











W. H. W. W. W. W.

A
BIOGRAPHY
OF
HENRY CLAY,

THE SENATOR FROM KENTUCKY.

COMPILED AND EDITED

BY

DANIEL MALLORY.

CONTAINING ALSO,

A COMPLETE REPORT OF ALL HIS SPEECHES; SELECTIONS FROM HIS
PRIVATE CORRESPONDENCE; EULOGIES IN THE SENATE AND
HOUSE; AND A POEM, BY GEORGE D PRENTICE, ESQ.

COMPLETE IN ONE VOLUME.

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P R E F A C E.

IN writing the Biography of HENRY CLAY, we are conscious of entering a field several times explored, by individuals of great ability, who have spread before a delighted public the rich rewards of their researches. But its great amplitude—the loftiness of its hills—the breadth of its valleys—and the vastness of its enclosures, induce the belief, that the office of another explorer would not be altogether that of a gleaner; on the contrary, that the proper performance of its duties would result in the discovery of new beauties, and in the acquisition of new treasure. Under the influence of this belief, the resolution was taken and preliminaries settled of our undertaking, and ourself brought to its borders, indulging in visions of anticipated pleasure, not unlike those which an enthusiastic botanist experiences, who, with fernthos across his shoulders, and analyzing apparatus in his satchel, is about to enter the fair field of nature, to cull and examine the loveliest specimens of her skill. Personal gratification, however, was not the only nor chief motive prompting us to the undertaking. We desired to procure a larger and better collection than had ever been made of the mental gems of him who had moved in patriotic majesty over it, and adorned its enclosures of intellectual verdure with the brilliants of pure and lofty action; to gather and collocate these, we were strongly urged by the consideration that we should thus contribute, in some degree, to carry into execution that which formed one of the most interesting features of Mr. Clay's character—*a desire to submit his every public act to the closest public scrutiny*—a desire which was never introduced to subserve a certain purpose, but which was coeval with his political existence, and which he ever, under all circumstances, unequivocally avowed. A further motive was derived from our own ardent desire to behold a more

deeply-seated and generally-extended conviction of the purity, disinterestedness, and inestimable value of his services, which, in view of our own experience, we firmly believed would be the invariable issue of a careful and candid examination of them. That we sincerely and strongly wished the dissemination and establishment of this conviction we gladly affirm, not because we attach the slightest importance to it, considered as a mere isolated fact, but because we knew it would be productive of great and permanent good in the minds of all where it should find a lodgment.

It is a well-known and prominent truth, that those who are familiar with the beauties and sublimities of the natural world, are distinguished for expansive, liberal, and noble views. An effect parallel to this is distinctly seen in those who are surrounded by the magnificent scenery of the mental and moral world, and whose dwellings are irradiated by their effulgent luminaries. Hence, a sage custom of the ancient Greeks, as related by one of their historians, of causing their youth to be similarly circumstanced—especially those who were being educated with direct reference to the assumption of the duties and responsibilities of public life. In qualifying these appropriately to discharge the former and sustain the latter, their guardians and preceptors deemed it of vital importance to place before them the noblest scenes and subjects. In close connection with the precept '*know thyself*,' they enjoined that of '*know the good and great of others*.' To them it was well known, that the contemplation of deeds of mental and moral grandeur was most salutary—that it generated a desire to imitate and surpass them—nay, more; that it limned them upon the walls of the soul, and filled it with the most beautiful intellectual imagery, which would eventually develop itself in action—magnanimous, patriotic, and conservative of the best interests of mankind. To attempt to prove that such deeds thickly adorn the field of Mr. Clay's history would be superfluous, since the fact is well established in all civilized countries.

So much in relation to the motives for our undertaking. A brief statement of the manner and circumstances of its performance may not be inappropriate.

Our visions of anticipated pleasure, at its commencement, were fully realized during its progress. We had expected to be rewarded by the discovery of intellectual diamonds of the first water, but not in such rich

profusion as we found them. In consequence of the frequent struggles between our inclination and inability to gather and bring away all, we fear that many of intrinsic value have been left behind; but we trust and believe, that the most beautiful and important specimens will be found in our collection. Entire originality for it is not claimed, but aid from various sources has been received in its formation. Deeming the facts and events of Mr. Clay's career public property, we have freely taken and appropriated them, wherever found, without considering it incumbent upon us to designate their locality.

With regard to the Speeches of Mr. Clay, no labor has been spared in seeking for them, and it is believed that few, if any, which have been reported, will be found wanting in our collection. A brief memoir has been prefixed to each, illustrative of the subject and occasion on which it was delivered, and the fate of the question. In this labor we have been materially assisted by Mr. EDWIN WILLIAMS, the former secretary of the American Institute; a gentleman well known for his accuracy and ability in historical and statistical matters.

In giving the result of our investigations, we express our fears that it will be found to contain imperfections, notwithstanding our endeavors to guard against them. It has been exceedingly difficult to speak of Mr. Clay's eminent acts, without sliding imperceptibly into the path of eulogy. This, perhaps, has led to the error of saying too much sometimes, and too little at others. For defects of this nature, however, the intelligent reader will require no apology. But the deficiency most prominent, and one which we lament most sincerely, is, that of not having done justice to his transcendent talents and abilities as an orator. For this, an excuse must be furnished by our incompetency; the consciousness of which fell upon us, with overwhelming force, as we stood in the presence of his eloquence. We watched its wonderful and spirit-like movements and operations, and turned away from the task of adequate description, as we would have shrank from the fruitless endeavor to take the dimensions of a boundless and unfathomable ocean. Attempts at describing it we have indeed made, but they are abortive—dim shadows of its noble substance, and tenantless abodes of its beauty. Our belief of the utter impossibility to convey an adequate idea of it through the medium of written or verbal statement, has

been confirmed by the opinion of those who have often beheld its manifestations. A distinguished senator remarked to us very recently, that Mr. Clay's eloquence was absolutely intangible to delineation—that the most labored and thrilling description could not embrace it, and that, to be understood, it must be seen and felt. Neither is it contained in those inimitable productions of mind—his speeches. Abundant evidences of its magic influence are found in these. The monuments heaved up by its hand of power, stand thick about its gorgeous pathway, which runs through them all like a golden tissue, but *it* is not there. Its nature is too closely allied to etheriality to find a fit terrestrial abode.

What has been said of Mr. Clay's eloquence, is, to a great extent, true of his philanthropy and patriotism. No individual was ever less controlled by sectional feeling. The height of benevolence on which he planted himself was so lofty as to enable him, while legislating for his own country, in particular, to have an eye to, and care for, the interests of all other countries. In what manner and to what extent they have been benefited, by his exalted and humane services, it is believed an ample and authentic source of information will be found in our compilation of them. In the full assurance that these will endure the ordeal of the closest and most philosophic scrutiny to the end of time, we present them to the public, and cannot avoid giving utterance to the desire that they may be speedily subjected to it, and in the same liberal spirit which distinguished their performance. Should such a result be realized, we shall consider the time employed in gathering and arranging them most profitably occupied.

LIFE OF HENRY CLAY.

BIOGRAPHIC usage might require us to give the pedigree of the distinguished individual who forms the subject of the following memoir. Many considerations, however, combine to induce a departure from this usage. In the first place, we are strongly disposed to question the practical utility of it; and in the second, to doubt our ability, even after the most diligent search, to exhibit what is ordinarily the object of such a search—*an illustrious pedigree*. Indeed, we regard it as very problematical, whether we should be able to get beyond the pale of republican simplicity. But the most cogent consideration is the belief that our efforts would not be more highly appreciated than were those of the emperor of Austria by Napoleon Bonaparte. The Austrian monarch, desirous of proving his future son-in-law royally descended, was busily engaged in making the searches requisite to establish the fact. Napoleon, becoming acquainted with his intention, immediately visited him, and exclaimed, ‘Stop, stop, sire! I alone am the author of my fortune, and desire it to be so understood: neither royal descent nor royalty has contributed any thing to its achievement, and though I might legitimately claim both, would not mention either.’ We do not know that a similar indifference was felt by Mr. Clay, relative to his lineage, but his plain, unostentatious habits, and firm adherence to republican principles, warrant us in presuming that such was the case. Certain it is, however, that for the elevated position he occupied, he was as little indebted to any adventitious advantages of birth or fortune, as was the mighty conqueror; and with equal propriety might he have said, in view of the means by which he had attained that position, I alone am the architect of my fortune. Without attempting, therefore, to invest his origin with the splendors of a titled ancestry, it may suffice to observe, that family reminiscences render it certain that his imme-

diate progenitors were distinguished for sterling worth, virtue and integrity. His father, a Baptist clergyman, labored in his official capacity with great acceptance, in a district of country in Hanover county, Virginia, familiarly denominated 'The Slashes,' where, on the 12th of April, 1777, his fifth child, Henry, was born. He was not destined to enjoy those instructions and counsels which a father only knows how to impart, — for when he had attained his fifth year, his father died. This event consigned him entirely to the care of his mother — a woman of an uncommonly vigorous mind, richly adorned with feminine graces, and every way competent to superintend his incipient education.

Unfortunately, the embarrassed condition of her husband's estate at his death, besides greatly augmenting her cares, prevented her from giving Henry that thorough course of study which she designed him to pursue. So far, therefore, from receiving a liberal, he did not receive a good elementary education. The lowly district school of that region, to which his instructions were limited, was deficient in almost every essential respect. But even under these inauspicious circumstances, in early boyhood he manifested a strong desire for knowledge, which in consequence of the pecuniary difficulties before mentioned, could not be gratified. All that the fondest maternal tenderness could do, was to lead him to the rills of learning, whose sweet waters, instead of allaying, rendered that desire more intense, and induced the resolution to seek its gratification at their unadulterated source. This, in after life, by his indomitable energy, he was enabled to execute.

The means of education afforded him, though meagre in the extreme, he did not uninterruptedly enjoy. The straitened circumstances of the family made it necessary for him, in common with his brothers, to devote large portions of time to manual employments. He was no stranger to the use of the plough, the spade, and the hoe, over which literally by the sweat of his brow he earned his daily bread. He gained for himself the title of 'Mill Boy of the Slashes,' by his frequent visits to a neighboring grist-mill, on the Pamunkey river. These he usually made, seated on a bag of grain thrown across a horse, which he thus rode with a rope bridle, without a saddle.

He appears not to have shrunk from any employment, however humble, when directed to it by his beloved mother. To her his attachment was most ardent, and often has he expressed his deep regret that he was permitted to enjoy her society during so brief a period. In 1792 she was married to Mr. Henry Watkins, and removed to Woodford county, Kentucky, accompanied by all her children, except Henry and his eldest brother. At the age of fourteen we find him in a small drug store, in Richmond, Virginia, kept by Mr. Richard Denny. His stay here was short, and at the commencement of 1792 he entered the office of Mr. Peter Tinsley,

clerk of the High Court of Chancery. Here he found employment more congenial to his taste than any to which he had hitherto devoted himself, as well as more ample means for mental culture.

The venerable chancellor Wythe, a gentleman of great personal worth and profound erudition, attracted by his industrious habits and amiable appearance, took him into his especial favor, gave him the benefit of his instructions, and finally made him his amanuensis. By the opportunities for familiar intercourse with this great man, which were now afforded him, the most salutary impressions were received and rapid advances made in the acquisition of knowledge. He sought to become better acquainted with his vernacular language, and in this was aided by his friend, who recommended several works for his perusal, calculated to assist him. Much of his time was employed in copying the lengthy official documents of the chancellor, who, being passionately fond of Greek, interlarded them liberally with passages from his most admired authors. This rendered his task peculiarly onerous, for he was compelled to copy them in the original, and by imitation, as he was ignorant of the language. He acquitted himself, however, to the entire satisfaction of his employer, won his esteem, obtained much valuable, legal, and general information, and laid the foundation of those habits of regularity and methodical application which were subsequently of such great practical advantage to him.

During the year of 1796 he left the office of Mr. Tinsley and went to reside with the attorney general of Virginia, Robert Brooke, Esq. Here his advantages for studying law were better than they had previously been, of which he eagerly availed himself, and with much success. The year 1797 appears to be the only one in which he pursued the study of law uninterrupted, yet it must be certain that during his residence of several years in the capital of Virginia, daily cognizant of legal proceedings, and associating with the most eminent legal gentlemen of the period, he acquired an amount of legal information neither inconsiderable nor unimportant. Near the close of the year he was licensed to practice law, by the judges of the Virginia Court of Appeals. He entered on the duties of his profession at Lexington, Kentucky, under auspices not the most favorable, as appears from his speech of June, 1842, at the same place. In this he says he 'was without patrons, without friends, and destitute of the means of paying his weekly board. I remember how comfortable I thought I should be, if I could make £100, Virginia money, per annum, and with what delight I received the first fifteen shilling fee. My hopes were more than realized; I immediately rushed into a lucrative practice.'

Though success most unexpected, crowned his first efforts, he did by no means relax his exertions to qualify himself more thor-

oughly for the profession he had chosen. While other young men of his own age, and not more eligibly situated, with regard to means and employment, were spending their evenings in recreations suited to their juvenile dispositions, he was eagerly conning over his own self-directed and unaided lessons of learning. Most assiduously did he devote his every leisure hour in enriching his mind, and in polishing his mental armor. Modest, unassuming, apparently feeble in constitution, languid and listless in his movements, he exhibited little in his deportment indicative of those lofty powers of eloquence and commanding talents, which in latent energy were reposing in his mind. An incident, however, occurred a short time after, at a meeting of a debating society, by which they were brought to light. He had been a member of the society some time, but refrained from taking an active part in its exercises. This was attributed to those traits of character before mentioned. At the meeting referred to, a question had been discussed at considerable length and apparently with much ability, on which the customary vote was about to be taken, when he observed in an under tone to a person seated by him, 'the subject does not seem to be exhausted.' The individual addressed, exclaimed, 'do not put the question yet, Mr. Clay will speak.' The chairman by a smile and nod of the head signified his willingness to allow the discussion to be continued by him, who thereupon arose under every appearance of trepidation and embarrassment. The first words that fell from his lips were, 'Gentlemen of the jury.' His embarrassment now was extreme; blushing, hesitating, and stammering, he repeated the words, 'Gentlemen of the jury.' The audience evinced genuine politeness and good breeding, by seeming not to notice his peculiarly unpleasant and trying condition. Suddenly regaining his self-possession, he made a speech of such force and eloquence, as to carry conviction and astonishment at once to the hearts of his hearers. Subsequently he took a prominent part in the debates of the society, and became one of its most efficient members.

