood. If blood is to be spilt, by whose fault is it to be spilt? Upon the supposition, I maintain it will be the fault of those who choose to raise the standard of disunion, and endeavor to prostrate this government; and, sir, when that is done, so long as pleases God to give me a voice to express my sentiments, or an arm, weak and enfeebled as it may be by age, that voice and that arm will be on the side of my country, for the support of the general authority, and for the maintenance of the powers of this Union. [Applause in the galleries.]

The Presiding Officer. Order!

Mr. Clay. Sir, I have done all—

The President (resuming the chair, which had been occupied by Mr. Atchison). The senator from Kentucky will take his seat for a moment.

Mr. Clay. I hope there will not be another repetition of the applause.

The President. The chair has on several occasions warned the spectators in the gallery against the consequences of attempting to turn the Senate chamber into a theater. Again he says to them, if there is any disturbance of a similar description, every individual shall be cleared from the gallery.

Mr. Walker. If the senator from Kentucky will allow me to say a word, I will be obliged to him. I do not say what I now say for the purpose of encouraging this expression of approbation from the gallery; but if any thing ever gave me pleasure, it is to hear such sentiments as the senator from Kentucky has spoken applauded.

The President. Order! The senator will take his seat.

Mr. Clay. Mr. President, I have done all—I am willing to do all that

is in the power of man to do to accommodate the differences of the country. I have not been attached to any given form of settling our troubles and of restoring contentment to the Union. I was willing to take the measures united. I am willing now to see them pass separate and distinct, and I hope they may be passed so without that odious proviso which has created such a sensation in every quarter of the Union. But whether passed or not, I repeat the sentiment, if resistance is attempted to any authority of the country, by any State or any people of any State, I will raise my voice, my heart, and arm in the support of the common authority of the general government. Nor am I apprehensive of the idea that blood is to be shed. From the bottom of my heart I hope that it never will be shed. But if it is shed, who will be chargeable with the effusion of human blood? Those who attempt to prostrate the general authority upon the supposition I have made, that a single State—if there shall be one—or the people of any State, choose to raise the standard of disunion and attempt to destroy by force this Union. God knows I desire no such thing. But if it occurs, I will be among the last who will give up the effort to maintain the Union in its entire, full, and vigorous authority.

Sir, these threats are not so alarming and so dangerous as gentlemen in their imagination may suppose. We have had an event of the kind in our history. When Washington was our president—now sixty years ago—the standard of insurrection was raised in the western part of Pennsylvania. The army of the United States moved forward for the purpose of subduing it. There was some little blood shed in the house of Colonel Neville. But the insurgents then—as disunionists and traitors always will—fled from the approach of the flag of the Union, supported by the authority of the Union and countenanced by the Father of the Union.

My worthy friend who sits near me (Mr. Dawson) has adverted to some language in a resolution which I offered in the early part of the session as implying a willingness on my part to circumscribe the limits of California, Mr. President, I have stated already to him, and to the Senate, that at the time that resolution was proposed, I was laboring under an impression that by an ordinance of the convention of California a provision was made that Congress should alter her boundary according to its own supposition as to its appropriateness. I afterward found that I was mistaken. The word "suitable," implying nothing in particular, was introduced in order to allow the Senate and the country a discretion to be applied to the whole subject, and to exercise such a judgment upon the whole subject as might be deemed proper. It was not a restriction as certainly and necessarily to be adopted. It is to admit with "suitable" boundaries. Now, I say that, under all the circumstances of the case, considering what was proposed, what was offered by senators on this side of the chamber, the boundaries are suitable; and, being so, I am constrained reluctantly to vote against the amendment of the honorable senator from Mississippi.

Mr. Pearce. Mr. President, I am very loth to intrude upon the atten-

tion of the Senate; but the remarks which have fallen from the senator from Kentucky, while I concur in much that he has said, oblige me to ask the indulgence of the Senate for a very brief period. That senator has said that the amendment which I offered to the Senate yesterday was the direct cause of the defeat of the bill.

Mr. Clay (in his seat). The immediate cause.

Mr. Pearce. The immediate cause. Well, I admit that the defeat of the bill was subsequent to my amendment; and if the *post hoc propter hoc* is argument, a sound one, I suppose I may be charged with it. * * *

But, come what may, and censure who may, I will not shrink from the responsibility, and I will never cease to defend and vindicate my course, wherever and by whoever attacked.

Mr. Clay. Nor will I, sir. It belongs to the history of the country, and it will go out. With regard to the senator's motives and his ready and fearless encounter of the responsibility, I say nothing. I suppose upon that subject he is like most other men. But I repeat what I said, that the immediate cause of the loss of the bill was the amendment of the honorable senator. I make no reproaches against him. I have no doubt that he acted under a sense of duty, and according to his convictions as to what was proper for him as a senator from Maryland to do. Still the truth remains, and the senator has told us that he has no sort of objection to assume the whole of the responsibility.

Mr. Pearce (in his seat). Not unjustly.

Mr. Clay. Let me recapitulate a few facts. When the amendment was offered by the senator from Georgia, on day before yesterday, it was carried by a vote of 30 to 28. If my recollection is right the senator did not vote upon it.

Mr. Pearce. When the motion for the amendment of the senator from Georgia was voted on, I voted against it. If the secretary will turn to the record, he will find my name recorded in the negative.

Mr. Clay. At all events the senator did not oppose it by any speech. He did not say what he said yesterday. He made no intimation of opposition so serious to that amendment, that if adopted the consequence might be the loss of his vote. But that is not all. Now, sir, I want to call the attention of the senator to his own course yesterday upon this subject. Three times was that senator approached with amendments containing, I believe, substantially the very object which he was desirous to accomplish. One was taken from my chair to him. The second was given to him by his neighbor, the senator from Illinois (Mr. Douglas), who had obtained the previous consent of the senators from Texas. There were one or two others. The senator declined to accept of any amendment, but persisted in his own, and that persistence led to the consequences to which I have alluded. Not only did he fail to take the suggestions of the friends of the bill, but when the senator from Florida (Mr. Yulee), one of the most determined opponents of the bill, asked him to separate his motion,

which was inseparable by the rules of the Senate, the moment the appeal was made, he yielded to his wishes. If he had persevered in his own motion to strike out and insert, I doubt if the result would have been the same. These are facts, none of which I presume the senator is disposed to call in question. I make no reproaches to the senator. I have no doubt he has acted upon conscientious motives, and of his willingness to meet all the responsibility. But having been charged with this bill, being the chairman of the committee who reported it, I thought it right the country should know the circumstances under which it was lost.

[It has been said, that Mr. Clay assented to Mr. Dawson's amendment, on which Mr. Pearce's amendment was based. The following remarks of Mr. Clay, made immediately after Mr. Pearce had announced his own amendment, will show that he did not assent.]

Mr. Clay. I certainly can not repress the expression of my regret and surprise at this motion. What is its effect? It is to destroy one of the most valuable features of the bill, the object of which is the adjustment of this troublesome boundary question. Now, I think the senator from Maryland should not have been quite so quick in his motion. There were amendments in progress; two were thought of, one of which was to suspend the operation of this territorial provision on both sides of the river until the 1st day of April, with an express provision that after that time, if the boundary is not settled, it shall go into operation on both sides. But even in the shape in which it is, I do not think it is liable to the objections which the senator has uttered. What is it? It is proposed to establish a territorial government on the west side of the river. Well, does it follow, when the operation of the bill is expressly suspended on the east side of the river, that legislation by the territorial government on the west side will operate on the east side? No such thing. When the Territory on the east side comes to be annexed to the Territory on the west side, and there is a common government for both sides, then both will be represented in it; and if there has been any legislation by the west side, the east side coming in with a larger vote, could suspend, alter, or modify those laws at their pleasure. I hope my friend from Maryland, who, I have all along believed, and I yet believe, is desirous for the passage of some effectual measure, will withdraw his amendment until he sees the result of an effort to make the bill consonant with his own peculiar views. Amendments have been contemplated with respect to the operation of the amendment of the senator from Georgia, which will restrain the effect, or rather prevent the effect which is apprehended of a surrender to Texas of all that she claims.

Mr. President, light was beginning to break upon us—land was beginning to be in sight once more—and is it possible, upon slight and unimportant amendments—amendments which will not affect the great object of this bill, upon mere questions of form and punctilio—that we shall now

hazard the safety, the peace, if not the union of the country. I hope that senators, meeting in a spirit of conciliation, and waiving slight objections, will act upon the great principles which led our fathers to adopt the Constitution, and which is suggested in the letter of the Father of this country to the people of the United States, when he stated that there were difficulties and objections, but that all were waived in a spirit of conciliation and peace, and that they had consented to establish a government that would last through that generation, and for posterity. Now, sir, if the amendment proposed by the senator from Georgia shall be restricted, so as to guard against the effect of any concession to Texas of rights on the east side, what is the objection to it? But if a further amendment be made, which can be made, for a suspension of the operation of the whole territorial provision until this effort shall be made to settle the question, let me ask where, then, is the objection of the senator to it? But is it not strange that it should be contended, that, while the question is unsettled, we should create a government to operate on the east side of the river, without reference to the state of the title and the contingences which may happen, and that it shall go into operation and legislate for the whole country? I will put a case just as strong, if there is any thing in it, which I think there is not, as that urged by the senator from Ohio [Mr. Ewing]. Suppose we pass a bill embracing the east and west sides of the Rio Grande, and suppose that ultimately the east is cut off, and the west side is left by itself by the establishment of the title of Texas—what, then, would become of the law made by the whole Territory, the east side being a part, and the west side being a part—when the east side should be no longer a part, but be taken away by the establishment of the title of Texas? I think these imaginary difficulties should not affect the great principle and soul of the measure. Our object is to settle this question of boundary as soon as possible—in half a dozen months—and when it is settled we shall know what we are about. We shall know whether we should establish a government in the Territory that belongs to us rather than to Texas. We shall know whether we shall go on blindfolded or with our eyes open, looking to all the consequences. The proposition of the senator from Georgia is sufficiently clear, as I think; but, if not, it can be made so by amendment; for its object is simply to postpone the operation of a government in the disputed territory until this dispute shall be amicably settled by the parties.

[In the same debate, Mr. Clay said as follows:]

There is a language too often employed by senators now and heretofore speaking for the South—"the South, the whole South." Sir, I should think it would be very fortunate if senators were always confident that they were able to represent the sentiments of their own States, without attempting to speak of the sentiments of States whose limits are exterior to their own. Now, I speak in no unkind spirit toward the senator from

Virginia; but I believe that if the people of Virginia had been here, four fifths of them would have voted for that compromise measure which the senator from Virginia has felt it his duty to oppose. I know that the opportunities of the senator from Virginia are much better than my own to obtain information of their wishes, but I profess to know something of the State that gave me birth; and I believe that if the people of Virginia were to be polled to-morrow, three fourths or four fifths of them would be found to be in favor of this measure. Now, sir, do the honorable senators from Virginia and South Carolina imagine that when they return to their constituents with the opposite opinions prevailing upon the subject of this compromise, of this olive-branch held out to the whole Union—do they expect to be able to have the sword drawn against the Union, amid such a conflict of opinions as will arise in the slaveholding States upon the very ground of the rejection of this compromise? Mr. President, I have said that I want to know whether we are bound together by a rope of sand, or an effective, capable government, competent to enforce the powers therein vested by the Constitution of the United States. And what is this doctrine of nullification, set up again, revived, resuscitated, neither enlarged nor improved, nor extended in this new edition of it? That when a single State shall undertake to say that a law passed by the twenty-nine States is unconstitutional and void, she may raise the standard of resistance and defy the twenty-nine. Sir, I denied the doctrine twenty years ago—I deny it now—I will die in denying it. There is no such principle. If a State chooses to assume the attitude of defiance to the sovereign authority, and set up a separate nation against the nation of twenty-nine States, it takes the consequences upon itself, and the question is reduced to this: Shall the other twenty-nine yield to the one, or the one yield to the twenty-nine? Call it by what mystic name you please—a State, a corporation, a sovereignty—whatever force of a State is put in array against the authority of the Union, it must submit to the consequences of revolt, as every other community must submit when a revolt is made.

Gentlemen lay to their souls the flattering unction that the army is composed of officers from Virginia, South Carolina, and other southern States, and the army will not draw their swords. Why, sir? the army of the United States, under the command of the chief magistrate of the United States, under the command of the gallant officer recently making the conquest of Mexico, will not do their duty? Gentlemen will find themselves utterly mistaken if such a state of things arises.

But we are told this story of Bernadotte, and I may say I did not put the case of Virginia. I respect her. I venerate her. She is my parent and I have always feelings toward her which are inspired in the filial bosom toward its parent. I did not put the case of Virginia by name. I put the case of no State by name. The honorable senator from South Carolina put his words into my mouth when he made me refer to his State. But if any State chooses to array itself in authority, and give orders to its

citizens to set themselves in military or hostile array toward the Union, the Union is gone, or the resistance must cease. The honorable senator tells us of the story of Bernadotte, who, when he came to the confines of France, was unwilling to invade his native country. Let me remind the senator of a case much more analogous to true republican liberty doctrines than the case of the King of Sweden, who was made such under the authority of Bonaparte, whom he resisted. I admire more that Roman father who, for the sake of Rome, condemned and caused to be executed his own son: that is my notion of liberty.

And with respect to my country, the honorable senator speaks of Virginia being my country. This Union is my country; the thirty States are my country; Kentucky is my country, and Virginia no more than any other of the States of this Union. She has created on my part obligations and feelings, and duties, toward her in my private character which nothing upon earth would induce me to forfeit or violate. But even if it were my own State—if my own State, lawlessly, contrary to her duty, should raise the standard of disunion against the residue of the Union, I would go against her. I would go against Kentucky herself in that contingency, much as I love her.

ON THE ABOLITION OF THE SLAVE-TRADE IN THE DISTRICT OF COLUMBIA.

IN SENATE, SEPTEMBER 3, 4, 11, 12, & 14, 1850.

[Mr. Clay, relieved of his charge of the bills reported by him as chairman of the Committee of Thirteen, when the first of those bills was lost, on the 31st of July, his health being very much impaired, went to Newport, on the 2d of August, for sea-air and bathing; and returned to Washington in about three weeks, in season to engage in the debate on the bill to abolish the slave-trade in the District of Columbia. All the other Compromise measures, as reported by him, had passed the Senate in his absence, each in a separate bill. Mr. Clay had the pleasure of seeing them all go through both Houses of Congress, and approved by the president, although they did not pass in what was called the "omnibus" form. The country demanded the adoption of Mr. Clay's entire plan of Compromise, and it was done. The following are extracts from what he said on the bill to abolish the slave-trade in the District of Columbia, in its successive stages.]

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill to suppress the slave-trade in the District of Columbia.

The bill was read by the secretary.

Mr. Clay. The bill which the Senate has ordered to be taken up for consideration is a very short one, and the subject-matter of it has been very often, and very much discussed, and it is not my purpose, in rising to call the attention of the Senate to it, to occuppy more than a few minutes of their time. The object of the bill is to abolish what is called the slave-trade in the District of Columbia. By the slave-trade is meant a foreign slave-trade, as it respects the interests of the District. It consists of the introduction within the District of the slaves from adjoining slave States, and their being placed in dépôt here, not for the purpose of finding a market at all in the District—for I am told that scarcely a case has ever

occurred of the purchase by an inhabitant of the District of a slave deposited in one of these places of confinement—but for subsequent transportation to different markets by land or water—generally by water—to the southern cities, particularly to Mobile and New Orleans. It is a trade in which the inhabitants of the District have no sort of interest and no sort of connection, and which only brings upon the District a degree of obloquy on the part of all those—of whom I profess to be one—who regard this species of trade as a thing to be abhorred, and to be avoided wherever it can. The bill does not propose to interfere in the slightest degree with the right of one inhabitant of the District to sell a slave to another inhabitant of the District, nor does it interfere with the right on the part of the inhabitant of the District to go out of it and purchase for his own use a slave, and to bring the slave within the District for his own use. The bill consists of two sections, and is in fact merely a revival of the law of Maryland, as that law existed at the time of the cession of this District. It is but the mere exercise of a power by the general government which has been exercised by various States of the Union, and among others, I think the earliest, by Virginia herself. It consists, as I said before, of only two sections, the first of which is a prohibition of the right of any owner of a slave, or any person with the consent of the owner, bringing a slave into this District for sale, or to be placed in dépôt for the purpose of being transported as merchandise for sale to a distant market. That is the first section, and the second invests the local authorities of the District with the power to prohibit all dépôts being established within the District for the confinement of slaves. I have never visited one of these dépôts, and I understand from the public authorities of the District that there is perhaps but one remaining at the present time, but it is one with slaves continually in it. These dépôts are nothing more nor less than private jails, subject to no inspection of public authority, under the exclusive control of those who erect them, or for whose use they are erected, and all the prisoners or slaves confined in them are subject to the police regulations which may be established from time to time by the owner of the jail.

The object of the bill is to discontinue this foreign slave-trade as respects the District, and to let them go somewhere else—either to Virginia, if slaves can be deposited there, or to Maryland, if they can be deposited there—but to exclude a traffic within the District which has no connection within the District, and which has no other result, as I remarked before, than of bringing some degree of odium on the District. It has been denounced more or less during the last forty years; in the first instance, by a distinguished and lamented citizen of Virginia, who, I believe, first brought it to public notice; and again and again, from time to time, has it met with denunciation from other persons. It is not my purpose, as I said before, to go into any elaborate argument on the subject to prove the propriety of abolishing a trade thus foreign to the people of the District, as I think it has been fully discussed, and my object is to economize time

as much as possible. I have two unimportant amendments to propose, and then I will let the measure take its course.

In the first section, after the word "place," in the eighth line, I propose to insert the words "to be sold as merchandise." I believe that such will be the construction of the law without these words, but it is better, perhaps, to insert them. The section will then read:

"That from and after the —— day of —— next, it shall not be lawful to bring into the District of Columbia any slave whatever for the purpose of being sold, or for the purpose of being placed in dépôt, to be subsequently transferred to any other State or place to be sold as merchandise. And if any slave shall be brought into the said District by the owner, or by the authority or consent of its owner, contrary to the provisions of this act, such slave shall thereupon become liberated and free."

The amendment was adopted.