Shortly after, he was admitted to the Court of Quarter Sessions of Fayette county, a court of general jurisdiction. Perhaps at no previous period was the Lexington bar more highly distinguished for the talents and learning of its members than at that time. Among them were George Nicholas, John Brekenridge, William Murray, and others, whose long established reputation and professional skill seemed to set competition at defiance. They found in Mr. Clay, however, a most formidable competitor: one who, though bland, courteous, and affable, in the ordinary intercourse of life, yet on the field of civic strife was as unyielding and invulnerable as the 'gnarled oak.' His talents secured respect, and soon placed him on a level with the highest. He possessed the unbounded confidence of the community where he resided, and the ease

with which he secured this was truly surprising. So perfectly insinuating and winning were his ways, and so captivating his appearance, that it was usually yielded at the first interview. Such attributes of mind and person could not and did not fail to surround him with influential and devoted friends, and secure for him a more than respectable patronage. A few short months previous he stood alone, a stranger, unaided, unfriended and destitute, amid the wilds of the then far-off west. Now, the obstacles which then seemed gigantic, had dwindled into insignificance. The rough and forbidding aspect of the road which he had marked out for himself to pursue, had entirely disappeared, and friends and favors poured in upon him from all quarters, and he found himself borne along by the breeze of popular approbation, unconscious that it had yet been awakened.

One to him important result of that confidence which a discerning and generous public reposed in him, was continual professional employment. His acute and refined sensibilities, his philanthropic heart, and sympathizing disposition, joined to his profound knowledge of human nature and commanding powers of eloquence, pointed him out as one eminently well qualified to conduct criminal cases. With these, therefore, we find him much and successfully engaged, and it is a remarkable fact, taking into consideration the large number of these cases committed to his care, that never in a single instance was he defeated. One of the most important early criminal suits in which he was retained, was that of the wife of a very reputable farmer by the name of Phelps, a woman who stood high in the estimation of those who knew her, and deservedly, for she had led hitherto an irreproachable life. In a fit of passion, caused by some personal reflection of her husband's sister, she seized a gun and shot her through the heart. The poor girl had only time to exclaim, 'Sister, you have killed me,' and expired. The great respectability of the parties caused the most intense excitement, and an immense crowd assembled to witness the trial. Of the fact of killing the proof was most abundant, and the only point to be considered was that which respected the nature of the crime. It was argued with great ability on the part of the prosecuting attorney, who labored hard to make it out a case of deliberate wilful murder; but in this he was foiled by the superior skill and adroitness of Mr. Clay, who not only succeeded in saving the life of his client, but obtained as light a verdict for imprisonment as the law would allow.

In another similar suit, which occurred shortly after, he evinced, if possible, greater ability. Two men, Germans, father and son, were indicted for murder, and were tried in Harrison county. The act of killing, in this instance also, was proven by evidence so clear and strong, that it was considered not only a case of murder, but an exceedingly aggravated one. The trial lasted five days, at

the close of which he addressed the jury in the most impassioned and eloquent manner, who were so moved by his pathetic appeals that they rendered a verdict of manslaughter only. After another hard day's struggle he succeeded in obtaining an arrest of judgment, by which his clients were set at liberty. They expressed their gratitude in the warmest terms to their deliverer, in which they were joined by an old ill-favored female, the wife of one and the mother of the other, who adopted a different mode, however, of tendering her thanks, which was by throwing her arms around Mr. Clay's neck and repeatedly kissing him, in the presence of the court and spectators. Respecting her feelings, he did not attempt to repulse her, but submitted with such grace and dignity to her caresses as to elicit outbursts of applause.

Mr. Clay manifested great sagacity in discerning and turning to his advantage a technical law-point, involving doubt. The following case illustrates this. A man by the name of Willis, indicted for murder, escaped conviction by the disagreement of the jury, and was put upon his trial the second time for the crime alleged. After hearing the arguments of the prosecuting attorney, he brought forward the well known rule of law, that the life of no one shall be put in jeopardy twice for the same offence, and insisted on its applicability to the case under consideration, contending that the trial, according to that rule, was manifestly illegal, and that therefore conviction would be impossible. At first the court was disposed to rule out his objections, which was met on the part of Mr. Clay with a prompt refusal to proceed with the case, unless allowed to view it in this aspect, and actually left the room for that purpose. He was soon recalled and permitted to proceed, and, without the remotest reference to the testimony previously given, he obtained an acquittal solely on the ground assumed. In only one instance do we find him engaged as public prosecutor, in which he procured the conviction of a slave for the murder of his overseer. With great reluctance he discharged the duties of his office in this case, and has often been heard to regret that he had any agency in procuring the execution of the friendless black.

In civil suits he also won great celebrity. In the settlement of important land claims, he rendered himself very conspicuous. It is related of him that being engaged in one that involved immense interests, he associated with him a prominent lawyer to whom he intrusted its management, as urgent business demanded his absence from court. Two days were occupied in discussing the legal points that were to govern the instructions of the court to the jury, on all of which his colleague was frustrated. Mr. Clay returned before a decision was rendered, and without acquainting himself with the nature of the testimony, or ascertaining the manner in which the discussion was conducted, after conferring a few minutes with his associate, he prepared and presented in a few words

the form in which he wished the instructions to be given, accompanying it with his reasons, which were so convincing that the suit was terminated in his favor, in less than an hour after he reëntered the court room.

His genius and talents now seen and acknowledged by all had gained for him high professional honors, and fitted him to act a prominent part on another and more extended field—that of the patriot politician. The date of his entrance on this field may be placed as far back as 1797, and it is worthy of particular remark, that the first subject he was led to investigate, on approaching it, was one peculiarly calculated to call into exercise those prominent features of his character, philanthropy and patriotism. Slavery, although existing in Kentucky in its mildest form, could not and did not appear to him otherwise than unsightly and revolting—an evil, and one of great magnitude; nor did he hesitate to pronounce it such. To him, its practical tendencies, in public and civil no less than in private and social life, were obviously bad. He saw it diffusing its baneful influences through the halls of legislation, and twining its sable folds around the very pillars of government, contaminating and withering. His was not the position of an unmoved or speculating observer; the mightiest energies, the holiest impulses of his nature were kindled within him, to arrest its progress, to break up the unnatural, the unhallowed alliance. But in yielding, as he did, prompt obedience to those emotions, he did not rush madman-like, impelled by a blind zeal, into the work, regardless of results. The sanguinary consequences of such a course rose up and stared him full in the face, with most appalling power, nor could he shut his eyes to the palpable fact, that it would inevitably eventuate in the utter annihilation of those very interests he sought to protect. It appeared necessary, therefore, to advance cautiously, to sit down, and, divested of all prejudice, wisely count the cost. He found it requisite to act the part of a skilful and experienced operator, not that of a conceited empiric; to have the bandage and the liniment ready before resorting to the scalpel and cauterizing iron. After taking the most enlightened view of the subject, regarding it in all its aspects and bearings, he came to the conclusion, that the only feasible method which would both ensure the safety of the body politic, and preserve inviolate their domestic institutions, was a gradual disengagement. Hence he sought by every available means, through the press by his touching and eloquent descriptions, by night and by day, to secure the introduction of a provision to that effect, in a new constitution, then under consideration for adoption. Happy would it have been for Kentucky had she listened to the entreaties of her son in this behalf, for slavery would have long since ceased to blacken her borders. His humane efforts were not, however, successful; a majority of the members of the convention being opposed to the provision. It

cannot be doubted that Mr. Clay very clearly foresaw that the contest would thus terminate, possessing as he did accurate knowledge of the state of the public mind, in relation to the subject of slavery; hence our surprise and admiration. It is not more certain that his efforts were earnest and vigorous in defence of the measure, than that they were prompted by disinterested motives. The nature of his circumstances at this period is such as to render it certain that he did not stop to estimate the consequences of defeat, either to his popularity or his purse; in short, that so far as personality was concerned, '*cui bono*' was neither in his mind nor on his lips. How ridiculously absurd then, in the light of such abundant evidence to the contrary, the assertions of his enemies, that he was actuated by selfish motives, by an inordinate desire to attract attention. There was no ground for such a desire. In Kentucky, at least, his popularity would hardly admit of augmentation, and daily, and almost hourly the testimonials of approbation lavished upon him, and the high appreciation of his character, his services, and his talents, cannot be enumerated. Though defeated, he was not discouraged nor disheartened. Conscious that his action had been in accordance with his conviction of duty, he derived great consolation from the fact, and girded himself to do battle again for the same principle in a different connection.

Mr. Clay was a lover of Liberty, not exclusively on account of any particular advantages her possession might confer, but on account of her own intrinsic loveliness and inalienability. In looking at his political career, we find that his most gigantic efforts were put forth whenever he discovered a disposition to abridge her lawful exercise. It seems to have been even at its commencement a settled principle with him, to resist oppression under whatever form presented. This he discovered in the odious Alien and Sedition laws, enacted in 1798-9. These were anathematised by the democracy of the country, as hostile to our institutions, involving an unwarrantable assumption of power, manifestly unconstitutional, savoring strongly of tyrannical usurpation, and not to be tolerated. The Alien law empowered the president to command any alien whom he should judge dangerous to the peace and safety of the country, to depart out of the territory within such time as he should specify, under penalty of being imprisoned for a time not exceeding three years. The Sedition law was intended to guard against the abuse of speech and of the press. Besides subjecting to imprisonment, it imposed a heavy pecuniary fine, on such as combined, conspired, or united, to oppose any governmental measure, — who should utter, write, print, publish, &c., any false, and scandalous, and malicious writing, against the government of the United States or the president, &c. The appearance of these laws was greeted with one general outburst of indignation, from one end of the land to the other, but in no section was the expression of disapprobation

more strongly marked or prompt than in Kentucky. In the front rank of those who opposed them stood young Clay, dealing blows so thick and heavy with the ponderous battle-axe of his eloquence, as to drive his foes in disorder and dismay from the field of political strife.

It is related that on one occasion the people had assembled in a large crowd in a grove near Lexington, to listen to a discussion to come off between the advocates and opposers of these laws. The greatest interest had been awakened, extensive preparation made by the combatants, and with the most inflammatory zeal they entered the lists. The assemblage was first addressed by Mr. George Nicholas, a gentleman of distinguished ability and commanding eloquence. His effort is represented as having been one of great vigor, and characterized by that logical and philosophical acumen, for which he was so celebrated. When he ceased, the populace, wrought up to the highest degree of enthusiasm, poured out their rapturous applause. 'Clay,' 'Clay,' was now loudly called from all directions, and as he ascended the stand, it was clearly perceptible by his eagle eye and compressed lips that no ordinary emotions were struggling in his bosom. As the spirit of the tempest finds the ocean when he descends in his mightiest energy, so he found the boisterous mass swelling to and fro like the surges of the deep. But he was at home doing his legitimate work, pouring the oil of eloquence over a turbulent sea of passion, until its tumultuous heavings subsided and left one quiet, calm, and unruffled surface. The subject in his hands appeared in a new light, and he soon succeeded in securing for it that attention which is accompanied with feelings too deep for utterance: like those experienced by one standing on the edge of a crater, gazing down into its fiery abyss. His predecessor had poured a flood of sunshine over the multitude, which caused those heartfelt, spontaneous out-gushings of joyful emotion, which are its usual concomitants. But his office was that of the lightning's flash and thunder peal, hushing, awing, and subduing. When he closed there were no clamorous expressions, no deafening shouts of applause, but something far more significant he read in the quivering lips, indignant looks, and frowning brows around him; and heard, in the deep low growl that came up, a much more flattering tribute to his talents. He was followed by Mr. William Murray, an orator of great popularity, and well qualified to exhibit acceptably the merits of those laws, if indeed they possessed any. His efforts, however, were futile. The conviction of their pernicious tendency had been planted too deep in the minds of the people by Mr. Clay, to permit them to listen to their merits, or to allow them to believe that they had any. He would not have been suffered to proceed had not the previous speakers urgently solicited permission. Another attempt was made to reply, but the people could be restrained no longer, and made a

furious rush towards the place occupied by the speaker, who was compelled to make a precipitate retreat to escape personal violence. They now seized Nicholas and Clay, bore them on their shoulders to a carriage, and amid the most enthusiastic cheering, drew them through the streets of Lexington. A proud day was this for Mr. Clay; a day in which he earned a far more glorious title than any that royal hands could confer upon him, that of the 'great commoner.' It was the first of the bright days of the years of his fame — the sure precursor of that unfading chaplet which time was destined to bind about his brow.

In 1803, Mr. Clay, in company with several of his personal friends, was spending several weeks at the Olympian Springs, in Bath county, for the benefit of his health, and during that time there was an election of members to the legislature. His friends, without his knowledge, and as appears contrary to his wishes, brought him forward as a candidate. The prospect of his election was not very flattering; indeed, it seemed to be impossible. Several candidates who were veterans in the business, had occupied the field sometime in advance of him, and besides electioneering warmly for themselves, employed the influence of powerful friends. Though he ran very well at the commencement, it was thought that he was somewhat behind. His opponents, besides using every legitimate, resorted to unfair means to accomplish his defeat, reporting that he was incapacitated for the office by ill health; that he did not desire, neither would accept it. Such measures in all probability would have been successful, had not his opportune return before the canvass had progressed very far, furnished ocular proof of the falsehood of these assertions, and enabled him to counteract the influence of the slanderous reports put in circulation. It was repugnant to his feelings, contrary to his exalted ideas of honor, and did not comport with the dignity of the office to set forth personally his claims and qualifications. But yielding to the entreaties of his friends, and urged also by the base subterfuges and low intrigues every where practiced to defeat his election, he consented to enter the arena, and right well did he acquit himself, as the sequel will show. His remarks were few, exceedingly pertinent, conveying to the electors his views of state policy, refuting such of the reports as were false, and admitting such as were true: to wit, that he was young and inexperienced, that he had not proclaimed himself a candidate, nor sought their suffrage; but since his friends had seen proper to place his name before the people, it would be gratifying to them if he could be elected. While thus engaged in stump speaking, as it is termed in Kentucky, an incident occurred which it may not be amiss to relate. It illustrates his tact and ingenuity in seizing and turning to good account trivial circumstances, for which he is so celebrated, and to which he is indebted for the enviable title of being great in little things. He had been

engaged in speaking some time, when a company of riflemen, who had been performing military exercise, attracted by his attitude, concluded to go and hear what that fellow had to say, as they termed it, and accordingly drew near. They listened with respectful attention and evidently with deep interest, until he closed, when one of their number, a man about fifty years of age, who had evidently seen much backwoods service, stood leaning on his rifle, regarding the young speaker with a fixed and most sagacious look. He was apparently the Nimrod of the company, for he exhibited every characteristic of a mighty hunter,—buckskin breeches and hunting-shirt, coon-skin cap, black bushy beard, and a visage which, had it been in juxtaposition with his leathern bullet pouch, might have been taken for part and parcel of the same. At his belt hung the knife and hatchet, and the huge indispensable powder-horn across a breast bare and brown as the bleak hills he often traversed, yet which concealed as brave and noble a heart as ever beat beneath a fairer covering. He beckoned with his hand to Mr. Clay to approach him, who immediately complied. ‘Young man,’ said he, ‘you want to go to the legislature, I see?’ ‘Why, yes,’ replied Mr. Clay, ‘yes, I should like to go, since my friends have seen proper to put me up as a candidate before the people; I do not wish to be defeated.’ ‘Are you a good shot?’ ‘The best in the country.’ ‘Then you shall go; but you must give us a specimen of your skill; we must see you shoot.’ ‘I never shoot any rifle but my own, and that is at home.’ ‘No matter, here is old Bess, she never fails in the hands of a marksman; she has often sent death through a squirrel’s head one hundred yards, and daylight through many a red skin twice that distance; if you can shoot any gun you can shoot old Bess.’ ‘Well, put up your mark, put up your mark,’ replied Mr. Clay. The target was placed at the distance of about eighty yards, when, with all the coolness and steadiness of an old experienced marksman, he drew old Bess to his shoulder and fired. The bullet pierced the target near the centre. ‘Oh, a chance shot! a chance shot!’ exclaimed several of his political opponents. ‘A chance shot! He might shoot all day and not hit the mark again; let him try it over, let him try it over.’ ‘No; beat that, beat that, and then I will,’ retorted Mr. Clay. But as no one seemed disposed to make the attempt, it was considered that he had given satisfactory proof of being the best shot in the county; and this unimportant incident gained him the vote of every hunter and marksman in the assembly, which was composed principally of that class of persons, as well as the support of the same throughout the county. The most remarkable feature respecting the whole transaction is yet to be told. Said Mr. Clay, ‘I had never before fired a rifle, and have not since.’ The result of the election proved Mr. Clay much more popular than it had been supposed he was; he was elected almost by acclamation. Our astonishment may well

be excited, when we consider that this was the first time that he was a candidate for an office, and the circumstances under which it took place. It must be certain that he was esteemed a young man of great promise and ability. That confidence he seems so early to have inspired he has ever retained, and it is a no less just than flattering tribute to his worth, that where he is known best, there he is esteemed the most. This appears from the fact that the citizens of Fayette county have never refused him an office when brought forward by his friends as a candidate.

At the time of his election to this, his first office, the public mind was much agitated in reference to the Lexington Insurance Company. Felix Grundy, a political partizan of great eminence, had proclaimed himself hostile to its existence, and expressed his intention to move the repeal of its charter. This question was brought to bear directly on the election, and as the views of Mr. Clay were known to be opposed to his, he was selected to advocate the claims of the institution. The attempt made during the ensuing session to procure the repeal of the incorporating law was easily defeated by him, but in the succeeding one Mr. Grundy himself was a member, and a majority of the House came pledged to support the measures advocated by him. Argument in such a state of things it was thought would avail little; for the representative, feeling bound to obey the will of his constituents, would be compelled to vote for the repeal, although convinced of its injustice. The debate that ensued was one of great ability, conducted by Mr. Clay and Mr. Grundy, and attracted crowds of spectators. They were both young, aspiring after forensic honors, and both eloquent. Mr. Grundy, though wily, shrewd, and a good political manager; in strength of argument, force, and felicity of illustration, and the faculty of setting his subject in a strong light before his hearers, was evidently inferior to his antagonist. Mr. Grundy at first waged an aggressive war, and with great boldness and vigor demolishing his enemy's outposts, pushed his way far into his country. Elated with success, and the ease with which he overcame all opposition, he imagined victory already achieved. But he was destined to be checked midway in his brilliant career, to encounter his enemy's strong *corps de reserve*. The contest is represented as having exhibited a scene of eloquent sublimity, seldom witnessed or surpassed. Mr. Grundy had marshalled his forces with the skill of a veteran, and flanked by powerful auxiliaries, was proceeding in the utmost regularity, and as he thought with absolute certainty, to strike the last decisive blow. A phalanx thus appointed, led on by such a general, seemed invincible, and indeed was, if any could be in such a conflict. Up to the time of the grand onslaught, Mr. Clay seemed to be regardless of the operations of his adversary. He was, however, silently engaged in collecting and arranging his resources, and treasuring his energies

for the final hour; and when it came he arose and hurled them at the heads of his mighty foe and emissaries as the avalanche huris his ice-mount, or the volcano his scathing flood of flame. Mr. Grundy's struggle to maintain his ground was desperate, but short, for no force could do it under such circumstances; and, finding himself borne backwards by the impetuosity of his assailant, he attempted to effect an honorable retreat. In this he failed, and was finally compelled to surrender.

Although the measure passed the house, the senate, whose members had listened to the discussion, without any efforts, pro or con, refused most unanimously to sustain it; and thus the company, through the efforts of its vindicator, was suffered to retain its charter.

An event occurred during the session of 1805, highly illustrative of the versatility of Mr. Clay's genius. An attempt was made to obtain the removal of the capitol from Frankfort. Mr. Clay, in a speech delivered at the time, reverted to the peculiar physical appearance of the place, as furnishing an argument in favor of the proposed removal. Frankfort is walled in on all sides by towering rocky precipices, and not unlike a vast pit. It presents, said Mr. Clay, the model of an inverted hat. Frankfort is the body of the hat, and the lands adjacent are the brim. To change the figure, it is nature's great penitentiary; and if the members would know the bodily condition of the prisoners, let them look at those poor creatures in the gallery. As he said this he directed their attention to some half a dozen emaciated, spectre-like specimens of humanity, who happened to be moping about there, looking as though they had just stolen a march from the grave-yard. On observing the eyes of the house thus turned towards them, and aware of their ghostly aspect, they screened themselves with such ridiculous precipitancy behind the pillars and railing as to cause the most violent laughter. This well-directed effort at wit and humor was completely successful, and the house gave their votes in favor of the measure. The resolution, however, was never carried into effect, as it was found impossible to agree upon a new location. It would be difficult, and perhaps not particularly desirable, to follow Mr. Clay through all the various and numerous services rendered by him in the legislature of Kentucky. We shall give an outline only of them, presenting such specimens as shall illustrate the leading characteristics of his mind, and dwell longer on that portion of his history which regards him as connected with the management of the affairs of the nation. While acting in the capacity of a state legislator, he was distinguished for zeal in prosecuting his professional labors, which soon conducted him to the summit of that lofty legal eminence, far above the murky regions of pettifogger and low intrigue. Here, surrounded by an atmosphere redolent of judicial purity, and seated fast by the throne of Justice,

he exerted himself to preserve inviolate the sanctity of her temple, and to see that her decisions were rigidly and impartially enforced. He particularly delighted, on the one hand, to procure her favors for the poor and obscure, in facilitating the approach to her courts of those who by poverty or oppression were debarred access; and on the other, to oppose the unjust prosecutor. No bribe could induce him to countenance, directly or indirectly, his designs. While acting under the influence of these most noble principles, he became engaged in an unpleasant affair of honor. It appears that Col. Joseph Hamilton Daviess, district attorney of the United States, had struck an inn-keeper in Frankfort, who had made some remark offensive to him; the inn-keeper endeavored to obtain legal reparation for the wound his honor had sustained, and for that purpose applied for a writ. This was readily obtained, but owing to the high standing and influence of the accused, no lawyer could be found who was willing to conduct the prosecution. In this state of things, after consulting with his friends he wrote a letter to Mr. Clay, detailing the facts in the case, and soliciting his aid. He promptly sent a reply, in which he consented to act as his attorney. The suit was brought at Lexington, and Mr. Clay, whose sympathetic feelings were warmly interested in behalf of his client, vindicated him from the rude and unreasonably harsh treatment which he received at the hands of Mr. Daviess, who was his own attorney. Mr. Clay's strictures were keen and cutting to such an extent, that Col. Daviess, at a pause in the trial, sent Mr. Clay a note, couched in not very civil, and somewhat threatening terms, warning him to desist from such bitter remarks. Mr. Clay replied that he should conduct his client's case as his judgment prompted, uninfluenced and unawed from any source—least of all from his client's antagonist. At the close of the trial Col. Daviess sent him a challenge to single combat, which he accepted. Subsequently the affair was settled, through the mutual interference of the friends of both parties, and the most cordial friendship existed between them till the death of Col. Daviess, who was killed at the battle of Tippecanoe.

Near the close of 1806 Mr. Clay received an application from Aaron Burr to appear in his behalf. Burr had been arrested on a charge of being engaged in illegal military operations. The popular mind was much agitated by the belief of his treasonable designs, founded on various rumors of his projected invasion of the Mexican provinces, in which the whole western territory was implicated. While these rumors were occasioning much public anxiety, two men, named John Wood and J. M. Street, arrived from Virginia and located at Frankfort. Their object seemed to be to publish a weekly paper, which they styled the 'Western World,' in which they revived an old political controversy which had slumbered nearly twenty years. The subject of the rumors

was also introduced into its columns, and several statements made in reference thereto, which seemed, if true, to make out the evidence of treason and conspiracy as more than probable. They were however, for the most part assumptive, and not substantiated by any well authenticated testimony, besides appearing under a very questionable character, being contained in communications over the signature of 'an observer.' It was subsequently ascertained that these were written by one of the most violent federalists of the day — notorious for his antipathy toward the democratic party, of which at that time Mr. Burr was a distinguished member. His name was Humphrey Marshall. He and his emissaries, to accomplish their purposes, resorted to the most base and dishonorable means. In an address prepared by Mr. Marshall, he reiterated the statements of 'an observer,' of which he himself was the author, and also charged the leading members of the Jefferson party in Kentucky, among whom were Mr. Clay's most intimate friends, with the treasonable design of annexing that state to the Spanish dominions in North America. The address was laid before the legislature, who investigated the matter; but not succeeding in eliciting any thing to corroborate the charges made, it was dropped. The public mind was wrought up to a high degree of indignation at these attempts to ruin some of the most worthy and talented men in the community. While the public was still under the influence of the sympathetic feelings excited in behalf of those against whom such gross accusations had been made, Mr. Burr was charged with a conspiracy of more recent date, and in course was regarded with the same sympathy extended to those previously criminated. He was esteemed a persecuted patriot, and his innocence was matter of popular belief. It was thought pretty generally, that his arrest originated in deep-rooted prejudice existing in the mind of colonel Daviess, the district attorney, a warm admirer of colonel Alexander Hamilton, who was killed in a duel by Mr. Burr. There was good ground for believing that the attorney was prompted more by revengeful feelings than a desire of promoting the administration of justice. During the same year, soon after Mr. Burr had returned from New Orleans, the public mind was again inflamed by the 'observer,' which contained statements of such a nature as to direct the attention of the district attorney to Mr. Burr, whose arrest he attempted to procure, but without success. Mr. Burr witnessed the proceedings, and in a speech which he made at the time, alluded to them, which he characterized as harsh and oppressive in the extreme, expressing himself perfectly willing, and indeed soliciting to be tried by an unprejudiced court. His dignified deportment, and fair, open proposition, caused the popular feeling to be deeply enlisted in his favor. His request was granted, a jury chosen, and a day appointed for trial. When it arrived, universal surprise was created by the

novel and very unusual course pursued by Col. Daviess. He moved the discharge of the jury in consequence of an important witness being absent. He succeeded, to the great regret of Mr. Burr, who was desirous of placing the whole business before a competent and impartial judicial tribunal.

The attorney, some months subsequent, imagined himself warranted in resuming the prosecution. The second day of December was appointed for the trial. On the day previous Mr. Burr addressed a note to Mr. Clay, soliciting his aid, of which the following is an extract. 'I have no design nor have I taken any measure to promote a dissolution of the Union, or a separation of any one or more states from the residue. I have neither published a line on this subject, nor has any one, through my agency or with my knowledge. I have no design to intermeddle with the government or to disturb the tranquillity of the United States, or of its territories, or any part of them. I have neither given, nor signed, nor promised a commission to any person for any purpose. I do not own a musket, nor bayonet, nor any single article of military stores; nor does any person for me, by my authority, or with my knowledge. My views have been fully explained to, and approved by, several of the principal officers of government, and I believe are well understood by the administration, and seen by it with complacency. They are such as every man of honor, and every good citizen must approve. Considering the high station you now fill in our national councils, I have thought these explanations proper as well to counteract the chimerical tales which malevolent persons have so industriously circulated, as to satisfy you that you have not espoused the cause of a man in any way unfriendly to the laws, the government, or the interests of his country.'

Mr. Burr was doubtless aware of the scruples felt by Mr. Clay respecting the propriety of acting as his counsel, which scruples were occasioned principally by the new and interesting relation just assumed by him — that of United States senator. Mr. Clay's doubts were satisfied, and he consented to appear at his trial as his attorney, in connection with Col. John Allen. To them Mr. Burr in the expectation of securing their services, had previously sent a large sum of money, which they declined receiving, and returned to him. The day appointed for trial at length arrived, and again the attorney sought to delay the proceedings of the court, on the ground of the absence of an important witness. Mr. Clay strenuously contended that such tardy procedure, where such interests were involved, and where the most speedy action was requisite, was unsanctioned by correct judicial usage; that the accused was sustaining material injury in consequence of the obstacles thus thrown in the way of his establishing his innocence, which he was impatiently and anxiously waiting to do. Mr. Clay's representations succeeded. The attorney was required by the court to

proceed immediately. Accordingly all the evidence he could produce was spread before the grand jury, who, after a patient and careful investigation, returned the indictment accompanied with their refusal to consider it a true bill, and reasons for the same,—alleging that the testimony contained nothing to criminate the accused, ‘nor can we from all the inquiry and investigation of the subject discern that any thing improper or injurious to the government of the United States, or contrary to the laws thereof, is designed or contemplated.’ Their decision was received with the strongest demonstrations of approbation from all quarters, which were exceedingly gratifying to Mr. Clay, and served to strengthen his conviction of Mr. Burr’s innocence when he consented to act as his counsel. It is unnecessary to say, that had he been aware of Mr. Burr’s real designs, no inducement could have been held out by that person strong enough to have determined him to appear in his defence. Subsequent events show this to be true—events which removed all doubts as to Mr. Burr’s guilt. A mass of unequivocal testimony had been obtained, in relation to his operations upon which he had already entered, and of his future projects, by the exertions of Mr. Jefferson, which testimony was exhibited to Mr. Clay, at Washington, where he repaired soon after the trial to take his seat in the senate. One of the most remarkable and indubitable portions of the evidence alluded to, was a letter in cipher which Mr. Burr had sent by captain Samuel Swartwout to the commander of the United States army, general Wilkinson, which contained a somewhat circumstantial account of his proceedings and intended proceedings. In this he expressly stated his design of seizing on Baton Rouge, preliminary to extending his conquests into the Spanish provinces. Such disclosures opened the eyes of the public to the true character of Mr. Burr, and called forth expressions of their just indignation, in which Mr. Clay also united,—who, after an interval of several years, for the first time subsequent to the trial, met Mr. Burr in the city of New York. Mr. Clay was sitting in the court room of the City Hall, when a gentleman approached and tendered him his hand with the customary salutation. But Mr. Clay recognizing, treated him with marked coldness and refused to receive or return the proffered civility. Mr. Burr, however, endeavored to engage him in conversation, congratulating him on his successful efforts at Ghent, in relation to the treaty, and an arrangement which he and his associates had effected with Great Britain, whereby valuable commercial advantages were secured to America. To all his efforts at conversation Mr. Clay turned a deaf ear, replying very briefly to his inquiries and giving him no encouragement to proceed. On leaving, Mr. Burr requested the privilege of a brief interview with him, who in answer, informed him where he had taken lodgings. The colonel, however, did not call, and thus terminated all the intercourse ever had

by Mr. Clay with him. We have thus endeavored faithfully and impartially to record all the facts in relation to that intercourse, that the world may see and decide upon the truth or falsehood of the charges made against Mr. Clay, in consequence of it. How can they be tortured so as to yield any evidence calculated to impeach his integrity? How to make it appear manifestly wrong to act as his counsel, and to conduct that trial, the right to which was guaranteed by the constitution? But above all, how can they be made to furnish a foundation for those cruel charges of acting in concert with the accused, of being privy to his plans, as aiding and abetting him, and of disrobing him of his hard, well earned, unspotted robes of legal and political purity, and clothing him in the black habiliments of a traitor, engaged in bartering away the liberties of his country? But in the language of another, 'the shaft, though aimed with a will sufficiently deadly, fell upon a breast of steel.' The charge of treason preferred against a man who has done more for his own country than any other living statesman, and whose voice has echoed beyond her confines, and with a tone of creative power called other republics into being, is like the other infamous calumnies that have been propagated against the same illustrious individual, and like them, must soon be lost amid the lumber of forgotten things. Such conspiracies to ruin a patriot can only end in the prostration of the conspirators.