Mr. Clay. The next amendment is in relation to the proper denomination of the court of Washington county, in the second section. It now reads "the county court of Washington." The technical term is the "levy court of Washington county." I move to amend it by striking out the words "county court of Washington" wherever they occur, and inserting in lieu thereof the words "levy court of Washington county." It is merely an informal amendment.

The amendment was adopted.

Mr. Clay. I now move to insert in the eleventh line of the first section before the word "limits," the word "jurisdictional," so that it would read "jurisdictional limits." There is a distinction of limits, I understand—one being territorial, and the other jurisdictional.

The amendment was adopted, and the section, as amended, is as follows:

"Sec. 2. *And be it further enacted*, That it shall and may be lawful for each of the corporations of the cities of Washington and Georgetown, from time to time, and as often as may be necessary, to abate, break up, and abolish any dépôt or place of confinement of slaves brought into the said District as merchandise, contrary to the provisions of this act, by such appropriate means as may appear to either of the said corporations expedient and proper. And the same power is hereby vested in the levy court of Washington county, if any attempt shall be made within its jurisdictional limits to establish a dépôt or place of confinement for slaves brought into the said District as merchandise for sale, contrary to this act."

Same day Mr. Clay also said:

The first regular question is on the amendment just proposed, and the next upon the amendment offered by the senator from Mississippi. (Mr. Foote.) But before I say any thing upon the subjects of these amendments, I wish to make a very short reply to some of the topics which the senator from Virginia (Mr. Hunter), has introduced. I have no inclination, and if

I had it would be, in my opinion, altogether useless, to follow that senator in the wide range which he has taken, particularly where he dwelt upon the blessings which he supposes to be imparted to the African race by that African slave-trade, which, I believe, has met with the almost unanimous detestation of mankind. The senator talks about "sentimental legislation." Well, sir, my opinion is, that all legislation should be the result both of the head and of the heart. A combination of those two great portions of a human being should always prompt that sort of legislation adapted to the use and benefit of mankind. I do not mean to go into these questions at large. The bill which is on your table is one of a series of measures reported by the committee of thirteen, all of which, with the exception of this bill, have received in some form or other the sanction of the Senate, and have been transmitted to the other House. This is the last of the series. The senator from Virginia thinks that he sees in it the foundation of the abolition of slavery within the District. Directly otherwise was the object of the committee, and so, I believe, will be the tendency of the law, if it shall be enacted. Two complaints have been argued constantly in respect to the existence of slavery within this District, one having for its object the abolition of slavery here, the other the abolition of the foreign slave-trade, as I have denominated it, I think correctly, within the District. These two topics of agitation have been urged, at the North especially, with great earnestness and with great justice, as regards the latter. Now, the committee propose to abolish this foreign slave-trade within the District, with respect to which, as I shall presently show, there can not exist, in my humble opinion, a moment's doubt with regard to the power, unless gentlemen carry themselves into the regions of metaphysics and abstractions. I think there can not be a particle of doubt of it. If this slave-trade is abolished it will satisfy, to a great extent, northern feeling, and I add with pleasure, southern feeling too; for I have shared in the horror at this slave-trade in this District, and viewed it with as much detestation as any of those at the North who complain of it.

The honorable senator has adverted to an argument which was urged in the case of Groves and Slaughter. The argument urged in that case was, that, by the Constitution of the United States, the regulation of trade between the States, and consequently, the regulation of the trade in slaves between the States, was vested in the Congress of the United States, and that no State can undertake to prohibit within its own limits the introduction of slaves—they being an article of commerce—from other States. That was the argument; and it suggested itself to the counsel as one which belonged to the case, and which it was his duty to urge before the court. But why state the argument of myself, or of the distinguished gentleman who now fills another important post in the government? (Mr. Webster.) The question is, what did the court decide. The State of Mississippi had provided by her Constitution that slaves should not be introduced within her limits as merchandise. The argument of the counsel was, that it was a

power which belonged to Congress, and not to the State of Mississippi. There were other arguments which it is unnecessary to mention.

The court decided that it was a power which every State had a right to exercise, and that every State in the Union might forbid the introduction of slaves within her limits as merchandise, from any other State. That was the decision of the court, and that decision is the only matter of any consequence in the consideration of this question. Apply it to this case, and what does it amount to? Why, inasmuch as the power of Congress over this District is perhaps equal to the power of the several States within their respective limits, and as every State has the power to prohibit the slave-trade within its own limits, so it would seem necessarily to follow that Congress possesses this power here. But, sir, the senator has not, with his usual power of discrimination, distinguished between the exercise of a power undertaking to regulate the slave-trade between the States and the exercise of a power to prohibit the slave-trade within the District. Well, how do the two cases stand? The power of Congress to regulate the slave-trade between the States depends upon a general grant contained in the Constitution to regulate trade. But that grant does not extend to the case of slaves, on account of principles of police, which appertain to each State, and of which it is the exclusive judge. Well, now, if every State in the Union, on considerations of police, or any other considerations connected with the happiness of their people, may prohibit the slave-trade within the respective limits of each State, may not the general government do it within the District of Columbia?

But I come now to the power about which I say that in my opinion there can not be the least particle of doubt, unless men launch out into the regions of abstractions and metaphysics. What is the power? Congress shall have power (says the Constitution) to legislate in all cases whatsoever within the District ceded to Congress by any State for the seat of government. There is, therefore, no limitation or restriction in that grant which circumscribes the power of Congress to break up this detestable slave-trade within the District of Columbia.

Now, with regard to all the arguments of the senator with respect to the benefits from emigration, whether voluntary or involuntary, whether of bond or free, what has that to do with the particular case before us? Here are six miles square, or not so much, I believe, since the retrocession to Virginia, in which a trade is carried on, not in the property of the District, not in the slaves of the District; but the slave-traders, finding it convenient to erect their dépôts within this District, have from time to time erected them. I am very glad to learn, from the highest authority—the mayor of the city—that there is but one dépôt remaining where slaves are to be found constantly for sale. I have heard that no inhabitant of the District was ever known to have purchased slaves from these dépôts. Slaves are brought here from Virginia and Maryland, and perhaps from other States, and kept here till it suits the persons engaged in the trade to

transport them to New Orleans, Mobile, or some other southern market. And now it is seriously contended, not only that there is no power on the part of Congress to abolish this trade, but that if it is abolished in this six miles square—thereby giving greater security against the agitation of the question of the abolition of slavery itself within the District—that it is one of these circumstances which is to frighten the whole of the South out of its propriety.

Sir, I offer advice to no one, but I beg leave to suggest that if gentlemen coming from that portion of the Union would be less liable to take alarm upon the slightest circumstance, and not be dreading every possible occurrence lest it should touch the particular institution which they cherish so much, I believe they would add safety and security to that institution itself; and I am sure there would be less of agitation throughout the country at large. What! can not Congress, with a power to legislate in all cases whatsoever, put an end to these jails, in which, without authority of law, the owners or traders are the jailors, and the subjects of this imprisonment are slaves brought from a distance, and perhaps under circumstances shocking to humanity? Can not Congress, within this small circumscribed District, and under an authority to legislate in all cases whatsoever, put an end to this traffic without creating sensations of alarm from the shores of the Potomac to the Rio Grande? I should really hope so. But I do not mean to dwell longer on these general topics, which the senator from Virginia has thought proper to urge upon this occasion.

I wish now to say a few words with regard to the amendments which have been offered. As to the proposition of the senator from Mississippi, I am disinclined to it. I prefer the bill as reported by the committee of thirteen, and I feel it my duty to insist upon it. The bill as reported by the committee is direct, straightforward, appropriate to its object, and employing the requisite and proper means to carry that object into effect. The amendment of the senator from Mississippi introduces a great variety of subjects. It relates to the abduction of free persons of color and the seduction of slaves from their owners, and it provides for the bringing by *habeas corpus* before the proper tribunal the question of freedom or slavery in any case of a person alledged to be improperly held in slavery. So also of the amendment of the senator from Maryland (Mr. Pearce). It relates to a matter of very great importance, and proposes to impose a very heavy penalty for the seduction of slaves from their masters. Now, all these matters might be very proper in a code of regulations about to be adopted by Congress for regulating the conduct and condition of the persons of color, whether free or bond, within the District; but I hope they will be introduced in a separate bill. It is too late in the session now to take up all these subjects, discuss them, and dispose of them; and I trust the amendments will not be concurred in, but that the bill as it has been before us for months, and as it has been discussed and considered, will be disposed of as the Senate may think proper.

The suggestion made by the senator from Maryland, that the present penalty imposed, under the laws now in force in the District, for the seduction of slaves from their owners by abolitionists, or whatever else they call themselves, are inefficient, may be very true; but let him introduce a bill to remedy that evil. At this late period of the session, however, I hope no new bill will be taken up, but that we shall confine ourselves to the consideration of this one, which has been before us so long, and dispose of it.

With regard to the effect of the amendment of the senator from Mississippi, I will add one word. There is no provision in it, as in the bill, for abolishing the dépôts of the slaves; and those provisions making the ingress and egress of persons of color, whether bond or free, in the District of Columbia, to be subject to the legislation of the local authorities, are indefinite and uncertain.

Again: the language of the amendment of the senator from Mississippi is indefinite, and liable to a different interpretation. Similar words in a former act received a very limited interpretation indeed. I should doubt whether, under the language employed in the amendment, the local authorities would feel themselves authorized to prohibit by their own law the introduction for sale of slaves, or the abolition of the dépôts which are located here for the purpose of carrying on the slave-trade. The bill which we have before us is clear and distinct. It approaches its object without disguise, and will be understood by the whole country. I shall, therefore, vote against these amendments, and for the bill as it was reported by the committee of thirteen.

Again, Mr. Clay said:

Mr. President, the several objects suggested by the senator from Maryland may be, and I dare say are, very proper objects. And if he will introduce a bill separately to accomplish those objects, as far as I can co-operate in its passage I will do so. But I do hope that in this bill, which has a simple and a single object—the abolition of the slave-trade within the District of Columbia—we shall not be called upon to pass a code of laws for the colored population, free and bond, in this District.

The senator says that the free colored population in this District has increased and is increasing, and he thinks it ought to be diminished. Perhaps so. By what means, however? That is a question which should be acted upon after grave, serious, and humane consideration. Why, what will you do with them? Suppose you send them out of the District; where are they to go? It is a subject which requires much consideration.

Another proposition of the senator is with regard to providing punishment for enticing slaves away. I will go as far as any body to punish, by suitable punishment, those who attempt to entice slaves away; but the amendment seems to me to be rather too severe. It proposes to subject a person to not more than ten nor less than two years' imprisonment, for persuading a negro to elope from his master. Now, there are many cases in which, although this might be a reprehensible, it would be but a

venial offense. For instance, a free person, parent of a child in slavery, persuades the child to run away. I would punish him, but the punishment should be moderate. But I would punish much more severely one of those abolitionists who come here for the purpose of enticing away slaves.

But what I meant to say was, that some of the amendments which have been offered to the bill by my friends from Mississippi and Maryland —amendments relating to the trial of the question of freedom and such matters—relate to multifarious subjects of great importance, requiring, perhaps, legislation. I do think they ought not to be embraced in this bill. Here we have had a single object before us all the time; and the question is, whether, at this late period of the session, we shall embrace other and various subjects, amounting almost to a code for the black race here, bond and free? I think we should not. But I do not mean to dwell upon the matter. I shall feel constrained to vote against the amendments, though I should be inclined to vote for them in another form.

On the 4th of September, Mr. Clay said:

The amendment of the honorable senator from Virginia (Mr. Mason) is to strike out two sections of the bill reported by the committee of thirteen. The first of those sections prohibits the introduction of any slave into the District of Columbia for the purpose of being sold or placed in dépôt to be subsequently transported to another market. The second of those sections provides for the abolition of the dépôts themselves in which the slaves are confined in the District of Columbia. If, therefore, the motion of the senator from Virginia prevails, all that portion of the bill relating to the abolition of the slave-trade in the District of Columbia will be stricken out, and it will become one of a totally different character, providing only for the punishment of persons enticing slaves from the District, and investing a power in the corporation to prohibit free persons of color from coming into the District. It is important for the Senate to understand the effect of the motion of the senator, because if it prevails there is an end to the attempt to abolish the slave-trade in the District of Columbia.

I do not mean to go at any length into the argument on the subject. My principal object now is to arrive at a decision. The senator from Virginia (Mr. Mason) seemed to suppose that I was mistaken in the law of Virginia, and in the law of Maryland. I think not, sir. The law of Virginia, at the time of the cession to the general government of that portion of the District which was retroceded to her, and the law of Maryland, both prohibited the introduction into those States respectively of slaves to be sold; and both provided that if slaves were introduced in contravention of those laws, the effect should be the freedom of the slaves so introduced. That was the law of Virginia—subsequently altered, I know—for a long time. So was it the law of Maryland, though it also has been recently altered by the Legislature of that State. Both of those States, then, at

the time of the cession of this District to the general government, exercised the power which is proposed to be exercised here, with the difference only that here we propose to abolish the dépôts of these foreign slaves brought within the District: that is the sole difference. The prohibition of the introduction into Virginia and Maryland of slaves for sale existed, accompanied with denunciation of the penalty that if they were introduced they should become free. That was the state of the law in both States.

Now, sir, all that is asked upon the present occasion is, that we should do what each of those States did, with the further object of abolishing the dépôts themselves. This has been done by numerous of the slave States. It has been done by the State of Mississippi by her Constitution, and it has been done by many other States. It was done by my own State, though the law has recently been altered, but I have no doubt that it will be revived in the course of a few years. Sixteen or seventeen years ago, if I had wished to purchase a slave and carry him into Kentucky, I was prohibited from doing so by law. The question now is, whether the government may not exercise this power under the general grant contained in the Constitution, and in conformity with the action of various States of the Union. Sir, the subject has been so much under consideration that I do not mean to dwell upon it, or to occupy unnecessarily the time of the Senate.

The senator from Virginia says that he makes the motion in conformity to some resolutions passed by the Legislature of his State. I understand that the Legislature of Virginia subsequently modified its opinion upon this subject, and although it at one time attached to it a consequence far beyond any that it ever merited, yet that it subsequently modified it, and that it does not insist on it as a *sine qua non* in the arrangement of these slavery subjects. I hope this motion will be rejected, and that any further amendments which may be proposed may be received and acted on. I ask for the yeas and nays upon the amendment. * * *

I wish only to say that I prefer the bill as it stands, though I am indifferent to the fate of the amendment which is proposed; except that I think a much larger fine ought to be imposed. It ought at any rate to be equivalent to the value of the slave, for with a mere fine of one hundred dollars it might be paid, and yet profit be made by the introduction of slaves. I prefer the bill as it stands for two or three reasons, which I will briefly state. In the first place, that is the law of Virginia and Maryland as it existed at the time of the cession of this District, forbiding the introduction of a slave, and declaring that if introduced contrary to law, he shall be free; but, beside that, it is the appropriate penalty, and it is in conformity to the law which generally prevails upon the subject of contrabands. Where contraband articles of merchandise are introduced there is a forfeiture, and so there ought to be in a case of this kind.

But further, it is much more likely that the law will be efficacious, if the person introduced is entitled to his freedom, in consequence of his

introduction contrary to law, than if there is to be a pursuit of the party introducing him, and a pecuniary penalty inflicted upon him. If a slave is introduced contrary to law, there will be a motive on the part of the slave and of his friends to assert his freedom, and the law will be much more efficacious than if you let it depend upon the infliction of a pecuniary penalty, which it would be nobody's business to cause to be inflicted. But my great object is the abolition of the trade. As to the mode of effecting it—whether by declaring the slave free or inflicting a pecuniary fine—the Senate must decide between the two according to its judgment.

On the 11th September, MR. CLAY said:

Mr. President, I am extremely happy to hear this friendly explanation on the part of my friend from North Carolina. There were several instances yesterday of the occurrence of feeling, which occasioned me some regret. I hope that to-day we shall resume the consideration of the question before the Senate under better auspices, and with some disposition to reciprocate that kindness and courtesy which generally distinguishes the deliberations of this body.

I have risen, however, to say a very few words on this subject, because I do not expect to trouble the Senate much oftener during the remaining time of the session. I am very desirous that this question should be brought to a speedy termination. I am constrained, however, by my position, to make a few remarks. And, first, on the question of power. I have always held that, under the language of the Constitution, being an investment of power in Congress of exclusive legislation over this District in all cases whatsoever, there existed full and complete power over this whole subject. But in reference to the abolition of slavery within the District, I have maintained, what I now continue to maintain, that while the institution exists in Maryland now, or while it existed in Maryland and Virginia before the retrocession, it would be a gross violation of good faith to exercise this power, though it is fully and completely conveyed by the language of the Constitution.

But, sir, the question before the Senate is a totally different one. It is not the abolition of slavery in the District. So far from opening that subject, the committee intended, I intended, and I believe such will be its effect, that the slave-trade bill, if passed substantially in the form in which it was reported, should give peace and security to the maintenance of slavery within this District, until it exhausts itself by the process of time, as it would seem to be most rapidly doing. I know very well that it has been contended now, as formerly, that the general expressions contained in the Constitution, including that which vests in Congress an exclusive power of legislation here in all cases whatsoever, are subject to limitations which are contained in the Constitution. There are some limitations contained in the Constitution which operate upon the exercise of the power of Congress, when applied to this District; such as, for example, that Congress shall establish no religion, and shall not abolish the freedom of

speech or of the press. They are the restrictions which are contained chiefly in the amendments to the Constitution. There may possibly be some in the body of the Constitution itself. But there is no restriction, and I challenge the production of a restriction if there be one, which restrains the exercise of the power of Congress over a trade, foreign, alien to the District, and in which the District has not a particle of interest.

Sir, I repeat it, the power of Congress over the District is the power of legislation in all cases whatsoever. And yet the argument against the power is, that there are cases, and this is one of them, in which the legislative power of Congress can not be exercised. If there be such cases, they are to be found in the limitations of the Constitution, and those limitations must be produced and shown to be applicable to the power. But there are no such limitations in this case. I think, therefore, that the power of Congress over the subject of the slave-trade in the District can not be questioned. The truth is, that Congress has put that trade here, as has been shown by the senator from Maryland (Mr. Pratt). It was by an enactment of Congress that this slave-trade stole into the District, and has continued to exist here. And is it possible to maintain that Congress is incompetent to repeal its own laws, or to pass an enactment the effect of which will be to abrogate the effect of those laws? No, sir.

With regard to the question of the abolition of slavery, I repeat, I have always put it upon the ground that, in good faith toward Maryland, we ought not, while the institution exists there, to disturb it within the District. But, in reference to this particular question of introducing slaves for sale in the District, so far from acting in opposition to what was the ancient policy of Maryland, in prohibiting and suppressing it, we act in precise conformity with that policy. Her law, at the time of the cession by her of this District, as has been repeatedly shown, declared that any slave brought within the State should be free. That was the law of Maryland, at the time the District was ceded by that State to the United States.

My honorable friend from Virginia (Mr. Mason), and another senator, I believe, yesterday spoke of the embarrassment which they felt in determining whether to vote for the bill abolishing the slave-trade in the District, or for the amendment offered by the senator from New York (Mr. Seward) abolishing slavery in the District. Why, what is the difference between them? The proposition offered by the senator from New York (Mr. Seward) has for its object the entire and immediate abolition of slavery within the District of Columbia. The bill which was reported by the committee of thirteen does not touch slavery within the limits of the District of Columbia. It does not deal with it at all. It deals with a different subject. The bill reported by the committee declares by enactment that it would be a violation of law to introduce a slave here to be sold here. Well, what is the provision? Why, that if a slave, in contempt of the legislative authority, is introduced here, what shall be done?

That that shall be done which was done formerly in both Virginia and Maryland; that the slave shall be free in consequence of his illegal introduction. Gentlemen choose to regard this as a species of emancipation; but it is no such thing; it is a penalty inflicted upon the owner of the property for violating the law of the land, and introducing a slave here in contravention of the express enactment of the law. It is not only a penalty, but this is preferred to other penal forms because it is more suitable, because it is more appropriate, because it is more effectual in preventing that slave-trade which it is the object of the bill before the Senate to interdict. And it is in conformity with the experience of the two adjoining States, when they had provisions in their respective laws on the subject. I care not whether, as was said by the senator from Virginia (Mr. Mason), the object of those laws was to prevent the augmentation of a particular race, or what was the object. But the law of Virginia and of Maryland was, that any slave brought into these States should be and was free from the date of his introduction. And we can do the same thing under a power which I contend is equal to that in respect to this District, because it is an exclusive power to legislate in all cases whatsoever; and there can be found no limitation, no restriction upon the power in any part of the Constitution, in reference to the subject before the Senate.

I do hope that the honorable senator from Virginia will confide a little more in his own powers of discrimination. If he would have that confidence in his capacity for discrimination to which that capacity entitles him, and would apply it to the subjects before the Senate—the one a bill for abolishing the foreign slave-trade here, and the other a proposition to abolish slavery here—he would perceive the great difference between the two measures.

Sir, I do not mean at this time to dwell longer on the subject, for I am really desirous that we should hasten to a decision upon it, and dispose of it according to the sense of the majority of the Senate. What has been incorporated into the bill at the instance and the motion of the senator from Maryland (Mr. Pearce), will come in review before the Senate when the bill shall have been reported from the committee of the whole. It can then be disposed of according to the pleasure of the Senate.

On the 12th of September Mr. Clay said:

I rise to express the hope that the Senate will not concur with the Senate acting in *quasi* committee on these amendments, and that they will leave the bill in the state in which it was originally reported. I have just heard, with very great pleasure, of the passage in the other House of one of these measures (the fugitive slave bill), the combined effect of the whole of which it was hoped, and I believe, will restore in a great degree the concord and harmony of the country. This is the only one remaining of those measures, and its object was known, too, throughout the session as being simply to abolish the slave-trade in this District; a trade consisting of the traffic in slaves not belonging to the District, but brought here. If

the amendments which were inserted in the committee of the whole be adopted in the Senate, I apprehend that the effect will be that we shall pass no bill at all. I apprehend that the effect will be that we shall neither suppress the slave-trade in the District, nor provide those additional laws which are supposed to be necessary to prevent the enticement away of the slaves, or the increase of free people of color in this District. And this result, I apprehend, though I hope I shall be mistaken, will be the consequence of those gentlemen who are opposed to the interdiction of the slave-trade concurring in the vote with those gentlemen who are opposed to the other provisions of the bill; whereas, if the two measures were separately introduced, I have no sort of doubt but they would both pass. For the proposition, the object of which is to prevent the enticement away of slaves and to regulate the condition of free persons of color, there would be an undivided southern vote. together with some few northern votes; and for the bill to suppress the slave-trade we shall have, I believe, the undivided northern vote, with some eight or ten votes from the South. The separation of the measures, therefore, will lead to the success of both measures, if introduced in separate bills; while, if they be combined together, the effect will be to lose both, to lose all. That being the state of the case, I trust all those senators who are desirous of interdicting the slave-trade in the District, will vote against concurring with the Senate in *quasi* committee in the amendments proposed.

Mr. President, it has been frequently said, in the course of the debate on this bill, that slavery will itself pass away in the District. So it will, sir; and I am very glad of it. With regard to the slave-trade also, it is said to be less active than it was formerly, and I think that is also the fact. But when we go a hundred miles from this place to the North, the enormity of the slave-trade here is the leading theme of conversation. I have heard many northern gentlemen say that the idea of the existence of such a trade within the District was more calculated to agitate and excite, and produce those feelings which we are all desirous of allaying at once, than almost any other subject connected with these agitating questions. I hope, therefore, that we may limit ourselves to the object to which our attention has been directed throughout the session, and that we shall not introduce here new matters which have already given rise to protacted debate, and which may give rise to still further debates. With regard to making further provision to prevent the introduction of free people of color into this District, and further provision also for the enforcement of the laws of the District against the enticement away of slaves, the principle in both cases I am perfectly satisfied with, but I object to the introduction of provisions with these objects into this bill, when the effect will be to prevent the passage of any law on either of these subjects.

The further consideration of the subject was then postponed till Friday. On that day, however, in consequence of the death of Mr. Nes, the bill was not taken up.

On the 14th of September, Mr. Clay said as follows:

There are gentlemen who will vote for the first two sections alone without the amendments; and there are gentlemen who will vote against the first two sections with the amendments. And there are enough in the Senate—though of course it is a matter of conjecture and of opinion—to defeat them if we combine them together. And yet this combination is perseveringly insisted upon, when we declare our willingness to take up the subject separately, and provide suitable remedies for the evils now existing here.

Sir, what is the state of the case in relation to the slave-trade in this District? There have been thousands and tens of thousands of petitions presented for twenty years or more from all parts of the northern portion of the Union at least, and some I believe from the District itself, praying for the abolition of this trade. A bill has been introduced for that purpose, and the subject has been under consideration for eight months. But all at once, without a solitary petition from the people of the District in regard to the matter, a senator gets up and proposes two or three amendments to this bill, and insists upon them, although the people here have lived fifty years without any particular legislation in regard to the subject-matter of these amendments. All we ask is that you will not encumber a considered subject, a subject upon which we have deliberated and formed our opinions, with an unconsidered subject, crudely presented to us, and with respect to which there ought to be careful consideration, both as to the object and the phraseology to accomplish the object. Will gentlemen insist, under such circumstances, upon this combination of the subjects? The bill will be lost, I believe, in this House or in the other, if you combine the two subjects. I repeat that I believe both objects can be attained if kept separate. The interest of the people of the District will not suffer, I apprehend, from a delay of two months, until the next session, when a bill can be brought in in relation to this other matter.

The gentleman from Maryland speaks of the amendments. Either the honorable senator or myself totally misunderstands the third section. He thinks the actual running away with a slave is to constitute the crime. That is not the way I read it. As I understand it, the mere enticing or inducing a slave to run away, whether he runs away or not, is liable to the punishment which is provided. That is a subject which will require much deliberation. The legislation of my own State, and I venture to say the legislation of every slave State, has graduated the punishment of these offenses according to their nature. Such punishments, particularly when they are not unreasonable, are capable of being carried into effect. But here it is proposed to make the mere conception of a crime liable to the same penalties as the consummation of it. And then as to the punishment proposed to be inflicted. I should protest against the power being lodged in the breast of any judge to inflict ten years' or even two years' imprisonment upon any human being. I should insist upon a trial by jury, with

punishment graduated according to the opinion of the jury. But are we now, at this late period of the session, to attach amendments on a subject which has not been considered, to a bill that has been deliberately considered by the Senate and by the country? I trust not. I am sure there were many senators who voted for the amendments in committee without due consideration. And I think my honorable friend from Maryland should be satisfied with the avowal of a purpose to redress grievances when we can properly consider them. I have no doubt that the senator from Ohio (Mr. Ewing), or any other senator, if you make out a fair case before him of a person endeavoring to decoy a slave from his owner, and the crime is perpetrated, would consent to inflict some proper punishment, adapted to the true nature of the offense and calculated to prevent its repetition. These are subjects upon which we should have time to deliberate. But we have no time now, nor is there any urgent necessity for this legislation now, when the people of the District have been living without it for fifty years.

Sir, my colleague (Mr. Underwood), spoke of his apprehension that this series of measures would not produce that healing effect which their authors and advocates have supposed they were calculated to effect. Why, who ever expected that the instant after the passage of these measures the whole country would at once become quiet and acquiescent? There must be a little time allowed. It was said during the progress of these measures, and I now repeat it, that there might be a few of the ultra abolitionists who will continue to agitate. Gentlemen, after they have been defeated, after they have been opposing projects which they thought wrong and have been defeated, naturally show some signs of dissatisfaction. That there should be motions to abolish slavery in the District of Columbia; that there should be such a bill as is proposed to be introduced by the senator from New York (Mr. Seward), all is natural. It is human nature. The disappointed party are always mortified, vexed, and irritated; and the successful party should bear with a great deal. But the people of the country at large, the people of the United States, are satisfied with this series of measures. And I venture to say that, although here and there a voice may be raised to excite and to agitate, the great mass of the people everywhere rejoice and are glad that these questions have been settled. And I believe they were rather indifferent as to the precise mode of effecting the object.

This is the last of the series. And I venture to say that if this bill is defeated by this attempt to attach unnecessary amendments—and without which the District can remain for two months as they have for the last fifty years—you will have as much agitation upon this particular subject at the North as perhaps you have already had upon all the other aspects of this slavery question. I am therefore desirous of seeing the bill passed without any of these amendments.

A word or two now with regard to what was said by my friend from Tennessee (Mr. Bell) about the penalty of emancipation which this bill

affixes to the bringing of a slave here for the purpose of selling him. There is no attempt to touch slaves within the District. Nor is there any attempt to emancipate any one. It is merely a penalty to be inflicted upon a man living out of the District who brings a slave within the District contrary to the law forbidding him to be brought here. That is all. It is not intended as emancipation, but as a penalty. If emancipation follows, it is a consequence, and not the object and principal design of legislation in the enactment. It is according to the laws which existed in Delaware, Maryland, Virginia, and other slaveholding States. And it is not to be regarded as exercising any general principle of emancipation, but inflicting upon a man a penalty for violating the known law of the land. I wish to have the yeas and nays on concurring in the amendments made in committee. I do earnestly hope that this debate may terminate, so that we may come to a vote.

ON THE TWO PER CENT. FUND IN MISSOURI.

IN SENATE, FEBRUARY 6 & 14, 1851.

[Mr. Benton had asked leave of the Senate to bring in a bill to pay the State of Missouri what he claimed was due to her out of the net proceeds of the public lands; but Mr. Clay maintained that nothing was due to Missouri on that account, and that the indebtedness was on the other side, from Missouri to the United States. We shall present Mr. Clay's argument on this question in one speech, although made on two separate days, by adjournment of the Senate and the claims of other business. On the 6th of February, 1851, he spoke on this subject as follows:]

Mr. President:

When this bill was called up some days ago, I said to the Senate that instead of Missouri being the creditor of the general government on account of the two per cent. fund referred to in this bill, it would be seen upon an examination of the whole subject that she was largely the debtor of the general government. In rising now, my purpose is, as far as I can, to make good that statement; and I think upon the exposition which I shall present, it will be seen that every cent of the two per cent. fund reserved in the compact between Missouri and the general government has been expended, and a great deal more; that it was expended with the silent acquiescence at least of the State of Missouri, and with the positive votes of her senators and representatives during the passage of the various bills to which I shall have occasion to refer; that it was expended in the construction and continuation of the Cumberland road from Cumberland, in Maryland, to Vandalia, in Illinois; that it stopped in consequence of a collision which arose between the States of Missouri and Illinois, or rather, I believe, between the towns of St. Louis and Alton, as to what should be the terminus of the road.

It will be seen in this exposition that between seven and eight hundred miles of the Cumberland road have been actually constructed, at a cost of nearly six millions of dollars, and constructed upon a pledge of reimbursement to the government of the United States of the amount expended from the two per cent. fund, derivable first from Ohio, then from Indiana, then

from Illinois, and then from Missouri. It will be seen that the general government is out of pocket to the amount of $4,500,000, and instead of being reimbursed the $5,800,000, she has only been reimbursed to the extent of about $1,230,000, or $1,300,000. This will be shown in the progress of what I have to say, and will be seen from the laws to which I shall call the attention of the Senate.

Mr. President, I beg leave to say, by way of apology—for, as you perceive, I have but rarely interfered in public business, and wish to do so as little as possible, except when impelled by a profound sense of duty—that I have had something to do with this road in former years. I contributed in some degree, as far as my humble capacity would allow, to the passage of laws which, session after session, for a period of years, were greatly contested in the other branch of the national Legislature, to make appropriations to construct and continue this road; and in those laws, as I shall presently have occasion to show, pledges were made of reimbursement to the general government of the amount to be expended out of the two per cent. fund, a portion of which is now demanded of right by Missouri, as if no part of it had been expended for her use or in conformity with the compact made with her. Having contributed in this way to the passage of those appropriations, and having proposed the pledge to which I have referred, I feel myself called upon by a sense of honor, for the part I have taken on this subject when it was before the other branch of the national Legislature many years ago, to show that the government of the United States is under no obligations to any one of the four States I have mentioned—Ohio, Indiana, Illinois, or Missouri—to pay one single cent of the two per cent. fund. It will be of some consequence to call the attention of the Senate, in the first place, to the compact between the State of Missouri and the general government, out of which this claim originates. It will be found in the third volume of the laws, page 547. The third condition of that compact, which I will read from the sixth section of the act to authorize the people of Missouri Territory to form a Constitution and State government, is as follows:

"That five per cent. of the net proceeds of the sale of lands lying within the said Territory or State, and which shall be sold by Congress, from and after the 1st day of January next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three fifths shall be applied to those objects within the State, under the direction of the Legislature thereof, and the other two fifths in defraying, under the direction of Congress, the expenses to be incurred in making of a road or roads, canal or canals, leading to the said State."

By this condition it will be observed a reservation was made of five per cent. of the net proceeds of the sales of public lands in Missouri; three per cent. to be expended within the State, and two per cent. to be expended without it. With respect to the three per cent. to be expended within

the State, it has been paid from time to time to Missouri, and no claim is attempted to be set up on that account. The claim is altogether for the two per cent. fund, which was to be expended under the direction of Congress in making of roads or canals leading to Missouri. The Senate will also observe that no specific kind of road is provided for. It is not provided that it shall be a railroad, a macadamized road, or any other particular kind of road; it was to be a road. The money was to be expended under the direction of Congress, and Congress was to be the judge of the species of road and the expenditure of money for it.

It will be observed, moreover, that it was not Missouri alone that was interested in this expenditure. The two per cent. fund was also to be expended exterior to her limits. She would derive benefit undoubtedly, but the expenditure was to be made outside of her limits in other States, and other States directly, as well as the Union at large indirectly, were to be benefited by the construction of the roads.

I have stated that the whole amount of this fund had been expended specifically upon the Cumberland road. That road beginning at Cumberland, in the State of Maryland, was intended to be run to the Mississippi on its eastern bank. The road has been macadamized only in part. It has been macadamized only from Cumberland to Wheeling, and from Wheeling through the State of Ohio entirely, partly in Indiana, but inconsiderably, and partly in Illinois, less considerably than in Indiana. But it has been graded, and bridged, and cleared, and opened the entire extent of between seven hundred and eight hundred miles from Cumberland, in Maryland, to Vandalia in Illinois. It would have gone on and been graded and opened to the Mississippi but for the conflict which arose with respect to its terminus on the Mississippi; Illinois being desirous that it should terminate at Alton, while Missouri was desirous that it should terminate at a point opposite St. Louis. The Cumberland road originated in March, 1806. It was to be constructed from the two per cent. fund reserved in the compact between Ohio and the general government. When it was originally projected it was contemplated only to extend to the Ohio river, but when it reached the Ohio river, owing to the very great exertions made in the other branch of the national Legislature, it was carried across that river through the State of Ohio to the point I have mentioned in the State of Illinois.

Sir, the benefits of that road have been incalculably great. I know it from personal experience. Why, before that road was run, I remember it took my family one entire day to pass from Uniontown to Freeman's tavern, on the summit of Laurel Hill, a distance of only about seven miles. I wish the senator from Pennsylvania (Mr. Sturgeon) was present, as he would recollect the place. The distance from Uniontown to Cumberland is about sixty-four miles, and that distance is now passed in about ten or twelve hours. The whole western country has been benefited by that road, in all its parts—benefited in the emigration to the new States west, bene-

fited in the traveling to and from those States to the seat of government and the cities of the seaboard. It has almost created a new country as respects intercourse between the western and eastern States. It has diminished in its importance recently in consequence of the opening of other channels of communication—the road in Pennsylvania from Pittsburg to Philadelphia, and the roads around the lakes through the State of Ohio and the State of New York. Still it is yet a road of incalculable benefit to all who are emigrating in that direction to the West, and to all who are traveling.