'He who of old would rend the oak,
Dreamed not of the rebound.'

Mr. Clay's election to the senate of the United States was for one session only — the unexpired portion of general Adair's term, who had resigned his seat. Immediately after his initiation into his new office, he engaged actively in the senatorial business. He found the senate discussing the merits of a bill providing for the erection of a bridge over the Potomac. Its erection was strongly desired by the inhabitants of Washington and Alexandria, and as strongly deprecated by those of Georgetown. Many efforts were made by both parties to secure his services in aid of their particular predilections, but nothing definite could be ascertained respecting his views in relation to the bill, and he refused to commit himself by pledging his support or opposition to it. He was not, though, indifferent to the proposed measure, but diligently employed himself in settling in his own mind the question of its constitutionality, and in deciding on its expediency. The result of his investigations was the conviction that it was sanctioned by the constitution, and a judicious measure of internal policy. He so regarded it in a speech which he made in its favor, by which he succeeded in producing a similar conviction in the minds of all the members who had not pledged themselves to oppose it, and thus secured its passage. This speech, although never reported, is represented as one of his happiest efforts, distinguished for satire and humor, as

well as gravity and sound logical argument, indeed, as embodying all the characteristics of a perfect specimen of eloquence. From the ground there taken, and the first time publicly, as to what he deemed true governmental policy, in relation to internal improvement, he has never in a single instance receded. With proud satisfaction may the friends of that system of which he has been justly styled '*the Father,*' point to this unparalleled example of unwavering adherence and fidelity to principles since demonstrated to be the only permanent source of our national prosperity. In what an interesting attitude do we behold their originator and vindicator—a youth from Kentuckian wilds, rising up in the midst of grave senators and hoary-headed sages, and stretching out a timid, yet patriot-nerved arm, towards the shrine of Liberty. He plucks from her altar a burning brand and applies it to those inflammable materials which his genius and talents had collected around him. The flame that followed, though bright, he did not suppose would be seen and felt far beyond the precincts of her home. The utmost stretch of his fancy could not present to him the cheering vision, of the deepest recesses of the woody wilds he had left, illumined by its benign beams—that they were destined to play around the summits of the Alleghamies, glance across the broad prairie, blaze over the lake, and flash along the river, penetrating every department of industrial life, with their developing, moulding, and preserving power, until the broad breast of our vast republic should beam bright and beautiful as the 'brow of night.'

An anecdote is related of Mr. Clay, aptly illustrating his ability to encounter opposition, in whatever manner presented. A senator from Connecticut had endeavored to inspire the younger members of the senate with a respect for him, nearly allied to awe, and to this end was accustomed to use towards them harsh and exceedingly haughty language, but especially to make an ostentatious display of his attainments and his supposed superior knowledge of the subject under discussion. Mr. Clay could ill brook his insolent looks and language, and haughty, overbearing manner, and took occasion in his speech to hit them off, which he did by quoting the laughable simile of Peter Pindar's Magpie :

' Thus have I seen a magpie in the street,
A chattering bird we often meet,
A bird for curiosity well known,
 With head awry,
 And cunning eye,
Peep knowingly into a marrow bone.'

It would be difficult to say which was the greater, the merriment which this sally caused, or the chagrin of the senator mentioned.

During the session an attempt was made to clothe the executive with power to arrest and confine colonel Burr, if deemed necessary by him, without experiencing the delays often consequent on the

uncertain operations of law. Mr. Clay did not take an active part in the discussion that ensued, but barely recorded his vote against it. He regarded the suspension of the act of habeas corpus, by which alone this power could be conferred, as highly dangerous, and which could be justified in the greatest emergency only. He thought it, however, unadvisable to mingle in the discussion in consequence of having acted as Mr. Burr's counsel. The measure passed the senate, but was defeated in the lower house.

In the month of February of the same year, Mr. Clay exerted himself to procure an appropriation for the purpose of constructing a canal in Kentucky, having presented a resolution to that effect. The subject was referred to a committee, to whom as chairman he submitted a lengthy and able report. He also brought forward a resolution to improve the navigation of the Ohio river, which was favorably received by the senate, and adopted with unanimity. The secretary of the treasury also was called upon to obtain all the information he could impart and report the same, relative to constructing canals and making such other internal improvements as might come legitimately within the sphere of congressional action. With what deep interest Mr. Clay regarded the prosecution of these and kindred works, may be learned from the phraseology of the resolutions which he introduced recommending them. In the report before mentioned there is the following passage. 'How far is it the policy of the government to aid in works of this kind when it has no distinct interest? Whether indeed in such a case it has the constitutional power of patronage and encouragement, it is not necessary to be decided in the present instance. The resolution directing the secretary to procure information, is as follows. 'Resolved, that the secretary of the treasury be directed to prepare and report to the senate at their next session a plan for the application of such means as are within the power of congress, to the purposes of opening roads and making canals, together with a statement of undertakings of that nature, which as objects of public improvement may require and deserve the aid of government, and also a statement of works of the nature mentioned, which have been commenced, the progress which has been made in them, and the means and prospect of their being completed, and all such information as in the opinion of the secretary shall be material, in relation to the objects of this resolution.' This resolution passed almost unanimously.

At the expiration of his senatorial term the citizens of Fayette county gave him their suffrages again for the state legislature, to which he was elected by a majority much larger than his most sanguine friends expected. In consequence of the part Mr. Clay had performed in the affair of colonel Burr, his popularity sustained some diminution, which, however, was only temporary. His enemies attempted to excite similar feelings of odium towards him

with which Mr. Burr was visited, and partially succeeded, but which were dissipated by an address made by Mr. Clay, in relation to his connection with him, and succeeded to such an overwhelming extent in turning the tide of calumny directed towards him, against his enemies, that it would have been exceedingly hazardous for any one, in the presence of his friends, to repeat the slanderous charges. He was elected speaker of the assembly at the next session, although opposed by a very popular member as a candidate for the same office. In this station he was distinguished for zeal, energy, and decision, exhibited in discharging its duties. He would sometimes engage in the debates of the house when a subject of unusual interest was before it. An attempt was made during this term worthy of the dark ages — an attempt to prohibit the reading of any British elementary work on law, and reference to any precedent of a British court. Contrary to what might have been expected, this monstrous proposition, this autinomial attempt found favor in the eyes of more than four-fifths of the members of the house, and had not Mr. Clay rushed to the rescue, the whole system of common law, so far as Kentucky was concerned, would have been destroyed. His timely interference averted the catastrophe. The prohibition was advocated on the ground that it was inexpedient for an independent nation to derive any assistance in the administration of justice, from the legal decisions of a foreign court; especially from those of the one in question. It cannot be doubted that the friends of the prohibition were stimulated by ardent though somewhat bigoted patriotism. Those deep seated feelings of repugnance towards the nation at whose hands we had received such oppressive treatment but a few years previous, had not yet subsided, and very naturally extended to every thing pertaining to that nation. This fact partially apologizes for that intemperate and inconsiderate zeal with which more than four-fifths of the house set about demolishing what it was vitally important should be incorporated with the fabric of our liberties, and become a constituent part of the same. They desired to be removed as far as possible from Great Britain, in legal as well as in other respects, without carefully considering the effect of that removal. This law, viewed through the distorted medium of prejudice and hatred, seemed a huge excrescence on the body of our institutions, whose incumbency exerted a crushing instead of a sustaining influence, draining their energies, instead of imparting to them no inconsiderable portion of their vitality, and instantly the axe of judicial reform was seized by these sapient legislators for its amputation. Against this fratricidal attempt, Mr. Clay raised his powerful arm. He had witnessed with feelings of unfeigned regret, this rash attempt to lay violent hands on that system with which was associated every thing valuable and venerable in jurisprudence. That system which might justly be styled the legal Thesaurus of

the world, founded by the hand of social exigency amid fearful convulsions, and reared by the united efforts of the most eminent juriconsults the world ever saw, he endeavored to shield against the ruthless assaults of this legislative vandalism. He was aware that the popular opinion considered this system as unnecessarily voluminous — an immense mixture of superfluities, prolixities, and absurdities, unadapted to, and unneeded by, our institutions. These erroneous apprehensions and long existing prejudices, he combated and corrected. He demonstrated its utility by a lucid exposition of the beauty, symmetry, and simplicity of its fundamental principles, and its necessity, by depicting in most glowing colors the disastrous consequences which would inevitably follow its destruction. Fearing, however, that the resolution would pass, he met its supporters in the spirit of compromise, and moved so to amend it, that the prohibition should extend to those decisions only, that had been given since the fourth day of July, 1776. His reasons for permitting those to remain, which were given previous to that period, were as convincing as they were sensible. He argued that up to the time of the declaration of independence, the laws of the one nation were those of the other, and that therefore the adoption of the primary resolution would be in effect abolishing our own laws. He is said to have given on this occasion, one of the most splendid specimens of elocution ever witnessed. A gentleman who was present describes it as a perfect model. 'Every muscle of the orator's face was at work; his whole body seemed agitated, as if each part was instinct with a separate life; and his small white hand, with its blue veins apparently distended almost to bursting, moved gracefully, but with all the energy of rapid and vehement gesture. The appearance of the speaker seemed that of a pure intellect, wrought up to its mightiest energies, and brightly glowing through the thin and transparent veil of flesh that enrobed it.' His control over his auditory was most absolute and astonishing — now bathing them in tears, and now convulsing them with laughter, causing them to alternate between hope and fear, love and hate, at his bidding. When he concluded, scarcely a vestige of opposition remained, and the amended resolution was adopted almost by acclamation. While the prominence, which this and similar efforts gave Mr. Clay, was a source of satisfaction to him, and gratification to his friends, it was attended with the unpleasant effect of exposing him to the keenest shafts of his political enemies. In the year 1808 he was most violently assailed by Hunphrey Marshall, an ultra federalist, a man of talents and eloquence. He let no opportunity pass unimproved to give vent to his rancorous feelings toward Mr. Clay, and indeed towards all the prominent supporters of Mr. Jefferson's administration. He had repeatedly attacked Mr. Clay through the press, but now, being a member of the legislature, was enabled to make them in person.

Mr. Clay's friends, desirous of bringing them together, made arrangements to this effect, by not re-electing him speaker. Mr. Marshall seemed anxious to measure weapons with Mr. Clay; following him in all his movements, and opposing him at every turn. In the early part of the session, Mr. Clay placed several resolutions before the house, relating to the embargo and British orders in council, remonstrating against the arbitrary demands of that nation, and pledging Kentucky to action, conformable to the decisions of the general government in relation thereto. They recognized Mr. Jefferson's policy as sound, approved his measures, and pronounced him entitled to the thanks of his country, for the ability, uprightness, and intelligence which he displayed in the management, both of our foreign relations and domestic concerns. Mr. Marshall endeavored to procure their amendment, so as to condemn the embargo, and reprobate, without stint or measure, Mr. Jefferson's administration. Their rejection was most emphatic, by a vote of sixty-four to one — he voting in their favor, — and Mr. Clay's were adopted by the same vote. But the vials of Mr. Marshall's fiercest and most vituperative wrath were reserved for the occasion when Mr. Clay stood up in defence of his favorite policy, of affording protection to domestic industry, by introducing a resolution, declaring that it was expedient for each member of the house, for the purpose of giving unequivocal evidence of his attachment to this principle, to clothe himself in fabrics of domestic manufacture. This patriotic attempt was not only denounced by his foe as demagogic, and prompted by motives of the most inordinate and grasping ambition; but leaving the resolution, he attacked its author in genuine billingsgate style. Utterly regardless of every rule of gentlemanly courtesy, parliamentary propriety, or common decency even, he exhausted the vocabulary in search of opprobrious and insulting epithets, which he applied in the spirit of the most liberal abuse. Such foul and unmerited treatment could not be quietly borne by a person of Mr. Clay's ardent and sensitive temperament, and he rebuked him in language deservedly harsh, and calculated to sting him to the quick. The quarrel progressed until it reached that stage where Mr. Clay considered himself bound, according to Kentuckian interpretation of the law of honor, to challenge Mr. Marshall to meet him and settle it in single combat. It was accepted, and the parties, pursuant to appointment, met and exchanged two or three shots, resulting in a slight wound to each. The duel was terminated by the interference of the seconds, who protested against its further procedure.