The extension of the road beyond Wheeling, the original terminus intended for it, took place about the year 1820, about the year when Missouri was admitted into the Union. It was carried through the States I have mentioned. But I should here pause, and say that when it reached Wheeling—or, in other words, when it reached the State of Ohio, for Wheeling is directly opposite to the State of Ohio, and is separated from it only by the Ohio river—every obligation toward the State of Ohio resulting from the expenditure of the two per cent. fund was completely fulfilled; we were not bound to expend another dollar for the State of Ohio. But then the States beyond Ohio—Indiana, Illinois, and Missouri—having the same two per cent. fund pledged in the respective articles of compact which were entered into between the government and those States, had a right to ask the continuance of the road through Ohio first, then through Indiana, then through Illinois. Now, I wish to call the attention of the Senate to the acts of appropriation which have been from time to time made to expend this fund. The first will be found in the fourth volume of the Statutes at Large, page 128. By that act, which was "an act for the continuation of the Cumberland road," it was provided:

"That the sum of one hundred and fifty thousand dollars, of moneys not otherwise appropriated, be and the same is hereby appropriated for the purpose of opening and making a road from the town of Canton, in the State of Ohio, on the right bank of the Ohio river, opposite the town of Wheeling, to the Muskingum river, at Zanesville, in said State; which said sum of one hundred and fifty thousand dollars shall be replaced out of the fund reserved for laying out and making roads, under the direction of Congress, by the several acts passed for the admission of the States of Ohio, Indiana, Illinois, and Missouri into the Union on an equal footing with the original States."

I believe that was the first act in which the two per cent. fund reserved from Missouri was by express enactment pledged to the reimbursement of the general government in making that road. In pursuing its passage through the Senate, I find that a motion was made by Mr. Holmes of Maine, to strike out the words "Illinois and Missouri" in the extract which I have read, the effect of which would have been, not to pledge the two per cent. fund belonging to Missouri and Illinois, but to have left it unpledged. The retention of the words amounts to a retention of the pledge of reimburse-

ment out of that fund. On this motion of Mr. Holmes, of Maine, the vote stood twelve for striking out the words Illinois and Missouri, and thirty-three against it; and among the thirty-three who voted against it, who voted for making the pledge proposed, I find both of the then senators from Missouri. They both voted in the negative, thus positively expressing their consent to the pledge of the two per cent. fund for the reimbursement of the general government. I do not mean to follow out all the various acts of appropriation. There will be found, however, in others of them to which I shall call the attention of the Senate, the same reservation of the right of reimbursement. An act was passed providing for the construction of the road west of Zanesville, in March, 1829, which provided:

"That the sum of one hundred thousand dollars, of any money not otherwise appropriated, be and the same is hereby appropriated, for the purpose of opening and making the Cumberland road, westwardly from Zanesville, in the State of Ohio; which said sum of one hundred thousand dollars shall be replaced out of the fund reserved for laying out and making roads, under the direction of Congress, by the several acts passed for the admission of the States of Ohio, Indiana, Illinois, and Missouri into the Union on an equal footing with the original States."

In the fifth volume of the Statutes at Large, page 71, we find "an act for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois," by which it is provided:

"That the sum of two hundred thousand dollars be and the same is hereby appropriated, for the purpose of continuing the Cumberland road in the State of Ohio; that the sum of two hundred and fifty thousand dollars be and the same is hereby appropriated, for continuing the Cumberland road to the State of Indiana, including materials for erecting a bridge across the Wabash river; and that the sum of one hundred and fifty thousand dollars be and the same is hereby appropriated, for continuing the Cumberland road in the State of Illinois; which sums shall be paid out of any money not otherwise appropriated, and replaced out of the fund reserved for laying out and making roads, under the direction of Congress, by the several acts passed for the admission of the States of Ohio, Indiana, Illinois, and Missouri into the Union on an equal footing with the original States."

Here, again, we find the fund specifically pledged. By another act, which I will not take up the time of the Senate by reading, four hundred and fifty thousand dollars, one hundred and fifty thousand in each of the three States, were appropriated to the same object, and the two per cent. fund was pledged to the reimbursement of this amount. The amount to be appropriated by this bill is, I presume, about $230,000. I think that an official document on our files will show that $200,000 was the amount of the two per cent. fund, arising out of the sales of the public lands in Missouri a short time ago. It has probably increased since that time to about $230,000. This bill proposes an immediate appropriation of the whole of

that sum, and a prospective appropriation of all the sums that shall hereafter accrue within the State of Missouri in consequence of that reserved two per cent. fund. Now the Senate will find, from the appropriations to which I have called their attention, that vastly more than $230,000 has been expended, without making Missouri at all chargeable for any part of the road outside the State of Illinois.

The deficit of reimbursement for the construction of the whole road from Cumberland to Vandalia is about four millions and a half, and if Missouri is liable for her portion of that four millions and a half, it would be perhaps twenty or thirty times the amount of $230,000. But admit that she is not liable for any thing expended in Ohio, for any thing expended in Indiana, and that her liability begins when the road reaches Illinois. Upon reaching Illinois, Illinois had no right to ask of us to expend one dollar, and it was only on account of the reserved fund to Missouri that we could be called upon to make any expenditure of money within the limits of Illinois. Then if you charge to Missouri only what has been expended within the limits of Illinois, it will exceed three or four times the amount claimed in her behalf by the bill under consideration. I am aware that the road has not actually terminated at the line of Missouri. The government was to begin the road somewhere, and the compact did not require that the government should begin the road at any particular place. I contend that the literal interpretation which would require of you to carry the road up to the very line of the State of Missouri is not the true and just interpretation of the act. The question is, whether Missouri has or has not derived benefit from the construction of the road. As I have already stated, every western State has derived benefit, especially those States through which it passes and to which it runs. The general government had discretion on the subject; they had a right to begin the road where they thought proper. Suppose they began the line at Missouri, there might then have been a gap from Vandalia to Indiana, about equal in extent to that which is now complained of between Vandalia and Missouri.

But this law invested Congress with discretionary power, and that power, as I contend, has been faithfully exercised by Congress. If the road was not carried to the Missouri line, there were various reasons for it. One was the exhaustion of the fund. The fund may hereafter accumulate, if unappropriated, perhaps to an amount sufficient to carry the road to the line of Missouri. No time is fixed in the compact as to where the road shall be run; the road is to be carried *pari passu* with the increase of the fund. The fund will go on increasing until the whole of the public lands in Missouri shall have been sold; and it is possible if it be not squandered and wasted away, that it may hereafter be sufficient to complete the road.

With respect to the road itself, after it reached Illinois it was found impossible to gravel or to stone it. There was proof before this body, I recollect, some fourteen years ago, when I was a member, that stone for the purpose of grading had been carried thirteen miles. There was no stone

or gravel to be found within the limits of that State convenient to the site of the road to make it as it was made in Ohio and part of Indiana. And according to the last appropriations made for carrying the road through Illinois it was especially provided that the money should not be applied to paving with stone or graveling the road. This was because of the enormous expenses which would be otherwise occasioned by transporting the stone and gravel. The opening of the road was all the government stipulated. There was nothing that required the road to be macadamized. In point of fact there is a road now existing from Vandalia to Alton and to St. Louis and the Missouri line. It is a road made under the authority of the State of Illinois, but it makes continuous the line from Cumberland to the Mississippi river. At this end of the line from Cumberland to the seat of government, to Baltimore, and to the eastern cities, roads were made not by public authority or public means, but by private corporations and individuals, so that at both ends of the road there are about one hundred and fifty or two hundred miles executed by the enterprise of individuals, and not at the expense either of the general government or any State government. The whole extent of the road as far as it goes—eight hundred miles—is beneficial not merely to Missouri, but to all that group of States through which it passes, and to those States emigration to which will be promoted by this means of traveling.

I think I have shown, first, that the general government was not bound to make any particular or specific kind of road; secondly, that it was not limited as to the time when the road should be constructed; thirdly, exercising the discretion expressly vested in it by the compact between Missouri and the general government, the general government expended not merely $230,000, but probably more than three times that amount, even admitting Missouri not to be chargeable for any thing expended on the road prior to its reaching Illinois.

One word now with respect to the document which my friend from Illinois presented. I am quite sure, and I think I may venture the belief, that the committee did not attend to these special appropriations, and these express declarations in repeated acts, that the two per cent. fund arising from the sales of public lands in Missouri was pledged to the reimbursement of the general government for its expenditures on this road. My friend has presented a document from the General Land Office, showing that eight out of the twelve land States have received the whole of the two per cent. fund, and that four have not received it. Why have those four States not received it? Ohio did not receive it because it was pledged to the reimbursement of the government for the expenditure it incurred on the Cumberland road. Indiana did not receive it for the same reason. I venture to say in regard to the eight States which are said to have received the entire five per centum, three per cent. to be expended within the limits of the State, and two per cent. to be expended without the limits of the State, that in none of them was any road commenced under the

authority of the general government leading to those States, and pledging the two per cent. fund reserved for those States as a fund for the reimbursement of the general government.

On looking a little into this subject of roads, I find an appropriation of $20,000 for opening a road from Dubuque, in Iowa, to the northern boundary of the State of Missouri. There is no pledge of the fund in that instance, but certainly, admitting a claim on the part of Missouri, it would be an equitable offset, for the compact does not say that a road shall be run in any particular quarter. I find that an act was passed in 1839 authorizing the construction of a road from Dubuque to the northern boundary of Missouri, by which it is provided:

"That the sum of $20,000 be, and the same is hereby, appropriated, out of any money not otherwise appropriated, to the opening and construction of a road in the Territory of Iowa, from Dubuque, on the river Mississippi, to such point in the northern boundary of the State of Missouri as may be best suited for its future extension by that State to the cities of Jefferson and St. Louis, within the same."

Mr. President, if I am right in the views which I have presented to the Senate, it follows that this bill ought not to pass; and even if it were to pass I should be glad to know whence we derive the authority to make the new compact which is proposed in the bill with the State of Missouri. If the money belongs to her we ought to pay it to her and let her dispose of it as she pleases. But here we find it is proposed that the Legislature of that State shall first pass an act declaring their acceptance of the money. There is also a provision, which is to be unalterable without the consent of Congress, that the whole of this fund shall be faithfully applied, under the direction of Missouri, to the two railroads heretofore chartered by the General Assembly of that State—the Pacific and Mississippi railroad, and the railroad from Hannibal to St. Joseph, in that State. What right have we to make any such compact?

The honorable senator from Missouri [Mr. Benton], it is known, has very much at heart a great national project. It is worthy of his highest consideration and of his best efforts. It is the making of a railroad from St. Louis to the Pacific ocean. I hope it may turn out that St. Louis is a proper point of terminus for such a road. But until explorations and surveys, and estimates are made of all the proposed routes—for there is one proposed north of St. Louis, and two at least south of it—I think it would be very incautious and improper on the part of Congress to commit itself to any one particular route. Let us ascertain which it will be the most advantageous to adopt; let us know the expenses, the obstructions, the difficulties to be surmounted in the construction of the various routes before we do any thing. I shall be extremely happy if it shall turn out that of all the various routes proposed, the one which is contemplated to begin at St. Louis is the best; but I can not, upon the information which I now

possess, satisfy my mind upon this point, and therefore I do not wish to pledge myself to any particular route. I understand this new compact which it is proposed to make with the State of Missouri has for its object the extension of a railroad from St. Louis to the western limits of that State, being a part or section of that road, the construction of which the senator from Missouri has so much at heart.

In conclusion, sir, allow me to say that this appropriation of the two per cent. fund, arising from the sales of the public lands in Missouri, has been made from year to year for about thirty years, during which the honorable senator [Mr. Benton] has had a seat on this floor. All those provisions pledging the two per cent. fund of Missouri to the reimbursement of the general government have been made while the honorable senator has been a member of this body. Not one word of remonstrance, not one word of complaint has been heard on the part of Missouri or on the part of her representatives on either floor of Congress. On the contrary, we find them acquiescing, and consenting, and agreeing to the pledges. And now, after all the money has been expended by the general government for the benefit of that State and of other States, we are asked to give the State of Missouri $230,000. I think there is no foundation whatever in justice for the demand.

[After hearing Mr. Benton's reply, Mr Clay rejoined as follows:]

I will detain the Senate but a very little time. The argument of the senator from Missouri has not controverted several positions which I assumed as existing, and which I think must be conclusive on this question. He has not denied that there is not a single cent of the two per cent. fund in the Treasury of the United States. He has not denied that the whole has not been expended on the Cumberland road. He has not denied that it was expended under the express provisions in the several acts declaring that the reimbursements of the general government should be made out of that two per cent. fund. He has not denied that the State of Missouri, during the progress of these various acts, never intervened to protest against an appropriation of the money to advance the road. He has brought forward a memorial of the General Assembly of Missouri, sent here in 1829, in which they do not complain of the pledge of the fund, they do not complain at all that the two per cent. fund had been appropriated to extend the road, but they complain that the work upon the road was not carried on with the rapidity which they desired; they wanted to see it extended more rapidly than it had been.

With respect to the recent recommendation of the governor to relinquish to the United States all the obligations on their part to continue the road, it is a very late affair, and has grown up under the idea that there is in the treasury some two or three hundred thousand dollars belonging to Missouri; every cent of which has been expended without the interposition

of Missouri, and with the express assent of the representatives of Missouri in both Houses of Congress.

Sir, it is said that I have been incorrect with respect to the date of the act for establishing the Cumberland road, and a reference has been made to the various propositions between the State of Ohio and the general government, as to the terms of the contract which the parties were mutually about to enter into. I have the act before me, but it is not worth while to trouble the Senate with reading it now. The proposition contained in the offer from Ohio, and the counter proposition on the part of the general government, did not relate to any specific kind of road, not to the Cumberland road; but they spoke of roads generally. And I repeat, that according to all chronology, I am correct in asserting that the act of March, 1806, was, as I have before said, the very first act passed to make a road from Cumberland to the Ohio river. Here is the act which requires that commissioners shall be appointed who were to lay out the road under the direction of the President of the United States, and to be allowed their per diem for it. And the latter part of the act pledges the fund which was to arise from the two per cent. for the reimbursement of the general government.

Now, it is very true that in the original terms of the compact between Ohio and the general government, the stipulation with respect to the application of the five per cent. was, that it was to be applied to make roads to and through the State; the words "through the State" have been rejected in every other instance, and even before the Cumberland road reached Wheeling the two per cent. fund reserved in the compact with Ohio had been expended. So that what I stated before with regard to this subject is perfectly true; that Ohio had no claim upon the general government, arising out of that two per cent. fund to go one step beyond the Ohio river or beyond Wheeling.

The senator says, that according to the stipulation between Missouri and the general government, the road was to terminate at the line of the State of Missouri. Now, sir, there are some half dozen answers to that argument of the senator. The first is, that it is too literal. A road leading to it or near it substantially complies with the stipulations contained in the compact. The benefits of the road, to the extent to which it reaches or approaches the State of Missouri, are enjoyed by that State. But, sir, besides, without disputing about the mere verbal criticism, there are other answers to his argument. One is that it has not gone to the Mississippi river, because the fund was exhausted when it reached Vandalia. There was no longer any means for prosecuting the road, arising from the two per cent. fund, beyond Vandalia. The government was only bound to the whole of the two per cent. fund, and, as I said before, it was not bound to begin the road at Missouri, or make it from Missouri, but a road to lead to Missouri.

Under this compact a road has been begun, and carried into the State

of Illinois, without any right on the part of the State of Illinois to demand that it should be carried through the State in consequence of any compact with Missouri. Even before the road reaches Vandalia the two per cent. fund received upon the sale of the public lands in Missouri is exhausted, and more than three times exhausted. What right has she when the fund is exhausted to demand that the road shall continue beyond Vandalia?

But there are other answers to the arguments of the senator from Missouri, and one of them is, that the road could never have been carried to the line of Missouri. The Mississippi river intervenes so that it could only be carried to the bank of the Mississippi river within the State of Illinois. It can never be carried to the State, if that word "to" is to receive its literal signification, and if, according to it, we were bound to make a road to the very line of Missouri.

But there are still other answers to the arguments of the senator from Missouri. Another answer is, that there is a road actually in existence from Vandalia to the banks of the Mississippi, opposite to St. Louis, and another from Vandalia to Alton, opposite to Missouri. She has the benefit of these roads. Would you make another road? Government was not bound to make a macadamized road; any dirt road would answer the compact.

But another answer is that it has been only about ten or twelve years since the appropriation ceased, and ceased for the reason, among others, that the fund was exhausted. Government did advance upon the road from Cumberland to Vandalia more than four millions of dollars. The reimbursements of all four States have not amounted to one fourth part of the expenses of the government upon the road from Cumberland to Vandalia.

Well, sir, another answer to the arguments given is, that if Missouri, or the senator from Missouri, will wait until there is an accumulation from the sales of the land in Missouri to make another road they may have another road, if they insist upon it, upon the top of the one they have already. They ought to be willing to wait until the fund can be accumulated from the sales of the public lands in Missouri. The whole amount which is said to be in the treasury now, due to Missouri, is about two hundred and thirty thousand dollars, if the title of the bill is correct in point of fact. It is "a bill to make good to the State of Missouri the two per centum of the proceeds of the sales of the public lands heretofore withheld from that State."

It assumes that the money is in the treasury; it assumes that we have withheld it from Missouri; it assumes that there are no pledges, no obligations, no appropriations, no disbursements of money for the benefit of Missouri. Every cent of it, and more than three times every cent of it, has been disbursed. Let the fund accumulate, let further sales take place let there be money in the public Treasury of the United States from the

sales of public lands in Missouri, and she may call upon the government of the United States to apply it under the compact.

But again: the most that Missouri has a right to demand is, even supposing I am wrong in all the views I have yet presented, that government should make a graded road from Vandalia to St. Louis. What would that cost? I suppose the expense might be about $500 per mile. The distance is about one hundred miles. The whole expense therefore would be about $50,000 dollars. While the whole expense would be only $50,000, a demand is made for $230,000, which has already accrued, it is said, and which is assumed to be already in the treasury; and then there is a demand on the general government for all that may hereafter accrue. Sir, I think the case is fully in the possession of the Senate, and, according to any reasoning which I can apply to the subject, it seems to me there is no just foundation whatever for the demand on the part of Missouri, and, entertaining that opinion, I thought it my duty to make the exposition which I have, and leave it for the Senate to take such action as they may deem proper.

[February 14, the bill being again before the Senate, Mr. Clay concluded his remarks upon the subject, in reply to a speech from Mr. Benton.]

Mr. President, I took no part in the preliminary proceedings this morning, either to express any sentiment or to vote, because, on the one hand, I did not desire to deny to the senator from Missouri the benefit of a new trial for his bill, nor on the other hand did I wish to seem to be anxious to violate an established principle and usage of parliamentary law. The Senate has thought proper to give to the senator from Missouri the privilege of an exposition of the motives which led him to ask leave to introduce the bill again, and at the same time to accord to any other senator the privilege of reply. I wish to avail myself for a few moments of the privilege which has thus been extended to me.

I do not propose to go at large into the long and elaborate argument of the senator from Missouri; but I beg leave, in the first place, to correct him in a matter of fact, and I think the correction will show to the senator the propriety of more caution on his part in the assertion of facts. The senator stated that the speech recently made by me in opposition to this bill, and published in the papers in this city, was revised by me. That is not the fact. I never saw it from the time it was delivered until I read it in the morning papers, when it first appeared. I very rarely do. I very rarely, even in former years, revised the speeches which I made: perhaps too seldom for the poor reputation which I may have in the country. With respect to the speech which the senator quotes as having been made by me in 1825, I am unable to assert whether I did or did not revise it.

In making these explanations I wish it to be distinctly understood that I do not mean to shelter myself, by the fact of not having revised my last speech, against any supposed opposition of opinions which the senator has

endeavored to deduce from the comparison of the two speeches. I claim no such shrinking privilege. The great dispute between the senator from Missouri and myself is this: A compact was made with various States, pledging, in the instance of Ohio, the two per cent. fund to carry the road to the State, and through it, but in all the other instances pledging the general government to apply the two per cent. fund at its own discretion in roads leading to those States—Indiana, Illinois, and Missouri. The argument of the senator is, that, although the Cumberland road has been extended some seven or eight hundred miles, it has not been carried directly up to the line of Missouri. My argument, on the other hand, was, that the whole two per centum was to be expended under the direction and according to the judgment of Congress, in constructing roads leading to those States, and that Congress was to be the judge of where the road should commence; and that from the terms of the compact it was manifest that it was not intended the road should begin at the State or from the State, but it was to begin somewhere else and lead to the State. I contended that the general government, in the faithful execution of this stipulation, had exhausted the whole two per cent. fund of all the four States, and that the exhaustion took place even before the road reached Vandalia, the seat of government of Illinois. I have contended, therefore, that the general government has honestly endeavored to carry out its contract, and that if it has failed to carry the road to the line of Missouri, it has been not because of an indisposition to fulfill the contract, but because of the exhaustion of the fund out of which the object was to be accomplished.

Now, if the senator from Missouri be right that there is an imperative obligation on the general government to carry the road up to the line of Missouri, what ought to be his proposition? Not to ask to be refunded an exhausted fund, every cent of which has been spent in the prosecution of the object of the compact, but it should be to introduce a bill to compel the general government to extend the road from Vandalia to the eastern bank of the Mississippi. But the senator, instead of asking the execution of the compact by the extension of the road to the line of Missouri, asks—what? Why, that a fund which has been more than three or four times exhausted; a fund that is not in the treasury; a fund which has been expended in the fulfillment of the compact with the knowledge of Missouri, with the concurrence of her delegation in both Houses of Congress, shall be restored to the State.

And now with respect to the terms of the compact. The senator says it is not any road which, in the judgment of Congress, it may be fit to make, that was authorized to be made by the compact. If any senator will take the trouble to read the language of the various stipulations made in the compacts with the several States, he will find that in every one of them the language is that the two per centum is to be applied to the construction of a road leading to the State, without specification as to the character of the road.

The senator has said that it was to extend the Cumberland road. That is not the case. In the first instance, when under the compact with Ohio the Cumberland road was beginning at Cumberland to be extended toward Ohio, it was any road which Congress chose, on account of the mountainous character of the country and other reasons, to have constructed. The character of the road has been altered several times. The road was, of course, to be permanent and durable. But in none of the compacts with Illinois, Indiana, or Missouri, was the character of the road mentioned which the government was to construct out of the two per cent. fund.

The senator says also that the general government was under obligation to carry the road to Jefferson City, the seat of government of Missouri. It is under no such obligation by the compact, for the obligation of the compact terminated upon reaching the line of the State of Missouri, according to the senator. According to my construction of the obligation and duty of Congress, it terminated whenever the fund out of which the object was to be accomplished was exhausted. The senator has looked up an old speech of mine made in 1825, which I have never read since it was made, and has brought that speech into contrast with the one which I made the other day; and he contends that there is an incongruity between them, and that a different interpretation is given to the compact by the two speeches. Now it must be recollected that the speech which was made in 1825 was made before there had been any application of the two per cent. fund, to any considerable extent, if to any extent whatever, of the three States of Indiana, Illinois, and Missouri. I was arguing then that Congress was bound to apply that fund in execution of the compact. I was arguing, against the position contended for by some opponents of the bill, that the compact was fulfilled when the Cumberland road reached the Ohio river. I contended upon that occasion, as I contended the other day, that our obligation to Ohio ceased when the road reached the Ohio river; that the fund out of which the object was to be accomplished was exhausted, and therefore that Ohio had no claims upon us for the extension of the road further; but that Indiana, Illinois, and Missouri had claims upon us to carry the road through Ohio, not for the sake of the benefit of Ohio, although she might incidentally derive benefit from it, but for the sake of the States to which it was to be carried, or toward which it was to lead. I contended then that it was no answer to say that the road was in part made, but that we ought to go on till the fund was expended. And what did I say the other day? I gave four or five answers to the objections made by the senator to the fact that the road had not been carried to the line of Missouri. I said, in the first place, that it was impossible to carry it directly to the line of Missouri because of the intervention of the Mississippi river. The gentleman says that is a case for compromise, but he insists on the literal execution of the compact in other respects. If the senator is to be understood as having given a correct exposition of the compact, no matter what obstacles may present themselves, we are bound to

carry the road to the very line of Missouri. But it was provided that it should stop on the eastern bank of the Mississippi river.

With respect to carrying the road beyond the Mississippi river and up to Jefferson City, the seat of government of Missouri, I ask what part of the compact between Missouri and the general government pledges us to carry the road to that city? There is no State, and there will be none for a long time, west of Missouri, to which, in the execution of a compact, we should carry the road through Missouri as it was carried through Ohio. But without any such exterior western State, a clause was introduced—I was aware of its existence—in the act of 1825, not in the compact, but in the act, for a survey of the road to Jefferson City. If it is to be carried there, it is clearly not within the compact, and it must be carried under the general power, which has been so often asserted, to make internal improvements. Now, what was the argument in 1825? When there was money in the treasury, when money was daily coming in, I said, in answer to those who contended we had fulfilled the compact by terminating the road at the Ohio river, that we should carry the road beyond that in order to fulfill our compacts with the States beyond the Ohio. Among the answers which I gave to the senator the other day, I said that if there was enough of the two per cent. remaining in the treasury to carry the road to Missouri, or as near to it as you could reach with convenience, it ought to be done. Did I not further contend that if Missouri would wait until the fund accumulated to an extent sufficient to authorize the government to make a road from Vandalia to her boundary, then it ought to be done? I never denied that if the fund existed in abundance for the purpose of accomplishing the object, you should carry the road as far as you could—make it approach as near as practicable to the line of the State with which you made the stipulation. But I contended that we had made between seven and eight hundred miles of road from Cumberland to Vandalia, pledging from time to time the two per cent. fund, and more than three times its amount derivable from Missouri. I contend that the general government, in the execution of the compact, had carried the road as far as the money would enable them to do, and if they did not carry it further it was not because of the want of the will, but because of the want of the means to provide for carrying it further.

I contend that between the argument of 1825 and the argument which I offered to the Senate the other day, there is no such incompatibility as the senator tries to make out. I said then that if you could carry the road to Missouri you ought to carry it there, if you had the money with which to do it. I said, in 1825, that the road ought not to stop at the Ohio river in fulfillment of the compact of Ohio, but that it ought to be carried further, to carry out the compact with the States lying west of Ohio. I added, the other day, that the States lying west of Wheeling had derived benefit from that Cumberland road; they derived benefit by traveling, and

they derived all the benefits to which a road can be applied which is constructed for the public use and for the public benefit.

A word now with respect to the practicability of making the road through the State of Illinois. I do not know that there are many senators here who were here in 1836 and 1838. So rapidly do we pass off the stage that a very few years make a great difference in the *dramatis personæ*. But I am sure that if there be any here who were here in '36 and '38, they will recollect that the idea of making a paved road through the State of Illinois was abandoned because of the enormity of the expense of making it, the materials not being at hand, and having to be drawn from such an immense distance. I recollect distinctly, though I have not recently referred to the documents, that upon that occasion it was made known to us that gravel and stone had been hauled thirteen miles in order to place it on the road, and it was seen that a debt of the most enormous magnitude must be contracted, if the road, under such extraordinary expenses, was paved, graveled, or macadamized. Hence Congress only contemplated to make a road that was not macadamized through the State of Illinois.

Mr. President, I fear I am consuming more of the time of the Senate than I ought to on this bill. It comes at last to the question which I have stated. Missouri has had the application of the two per cent. fund to more than three times its amount, even if you limit her liability to that only expended in the State of Illinois, and there is no money out of which she can be paid. That two per centum was positively and expressly pledged to the reimbursement of the expenditure which the general government had made, but that reimbursement has not yet been effected, and, until it is effected, Missouri has no claim upon the government. It was said in the report of the committee that in the case of the eight other States with which similar stipulations had been made by compact at the time of their admission into the Union, those States had the two per centum refunded to them. I answered that the other day. I repeat the answer now. In no one instance of those eight States had there been any expenditure of a single dollar to make a road leading to any one of them; the money, therefore, was in the treasury unapplied, and was surrendered to the several States because it had not been expended. The difference between them and Missouri, Illinois, Indiana, and Ohio—no one of which but Missouri has ventured to ask the payment of the two per cent. fund—is, that in the case of the eight States the fund was unexpended and unexhausted, while in the case of these four States the fund was positively pledged to the reimbursement of the general government. The general government has not yet been reimbursed, and the question is whether without being reimbursed we should pay this fund to any one of those States.

And now a word in relation to the act of 1841, to which the senator referred; and with respect to the stipulation of it with regard to the two per cent. fund of Alabama and Mississippi. It will be recollected that in that case the fund was in the treasury; that it was to have been expended for

the common benefit of the Union and of those States; that it was to have been expended to make roads, not within them, but leading to them. It was a fund, therefore, in the application of which the whole Union, as well as those two States, was interested. When, therefore, there was a proposition made to surrender the fund, the general government had a right to propose the terms on which the surrender should be made, and had a right to say, "If we give up to you this money, if we relinquish the interest we have in the making of roads leading to you, we have a right to stipulate for another mode of applying it, which may produce benefit to the Union at large." Now, how is it with respect to the case as put by the senator from Missouri? Missouri comes here as a creditor claiming that we are her debtor. She demands the money as a matter of right. Here is an inexorable demand, and she demands that her debtor pay her forthwith. I said, the other day, and I repeat now, that if the money be due, if we stand in the relation of a debtor to Missouri, we have no right to enter into a stipulation with our creditor and say how the money we pay our creditor should be applied.

Sir, if it be the pleasure of the Senate to hear more on this subject; if it be their judgment as to propriety to suffer a bill again to be introduced which was decided after fair and full argument by a majority of almost two to one I believe; if it be the desire of the Senate that of the fourteen remaining working days of the session we should devote another to the discussion of the bill, leave being granted to introduce it, and it being assigned for debate on another day; if we think we can devote another one of those fourteen precious days to the subject, and if there is a prospect also of the House of Representatives being so little burdened with business that they can, under the operation of the two thirds rule, take up this bill and pass it, then leave to introduce the bill should be granted, and a day set aside for its consideration and discussion.

[The question was then put on granting leave to Mr. Benton to introduce his bill, and was negatived by a vote of thirty-one to thirteen.]

ON VIOLATIONS OF THE FUGITIVE SLAVE LAW.

IN SENATE, FEBRUARY 21 & 24, 1851.

[A MESSAGE was received from the President of the United States, the opening of which is as follows:

EXECUTIVE DEPARTMENT, *February* 19, 1851.

To the Senate of the United States:

I have received the resolution of the Senate of the 18th instant, requesting me to lay before that body, if not incompatible with the public interest, any information I may possess in regard to an alledged recent case of a forcible resistance to the execution of the laws of the United States in the city of Boston, and to communicate to the Senate, under the above conditions, what means I have adopted to meet the occurrence; and whether, in my opinion, any additional legislation is necessary to meet the exigency of the case, and to more vigorously execute existing laws.

The president, in a message of considerable length, replied in detail to the points made in the communication from the Senate, after the reading of which, Mr. Clay spoke as follows.]

I HAVE listened with great satisfaction to the reading of this message of the president. Its general tone and firm resolution announce that he will carry into effect the execution of the laws of the United States. It ought to be, and I trust will be, satisfactory to every impartial and candid man in the whole community. There is only one regret, if I were to express any, that I feel. I think the marshal of Massachusetts ought to be dismissed, and I have very little doubt, although not authorized to say any thing upon the subject, that the president is subjecting his conduct to that scrutiny which will enable him to come to a satisfactory conclusion as to the point of duty whether he should or should not dismiss him. I intend, after a few remarks, to make a motion with respect to this message.

I avail myself of the occasion to express the high degree of satisfaction which I have felt in seeing the general and faithful execution of this law. It has been executed in Indiana under circumstances really of great embarrassment, doubt, and difficulty. It has been executed in Ohio, in repeated instances—in Cincinnati. It has been executed in the State of Pennsylvania, at the seat of government of the State, and at the great

commercial metropolis of the State. It has been executed in the great metropolis of the Union—New York—I believe upon more than one occasion. It has been executed everywhere except in the city of Boston, and there has been a failure there upon two occasions to execute the law.

I confess, sir, that when I heard of the first failure, I was most anxious to hear of the case of another arrest of a fugitive slave in Boston, that the experiment might be again made, and that it might be satisfactorily ascertained whether the law could or could not be executed in the city of Boston. Therefore, with profound surprise and regret, I heard of the recent occurrence, in which the law had been again treated with contempt, and the court-house of the country violated by an invasion of a lawless force. Sir, I stated upon a former occasion, that the mob consisted chiefly, as is now stated by the president, of blacks. But, when I adverted to that fact, I had in my mind those, wherever they may be, in high or low places, in public or private, who instigated, incited, and stimulated to these deeds of enormity, those poor black, deluded mortals. They are the persons who ought to be reached; they are the persons who ought to be brought to condign punishment; and I trust, if there be any incompetency in existing laws to punish those who advised, and stimulated, and instigated those unfortunate blacks to these deeds of lawless enormity, that the defects will be supplied, and the really guilty party who lurks behind, putting forward these miserable wretches, will be brought to justice. I believe—at least I hope—the existing laws will be found competent to reach their case.

Mr. President, in the message which has just been read, the president has suggested two or three doubts or defects in existing laws. The act of 1795 presupposes the existence and continued action of an insurrection, and, consequently, the existence and combination of insurgents who carry on that insurrection. The act, therefore, requires that before there shall be any application of force to quell the insurrection, there shall be a proclamation announced and read to the community and insurgents, commanding them to disperse, and then, if they fail to disperse, the application of force shall compel that to be done which the parties would not do without it. But it is manifest that in such a case as that which has recently occurred in Boston this act can not be carried out, because there is no pre-existing insurrection. There are no known insurgents. The first evidence of opposition and obstruction to the law arises from the fact that a party suddenly burst into the court-house, dispersed the officers, violated the sanctuary of justice, and committed those enormities of which we have recently heard. To make a proclamation beforehand is therefore impossible. The president suggests, among the legal remedies which these cases may call for, that of dispensing with the proclamation in such cases. There is some doubt, under the act of March, 1787, whether the army and navy authorized to be employed to enforce the laws of the United States can be employed without prior proclamation, as is required in case of an insurrection. That, also, is a subject worthy of consideration.

My motion then is, that this message and an accompanying document be referred to the Committee on the Judiciary, and that that committee be instructed to report, with all convenient dispatch, upon the recommendations contained in the message. I will also move, at a proper time, for its printing, and the printing of an extra number of copies.

The course of the senator from New Hampshire [Mr. Hale] does not surprise me; it is perfectly in keeping and congenial with his general course upon subjects of this kind. He pronounces a deliberate act of the executive of the country, our common chief magistrate, as ridiculous. Now, sir, that is matter of opinion, and being matter of opinion, it depends upon the opinion others may entertain of the person who expresses it. But the senator will allow me to say that upon a subject of that kind, and upon rhetorical subjects to which he has alluded, there are two standards of opinion prevailing; one, that of the member himself; and the other, that of the body of which he is a member. And if he will allow me to tell him, the appreciation made by a member of his own capacity for debate and readiness in it may be much higher than will be shared in by other members of this body.

Mr. Hale. That is a matter of opinion.

Mr. Clay. And I put my opinion against yours. But I must take occasion to say that on scarcely any occasion have I risen to speak in this body when the senator has not followed me, as if his great object was to compete with me the palm of elocution. I yield to the senator. I know the self-complacency with which he generally rises, and I hope he will receive this surrender on my part of any ambition between him and me to contend for the palm of oratory, with the complacency with which he usually rises in this body and presents himself before us. [Laughter.]

Now, what is the aim of the senator? To consider this mob, this negro mob as an isolated affair, as an affair of the two or three hundred negroes only, who assembled on that occasion, and violated and outraged the laws of their country. Is there any other man in the Senate who believes that it originated among these negroes? Do we not all know the ramified means which are employed by the abolitionists openly, by word and by print everywhere, to stimulate these negroes to acts of violence, recommending them to arm themselves, and to slay, murder, and kill any body in pursuit of them, in order to recover and call them back to the duty and service from which they had escaped?

The proclamation is not aimed solely at the miserable negroes, stimulated, no doubt, by those outside of the court-house; who laid all the plans, and some of whom, one at least, was at the door beckoning to the negroes to come in—I beg pardon, a white negro standing at the door beckoning to the negroes to come in. Does not everybody know that it is not the work of those miserable wretches, who are without the knowledge and without a perfect consciousness of what became them or what was their duty? They are urged on and stimulated by speeches, some of which are made on this

floor and in the House of Representatives, and by prints which are scattered broadcast throughout the whole country. The proclamation, then, has higher and greater aims. It aims at the maintenance of the law; it aims at putting down all those who would put down the law and the Constitution, be they black or white.