In 1809, a case of contested election came before the legislature, in the settlement of which, Mr. Clay acted a conspicuous part. The electors of Hardin county had given four hundred and thirty-six votes for Charles Helm, three hundred and fifty for Samuel Haycroft, and two hundred and seventy-one for John Thomas, two

of whom were entitled to seats. It appeared that Mr. Haycraft, at the time of the election, held an office, which, according to the constitution of Kentucky, rendered him ineligible to a seat in the general assembly. Mr. Clay submitted his views of the case, in a report prepared by him, as chairman of a committee appointed in accordance with a motion made by him to inquire whether Mr. Haycraft was entitled to a seat, and if not, to decide on the claims of Mr. Thomas to one. This report was adopted unanimously, and has since constituted the rule in similar cases in Kentucky. Its doctrines are so sound, and at the same time so simple, that we cannot forbear inserting an extract. 'The fact being ascertained that Mr. Haycraft held an office of profit under the commonwealth at the time of the election, the constitutional disqualification attaches and excludes him; he was ineligible and therefore cannot be entitled to his seat. It remains to inquire into the pretensions of Mr. Thomas. His claim can only be supported by a total rejection of the votes given to Mr. Haycraft, as void to all intents whatever. It is not pretended that they were given by persons not qualified according to the constitution, and consequently, if rejected it must be not for any inherent objection in themselves, but because they have been bestowed in a manner forbidden by the constitution or laws. By an act passed 18th of December, 1800, it is required that persons holding offices incompatible with a seat in the legislature, shall resign them before they are voted for; and it is provided that all votes given to any such person prior to such resignation shall be utterly void. This act, when applied to the case in question, perhaps admits of the construction that the votes given to Mr. Haycraft, though void and ineffectual in creating any right in him to a seat in the house, cannot affect in any manner the situation of his competitor. Any other exposition of it is, in the opinion of your committee, wholly inconsistent with the constitution, and would be extremely dangerous in practice. It would be subversive of the great principle of free government that the majority shall prevail. It would operate as a deception of the people, for it cannot be doubted that the votes given to Mr. Haycraft were bestowed upon a full persuasion that he had a right to receive them. And it would infringe the rights of this house, guaranteed by the constitution, to judge of the qualifications of its members. It would, in fact, be a declaration that disqualification produces qualification — that the incapacity of one man incapacitates another to hold a seat in this house. Your committee are therefore unanimously and decidedly of opinion that neither of the gentlemen is entitled to a seat.' This act closed his career in the legislature of Kentucky, to which he tendered his resignation soon after. He was elected to the senate of the United States for two years — the unexpired portion of Mr. Buckner Thurston's term, who had resigned his seat in that body. During Mr. Clay's continuance in

the legislature, he had produced the deepest impression of his ability and talents, and won the favor of his associates, to what extent may be determined from the fact of their selecting him for the office before named, by a vote of two thirds. He retired, accompanied with their expressions of sincere regret for his loss, and high estimate of his services. The annals of Kentucky present no brighter spot than that which in imperishable characters records his name. It is the oasis of her history, verdant and beautiful, begirt with the wreath of his noble deeds, brilliant with the gems of benevolence, philanthropy and patriotism.

The manner in which he discharged his duties while connected with her legislature, is forcibly described by one intimately acquainted with him. 'He appears to have been the pervading spirit of the whole body. He never came to the debates without the knowledge necessary to the perfect elucidation of his subject, and he always had the power of making his knowledge so practical, and lighting it so brightly up with the fire of eloquence, and the living soul of intellect, that without resorting to the arts of insidiousness, he could generally control the movements of the legislature at will. His was not an undue influence; it was the simple ascendancy of mind over mind. The bills which originated with him, instead of being characterized by the eccentricities and ambitious innovations which are too often visible in the course of young men of genius suddenly elevated to power and influence, were remarkable only for their plain common sense, and their tendency to advance the substantial interests of the state. Though he carried his plans into effect by the aid of the magical incantations of the orator, he always conceived them with the coolness and discretion of a philosopher. No subject was so great as to baffle his powers, none so minute as to elude them. He could handle the telescope and the microscope with equal skill. In him the haughty demagogues of the legislature found an antagonist who never failed to foil them in their bold projects, and the intriguers of lower degree were baffled with equal certainty whenever they attempted to get any petty measure through the house for their own personal gratification or that of their friends. The people, therefore, justly regarded him as emphatically their own.

In the winter of 1809-10, soon after he took his seat the second time in the senate, his attention was turned towards a subject kindred to that to which it had been directed when he first became a member of that body—that of domestic manufactures. It is a remarkable fact, that the first two subjects which demanded and secured his aid on entering congress, were those of primary importance to the welfare of the republic—subjects subsequently shown, in the unillusive light of experience, to be not only as intimately connected with private as with public prosperity, but as constituting the very *lungs of Liberty herself*, generating and dif-

fusing copious alimental streams to every organ and member of her body, thus producing that health and vigor whereby she was enabled to extend proper encouragement and protection to all her children. Up to this period but little thought, and less action had been bestowed by government upon the subject of domestic manufactures, and the light duties imposed on articles of foreign growth and manufacture, were for the purpose of raising a revenue, and not intended to afford any protection or encouragement to any branch of domestic industry. Our country, instead of putting her young, muscular hands vigorously forth, and from her own inexhaustible resources constructing such articles as she needed, sat still in the same supine attitude of abject dependence on Great Britain which she was in when the war of the revolution commenced, stretching them out to foreign artificers, and receiving those articles at their hands. How long she might have remained in this inglorious position, it is difficult to determine, had not her relations with that nation assumed an aspect so threatening and belligerent, as to alarm and induce her to withdraw and employ them in her own protection. Now the increasing prospect of war served in some degree to arouse the nation from that lethargic state of indifference in which it had so long slumbered. At last it was deemed advisable to anticipate such an event, by making provision for the materials usually needed in such an emergency. Accordingly a bill was introduced to appropriate a sum of money to purchase cordage, sail cloths, and the ordinary munitions of war, and so amended as to give preference to articles of domestic growth and manufacture, provided the interests of the nation should not suffer thereby. Mr. Lloyd, a senator from Massachusetts, moved to strike out the amendment granting the preference, and supported his motion by a long and powerful speech. A general and interesting discussion ensued, in which the policy of extending direct protection by the government to domestic manufactures was considered. Mr. Clay was among the first to avow himself decidedly in favor of the policy, and by his speech made at the time proved both its expediency and wisdom. His remarks were plain and practical, chiefly confined to statements of facts, with brief comments, yet so philosophically and skilfully arranged as to produce their intended effect. In the course of his observations, he alluded to that preference generally given in our country to articles of foreign production, by saying, that 'a gentleman's head could not withstand the influence of the solar heat unless covered with a London hat; his feet could not bear the pebbles or the frost unless protected by London shoes; and the comfort and ornament of his person was consulted only where his coat was cut out by the shears of a tailor *just from London*. At length, however, the wonderful discovery has been made that it is not absolutely beyond the reach of American skill and ingenuity to produce these articles, com-

bining with equal elegance greater durability. And I entertain no doubt that in a short time the no less important fact will be developed, that the domestic manufactures of the United States, fostered by government, and aided by household exertions, are fully competent to supply us with at least every necessary article of clothing. I, therefore, *for one*, (to use the fashionable cant of the day,) am in favor of *encouraging them*; not to the extent to which they are carried in England, but to such an extent as will redeem us entirely from all dependence on foreign countries.'

Mr. Clay exposed the fallacy of the specious reasoning of Mr. Lloyd and other members hostile to the measure, who based their opposition on the ground of the bad practical tendency of a system of domestic manufactures fostered by government; and in illustration of which they cited the wretched and most famished condition of the operatives of Manchester, Birmingham, and other manufacturing cities of Great Britain. They maintained that the introduction of such a system into America would be attended with the same sad consequences—that these were the natural results of such a system, surrounded by such governmental encouragement, and inseparably connected with it. Mr. Clay in reply declared that this was a *non sequiter*—that although such consequences might be, and doubtless were *incidental* to such a system, it by no means followed that they were unavoidably and inevitably consequent upon it under all circumstances. The case instanced, he said, furnished no proof to that effect,—that the deplorable condition of the manufacturing districts of Great Britain had not been, neither could be satisfactorily accounted for in the manner attempted. It was not attributable to the fact of their being manufacturing districts—to the existence of that system which they were then considering, but *to the abuse of that system*. That it would be just as philosophical and logical, in view of the excruciating sufferings of the gormandizer, to conclude that the invariable tendency of food when introduced into the stomach is deleterious, as to adduce the squalor and wretchedness of England's manufacturing population as proof positive of the pernicious tendency of the system under which they operated. This was not sufficiently restricted. It was too grasping—intended to make her the manufacturing monopolist of the world, and so shaped as to shut out effectually all rivalry. To this grand, distinctive feature of that system the evil in question, could be directly traced—an evil that would be seen attendant on any vast, artificial establishment similarly conducted, whether encouraged by public or private patronage. That the objections, therefore, of opposing members lost all their validity when directed towards the system itself, which they possibly might possess when directed towards the feature mentioned, if it were not known that this was merely conventional, and not inherent, which might be retained or rejected at pleasure

It had not been, indeed it could not be denied, that to this system, badly as it was organized, England was materially indebted for that extensive developement of her natural resources which she had made, and especially for her maritime importance. That her literary and scientific institutions owed their permanence and eminence mainly to it, which had diffused also streams of beneficial influence through every part of her vast dominions. In the case of England, throwing the broad shield of her protection around this system, two results were witnessed, the satisfaction of her own and the world's wants in relation to manufactures. But it was not intended nor desired to imitate her in this respect by carrying the principle of protection so far. The public aid solicited for the American manufacturer was moderate, just sufficient to enable him to supply the domestic demand for his fabrics. The measure, even then, was most obviously one of expedience and wisdom, and doubtless always would be; but there were indications to render it certain that it would soon become one of necessity. There was a strong prospect of our being deprived of our accustomed commercial intercourse, in consequence of the arbitrary and illegal proceedings of the belligerent nations of Europe, and that we should be obstructed by military power from an exercise of our right to carry the productions of our own soil to the proper market for them. The circumstances that then surrounded the country rendered it imperiously incumbent upon her to look to herself, and in herself, and from her inestimably valuable raw materials make for herself such articles as were requisite for her prosperity in peace, and protection in war. In short, to take such measures as to forever obviate the necessity of resorting to the workshops of the old world for them. Mr. Clay referred to our immense natural resources, scattered in rich and varied profusion over the land, as furnishing an argument in favor of the policy he was advocating. In contending for our manufacturing interests, it by no means followed, as had been intimated, that he deemed them of paramount importance to the nation. He did not hesitate to admit that on the culture of the soil her happiness and wealth chiefly depended;—that here lay the mine from which her treasury must be replenished by the hand of agriculture, if she would have an overflowing one, and expressed his decided belief that commerce was, and ought to be more indebted to it than to manufactures. He did not desire the department of the plough and sickle to be encroached upon by that of the spindle and shuttle; yet he contended that it was proper that we should supply ourselves 'with clothing made by our own industry, and no longer be dependent for our very coats upon a country that was then an envious rival, and might soon be an enemy. A judicious American farmer in the household way,' said he, 'manufactures whatever is requisite for his family. He squanders but little in the gewgaws of Europe.

He presents in epitome what the nation ought to be *in extenso*. 'Their manufactures should bear the same proportion, and effect the same object in relation to the whole community, which the part of the household employed in domestic manufacturing bears to the whole family.' The view taken by Mr. Clay was so enlightened, sound and practical, as to commend the bill to their most favorable consideration, and induce them to adopt it as amended. The salutary effects that flowed from it soon became apparent. The public purveyors immediately succeeded in making arrangements for the specified articles with American capitalists, on most advantageous terms, so that when the storm burst upon us, as it did soon after, though not perfectly prepared for its encounter, we were not as defenceless as we should have been, had our dependence been placed exclusively on foreign nations. The impetus given to domestic manufactures was astonishing, resulting in their increase during the following year over those of the year previous, to the amount of more than fifty millions of dollars. Of this increase, Mr. Madison, in his message to congress the following session, makes most favorable mention, by declaring that he felt particular satisfaction in remarking that an interior view of the country presented many grateful proofs of the extension of useful manufactures; the combined product of professional occupation and household industry. He expressed his conviction that the change which had introduced these substitutes for supplies heretofore obtained by foreign commerce, might, in a national view, be justly regarded as of itself more than a recompense for those privations and losses resulting from foreign injustice, which first suggested the propriety of fostering them. Here then, from that system, while yet in the germ, was gathered an antepast of that immense fruition, which it was destined to yield, when its stately trunk had towered in symmetry and majesty toward heaven, imparting prosperity and security to millions of freemen, dwelling beneath its branches. But let it not be forgotten that it is to the persevering and unremitting exertions of Henry Clay that we are indebted for the planting and the growth of that goodly tree.

He had scarcely ceased from his efficient labors in procuring the adoption of the bill before mentioned, when another opportunity presented itself for the exercise of that expansive patriotism for which his every public act is distinguished, and one which he embraced with his characteristic eagerness and promptitude. There was strong prospect that the United States would be dismembered of a portion of her territory — the large and fertile district included between the Mississippi and Perdido Rivers, being the present states of Mississippi and Alabama, and the territory of West Florida, or the greater part of it. To prevent this, Mr. Clay came boldly forth, triumphing over all opposition, and clearly vindicated her right to it. The United States became possessed of it in 1803.

when it was ceded to her by France, with every thing appertaining just as she had received it from Spain, who formally acquiesced in the cession in 1804. The United States, from conciliatory motives partly, and partly in consequence of events which they could not control, suffered it to remain in the possession of Spain, who temporarily exercised authority over it. But her authority was now being subverted, a large portion of the inhabitants of the province refusing to submit to it. Reports also were rife that agents despatched by the king of England, were actively engaged in endeavoring to induce the people to come under British government. In this emergency, president Madison, thinking that longer delay in taking possession of it would expose the country to ulterior events which might affect the rights and welfare of the Union, contravening, perhaps, the views of both parties, endangering the tranquillity and security of the adjoining territories, and afford fresh facilities to violations of our revenue and commercial laws, issued his proclamation, directing that immediate possession should be taken of the said territory. Mr. Claiborne, governor of Orleans territory, was instructed to take immediately the requisite steps for annexing it to that over which he presided, and to see that the laws of the United States were rigidly enforced, to which he yielded prompt obedience. At this juncture the cry that came up from the party opposing his administration was loud and long. They attempted to prove that this measure was not only impolitic and uncalled for, but extremely unjust toward Spain, intended to involve us in a war with England, who, as her ally, would take umbrage on account of it, and that it was also unconstitutional. The federalists, through the press, and in legislative assemblies, represented the country as already surrounded in circumstances of great peril in consequence of this procedure. A warm debate ensued in congress on a bill reported by a committee to whom the proclamation was referred, which declared that the laws then in force in the territory of Orleans, extended and had full force to the river Perdido. Mr. Pope, one of the committee, in a speech made at the time, explained the grounds which induced them to make the report, and was followed by Mr. Horsey, a senator from Delaware, in opposition. He pronounced the title of the United States invalid, thought it inexpedient to take possession of the territory by force, and questioned the right of the president to issue his proclamation to that effect. He declared that document both *war and legislation*, inasmuch as it authorized occupancy by military force, and invested a governor with all the authorities and functions in regard to the province in question, that he legitimately possessed in presiding over his own. His sympathies seemed to be strongly enlisted in behalf of the king of Spain, whose prospective loss he deplored in language of deep commiseration. His speech was in many respects able, but it had been much more appropriately de-

livered in Madrid at the foot of the Spanish monarch's throne, and in the presence of his court, than at Washington, beneath the ægis of liberty, and surrounded by patriotic and intelligent freemen. Mr. Clay regarded with feelings of deep regret as well as surprise, this anti-republican effort, this unnatural attempt by a son of Freedom to support the unfounded pretensions of a foreign prince to a portion of her own blood-bought soil,—that soil from which he drew his sustenance, and on which were reared those institutions that constitute it an appropriate asylum for the down-trodden of every other nation beneath the canopy of heaven. Although laboring under a severe indisposition, he could not, while he possessed the power of utterance, sit tamely still and listen to such sentiments promulgated in the very temple of liberty. He rose to reply in that graceful, dignified manner, so peculiar to himself. As he drew up his tall form into that commanding attitude which he was accustomed to assume as preliminary to a mighty parliamentary effort, it could be easily discovered in his countenance, what was the nature of his feelings, and how deep the fountain of eloquence had been stirred within him, whose effusions, directed with unerring precision, were soon to bear his auditory away on their resistless tide, to the goal on which his keen eye was fixed. This speech of Mr. Clay may justly be regarded as one of the most finished specimens of argumentative eloquence, profound investigation, purity of diction, and logical reasoning, that the records of any legislative body can furnish. It evinced by its demonstrative and inferential character, the most thorough and patient examination of the subject, in all its minute details, and indicated most clearly his main design to be, not a brilliant and striking display, calculated to please and captivate the fancy, but to array before the senate a formidable front of facts, to hem in the whole house with a wall of adamant argument, which could be neither scaled nor sapped; and he was completely successful. He commenced by a brief exordium of the most caustic irony, which fell like molten lead upon the heads of his opponents. He expressed his admiration at the more than Aristidean justice which prompted certain gentlemen, in a question of territorial title between the United States and a foreign nation, to espouse the cause of the foreign, presuming that Spain in any future negotiations, would be magnanimous enough not to avail herself of these voluntary concessions in her favor in the senate of the United States. He said he would leave the honorable gentleman from Delaware to bewail the fallen fortunes of the king of Spain, without stopping to inquire whether their loss was occasioned by treachery or not, or whether it could be traced to any agency of the American government. He confessed that he had little sympathy for princes, but that it was reserved for *the people*, the great mass of mankind, and did not hesitate to declare that the people of Spain had it most unreservedly

and most sincerely. He went into a minute and circumstantial history of the territory in dispute, and proved by a chain of reasoning the most clear and satisfactory, that its title was in the United States. In doing this he adopted that mode which the nature of the subject suggested, by a critical examination of all the title papers, transfers, and all other documents in any way relating or appertaining to it. He examined the patent granted by Louis the XIV to Crozat in 1712, which patent covered the province in question, and declared that it was at that time designated by the name of the Province of Louisiana, and was bounded on the west by old and new Mexico, and on the east by Carolina. This document he regarded as settling the question beyond all doubt, that the country under consideration was embraced within the limits of Louisiana. He proved that it originally belonged to France, who claimed it by virtue of certain discoveries made by La Solle and others during the seventeenth century; that she ceded it to Spain in 1762, who retroceded it to France in 1800, by the treaty of St. Ildefonso, and that it belonged to the United States by purchase from her as a portion of Louisiana in 1803. After the most thorough investigation, considering all the ambiguous expressions unintentionally incorporated with the treaties relating to the territory, and applying to them the most impartial and rigid rules of construction, he presented the title of the United States to it as most indefeasible, and as standing on a basis which all the sophistry, and ingenuity, and ill-directed sympathy of the opposition could not shake. He then proceeded to inquire if the proclamation directing the occupation of property thus acquired by solemn treaty was an unauthorized measure of war and legislation. In this, his vindication of the course pursued by Mr. Madison was most triumphant. He proved by citing acts of congress passed in 1803-4, that the president was fully empowered to authorize the occupation of the territory. He maintained that these laws furnished 'a legislative construction of the treaty correspondent with that given by the executive, and they vest in this branch of the government indisputably a power to take possession of the country whenever it might be proper in his discretion; so far, therefore, from having violated the constitution in the action he had taken and caused to be taken, he had hardly carried out its provisions, one of which expressly enjoined it upon him to see that the laws of the United States were faithfully and impartially executed, in every district of country over which she could rightfully exercise jurisdiction. After settling the questions of title and constitutional action of the president, he proceeded to notice some of the arguments of the opposition against taking forcible possession, which attempted to show that war would result. 'We are told,' said he, 'of the vengeance of resuscitated Spain. If Spain, under any modification of her government, choose to make war

upon us for the act under consideration, the nation, I have no doubt, will be willing to meet war. But the gentleman' (Mr. Horsey) 'reminds us that Great Britain, the ally of Spain, may be obliged by her connection with Spain to take part with her against us, and to consider this measure of the president as justifying an appeal to arms. Sir, is the time never to arrive when we may manage our own affairs without the fear of insulting his Britannic majesty? Is the rod of British power to be for ever suspended over our heads? Does congress put on an embargo to shelter our rightful commerce against the piratical depredations committed upon it on the ocean? we are immediately warned of the indignation of offended England. Is a law of non-intercourse proposed? the whole navy of the haughty mistress of the seas is made to thunder in our ears. Does the president refuse to continue a correspondence with a minister who violates the decorum belonging to his diplomatic character, by giving and deliberately repeating an affront to the whole nation? we are instantly menaced with the chastisement which English pride will not fail to inflict. Whether we assert our rights by sea or attempt their maintenance by land—whithersoever we turn ourselves, this phantom incessantly pursues us. Already has it had too much influence on the councils of the nation. It contributed to the repeal of the embargo—that dishonorable repeal which has so much tarnished the character of our government. Mr. president, I have before said on this floor, and now take occasion again to remark, that I most sincerely desire peace and amity with England; that I even prefer an adjustment of all differences with her, before one with any other nation. But if she persist in a denial of justice to us, or if she avails herself of the occupation of West Florida to commence war upon us, I trust and hope that all hearts will unite in a bold and vigorous vindication of our rights.' The effect produced by Mr. Clay's speech was most obvious, inducing many of the most strenuous opposers of the course pursued by the president, who were firmly resolved on recording their votes in disapproval of it, to come frankly forward and candidly to acknowledge their error, and express their determination to sustain him in this measure. They were true to their declaration, and thus the approval of the proclamation was secured. But 'had there been at that time in the senate no democratic champion like Mr. Clay—one who could stand up among the tall and fierce spirits of faction to vindicate the rights of our country, and utter a solemn warning in the ears of those who would wantonly throw the key of her strength into the hands of an enemy—it is difficult to say how imminently dangerous might have been the present condition of the republic.'

Mr. Clay's labors during the remainder of the session were arduous and unremitted, as well as most valuable, to particular individuals as well as to the nation. The discharge of his duty

towards his country, he seems ever to have considered of the most pressing importance, and it is gladdening to the heart of every true American to witness the disinterested, the noble and generous manner with which it was performed. In whatever relations, and however circumstanced we find him, we see him presenting, in this respect, one unvaried aspect. He took an active part in all the discussions of consequence, where any important and essential principle was involved. He was several times appointed one of a committee, to whom matters of interest were referred. Here he displayed accurate discrimination, soundness of judgment, and great ability, in, immediately discerning and seizing the strong points of a subject, calculated to render conspicuous its merits or expose its defects. He acted as chairman of a committee, to whom was recommitted a bill, granting a right of preëmption to purchasers of public lands, in certain cases, and reported it with amendments, which were read. After receiving some alterations, it was again recommitted, reported, and finally passed the senate. The cause of the poor settler and the hardy pioneer could not have been committed to better hands—to one who would more studiously and feelingly consult their best interests. Experience had made him acquainted with the privations, wants, and toils, which they were compelled to encounter, in causing the forest to recede before their slow, fatiguing march, and this opened a wide avenue to the fountain of his sympathetic feelings, which gushed spontaneously forth whenever he contemplated the evils and the difficulties which beset their path. This he exerted himself to render as smooth as possible. Hence he early and continually advocated a most liberal policy towards that class of his country's yeomanry, maintaining that she should extend to them every facility in her power, consistent with wisdom and justice. Mr. Clay has always watched the movements of the emigrant with feelings of almost paternal solicitude, and wherever he has pitched his temporary tent, or made his permanent abode, there he has exerted himself to induce his country to extend her beneficial legislation, and to lay at his door as many of the benefits of civilized life as possible, with their ameliorating influences. How illiberal then, how unjust the attempts of those inimical to him, to convert his noble benevolence into a weapon of hostility against him, by endeavoring to procure credence for those senseless reports, which represented him as unfriendly to the interests of the emigrant, and as endeavoring to aggrandize himself at their expense. But time is fast dispelling the cloud of error, which was thus raised and caused to brood over the public mind, and the sun-light of truth is pouring in its irradiating beams, most clearly revealing the justice and wisdom of his advocacy, in relation to the public domain.

His attention was engrossed by other and correlative subjects soon after—that of the protection of the hardy back-woods men and

frontier inhabitants against Indian depredations, and the regulating of intercourse between them. He reported a bill supplementary to an act entitled 'an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontier.' This was placed before a committee, of which he was chairman; and by his philanthropic exertions and diligent labors, the whole west were laid under deep obligations to him, for those wise measures adopted in reference to them, whereby their interests and lives were shielded against the predatory attack of the aborigines.

He warmly espoused the cause of the people of Orleans Territory, who were desirous of forming a constitution and government. Accordingly, on the twentieth of April of the same session, he succeeded in causing such action to be taken relative to the subject, as to secure an amendment of a bill before the senate, so as to require the laws, records and legislative proceedings of the state, to be in the English language. A few days subsequent, leave of absence was granted him during the remainder of the session.

On the third day of December, 1810, the commencement of the third session of the eleventh congress, Mr. Clay was found in his place in the senate. A subject that had been much agitated in private many months previous, and up to that time, was now brought forward for public discussion — that of re-chartering the United States bank. This was the all absorbing topic of the session, and called into exercise Mr. Clay's most vigorous powers. His instructions from the legislature of Kentucky required him to oppose the re-charter of that institution, and these were in coincidence with his own views relative to it. It had been his design to limit his opposition to merely recording his vote against the renewal of its charter, without entering into the discussion which would probably ensue, but the virulent and menacing character of the proceedings of those advocating its re-charter, unsealed his lips, and caused him to apply the lash of his eloquence to their backs with most tremendous effect. These embraced the whole body of the federal, and many of the democratic party — an array of members and strength which might have deterred any ordinary man from confronting. Against this, he stood almost alone, deserted even by Mr. Pope, his colleague: yet he stood firm; and, from the effect that followed his exertions, proved himself more deserving the title of 'Macedonian Phalanx,' than the federal party to whom he had applied it. The attack was provoked by that party, and it was made in the spirit of conscious might, which not only meets opposition with the utmost certainty of overthrowing, but which seeks it. He alluded to that deep-seated prejudice in the public mind, against the bank, and the foundation of that prejudice. It did not escape his notice that the bank was created by the federal party — its warmest and most devoted friends, then resorting to

every expedient and means to prolong its existence. He was also well aware of the aid rendered that party, by Mr. Crawford and others, who had in this measure left the democratic ranks and gone over to it. He referred, also, to the astounding fact, that the institution was in reality in the hands of foreigners, since foreign capitalists were more deeply interested in its continuance than our own, who owned a moiety only of its stock; neither did he fail to suggest, that perhaps the violent struggle then going on to keep it in existence, was instigated and maintained, to no inconsiderable extent, by foreign influence. In no equivocal manner he depicted the absurdity, to say nothing of the danger, of permitting Great Britain to acquire such an influence as she evidently could acquire, by having her monetary interests, to so great an extent, identified with the United States bank—an influence which would place facilities in her hands, that, in case she felt disposed, she could use to our most serious detriment. These and many other considerations, he brought forward as furnishing good and valid ground of alarm, and legitimately calculated to awaken patriotic opposition. But his greatest fundamental objection was one which he derived from the constitution itself, and one which he urged with a vehemence sure to prevail. He maintained that no specific provision was found in that instrument, authorizing or permitting the charter of the bank, neither could it be so construed as to imply the power to that effect. In opposing, therefore, the renewal of its charter, his remarks were principally confined to the objectionable feature of its unconstitutionality; and they furnish one of the strongest arguments against a national bank ever made, and one that is often referred to as authority of a high order. It may be well to insert a portion of his speech, illustrative of their pertinence and beauty.

‘This vagrant power to erect a bank, after having wandered throughout the whole constitution in quest of some congenial spot to fasten upon, has been at length located, by the gentleman from Georgia, on that provision which authorized congress to lay and collect taxes. In 1791 the power is referred to one part of the instrument, and in 1811 to another. Sometimes it is alleged to be deducible from the power to regulate commerce. Hard pressed here, it disappears, and shows itself under the grant to coin money.

‘What is the nature of the government? It is emphatically federal, vested with an aggregate of specific powers for general purposes, conceded by existing sovereignties, who have themselves retained what is not so conceded. It is said that there are cases in which it must act on implied powers. This is not controverted, but the implication must be necessary, and obviously flow from the enumerated power with which it is allied. The power to charter companies is not specified in the grant, and I contend is of a nature not transferable by mere implication. It is one of the most exalted acts of sovereignty. In the exercise of this gigantic

power we have seen an East India Company erected, which has carried dismay, desolation and death, throughout one of the largest portions of the habitable world—a company which is in itself a sovereignty, which has subverted empires, and set up new dynasties, and has not only made war, but war against its legitimate sovereign. Under the influence of this power we have seen arise a South Sea Company, and a Mississippi Company, that distracted and convulsed all Europe, and menaced a total overthrow of all credit and confidence, and universal bankruptcy. Is it to be imagined that a power so vast would have been left by the constitution to doubtful inference? It has been alleged that there are many instances in the constitution, where powers in their nature incidental, and which would necessarily have been vested along with the principal, are nevertheless expressly enumerated, and the power to make rules and regulations for the government of the land and naval forces, which it is said is incidental to the power to raise armies and provide a navy, is given as an example. What does this prove? How extremely cautious the convention were to leave as little as possible to implication. In all cases where incidental powers are acted on, the principal and incidental ought to be congenial with each other, and partake of a common nature. The incidental power ought to be strictly subordinate, and limited to the end proposed to be attained by the specific power. In other words, under the name of accomplishing one object which is specified, the power implied ought not to be made to embrace other objects which are not specified in the constitution. If then, as is contended, you could establish a bank to collect and distribute the revenue, it ought to be expressly restricted to the purpose of such collection and distribution. It is mockery worse than usurpation, to establish it for a lawful object, and then to extend it to other objects which are not lawful. In deducing the power to create corporations, such as I have described it, from the power to collect taxes, the relation of principal and incident are prostrated and destroyed. The accessory is exalted above the principal. As well might it be said that the great luminary of day is an accessory, a satellite to the humblest star that twinkles forth its feeble light in the firmament of heaven.