Sir, look at the manner in which a foreign hireling has been introduced into this country, in order to propagate his opinions and doctrines with regard to the subversion of one of the institutions of this country. I allude to a man who is said to be a member of the British Parliament, by the name of Thompson. He has been received not in one place only in Massachusetts, but in various places, and the police on one occasion assembled to protect him when they had not the heart to assemble around a court of justice to maintain the laws of their country.

Sir, let me suppose, if any member of Congress could be capable of doing such a thing, that a member of Congress should go to England—to Manchester or Birmingham, or any of the large provincial towns of England—and there preach doctrines subversive of the British government; should denounce their law of primogeniture, denounce the existence of the nobility there, denounce the Crown itself, how long would a member of Congress be permitted to denounce this portion of the ancient constitution of Great Britain? He would be driven out by violence, and with the scorn, contempt, and derision of every British subject who had the heart or manliness of a British subject. And yet this daring, impudent, insolent member of the British Parliament comes here from England, and repeats his visit, confining himself hitherto, as well as at the present time, unless he has recently left it, to the State of Massachusetts, and there he preaches his doctrines of sedition and disunion. And yet the member from New Hampshire would have the Senate believe that it is nothing but a few negroes collected together in a court-house, of whom it is unbecoming the dignity and character of the government to take any notice! When the whole northern country, to an extent not alarmingly great, to be sure, is filled with the doctrines of abolition, denouncing slaveholders as thieves and murderers, and calling upon portions of the community to subvert and trample under foot the laws of the land, and the Constitution itself—when the senator from New Hampshire has seen, as he ought to have seen, that these poor negroes were but the cats'paws of those who had not the courage to show their own faces, and the president has chosen to issue a proclamation, comprehending not only the blacks, but their aiders, abettors, and accessories, whom I am more anxious to see punished than the blacks themselves, he rises here with his usual complacency, and says it is childish and ridiculous. Sir, I call upon the Senate to stand by the president, and stand by the Constitution; to uphold their laws, and to prostrate all opposition, from what source soever it may emanate, whether from those who put forward the unhappy blacks, or those who stand back and have not the moral and physical courage to show their own faces. * * *

I can say, with the senator from Michigan, that I heard with great regret the remarks made by the senator from Virginia, because I do not coincide with him in the facts upon which his remarks were founded, and I think they may have a tendency to produce ill effects where there is already too much disposition in the public mind to be operated upon disadvantageously to the Union. I stated when I was up before, and I say now, that I doubt whether there is any man in Congress who has watched with more anxious attention the operation of the fugitive act of the last session than I have, and in every instance which has come within my knowledge the law has been executed. In no instance has there been a violent obstruction to the execution of the law, as far as I know, except in the city of Boston.

Sir, let me run rapidly over some of these cases. Let me recur to the acts in Indiana, so highly creditable to that peace-loving and union-loving State. It was the case of a claim for persons being slaves who were as white as you and I are. From what I read, the appearance of the persons bore testimony, as far as mere appearance could bear testimony to the fact, that they were not descendants of Africans; yet, as we all know in that case, testimony was deliberately listened to, and the fact was clearly made out, that, although they appeared to be white, they were descendants of Africans, and that the claimant of them owned them as property; they were thereupon immediately surrendered by the authorities. No attempt was made whatever to disturb the execution of the law. They were taken over to Louisville, but the generosity of the citizens of Indiana prompted them to subscribe a sum sufficient to buy these persons, and they were purchased at a moderate price and set at liberty. I know of no other instance which has occurred in Indiana, though there may possibly have been some other case.

We go to Cincinnati, and what do we find there? There was the case of a young female slave—prior to the one to which the honorable senator from Virginia has referred—who was claimed, taken before a commissioner, adjudged to be the property of the claimant, and quietly permitted to leave the city without the slightest disturbance. The very case to which the senator alluded is an example of the faithful execution of the law. What was it? A woman had escaped. While her master was pursuing her in the streets of Cincinnati, a mob collected, and the cry of her being free was raised. The man was pursued and the negress was rescued. But she was retaken and carried before the proper authority; that authority was in progress of examination of the fact whether she was a slave or no slave; and toward evening, the judge being about to postpone the case until the next day, the negro woman got up and said, "Let me go home to my master." That probably is the case with many of those household servants who are imprudently enticed away by abolitionists. She said "Let me go home to my master." There was, then, conclusive evidence of the existence of slavery. There was conclusive evidence that the owner

had a right to the property. Was there any attempt made then to rescue her, or to prevent her being taken on board the boat, and transported to the residence of her master? None whatever. The law was fully and faithfully executed.

Now with regard to the case at Harrisburg. Since this discussion has arisen, I have been informed, and with perfect satisfaction to my mind, that within a few days the comptroller has passed an account in which twelve or thirteen hundred dollars were allowed to the marshal for carrying the fugitive slaves back in that case to the neighborhood of the honorable senator from Virginia.

I will pass very rapidly over the other cases. There were two cases in Philadelphia—one in which the law was executed, and more than executed; for a person who was no slave at all was pronounced to be a slave, and was delivered up; but the mistake was ascertained, and he was returned. In the other case the law was fully executed, and the slave was actually taken back to his owner in Maryland. So in the case of Long, in New York, which was the second or third case which occurred in that great city. Long's trial, I think, was a most beautiful exhibition of the moral power of the law, and of the disposition of the population of that great and glorious city to see the law executed. It was in progress for two weeks. Full deliberation was given. Witnesses were heard pro and con., and the officer finally decided that the claimant of the slave was his true owner, and he was carried back through the free State of New Jersey, without molestation, through Pennsylvania, through the State of Delaware, and that part of Delaware which would be considered as almost entirely free—through Wilmington—to Baltimore, and then to Richmond, by the marshal, or some of his deputies, at a great expense, which, I dare say, when we come to read the accounts, will be shown by them.

Now, what does the senator from Virginia expect? He has mentioned no case in which there has been a failure on the part of the claimant that has pursued his slave to recover him. Did he expect, upon the passage of the law, that, without diligence on the part of the master, the slave was to be returned to him at no expense whatever. Did he expect that there would be no evasions of the law? How are they to be guarded against? Why, we all know the way in which these things are conducted. A negro runs away in the night, and when he is in a free State he will be received and harbored, by whom nobody knows. He will silently and rapidly make his way to Canada. How is this to be prevented? All laws, more or less, are liable to be evaded; and that law, above all others, will be most evaded where the object is to recover a human being who owes service as a slave to another; because, besides the aid and the sympathy which he will excite from his particular condition, he has his own intellect, his own cunning, and his own means of escape at his command. Now, there are some persons who will not pursue their slaves at all. Many will not give themselves the trouble to go after them. But, before the law can be charged

with any violation of duty to the slaveholding States; before the president can be arraigned for any violation of his duty, a case should be made out where, by the exercise of proper diligence and vigilance on the part of the executive authorities, the case of evasion could be prevented.

With respect to the case in Boston which first occurred, what was done? The agent of the owner of the slaves in that case himself, before he left Boston, expressed to the marshal his entire satisfaction with his conduct. The slaves were hurried off, carried to another State, and transported to England. What did the president do? He submited all the papers connected with the conduct of the marshal to the law officer of the government, that officer himself from a slaveholding State; and that officer, although he was not entirely satisfed with the conduct of the marshal, gave it as his deliberate and legal opinion that sufficient ground for the removal of the marshal had not been presented. I think myself that the late case, without speaking at all of the one that previously occurred in Boston, does present a ground for his removal. What the president may do I know not. What I would do, if I were in his situation, I have no hesitation in saying I would remove him. He has shown that, either by himself or by his deputies, all those measures of precaution, in anticipation of what might occur, had not been taken, and he had failed to execute a law of the United States, by which he was authorized to hire a jail for the purpose of the security of the slave.

I think, then, that what I said when I was up before is perfectly correct. The law has been executed, as far as we know, in every free State in the Union in which it has been brought into operation, with the sole exception of the city of Boston. That being the case, I think there is no just ground of reproach whatever toward the executive of the nation. I am happy to see the senator from Michigan, though standing in different political relations to the president, do him the justice which he has done this day by the declaration of opinion which he has made. Sir, I am perfectly satisfied, from all I know of the president and his cabinet, that there is a most perfect and immovable determination to carry into execution the laws of the land, and to employ all the means in their power in order to accomplish it.

I owe an observation to the honorable senator from New Hampshire. He seemed to intimate that there was some purpose on my part to suppress the freedom of debate in his own particular case. I think I know tolerably well what I am capable of, physically and intellectually. There are some works too gigantic for me to attempt, and one of them is to stop the senator from debate in this body. It is utterly impossible, and I shall make no such vain endeavor. He must, as George Canning once said, come into the Senate every now and then "to air his vocabulary." But the senator made an observation with respect to a high officer of this government that I thought unbecoming the dignity of the Senate, or the dig-

nity of the senator. He spoke of the message of the president as a contemptible and ridiculous message.

Mr. Hale. The senator is mistaken; I referred to the proclamation.

Mr. Clay. I thought the senator alluded to the message; however, I think the proclamation is one of the best parts of the message. Mr. President, an old maid of my acquaintance—the anecdote has been told before—was running on, upon one occasion, in the city of Baltimore, very much against Napoleon, speaking of his conduct very harshly, pronouncing him a despot, and all that. A French officer, with the politeness which usually characterizes that nation, being present, "Madam, I am very sorry that you think proper to express these sentiments of his Imperial Majesty, and I have no doubt it will inflict great pain on him when he hears of it." [Laughter.] The president will feel about as much pain when he hears the opinion which has been pronounced by the senator from New Hampshire upon a solemn and deliberate act in the performance of a high duty.

It has been said that this is an isolated case. Do you ever, sir, see the papers from Boston? I mean the abolition papers from that city, and not only from that city, but from other portions of the country. Do you not see this Union denounced? Do you not see a declaration that within the limits of Massachusetts the fugitive slave law never can be executed? Do you not see advice given to the blacks to arm themselves and kill the first person that attempts to arrest them and take them back to the service from which they fled? When you see this, and when you hear of the blacks and whites mixing together in public assemblies in Boston, can you think that the blacks never heard the advice to arm themselves with revolvers and bowie-knives and put down any attempt to carry them away? If you have read it, can you fail to believe that it must have operated on their minds, and that they have thought with what impunity they might rush into that court-house and commit the atrocious scene which has been depicted.

[February 24, the same subject being up, and the question being on referring the message of the president, Mr. Clay said:]

I came to the Senate to-day under a feeling of indisposition, which would have kept me in my apartments but for the high sense of duty connected with one of the most important questions which has arisen and is now before the Senate. I came under the hope, which I still cherish, of this subject being terminated to-day; and under that hope, and according to the courteous usage of the Senate, I have risen to make a few, and I trust concluding remarks upon the question.

Mr. President, allow me, in the first place, to recall to the Senate the questions which are actually before it. A mob, an atrocious mob, obstructed the execution of the laws of the United States in one of the most important cities in the Union. Everywhere throughout this whole country it has produced feelings of surprise, of regret, and of indignation. Anxious

to know what was the real state of fact, on this day week I presented a resolution to the Senate, calling on the president to communicate to us information connected with this occurrence, and to communicate to us the measures he had taken in order to enforce the due execution of the laws of the United States, and to suggest any amendment to these laws which he might deem necessary in order to enable him to carry out and perform his duties.

The president has sent us a message stating what were the facts; what he has done, to a certain extent at least; and he recommends some alterations in the law, in order to enable him with more effectual and energetic power to discharge his duty. When the message was received, I got up and made a very few remarks, expressing my satisfaction with the message —a satisfaction which I venture to say exists throughout this entire country, with the exception of those ultras at the North and South who are urging on, as far as they can, a great crisis in this country and in this Union. Everywhere, I venture to say, this message has produced satisfaction. A debate of a most extraordinary character has arisen—without limit, with far less limit than the doctrines of consolidation to which the senator who last addressed you adverted. Almost every topic that could be thought of has been brought up and forced into the debate. Sir, it is not my purpose to answer all that has been said by the various senators who have addressed you. I shall, however, touch upon some of the topics which have been brought forward by some of the senators, and I begin with the last.

The senator from South Carolina has arisen and laid down what are the true rules of interpreting the Constitution. But he has told us nothing new; he has given us only common-place matter. Every body knows that the Constitution is an aggregate of granted powers, and that no powers can be exercised by Congress but such as are granted, or are necessary and proper to carry into effect the granted powers. The speech of the senator reminds me of a remark of the late Chief Justice of the United States, when a learned counsel from one of the distant States began to argue and went as far back as the flood, laying down certain fundamental rules of the law which he thought essential to be known to the Supreme Court. With that blandness and mildness that characterized that illustrious man, he said: "Why, Mr. Counsel, I really think there are some things which this court may be presumed to understand." I do think that the senator, without any derogation from his own dignity, or that of the Senate, might have supposed that the general rule of interpreting the Constitution, by referring to the granted powers, or ascertaining what are necessary and proper to carry into effect those granted powers, might have presumed that the Senate of the United States understood them perfectly well. The whole difficulty with the senator and his school is, that they undertake to say what are the granted powers, and what is and what is not necessary to carry into effect the granted powers. And if all others do not concur with them they are

consolidationists, federalists, whigs, precipitating the country into ruin. They dispose of all precedent. What is a precedent? A precedent is the deliberate judgment of a court or a deliberative body, upon questions which arise before that court or before that body. It is the opinion of the court or of the body upon the subject-matter which is before them. It is, therefore, always entitled to respect, and he who sets aside precedents, he who rejects them all, says, in substance, I am wiser than all the men who have pronounced these opinions and established these precedents, and therefore I pay no respect to them. During the last week I heard a senator, who is not now in his place, I believe, reject in one general mass all precedents upon a particular subject, and immediately afterward sheltered himself behind the opinion of the illustrious and lamented senator from South Carolina (Mr. Calhoun) which he thought was superior to all other opinions and all other precedents. So it is with the whole school. They will tell you that the Supreme Court of the United States knows nothing about the Constitution; that Congress has been violating it from 1793 down to this day. But if they can find an opinion of the lamented individual to whom I have referred, sanctioning their views, why it is worth all the precedents and the opinions of the Washingtons, Jeffersons, Madisons, Monroes, and all the other Presidents of the United States. The learned senator has contended that there was no power in the government of the United States to pass the fugitive slave law. It is not among the most remarkable features of the times, that there are certain coincidences between extremes in this body and in the country. The honorable senator from South Carolina, who I believe holds extreme doctrines upon the subject of slavery, and considers that institution as a blessing, and the honorable senator from Ohio (Mr. Chase) who holds directly opposite opinions, both unite in expressing the opinion that there is no power in the Congress of the United States to pass the fugitive slave law, and that Washington, and all of us, from the commencement of the government down to this time, have been wrong; that the Supreme Court has been wrong, and that the Congress of 1793 were wrong. Yet the colleague of the senator from South Carolina, I believe, originally introduced the bill, and it was perfected by the senator from Virginia (Mr. Mason). How does the matter stand now? The honorable senator from South Carolina and the honorable senator from Ohio versus the Supreme Court of the United States, the Congress of the United States of 1793, and the Congress of 1850, and all the members of the Senate and the House of Representatives; for I never heard any one else doubt the power of Congress to pass this law. When there is so much weight in both scales, one occupied by the two senators whom I have mentioned, and the other occupied by the whole country, and by almost every enlightened man who has spoken on this subject, it is not for an humble individual like myself to say which scale preponderates.

I will be allowed, I trust, to make a few remarks upon the Constitution of the United States, upon this subject, and upon the doctrines which have

been advanced by the senator from South Carolina. He says the more you limit the Constitution the more you add strength to it. Then, I suppose if all the powers of the government are to be taken away in this process of limitation, it would make the Union stronger. He says the more you stretch the Constitution the more you increase the danger to the perpetuity of the Union. But who is to decide the question of stretching the powers of the Constitution, and of limiting them? What man, mortal, fallible, weak, erring man, can get up here and say the Constitution means this or that, and all others who give it a different interpretation are traitors, consolidationists, whigs, or federalists? I have never heard a man get up here and talk about his being a State-rights man emphatically and exclusively, *per se*, Simon Pure, that I did not feel those emotions which Junius describes whenever he saw a Scotchman smile. [Laughter.] Sir, there are two schools of State-rights men. One of South Carolina, and one of Virginia, Kentucky, and other States. From my birth, or from my knowledge of conscious existence as a human being, and since I have turned my attention to political affairs, I have been emphatically in the true, legitimate, full sense of the term, a State-rights man. But look at that school to which I have referred. They want you to exercise no power but what is to be found in the Constitution. I should like some of those strict State-rights men to point out to me what part of this Constitution gives to any one State the power of nullification of the acts of all the other States? What part of the Constitution gives to any one of the States the power of secession from the membership of the Union? Where are they to be found? Why you find whenever you press them on these points, they fly from the Constitution and talk about the mode of its formation, its compact character, its being formed by the States. Whenever it suits their purpose, or for any improper purpose they wish to deduce power, either of nullification or secession, or any other, they can find it without the least difficulty, limited and circumscribed as they would have all others in the interpretation of the Constitution.

Mr. Rhett. I wish to say to the honorable senator from Kentucky that I suppose he will not at all object, from the course he is pursuing, if I should think proper to reply to the observations he is now making.

Mr. Clay. Of course I have no right to object to it. If the gentleman chooses, I will sit down now, if he has any thing to say. I think it due to the Senate that this debate should be closed to-day, and this message be referred to the committee in order that they may act upon it immediately. I will listen with pleasure to the senator if he wishes to go on now. But it is a mere passing notice upon nullification and secession which I have been making, and I will meet the senator, or any of his school in debate, whenever they choose to bring up this point on a proper occasion.