‘Suppose the constitution had been silent as to an individual department of the government, could you, under the power to lay and collect taxes, establish a judiciary? I presume not; but if you could derive the power by mere implication, could you vest it with any other authority than to enforce the collection of the revenue? A bank is made for the ostensible purpose of aiding in the collection of the revenue, and whilst it is engaged in this, the most inferior and subordinate of all its functions, it is made to diffuse itself throughout society, and to influence all the great operations of credit, circulation, and commerce. Like the Virginia justice,

you tell the man whose turkey had been stolen, that your books of precedents furnish no form for his case, but then you will grant him a precept to search for a cow, and when looking for that he may possibly find his turkey! You say to this corporation, we cannot authorize you to discount—to emit paper—to regulate commerce—no! our book has no precedents of that kind. But then we can authorize you to collect the revenue, and whilst occupied with that, you may do whatever else you please.

‘What is a corporation, such as the bill contemplates? It is a splendid association of favored individuals, taken from the mass of society, and invested with exemptions, and surrounded by immunities and privileges. The honorable gentleman from Massachusetts has said that the original law establishing the bank was justly liable to the objection of vesting in that institution an exclusive privilege,—the faith of the government being pledged that no other bank should be authorized during its existence. This objection, he supposes, is obviated by the bill under consideration; but all corporations enjoy exclusive privileges—that is, the corporators have privileges which no others possess; if you create fifty corporations instead of one, you have only fifty privileged bodies instead of one. I contend that the states have the exclusive power to regulate contracts, to declare the capacities and incapacities to contract, and to provide as to the extent of the responsibility of debtors to their creditors. If congress have the power to create an artificial body and say it shall be endowed with the attributes of an individual, if you can bestow on this object of your own creation the ability to contract, may you not in contravention of state rights confer upon slaves, infants, and *femes covert*, the ability to contract? And if you have the power to say that an association of individuals shall be responsible for their debts only in a certain limited degree, what is to prevent an extension of a similar exemption to individuals? Where is the limitation upon this power to set up corporations? You establish one in the heart of a state, the basis of whose capital is money. You may erect others, whose capital shall consist of land, slaves, and personal estate, and thus the whole property within the jurisdiction of a state might be absorbed by those political bodies. The existing bank contends that it is beyond the power of a state to tax it, and if this pretension be well founded, it is in the power of congress by chartering companies to dry up all the sources of state revenue. This government has the power to lay taxes, to raise armies, provide munitions, make war, regulate commerce, coin money, etc., etc. It would not be difficult to show as intimate a connection between a corporation established for any purpose whatever, and some one or other of those great powers, as there is between the revenue and the bank of the United States.’

Mr. Clay noticed the danger to which the United States were

exposed from the fact that the capital of the bank was principally subject to foreign control, in the following glowing language.

'The power of a nation is said to consist in the sword and the purse. Perhaps at last all power is resolvable into that of the purse, for with it you may command almost every thing else. The specie circulation of the United States is estimated by some calculators at ten millions of dollars; and if it be no more, one moiety is in the vaults of this bank. May not the time arrive when the concentration of such a vast portion of the circulating medium of the country in the hands of any corporation will be dangerous to our liberties? By whom is this immense power wielded? By a body who, in derogation of the great principle of all our institutions, responsibility to the people, is amenable only to a few stockholders, and they chiefly foreigners. Suppose an attempt to subvert this government — would not the traitor first aim, by force or corruption, to acquire the treasure of this company? Look at it in another aspect. Seven tenths of its capital are in the hands of foreigners, chiefly English subjects. We are possibly on the eve of a rupture with that nation. Should such an event occur, do you apprehend that the English premier would experience any difficulty in obtaining the entire control of the institution. Republics, above all other governments, ought most seriously to guard against foreign influence. All history proves that the internal dissensions excited by foreign intrigue, have produced the downfall of almost every free government that has hitherto existed; and yet gentlemen contend that we are benefited by the possession of this foreign capital.'

His powerful arguments and convincing reasoning prevailed — resulting in a most signal victory over those opposed to him, who entered on the discussion with sanguine expectations of success. The charter was not then renewed. Many more subjects of interest came before the senate during the session of 1810-11, in the consideration of which he displayed his usual zeal and solicitude in behalf of the interests of the commonwealth, which were now with favor generally recognized. Mr. Clay had produced an impression of his eloquent powers and brilliant talents, that was not confined to his associates and those witnessing their every day exercise, but it was as extensive as his country. His reputation as a debater, orator, and sound logical reasoner, was now immovably established. The star of his fame, which first appeared in the political horizon, under circumstances of doubt and gloom, struggling through dense clouds of indigence and obscurity, emitting what political animosity termed an *ignis fatuus* glare around the cabins of the emigrant and the hunter in western forests, was now in the *ascendant*, illuminating and vivifying, not only the woody homes, the rural hamlets, and sylvan abodes of his own forest land, but mingling its bright beams most beautifully with those that streamed from

Liberty's altar. Henceforth it will be our delightful duty to mark it steadily careering its glorious way upwards, higher and higher, making its blessed influences to be felt in every nook and corner of our extensive country, penetrating the kingly court, flashing amid the diadems of crowned heads, and introducing hope and peace into the tenement of the oppressed on distant shores. It was obvious to the least penetrative vision that it was then rapidly and steadfastly approaching the zenith, when its effulgence would illumine the world.

At the close of his second term of service, which was for two years, he returned to Kentucky, but his fame had preceded him — the eyes of Kentuckians had been fixed gratefully on him during his senatorial services, and they were prepared to return him speedily to the halls of congress, to adorn which, he had given such abundant proof of his capability. According to the proclamation of the president, congress convened on the fourth day of November, 1811, and on the first ballot for speaker to the house of representatives, Mr. Clay was elected by a majority of thirty-one over the opposing candidates. When it is recollected that this was his first appearance in that body, it must be regarded as a remarkable occurrence, and entirely aside from the ordinary course of events; indeed, as an instance of early and strong confidence reposed in one, to which a parallel cannot be found in the history of any individual. There were many circumstances, however, explanatory of this hasty, unreserved reliance. He was known to have acted in that capacity in the legislature of Kentucky, and to have discharged its duties with singular ability and acceptance; also of his conspicuity in the senate they were not ignorant, and perhaps a desire to see Mr. Randolph, of Virginia, restrained in his gross violations of order and decorum, for which he was noted, whom it was imagined Mr. Clay could curb, induced several members to vote for him, who otherwise had not supported him for the office. That confidence so generously, spontaneously, and by him so unexpectedly yielded, he very appropriately noticed, in a pertinent speech made by him on assuming the responsible station, and he proved by his faithfulness, zeal, and decision, with which he discharged its onerous duties, that it was most judiciously confided. He showed himself equal to the task of curbing Mr. John Randolph, or any other turbulent spirit in the assembly over which he presided. He was subsequently chosen several times to fill the same important post, and never did he betray his trust, or disappoint the just expectations of his friends. The manner in which he exercised his authority may be considered as somewhat stern, slightly approximating to arbitrariness, evincing great decision and firmness of character, and a disposition not to tolerate the slightest disrespect or indignity towards the house. During the long period in which he discharged the functions of speaker, including many sessions

of great turbulence and strife, not one of his decisions was ever reversed on an appeal from the chair. This fact speaks volumes in his praise.

At the time when he was inducted into his office, the affairs of the republic were in an exceedingly critical condition. Those who had been sustaining themselves with the cherished expectations that England would repeal her orders in council, since the revocation of the edicts of France had removed the causes inducing their passage, now utterly abandoned them, on beholding her, instead of relaxing, enforcing them more rigorously than ever. To every unbiassed mind, the time seemed to have arrived when it was necessary to rise and put a stop to the long series of unprovoked depredations and outrages, committed against our commerce, by both that and the French nation. Such was the juncture of affairs as to make it obvious that if the American nation would preserve the semblance of freedom even, and command national respect, she must resort to more efficient measures than she had hitherto employed; that she must retrieve her tarnished honor, and vindicate boldly her rights. France manifested some disposition to be influenced by the remonstrances of the United States against her spoliations, by rescinding the opprobrious Berlin and Milan decrees of Napoleon, which she had so construed as to make them sanction the seizure and confiscation of our property. Not so, however, with Great Britain; she refused to recognize their repeal, and even pretended to deny that they had been revoked. She still persisted in obstructing the commerce of America, declaring all the ports of France in a state of blockade, seizing our merchantmen bound to them, and confiscating their cargoes, in direct violation of the law of nations, permitting any neutral power to trade to any foreign port, when the blockade is not maintained by the actual presence of an adequate force. But England, by proclamation, blockaded every French port, from the Elbe to Brest, interdicting all vessels from entering them which did not carry on their trade through her, and seized such as made the attempt, while at the same time she neglected to keep a naval force on the coast of France sufficient to legalize the blockade. Her cruisers pursued our trading vessels to the very mouths of our own rivers and harbors, and seized, condemned, and confiscated them for violating this *pseudo* blockade. It seemed, by the number and enormity of the illegalities practiced towards us by Great Britain, as though she had commenced an organized, systematic crusade against our commerce, which aimed at nothing less than its utter extinction. But her barbarous system of impressment capped the climax of her cruelties. Under the assumed right of searching our ships, thousands of our seamen had been forced into her service on suspicion that they were British subjects. This execrable custom had carried seven thousand American freemen into cap-

tivity, as appeared from official reports made during that session, and the number was constantly augmenting; scarcely a breeze came across the Atlantic without wafting to our shores intelligence of some fresh enormity. To submit quietly to such unheard of oppression, would be an anomaly in the history of civilized nations. To expect redress by mild measures was out of the question. These had long been tried and found ineffectual. Madison, Pinckney, and Monroe, in their correspondence with the British government, had remonstrated again and again, but to no other purpose than to embolden the aggressor in his nefarious proceedings. There seemed, therefore, no alternative left the United States but to put themselves strongly on the defensive, and by force of arms, put a stop to these accumulating injuries. Every thing lovely in liberty, every thing sacred and hallowed in the memory of those by whom it was won, protested against further forbearance, and forbade further delay in unsheathing the sword of retributive justice. In short, the conviction had become deep and settled that nothing short of *war* could preserve an inch of canvass on an American vessel, on the face of the ocean.

Thus circumstanced, the United States seemed to be shut up to forcible resistance. The eyes of the whole country were turned towards congress, looking for measures of relief. It had been convened earlier than usual, that the subject of a declaration of war might come speedily before them. It is needless to remark that Mr. Clay's views were favorable to war. An individual like him, jealous of his country's honor almost to a fault, who could never contemplate oppression but with feelings of the deepest detestation, nor without experiencing the instantaneous desire to punish it; would grasp the weapons of defence instinctively, and if necessary, pour out his blood like water, rather than bow submissively beneath the galling yoke. With him, then, there was no equivocation nor hesitation, in advocating prompt warlike action, although he was compelled to do it in the face of formidable opposition. There was a strong party in the United States at that time, friendly to Great Britain, and disposed, rather than array themselves against her in a sanguinary conflict, to submit quietly to her rapacious attacks upon our liberties and lives. This party was well represented in congress. Many members of talent and influence were found in its ranks, in both houses, and they did not hesitate to employ them detrimentally to the interests of their country. But happily these found in him a giant champion — one who was well able to guard them, and willing to spend his last energy in their support. Lowndes, Calhoun, and other powerful coadjutors also stood with him, who labored hard to inspire the same ardent flame of patriotism in the breasts of others, that burned so intensely in their own.

In the message of the president, the causes of complaint against

Great Britain were stated, and also a concise summary of the abuses we had received, and were then receiving at her hands. It recommended the adoption of efficient and immediate measures of redress, by providing the means of prosecuting vigorously a war of defence and offence. This document was referred to a committee, which was selected by him. He was extremely solicitous that the subject of our foreign relations should receive that consideration which their exceedingly interesting character demanded; and to secure this, he was careful to choose those whose views, in reference to them, coincided with his own. Peter B. Porter, of New York, was the chairman of the committee. He presented their report to the house on the 29th of November. It stated succinctly and in a patriotic tone, the injuries we had received at the hands of both England and France, denominating them as 'so daring in character, and so disgraceful in execution, that it would be impossible for the people of the United States to remain indifferent. We must now tamely and quietly submit, or we must resist by those means which God has placed within our reach. Your committee would not cast a slander over the American name, by the expression of a doubt which branch of this alternative will be embraced. The occasion is now presented when the national character, misrepresented and traduced for a time, by foreign and domestic enemies, should be vindicated.

'If we have not rushed to the field of battle like the nations who are led by the mad ambition of a single chief, or the avarice of a corrupted court, it has not proceeded from a fear of war, but from our love of justice and humanity. That proud spirit of liberty and independence, which sustained our fathers in the successful assertion of their rights against foreign aggression, is not yet sunk. The patriotic fire of the revolution still burns in the American breast, with a holy and inextinguishable flame, and will conduct this nation to those high destinies which are not less the reward of dignified moderation than of exalted virtue.

'But we have borne with injury until forbearance has ceased to be a virtue. The sovereignty and independence of these states, purchased and sanctified by the blood of our fathers, from whom we received them, not for ourselves only, but as the inheritance of our posterity, are deliberately and systematically violated. And the period has arrived, when, in the opinion of your committee, it is the sacred duty of congress to call forth the patriotism and resources of the country. By the aid of these, and with the blessing of God, we confidently trust we shall be enabled to procure that redress which has been sought for by justice, by remonstrance and forbearance, in vain.'

They introduced into the report suitable resolutions for accomplishing the object which it proposed, which received the deliberate and careful consideration of the house.

Mr. Clay, being in the chair, had little opportunity to engage in the stirring debate that followed, yet he seemed to infuse a portion of his own glowing spirit into the friends of the measure, which caused others to approach it in the most determined resolution of sustaining any feasible and just course calculated to sustain the dignity and honor of the nation. The doctrines of the report were soon known throughout the country, and were hailed by the great mass of the people with every demonstration of approbation, and the echoes of their loud rejoicings rang back through the halls of congress like the tones of the 'storm stirred deep,' with most thrilling effect on the hearts of their representatives. The whole nation was kindled into a blaze by that document; it was what the people had been expecting, and impatiently waiting for. This applied the last bundle of fagots to the flame of patriotism that burned in the hearts of millions remote from the neighborhood of the outrages complained of, the extent and enormity of which, vague rumor only had conveyed to them. But this instrument made them acquainted, not only with their number, but also with their turpitude and murderous design. It showed them, on the one hand, the haughty, menacing attitude of England, and on the other, our own crouching, succumbing posture at her feet. It placed in bold relief before them, the barbaric depredations of the former on the ocean, her inhuman treatment of our seamen, and the huge paw of her lion tearing and lacerating our commercial interests whenever it could be placed upon them. The exhibition was viewed with feelings of surprise and indignation, causing them to stand aghast, and with difficulty to credit the evidence of their senses — to believe the picture accurately drawn. But the period of their stupified amazement was brief, and then the loud yell of vengeance which succeeded, was such as freemen only can send up when the iron heel of oppression is on their necks, and their precious heritage in his ravenous jaws. Like the earthquake, it shook the whole land, and its burden, repeated from every hill-top and valley, was *war, vindictive war*. For this there was great unanimity among the populace, who could not rest, now that the knowledge of the long-inflicted wrongs was brought to their dwellings; but there was not a corresponding unanimity in congress. It was painful to Mr. Clay to witness, in some members, a manifestation of awe and reverence even towards Great Britain, and in others, feelings of favor. By the revelations that had been made, his soul was wrought up to the highest point of manly and bold resistance, and he could not conceive it possible, that free legislators, similarly circumstanced with himself, could be affected otherwise. In many he witnessed a disposition to believe that the country was not in a suitable condition to commence and carry successfully on a war with so formidable a power as England. Our small and badly equipped army, our depressed navy, exhaust-

ed treasury, heavy indebtedness, and general lack of the requisite means, were pleaded by those opposed to the rupture. But Mr. Clay, in the towering majesty and strength of an intellectual giant, took all the obstacles and objections which their combined force could bring forward, in his powerful grasp, and compressed them into a nut-shell, entirely divested of their intimidating power. Among those opposed to war was Mr. Randolph. 'Mr. Randolph's intellect was then in its vigor, and the effort which he made in opposition to the report of the committee was perhaps the greatest in his whole congressional life. The extensive resources of his mind, the stately march of his eloquent periods, the startling flashes of his indignation, and the sneering devil that lurked in his tone and look, rendered him an opponent at that day, whom it was by no means safe to encounter. Mr. Clay was the only man in the house, who could dash aside, with unerring certainty, the weapons of this Ishmael.'