Mr. President, I could enumerate various instances where, when powers were wanted, there was a departure from the rules of interpretation which

are insisted upon by the senator. Whenever the exercise of power is disliked, when there is an opposition to the power, whenever there has been an opposition to a law of a certain character being passed, the denial of the power to pass it is the invariable resort. Now, with respect to this question, if we must discuss a question which has been settled for upward of half a century, let us look for a few moments only—for I do not propose to take up much time—to this matter. The senator says that the clause which relates to the recovery of fugitive slaves vests in Congress no power whatever to enforce the execution of that provision of the Constitution. Here I will read the clause:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

The senator contends, as does his coadjutor in this interpretation of the Constitution, that this is a duty devolved on the States. How so? The States are not mentioned, and Congress is not mentioned, and therefore if, for the want of declaring that Congress should exercise the power, the power can not be exercised by Congress, so, for the want of declaring that the States should exercise the power, the States can not exercise it. Thus, according to the argument of the senator, neither the States nor Congress can exercise the power. But what is this Constitution? It makes a government. It is an aggregate of powers vested in the government—some of them enumerated; others, from the imperfection of human nature and human language, are not specified, but are incidents to the powers granted. I find in the enumeration of the powers granted to Congress the following:

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

I hold that, when it is said a thing shall be done, and when a government is created to put this Constitution into operation, and no other functionary or no other government but the United States is referred to, the duty of enforcing the particular power, the duty of carrying into effect the specific provision, appertains to the general government, to the government created by the Constitution of the United States. The Constitution declares that a slave shall be delivered up. It says not how or by whom, whether by the State, or by the general government, or by any officer; but it grants authority to Congress to pass all laws necessary or proper to carry into effect the powers granted by the Constitution.

There is another class of powers which, if I had time, I would go through. Here is one clause:

"All debts contracted and engagements entered into before the adoption of

this Constitution shall be as valid against the United States under this Constitution as under the Confederation."

What power could carry into effect this provision of the Constitution? Must it not be Congress? I find the following clause:

"The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it."

There is a general enunciation of the principle of a great object. But has not the government the power to carry the object into effect? Will the senator say that the general government has not the right to specify cases of rebellion and invasion, whenever the public safety may make it necessary to suspend the writ of habeas corpus? Why, there is a large class of powers in the original Constitution, and in the twelve subsequent amendments, which declare that certain things shall be, but specify no particular authority by which they are to be carried into effect. I then come to the conclusion that the Congress of 1793, which had in it such lights as Madison and other distinguished men, who had contributed to form the Constitution, that the Supreme Court of the United States, that the Congress of the United States, that the people *en masse* almost of the United States, have not all been wrong in supposing that, while it is not the exclusive duty of Congress, yet it is the imperative duty of Congress, especially in cases where there is any defect in State legislation, to carry into effect this provision of the Constitution with respect to fugitives, and all other general provisions where there is no specification of the manner in which they are to be carried into effect. Sir, I do not take up the decision of the Supreme Court in the case of Prigg and Pennsylvania. I know the interpretations to which it is liable. I regret that that court has not since had an opportunity of pronouncing on the principles which they then disclosed. Three or four of the judges gave opinions which conform to my idea of what the Constitution is; that is, that while the States have no right to obstruct the execution of the law for the recovery of fugitives, while it is more especially the duty of Congress to provide the necessary laws for their recovery, it is nevertheless competent for the States to aid, to help, to assist in the execution of this power, as it is competent for the States when we are involved in war to aid in the prosecution of that war, although the war has been declared by Congress, and must be mainly maintained by the general authority.

Mr. President, it was said in the course of this debate that the law has not been fully executed; that there are fifteen or thirty thousand slaves in the free States, and only a few of them have been recaptured. I dare say that in some localities of the country, before the end of the year, it will be said that there are fifty or one hundred thousand fugitive slaves not surrendered up. I should like to know from any senator who has ventured to state the actual number of fugitive slaves in the free States

of this Union, upon what authority he ventures to make the statement. If it should be said that from the commencement of the government fifteen or twenty thousand slaves had escaped from service in the different slaveholding States, I should not be much disposed to controvert the fact. But when it is asserted that at this moment there are fifteen or twenty thousand fugitive slaves in the free States, and that only half a dozen have been recaptured, and that therefore the law has not been of any practical utility, I should like to know the statistics or the facts on which the statements are founded.

Mr. Rhett. I will state to the senator that I got the statement from the published proceedings of an abolition society or convention held in the State of New York.

Mr. Clay. Ah! exactly such an authority as the gentleman ought to take. The abolition societies of the North will probably take some such statement, or corresponding statement, from one of those societies in South Carolina that are associated together to assert the doctrines of secession and disunion. I do not believe the statement of that abolition society. No man knows how many fugitive slaves there are in the North. There are, without doubt, a good many. But why are they not given up? I venture to say that in a majority of cases their former owners do not choose to put themselves to the trouble of pursuing them. I dare say many of them die, and hundreds, perhaps thousands, escape into Canada. I presume gentlemen will not say that it is the duty of the government to bring the dead back to life, or to bring the fugitives in Canada back to the United States, unless they contend for what a waggish friend of mine said the other day. "Why," said he, "these gentlemen are very unreasonable, for they would perhaps desire that a slave should be caught and surrendered before he actually runs away." [Laughter.] What I meant to say before, and what I say now is, that there has been no resistance to the law for the recovery of fugitives that I know of, except in the single case of Boston. I admit there has been some inconvenience sustained. We could not fail to anticipate such inconvenience. There has been some expense, too; and I concur entirely with the senator from Georgia [Mr. Berrien], when he pronounced upon the pettifogging resorts which were made in a manner disgraceful to the profession in Boston, in order to arrest the agent from Georgia who went there to recover his property. But is the general government to be responsible if slaves are aided and facilitated in their escape, under circumstances in which it is impossible for them to be pursued, while all the general government can do is to pass laws, and to enforce them, and execute them?

The senator said that this proclamation of the president, and the invocation of power, was to catch a fugitive slave. Now, is that the true state of the case? The fugitive who ran away from Boston the other day I think will probably never be retaken, but it may be a consolation to him, and will be to his owner, to know that the marshal is responsible for him

under the act passed at the last session. Was the destruction of the tea in the harbor of Boston at the commencement of our Revolution nothing more than a little question as to the price of tea? No, but a principle was involved in it. So is a principle involved in this matter. What is that principle? It is, whether the laws shall be violently and outrageously opposed by force, or shall be executed? If to-day the law upon the subject of fugitive slaves is to be obstructed by violence and force, and its execution prevented, what other law on our statute-book may not to morrow be obstructed by equal violence and its execution prevented? What department of the government, what government itself, will not be opposed by violence and by force, and thus its very existence be threatened? The question, then, is not the recovery of the fugitive slave. The question is, shall the government be maintained? Shall the law be enforced? Shall those who have violated the sanctuary of justice and carried away by forcible rescue a prisoner in the custody of the United States, and all other similar occurrences, be averted and prevented by peaceable means, or, if not prevented, punished? Why, we would have a case somewhat analogous to that which occurred in Boston, if two or three hundred black men, instigated by a parcel of white men, were to enter that door and drag the senator from Ohio, or any other senator, from his seat and withdraw him from his duty. Would it then be said that only one senator out of sixty-two had been taken, and it was no great matter? No, sir. The question is not about one or two thousand fugitive slaves. It is a question which strikes at the authority of the law—strikes at the maintenance of this government, which we have derived from our ancestors.

The senator from Ohio [Mr. Chase], the other day told us that it was promised that the compromises of the last session would bring peace and tranquillity to this land, and that these measures have effected no such thing. Why, sir, so far as relates to the Wilmot proviso, agitation is quiet. So far as relates to the admission of California, it is quiet. So far as relates to the settlement of the boundary, there is quiet. So far as relates to the abolition of slavery in this District, I have not heard a single voice complaining of it. Then those measures have worked wonders. At least, the honorable senator, and others who concur with him in opinion, anticipated a vast and boundless fund of agitation if the compromise measures were passed. Instead of that, they have themselves been reduced to peace. Nay, more: the senator himself, who was at the last session an agitator, cries out for peace, and reproaches me with being an agitator, of which charge I will presently take some notice. Those measures have worked a miracle. They have made thousands of converts among the abolitionists themselves, and not one of them has risen upon this floor, or upon the floor of the other House, I believe; or if he has risen he was instantly repelled, to move even a repeal of the measure; which, by-the-by, the senator from South Carolina ought forthwith to do, if he thinks the fugitive slave law unconstitutional. I supposed he intended to conclude by inti-

mating a purpose of that kind. No, sir; peace has been produced to an extent surpassing even my most sanguine anticipations. There was one exception made to the universality of peace. It was predicted by myself and others, at least that the ultra abolitionists would not be tranquillized; that they would go on and agitate; and they would denounce the existence of the Union. At Springfield, the other day, a meeting declared that, Constitution or no Constitution, Union or no Union, law or no law, they wished the non-execution of the fugitive slave law within the limits of that commonwealth. Did the senator suppose we had undertaken the herculean task of pacifying his friends, or at least those who think with him on the general subject of abolition?

Mr. Chase. Does the senator mean to enumerate me among those who ever expressed a wish for the dissolution of the Union?

Mr. Clay. No, sir; I only mean to say that the senator is in bad company. [Laughter.]

Mr. Chase. If the senator will be so kind as to allow me to add a word, I will say, that if I am in bad company I do not know it.

Mr. Clay. I mean in the company of the abolitionists. If the senator will disavow and repudiate the abolitionists of all shades and colors, I should be truly happy to hear him.

Mr. Chase. I do disavow most emphatically all association or connection with any class of persons who desire the dissolution of this Union. I say now, as I said at the last session, that "we of the West are in the habit of looking upon this Union as we look upon the arch of heaven; without a thought that it can ever decay or fall." In this sentiment I fully participate. I am aware that there are some abolitionists or anti-slavery men—names are of little consequence—who regard the Constitution as at war with moral obligations and the supreme law. I am not of them. But if the senator, when denouncing abolitionists, means to include in his reproaches all those citizens who, within the limits of constitutional obligation, seek to rescue this government from all connection with slavery, I can claim no exemption. I am one of those who mean to exercise all legitimate constitutional power to restrict slavery within the limits of the slave States, and in all places under the exclusive jurisdiction of the national government to maintain every person, of whatever race or origin, in the enjoyment of personal freedom. That is my position.

Mr. Clay. Mr. President, I am perfectly aware of the infinite variety of abolitionists. I have not yet heard the senator disavow abolitionism.

Mr. Chase. I do not know what the senator means by the term.

Mr. Clay. Disunion abolitionism.

Mr. Chase. I do not know to what class of persons the senator means to refer, when he denounces and stigmatizes people as abolitionists. If he by that epithet intends to designate that class of persons of whom I say I am one, who wish to maintain the Union, but not to allow slavery within the sphere of the exclusive jurisdiction of the national government, then I

am, doubtless, an abolitionist. But if by that term he intends only to describe those who would break up the Union or interfere with that State legislation by which slavery is maintained within State limits, I do not acknowledge its applicability to me.

Mr. Clay. Upon my word, if the senator does not know what an abolitionist means, when he has practiced the doctrine for so many years, I am sure I am unable to instruct or inform him. All sorts of abolitionists seem to act together. There are some more unblushing and violent than others; there are some who call themselves ministers of God, who from their pulpits denounce the Constitution of the Union, and denounce all the States in which slavery exists. Whether the senator be one of them or not, it is not for me to say. I am very happy to hear him avow that he is not a disunion abolitionist. There are two descriptions of persons constituting the great abolition movement of the country. If those who disavow extreme abolition will nevertheless, upon all questions which rise in Congress or in the country, array themselves on the side of the abolitionists, and co-operate with them and support measures which they support, and if these men are those whom alone the abolitionists will support by their suffrages for office, call them as you please, the result, the inevitable consequence of the association, unless it is resisted by the potency of the law and power of public opinion, is dangerous to the Union itself. The honorable senator, on Saturday last, placed himself in the attitude of one who was desirous of peace, and quiet, and tranquillity, and imputed to me the spirit of agitation. The honorable senator, indeed, came into the Senate with all the authority of a prosecuting attorney in a court of justice; his green bag dangling at his side, his brief in his hand, his notes in his pocket, and his authorities in his head. The two counts of his indictment against me were, to make out that I was an agitator and he a tranquil senator. Why? Because the executive of the United States had communicated to us a document showing that, to an atrocious and nefarious extent, the slave-trade was carried on, under the flag of the United States, from the coast of Brazil to the western coast of Africa, and I called the attention of the Senate to the fact, and moved a resolution to instruct the committee to inquire into and report upon the subject. I believe the senator opposed the reference, or, if he did not oppose the reference, he made a speech on the occasion. My object on that occasion was to enforce the laws of the country, as on this occasion my object is to clothe the executive of the country with power sufficient to remove forcible obstruction to the execution of the laws. I who, during the last session, ever raised my humble and feeble voice in favor of the peace, the tranquillity, and the union of these States—I who, upon only two occasions this session, when the subject of slavery has been referred to—(I mean on the occasion when the foreign African slave-trade was mentioned, and I sought to introduce a measure to suppress it and to punish the violators of our laws; and again on this occasion, when, without special reference to the

act of the last session for the recovery of fugitives, I proposed a general law—for such would be the effect of the law, if one be reported by the committee—that in all cases where obstructions by force are attempted against the execution of the law of the United States, the president shall be invested with certain powers to put down those obstructions)—I who, all the last session, and all this session, have stood on the side of peace, of the Constitution, and of the laws and union of my country, I am an agitator! The honorable senator from Ohio, who has stood in directly an antagonistical position to me during the whole of the last session—for on Saturday last, I think, he told us he voted for but one of the compromise measures, and that was the abolition of the slave-trade in the District of Columbia—is a peace lover and not an agitator! I who stood in this position, and the senator who stood in an antagonistical position—I who now stand to execute the laws of my country, no matter what those laws may be, and the senator who stands up in opposition, if I understood him, to the enforcement of the laws, and to the reference of the message—I am an agitator, and the senator a dove of peace. [Laughter.]

While on this subject, I beg leave to say, that, except in the case of the whisky rebellion, there has been no instance in which there was so violent and forcible an obstruction to the laws of the United States since the commencement of the government. Perhaps I ought to say a word on an occurrence of this kind, which took place in my own town, which was referred to the other day by the senator from New Hampshire [Mr. Hale]. What was that case? A namesake of mine attempted to establish a paper in the town of Lexington, that town situated in a county where there are the greatest number of slaves of any county in the whole State of Kentucky. There were some intemperate and supposed to be incendiary articles in the paper. The editor was requested to stop his paper; he refused to do it. The people of the surrounding counties—the *élite*, the men of wealth and highest respect, the most prominent men in society—I was not there myself, and do not suppose me to be approving even of that apparently orderly proceeding, for, on the contrary, I condemn all violent interference with the due and regular execution of the laws—assembled in the town of Lexington to the amount of thousands. That public meeting appointed a committee of sixty or eighty persons to request the editor again to remove his paper. He declined. They then removed it themselves. It was taken out without the employment of force, and without resistance. The types were carefully put up and sent to Cincinnati, the city in which the honorable senator from Ohio himself resides. But now for the sequel. This editor was himself exceptionable to that meeting. But he brought his suits in the courts and actually recoverred damages for the injury done to his property by its being seized and removed, contrary to his wishes and in violation of his rights. He recovered a verdict and judgment, and received every cent to the full amount of injury he had sustained.

Sir, I shall not go over the various instances which have been adverted to of the riotous proceedings of mobs, as they have been called. I condemn them all. But if they have been as frequent as they have been represented to be, so far from their being a palliation for the recent mob in Boston, the necessity is greater that the government should speak out and exercise its power to repress the irregular proceedings. There seems to be some regrets expressed about the employment of force in order to execute the laws of the United States. I happen to have in my hands two laws passed on the same day, during the administration of Mr. Jefferson, investing the executive part of the government with power to employ the military and naval forces. One provides:

"That in all cases of insurrection, or obstruction to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of repressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect."

This act was passed March 3d, 1807, and on the same day another law was passed. I will not take up the time of the Senate by reading it, as it is very long. It was a law for the removal of persons who took possession of any part of the domain of the United States. I will read a part of it:

"And it shall moreover be lawful for the President of the United States to direct the marshal, or officer acting as marshal, in the manner hereinafter directed, and also to take such other measures and to employ such military force as he may judge necessary and proper, to remove from lands ceded or secured to the United States, by treaty or cession as aforesaid, any person or persons who shall hereafter take possession of the same, or make or attempt to make a settlement thereon, until thereunto authorized by law."

Here were two laws passed on the same day, on the same 3d of March, 1807—one general, extending to all obstructions of the law, and authorizing the employment of military force; and the other applicable to the single case of persons settling on the public lands, and attempting to hold possession. I know it is sometimes said that this is a government of opinion, and that you can not employ force. No man on earth would deprecate more than myself the occasion of any occurrence in which it might be necessary to employ force. No man would regret more than myself the shedding of one drop of American blood in order to enforce the laws of the United States. But a government without power, a government resisting opinion without means to enforce the laws, without means to enforce the authority, and decrees, and judgment of its courts of justice, would be the most ridiculous that ever presented itself to the contemplation of a human being. I go for public opinion, and I go for force when

it is absolutely and indispensably necessary to apply it. I go for all the means with which we are invested by the Constitution of the country in order to maintain, at the North and at the South, and everywhere, the authority of the laws of the government inviolate; to carry them out in full and complete execution.

Sir, I shall have done when I have described in a few words the necessity for the reference of this message. The act of 1795 was passed in pursuance of that provision of the Constitution which declares that Congress shall have power to pass laws to call out the militia to enforce the execution of the laws, and in order to repel invasion and suppress insurrection. The law of 1795 was passed in consequence of the power vested in Congress. By the terms of that law, before the application of force is made, it is required that a proclamation shall be issued by the president calling upon the insurgents to disperse. The law therefore presupposes the existence of an organized force in hostile array against the government. The act which I read, of March, 1807, referring to that of 1795, declares that the president shall have power to call out the navy and army, to be employed as he is authorized to employ the militia force by the act of 1795. Proclamation, therefore, is necessary, by the act of March, 1807. Now, it is manifest to every senator here that this condition of the law does not meet the case which occurred in Boston, and which may again occur in the same State, or other States. The law, I repeat, is founded on the supposition of existing, open, undisputed insurrection, and open rebellion and opposition to the laws. But the case which occurred in Boston had no such feature. The first knowledge of there being any force in combination against the law was the demonstration by the mob at the court-house—the pressing upon the doors, the seizure of the fugitive, and his being carried off triumphantly through the streets of Boston. It is proposed to invest the president with power to call out the militia, to call on the army and navy in case where he shall have just cause to apprehend, either in the arrest or after the arrest of the fugitive, a rescue of the slave. That is the sole purpose of the reference which is proposed by me, and to do away with any preliminary proclamation which, if it were issued at all, would of course favor the parties with an opportunity of preventing the re-arrest, if it did not enable them to make a rescue with more success.

Having said thus much, I will no longer detain the Senate. I would not have addressed them but for the extraordinary circumstances of the case. I hope the message will be referred, and I call for the yeas and nays on the question.

The yeas and nays were ordered.

THE LAST PARLIAMENTARY EFFORT OF MR. CLAY.

IN SENATE, MARCH 1 & 3, 1851.

[THE River and Harbor Bill of the Thirty-first Congress, being in its last stage as the Congress was about to expire, on the 4th of March, 1851, and there being a majority in both Houses who would not dare to do other than vote for and pass it, if they could be brought to act on the final question, Mr. Clay was extremely anxious to get a vote upon it. But only three days of the session remained; and there were senators who were resolved to defeat the bill by speaking against time, and by proposing amendments. On the 1st of March, Mr. Clay rose and spoke as follows.]

THERE are three modes of killing a bill. One is by meeting it boldly, straight-forward, coming up to the mark, and rejecting it. Another is by amendments upon amendments, trying to make it better than it was. Of course I do not speak of the motives in offering the present amendment. I speak of the effect, which is just as certain, if these amendments are adopted, as if the bill was rejected by a vote against its passage. A third mode is to speak against time when there is very little time left.

Sir, I have risen to say to the friends of this bill that if they desire it to pass, I trust they will vote with me against all amendments, and come to as speedy and rapid action as possible. Under the idea of an amendment you will gain nothing. I think it likely there are some items that should not be in the bill; and can you expect in any human work, where there are forty or fifty items to be passed upon, to find perfection? If you do, you expect what never was done and what you will never see. I shall vote for the bill for the sake of the good that is in it, and not against it on account of the bad that it happens to contain. I am willing to take it as a man takes his wife, "for better or for worse," believing we shall be much more happy with it than without it.

An honorable senator has gotten up and told us that there is an appropriation of $2,300,000. Do you not recollect that for the last four or

five years there have been no appropriations at all upon this subject? Look at the ordinary appropriation in 1837 of $1,307,000; for it is a most remarkable fact that those administrations most hostile to the doctrine of internal improvements have been precisely those in which the most lavish expenditures have been made. Thus we are told this morning that there were five, six, or eight hundred thousand dollars during General Jackson's administration, and $1,300,000 during the first year of Mr. Van Buren's. Now, there has been no appropriation during the last three or four years, and, in consequence of this delinquency and neglect on the part of Congress heretofore, because some $2,300,000 are to be appropriated by this bill, we are to be startled by the financial horrors and difficulties which have been presented, and driven from the duty which we ought to pursue. With regard to the appropriations made for that portion of the country from which I come—the great valley of the Mississippi—I will say that we are a reasoning people, a feeling people, and a contrasting people; and how long will it be before the people of this vast valley will rise en masse and trample down your little hair-splitting distinction about what is national, and demand what is just and fair, on the part of this government, in relation to their great interests? The Mississippi, with all its tributaries—the Red, Wabash, Arkansas, Tennessee, and Ohio rivers—constitute a part of a great system, and if that system be not national, I should like to know one that is national. We are told here that a little work, great in its value, one for which I shall vote with great pleasure—the breakwater in the little State of Delaware—is a great national work, while a work which has for its object the improvement of that vast system of rivers which constitutes the valley of the Mississippi, which is to save millions and millions of human lives, is not a work to be done, because it is not national. Why, look at the appropriations. Here was our young sister, California, admitted but the other day; 1,500,000 for a basin there to improve her facilities, and how much for custom-houses? Four or five hundred thousand dollars more in that single State for two objects than the totality of the sum proposed to be appropriated here. Around the margin of the coast of the Atlantic, the Mexican gulf and the Pacific coast, everywhere we pour out, in boundless and unmeasured streams, the treasure of the United States, but none to the interior of the West, the valley of the Mississippi: every cent is contested and denied for that object. Will not our people draw the contrast? Talk about commerce? We have all sorts of commerce. I have no hesitation in saying that the domestic commerce of the lakes and the valley of the Mississippi is greatly superior in magnitude and importance to all the foreign commerce of the country for which these vast expenditures are made. Sir, I call upon the north-western senators, upon western senators, upon eastern senators, upon senators from all quarters of the Union, to recollect that we are parts of one common country, and that we can not endure to see, from month to month, and from day to day, in consequence

of the existence of snags in the Mississippi which can be removed at a trifling expense, hundreds of lives and millions of property destroyed, in consequence of the destruction of the boats, navigating these rivers, for the want of some little application of the means of our common government. I do not say these people will be driven to any great and important action, threatening the integrity of the Union. No, sir; they will stand by this Union under all circumstances; they will support it, they will defend it, they will fly anywhere and everywhere to support it; but they will not endure much longer this partial, limited, exclusive appropriation of the public revenue of the country to this mere margin of the country, without doing any thing for that interior which equals nearly, if it does not entirely constitute a moiety of the population of the country.

Mr. President, I have been drawn into these remarks very irregularly, I admit. I am delighted to see some of my democratic friends breaking the miserable trammels of party. Nationality! Is not that a national improvement which contributes to the national power, whether the improvement be in the little State of Delaware or in the great valley of the Mississippi river? What makes it harder, especially with regard to the Mississippi river, is, that from the vast body of water it is impossible to make any great national improvement. All that can be done is to make small annual improvements, by clearing out trees from that great national highway, to take up the annual snags which form themselves in the river. It requires constant and incessant application of means in order to keep the stream clear. I have been drawn into these observations contrary to any purpose I had. Here is the measure before us. If gentlemen choose to exhaust the remainder of the session in useless amendments, the effect of which is to destroy the bill, if they choose to exhaust the session in speeches made from time to time, let them not charge us with defeating the appropriation bill. We are ready, for one I am ready, to pass upon it item by item, and then take up the appropriation bill and do the same thing with respect to it.

[On the 3rd of March, the last day of the session, still hoping against hope, Mr. Clay said:]

Mr. President, I rise to make a motion to dispense with the morning business and previous orders, in order to proceed with the unfinished business which was left in that unfinished state on Saturday last; and while I am up I beg leave, not to make a speech—for I should consider him worthy of almost any punishment who should make a speech on this day—but to say it is manifest to the Senate and to the country that there is a majority in this body in favor of the passage of that bill; and I wish to appeal to the justice, to the generosity, to the fairness of the minority, to say whether they will, if they have the power—as I know they have the power—defeat the bill by measures of delay and procrastination? If they are determined to do it, although such a determination is utterly incom-

patible with the genius of all free governments, and I should hope, also, incompatible with that sense of propriety which each individual member must feel—if there is a determination upon the part of the minority to defeat the bill by measures to which they have the power to resort, but which I am loth to believe they would use—if there is such a determination and they will avow it, for one, as I think it of the utmost importance that great measures connected with the operations and continuance of the government —measures of appropriation—should be adopted, notwithstanding the pain which I should feel in being obliged to submit to the action of a minority, intending to defeat the will of a majority—if such is the avowed purpose, I will myself vote for the laying this bill upon the table. I hope there will be no such purpose. I trust that we shall take up the bill and vote upon it; and I implore its friends, if they desire to pass it, to say not one word, but come to the vote upon it.

[But the bill was lost, and, excepting a few remarks on the business of the called session that usually convenes immediately after the expiration of a Congress, to transact executive business, this attempt to get the River and Harbor bill through the Senate, was the last parliamentary effort of Mr. Clay.]

OBITUARY SKETCH

OF THE LATE

CALVIN COLTON, LL.D.,

EDITOR OF THIS WORK.

It may be interesting to the readers of this last production from the pen of the late Calvin Colton, LL.D., to present with it a brief notice of the life of the author. All who have read the volumes of this work already before the public would be pleased to know something of the history of a man who has proved himself so chaste, so beautiful, and so eloquent a writer—so clear a reasoner, so true a patriot, and so well versed in the history of the times in which he lived; and withal, so faithful a delineator of the character of one of the greatest men of this, or any other age.

Dr. Colton was born at Long Meadow, Mass., graduated at Yale College 1812, studied for the ministry at Andover Theological Seminary, and was ordained in the Presbyterian Church 1815. He was married, and settled as a pastor over a Presbyterian church at Batavia, N. Y. During his ministry at Batavia he lost his wife, and remained a widower during the remainder of his life. He continued his pastoral relations with the church over which he was first settled until 1826, when he was compelled to dissolve them, from a partial loss of his voice. He remained, however, in connection with the Presbyterian church for several years, and then took Episcopal orders.

After his inability to preach regularly from the loss of his voice, he devoted himself, more or less, to literary pursuits. He commenced first by contributing largely to the literary religious periodicals of the day.

In 1831 Dr. Colton visited London, and enriched the New York *Observer* by his contributions to its columns as a correspondent. While in England, beside contributing to the New York *Observer*,

he wrote several valuable works, and among them several papers "On the Church and State in America." These papers were in answer to the Bishop of London, who had expressed himself in disparaging terms of the "voluntary system" practiced in the United States. In his defense of his church and country he attracted great attention as an able writer and man of intelligence.

Immediately after his return to the United States, he published his "Four Years in Great Britain," and gained for himself an increased reputation as an author. He then published a work entitled "Protestant Jesuitism," and also "Thoughts on the Religious State of the Country," and "Reasons for Preferring Episcopacy."

It was, however, in 1838 that Dr. Colton entered the political arena as an author, and his first masterly effort was to show, in a pamphlet, "That Abolition was Sedition." He thus, in a bold, fearless manner, commended himself to the confidence and admiration of every intelligent, patriotic reader of his work, and made such a happy impression upon the public mind, as to prepare them to receive favorably his after productions.

In 1840 Dr. Colton again appeared as the author of a series of tracts under the name of "Junius," which tracts gained for him a still wider fame, and were of so convincing a character, so patriotic and true, so overwhelming in argument, that they were supposed by the leading men of the country to have aided vastly in the election of General Harrison.

Two years after this he edited a paper at Washington, called the *True Whig*, and then, in 1843–4, published a new series of the "Junius Tracts," ten in number. These tracts, like the first, presented to the public several years previously, commanded the attention and the earnest thought not only of the most eminent men and statesmen at Washington, but throughout our country. The great minds of Clay and Calhoun were deeply impressed by them. The sentiments they uttered were so patriotic and so truthful, the evils they exposed and warned against were so fearful, and the rights they defended were so sacred to every American freeman, that their author was sought for, admired, and ranked among the purest, the most patriotic, as well as the clearest and the most profound thinkers in his country. The noble-spirited, generous, patriotic Henry Clay, sought out Doctor Colton, and bound him to his own heart by cords which remained indissoluble during his life.

It was the sentiments contained in the "Junius Tracts" that led first to a strong friendship between Clay and Colton, and at last to the latter not only becoming a guest of the former at Ashland, but also his biographer. In November, 1844, Dr. Colton visited the Hon. Henry Clay at his own house, for gaining his assent to his writing his life, and for collecting materials for that purpose. Mr. Clay consented to the proposition of Dr. Colton, and rendered him every facility in his power. After a comparatively short time, the learned writer presented to the public, in two elegantly written volumes, the life of his illustrious friend. Not long after the completion of the Life of Clay, Doctor Colton published a work entitled "The Rights of Labor," then a more elaborate work entitled "Public Economy for the United States." Then followed his "Genius and Mission of the Protestant Episcopal Church in the United States." The last work of this learned writer, and undoubtedly his most popular and enduring is the "Life, Correspondence, and Speeches of Henry Clay." This may be said to be the crowning effort of his life. It is the result of years of hard study, great labor, and great discrimination. But the work has been accomplished, and the learned, patriotic, and noble spirit of the author has made an impress upon its pages which will ever command for him the admiration of all who shall read them. He has in a masterly manner presented before the minds of his countrymen, one of their greatest statesmen, patriots, and orators, and his name will ever be held in grateful remembrance for the work he has so nobly done. Although many differ from the learned writer, and from the great statesman, in their political views, still all must accept this last work of Dr. Colton as a great contribution to the literature of their country, and justly entitling him to the first rank of American writers.

Dr. Colton's health was sensibly impaired by his hard labor, and close application in collecting, arranging, and writing this, his last work. For several years it was evident to his friends that his intellectual labor was too great for his bodily strength, for, while laboriously engaged in preparing this work, he was discharging the duty of Professor of Political Economy in Trinity College, Hartford, Conn., and also writing sermons, and preaching, as his health allowed him. But notwithstanding his impaired health, and much physical suffering at times, he persevered to the end of the work he had marked out for himself.

In January last, he laid his pen down, his work having been accomplished. But by this time disease had gained rapidly upon

him, and he thought that a change of climate, and cessation from all mental occupation might restore his impaired energies. He accepted of an invitation from a gentleman of Georgia to visit him. On the 12th of January he thus wrote to his friend from New York:

"Rev. and Dear Sir:—Your kind letter of the 3d instant was duly received, for which I am greatly obliged. I beg to say that I highly prize your attentions and offers of hospitality, and that I anticipate much pleasure in making you a visit. I have finished my winter's task, and think of taking the steamer *Augusta* next Saturday, for Savannah. If so, and a kind Providence should give me a safe passage, I will announce to you my arrival," etc.

Dr. Colton left New York a week later than he at first proposed, and arrived in Savannah in a very feeble condition. He was met at the Pulaski House by his friend, and after resting a few days went to his country home in Bryan county. He seemed to enjoy exceedingly the balmy air of the South, and would frequently say, "There is nothing in Italy, or in any part of the world to surpass it." "Is it not delicious?" "Is it not life-giving?" etc., were his constant expressions as he walked along the bluff, and breathed the pure soft air as it came gently sweeping by him, direct from the ocean. While at the plantation, which is situated directly open to the Atlantic, it was his habit to walk up and down daily the bank of the river just before the door of the house. He indulged also in riding on horseback, and often in shooting wild ducks in the river. He seemed to enjoy very much the society of the ladies of the family, and was always pleased with, and politely acknowledged the kind attentions paid him by the families in the neighborhood.

During all this time, however, he was not free from pain and suffering. Sometimes he was compelled to spend a good part of the day on his bed, and would in a most serious manner say, "I worked too hard last winter," "I hurt myself," "I am afraid I have seriously injured myself." But then in a half-smiling manner, and with an air of satisfaction, he would say, "that my work is done." While in the country the proof sheets of his last volume were sent to him for his inspection. He looked them over, and seemed highly pleased that he had been spared to see the end of a work on which he had been laboriously engaged in writing for a number of years.

Dr. Colton, although very weak, and at times suffering very much, did not seem to realize that his disease was of a fatal

character, and that he had laid down his pen forever ; or in his own words, that his "work was done." He experienced at one time so much pain, that he felt it necessary to visit the city and consult a physician. He visited Savannah, and after remaining some days under the care of a physician returned again to his country home. Vain were his efforts—he returned only to suffer the more, as his disease constantly developed itself in a more formidable manner. He rapidly became more feeble, more pale, less cheerful, and no doubt less hopeful, and was confined more to the house, and indeed to his bed. All that kind and affectionate attentions on the part of the family could do, were resorted to, but to no effect. In this unpromising state, he again returned to the city with the family of his friend, and on arriving at his house, he went immediately to his bed, *which he never* left.

For near three weeks Dr. Colton had the constant attentions of two of the most skillful physicians in Savannah (Drs. West and Kellock), and received from the family by which he was entertained, and from several families and many friends, every attention in their power to bestow. But God's plan was not to be frustrated. Medical skill failed to arrest his disease, or to make any impression upon him for near two weeks before his decease. His strength of body left him, but not of mind. It seemed that as his body grew weaker, his intellect grew all the brighter. He did not lose his interest in the things around him, nor in the great affairs of his country. He took as much interest in the inauguration of Mr. Buchanan, and as to those who would probably constitute his cabinet, as though he were in the vigor of health. The great national questions of the day commanded his attention, and he expressed such sentiments in regard to the necessity of *preserving the integrity of the Union*, of the benefits which would result from it, and the evils which would necessarily follow from a dissolution of it—as though on his dying bed he was inspired to speak. Constantly would he revert to his efforts in former times to do away with a sectional spirit, to suppress all agitation ; to keep inviolate the Constitution of his country, and act up to that spirit of concession and compromise which inspired all the first States as they came into the confederacy.

Although *very sick and near to death*, Dr. Colton *did not realize that he was so soon to die!* His mind was so bright, his interest in all around him and in his country so strong, and his desire to live so great, that he might be useful, and that he might see for himself the increasing prosperity of his country,

that he could not entertain the thought of death. The fact that he had been so low several times, and been raised up, encouraged him now to believe that he would still live. His friend observing that he was not aware of his situation and near approach to death, informed him of the opinion of his physicians and friends. He at first seemed *perfectly amazed at the announcement*, but soon collected himself, and began to make some few and necessary arrangements for his departure from the world. He had the sacrament administered to him by a clergyman of his own denomination, and received from him and other ministers every attention which could possibly be paid to him. Often did he express his unabated interest in his church, and his desire for her beauty, her purity, and her prosperity, as well as the great love he bore for her ministry.

As his hour of darkness drew near, and sensible objects failed to impress his mind, Dr. Colton would say, that "his hope was alone centered in Jesus Christ, and that through his mercy and his grace he hoped to be happy in heaven!" With the exception of occasional wanderings, he retained his mental energy to the last, and to the last in that pleasant polite manner, *peculiar to himself*, thanked all around him for their kindness.

On the night of the 13th of March, at four o'clock, he was aroused from a profound sleep by the striking of one of the city clocks; he asked, "what hour the clock struck?" Being told, he took a little nourishment, then quietly turned his face on his pillow, and with simply a *gasp or two*, he yielded up his soul to God without a groan or a word.

Thus ended the life of a man who had occupied a high position as a minister of the gospel, a man of great literary attainments, a profound thinker, a chaste and beautiful writer, an accomplished gentleman, and a pure patriot.

Thus also has ended the life of a man who has in his last work made a contribution to the literature of his country which will ever command respect and admiration for the name of CALVIN COLTON, LL.D.

C. W. R.

SAVANNAH, GEO., April 6 1857.