On the sixth of December the house resolved itself into a committee of the whole, and took up the report. After a brief speech from Mr. Porter, elucidating and maintaining its positions and resolutions, it was adopted. It furnished ground of discussion in the house for several days, warmly and vigorously sustained by its friends, and violently opposed by its enemies. Among the latter, Mr. Randolph rendered himself the most conspicuous, both by his anti-republican and eccentric views, and the hostility evinced by him towards all who dissented from them, whom he visited with the most bitter personal invective. His fertile imagination conjured up a host of reasons, to deter us from embarking in the offensive war, which the report recommended. He threatened the advocates of it with the total loss of their political power, and magnified the might of England to an overwhelming extent; suggesting that it would be far more appropriate to approach her in a suppliant position, with downcast looks and folded arms, than to rush with shield and buckler and rashly dare her to the conflict. He seemed to sympathize with Great Britain, deprecating that censure heaped upon her as unjust, and advocated the policy of farther negotiations with her. His arguments, and those of his friends, were, however, unavailing, and when the debate ceased, the resolutions were separately adopted by large majorities.

On the thirty-first of December, the house again resolved itself into a committee of the whole on a bill from the senate providing for the raising of twenty-five thousand troops. Mr. Breckenridge being in the chair, an opportunity was furnished Mr. Clay to express his views in relation to it, which he embraced. Among those in favor of war in the house, much diversity of opinion prevailed in regard to the number of men it was desirable to raise. Many were in favor of fifteen thousand only—a force in his

estimation by far too small to meet the exigences which had then arisen, and would be likely to arise. The secretary of war, in his report, had stated that at least twelve thousand troops would be wanted for the sole purpose of garrisoning the fortresses on the sea-board. During the progress of the proposed war, it might be deemed important to attack and subjugate Quebec in Canada, in which case it would be necessary, he contended, to post in the various military stations of strength on the route, a considerable number of men, to retain their possession. Allowances he thought should be made for the various contingences probable to occur, always incident to the operations of an army, and calculated to diminish their number. Even if the projected invasion of the British Provinces should be abandoned, Mr. Clay contended that the single circumstance of the immense extent of frontier to be guarded, rendered it obvious that twenty-five thousand men would constitute a force by no means too large. Inasmuch as it was the painful but imperative duty of America to strike the blow, he was in favor of so concentrating her energies, that when it fell, there would remain no necessity for its repetition. Subsequent events have proved his policy both wise and sagacious.

Mr. Randolph mingled his erratic and visionary views in the discussion, and exerted himself to the utmost, to foment prejudice against a regular army; the effect of which would be worse than that of the locusts of Egypt, famishing, impoverishing, and deluging the country with blood, and erect a throne to some idol conqueror. Said Mr. Clay in reply, 'I am not the advocate of standing armies: but the standing armies which excite most my fears, are those which are kept up in time of peace. I confess I do not perceive any real source of danger in a military force of twenty-five thousand men in the United States, provided only for a state of war, even supposing it to be corrupted, and its arms turned by the ambition of its leaders against the freedom of the country. I see abundant security against any such treasonable attempt. The diffusion of information among the great body of the people, constitutes a powerful safeguard. The American character has been much abused by Europeans, whose tourists, whether on horse or foot, in verse and prose have united in depreciating it. It is true we do not exhibit as many signal instances of scientific acquirement in this country, as are furnished in the old world, but it is undeniable that the great mass of the people possess more intelligence than any other people on the globe. Such a people, consisting of upwards of seven millions, affording a physical power of about a million of men capable of bearing arms, and ardently devoted to liberty, cannot be subdued by an army of twenty-five thousand men. The wide extent of country over which we are spread, is another security. In other countries, France and England for example, the fall of Paris or London is

the fall of the nation. Here are no such dangerous aggregations of people. New York, and Philadelphia, and Boston, and every city on the Atlantic, may be subdued by a usurper, and he will have made but a small advance in the accomplishment of his purpose. Even let the whole country east of the Alleghany, submit to the ambition of some daring chief, and the liberty of the Union will be still unconquered. It will find successful support from the west. A great portion of the militia, nearly the whole, I understand, of Massachusetts, have arms in their hands, and I trust in God that this great object will be persevered in, till every man in the nation can proudly shoulder the musket, which is to defend his country and himself. A people having, besides the benefit of one general government, other local governments in full operation, capable of exerting and commanding great portions of the physical power, all of which must be prostrated before our constitution is subverted — such a people have nothing to fear from a petty contemptible force of twenty-five thousand regulars.'

Many of the opposition affected to believe that the interests of the country would not be subserved, whether the war eventuated in her favor, or that of her enemy; they could see nothing to be gained by it; to which Mr. Clay said, 'I will ask what are we not to lose by peace? — commerce, character, a nation's best treasure and honor! If pecuniary considerations alone are to govern, there are sufficient motives for the war. Our revenue is reduced by the operation of the belligerent edicts, to about six millions of dollars. The year preceding the embargo, it was sixteen. Take away the orders in council, it will again mount up to sixteen millions. By continuing, therefore, in peace — if the mongrel situation in which we are deserves that denomination — we lose annually, in revenue alone, ten millions of dollars. Gentlemen will say, repeal the law of non-importation. If the United States were capable of that perfidy, the revenue would not be restored to its former state, the orders in council continuing. Without an export trade, which these orders prevent, inevitable ruin will ensue if we import as freely as we did prior to the embargo. A nation that carries on an import trade without an export trade to support it, must in the end be as certainly bankrupt, as the individual would be who incurred an annual expenditure without an income.'

Mr. Clay contended that England, in assigning the cause of her aggressions to be the punishment of France, with whom she was at war, was practicing a deceptive part; that this was her ostensible and not real course. It was her inordinate desire of supremacy on the seas, which could not brook any appearance of rivalry, that prompted her hostilities. She saw in your numberless ships, which whitened every sea, in your hundred and twenty thousand gallant tars, the seeds of a naval force, which, in thirty years, would rival her on her own element. *She therefore commenced the odious*

system of impressment, of which no language can paint my execration! She DARED to attempt the subversion of the personal freedom of your mariners!

He closed by expressing his decided conviction of the justice of the undertaking, and hoping that unless redress was obtained by peaceable means speedily, war would be resorted to before the close of the session.

On the fourth of January following, the bill passed the house, after several ineffectual attempts to introduce amendments, by a vote of ninety-four to thirty-four, several voting for, who at the commencement of the discussion were bitterly opposed to it. This was the initiatory step taken by the government in relation to the war.

On the twenty-second of the same month, the committee to whom that portion of the president's message was referred that contemplated a naval establishment, reported a bill in favor of its increase. To this also Mr. Clay gave his most vigorous support, advocating the construction of several warlike vessels, combating the many specious objections of those opposed to its increase, and showed clearly their fallacy. He described three degrees of naval power. The first was one of sufficient magnitude and strength as would enable us to go forth and successfully cope with that of any belligerent nation on the globe. But such a force, he contended, it was out of the power of the American nation to raise, neither under her present circumstances was it particularly desirable.

The second, was one by which we should be able to beat off any naval force or armament which Great Britain, or any other nation, might be able to send to and permanently station on our coasts. The force requisite would be about one third of that despatched by the foreign nation, according to nautical experience. He estimated that twelve line-of-battle ships and fifteen or twenty frigates would be sufficient to keep at bay the most formidable fleet England could send against us and maintain in American waters, during her conflict with European powers. A naval force like that, however, he admitted could not be raised then, but he urged congress to take such measures as should secure its construction as soon as possible, and estimated that its completion might be confidently expected in a few years. To him there was nothing in the vast extent of Great Britain's naval resources intimidating. He maintained that her great distance from us, the perils which would environ a squadron on a foreign shore, and the ease with which, from the extent of our sea-coast, we could harass or escape an enemy, furnished proof sufficient to convince any unprejudiced mind, that we should be able very soon to assemble a navy capable of maintaining all our maritime rights and interests. The correctness of Mr. Clay's views has since been amply verified, and the accuracy with which he foresaw and foretold future

events shows him to have been gifted with no ordinary degree of prescience.

The third degree of naval force, Mr. Clay regarded as entirely in the power of the nation to raise and sustain. It was a force competent to prevent any single vessel, however large, from interrupting our coasting trade, from entering our harbors, and levying contributions from our large cities. This he argued and proved was within the immediate means of the nation, although vigorously opposed by those hostile to the war. He triumphed, however, singularly over them, reprobating with severity the policy that refused to provide against any dangers because it could not guard against all. 'If,' said he, 'we are not able to meet the gathered wolves of the forest, shall we put up with the barking impudence of every petty cur that trips across our way?'

It was Mr. Clay's ardent desire to provide a navy whose power should be commensurate with the interest it was designed to protect. This, our limited means in actual possession, the unavailability of those in our immediate vicinity, but above all, the depressing tendency on our financial department of those measures of inhuman cruelty towards our mariners on the one hand, and of arbitrary commercial exactions on the other by transatlantic powers, forbade us to expect. His remarks at that time in relation to this branch of our national defence, are worthy of the most attentive perusal. They abound with lucid argument, beautiful illustration, and convincing demonstration, with which it would be difficult to find a speech of similar length more replete.

It was an invariable rule with Mr. Clay, from which we find no instance of his deviation, whenever he investigated a measure of a public nature, to determine first accurately its bearing upon the whole community; how the happiness and prosperity of the nation would be affected by its introduction; and in the second place to graduate his efforts accordingly. Although rich in mental resources, possessing an inexhaustible intellectual mine and an unfailing fountain of eloquence, he never drew largely on these when a subject of chimerical sectional importance came before him. It was only when one involving the public honor or dishonor arose — one on which the destinies of the republic were suspended — one which aimed at subverting or upholding the liberties of the people — that he made great drafts on them. He never wandered through the interminable wilds of diffuse debate, undetermined and undirected. As a skilful physician ascertains the state of his patient before prescribing for him, so Mr. Clay, previous to legislation, carefully scanned the social, civil, and political condition of the whole region for which he was to legislate, and then, without any meandering or circumlocution, procured and applied the appropriate remedy. Though often found amid the dust of debate, it was not of his own raising. The caballers of faction, the more

easily to accomplish their base designs, often darkened the political atmosphere, which one blast of his eloquence seldom failed to purify. Perhaps at no previous period in our political history were demagogues, both in and out of congress, more busily or violently engaged than at this. Disclosures of the most astounding character had been made, and were making, by which it appeared that there were those who waited only for a suitable occasion to barter away their country's freedom for foreign gold. The arguments of those who opposed an increase of our navy were of such a nature as to cause their patriotism to be questioned. Notwithstanding it was a fact which could not be concealed, that our sea-coast was entirely defenceless and exposed to the ravages of a hostile nation, and our commerce crippled, many contended that nothing beneficial could be realized from such increase, and even went so far as to say that our foreign commerce was not worth protecting. Mr. Clay was convinced that it was the most provident measure that could under the then existing circumstances be adopted, and advocated it with a zeal and energy that knew no bounds. He demonstrated its necessity, not only to the Atlantic states, but to the vast west. 'If,' said he, 'there be a point more than any other in the United States demanding the aid of naval protection, that point is the mouth of the Mississippi. The population of the whole western country are dependent on this single outlet for their surplus productions. These productions can be transported in no other way. Close the mouth of the Mississippi, and their export trade is annihilated. Abandon all idea of protecting by maritime force the mouth of the Mississippi, and we shall hold the inestimable right of the navigation of that river by the most precarious tenure. The whole commerce of the Mississippi, a commerce that is destined to be the richest that was ever borne by a single stream, is placed at the mercy of a single ship lying off the Balize! Can gentlemen, particularly from the western country, contemplate such possible, nay probable events, without desiring to see at least the commencement of such a naval establishment as will effectually protect the Mississippi?' He showed the intimate connection of commerce with a navy, by saying that 'a marine is the natural, the appropriate guardian of foreign commerce. The shepherd and his faithful dog are not more necessary to guard the flocks that browse and gambol on the neighboring mountain. Neglect to provide the one, and you must abandon the other. Suppose the expected war with Great Britain is commenced — you enter and subjugate Canada, and she still refuses to do you justice — what other possible mode will remain to operate on the enemy, but upon that element where alone you can come in contact with her? And if you do not prepare to protect there your own commerce and to assail his, will he not sweep from the ocean every vessel bearing your flag,

and destroy even the coasting trade?' To the argument that foreign trade was not worth protecting, he asked, 'What is this foreign commerce that has suddenly become so inconsiderable? It has with very trifling aid from other sources, defrayed the expenses of the government ever since the adoption of the present constitution, maintained an expensive and successful war with the Indians, a war with the Barbary powers, a *quasi* war with France, sustained the charges of suppressing two insurrections, and extinguishing upwards of forty-six millions of the public debt. In revenue, it has since the year 1789 yielded one hundred and ninety-one millions of dollars.' Alluding to the eminent danger of our commercial metropolis, he remarked, 'Is there a reflecting man in the nation who would not charge congress with a culpable neglect of its duty, if for the want of such a force a single ship were to bombard one of our cities? Would not every honorable member of the committee inflict on himself the bitterest reproaches, if by failing to make an inconsiderable addition to our gallant little navy, a single British vessel should place New York under contribution?'

Mr. Clay's arguments went home to the hearts of the members of the house with most convincing energy, dispelling the dense cloud of prejudice which interested faction, strongly controlled by foreign influence, had succeeded in raising, driving his opponents from their strong holds of open opposition, and dragging from their hiding places those who were dealing their blows in secret. He succeeded in causing the congressional pulsations to be in unison with his own—to pass the bill by a handsome majority. Thus an appropriation was secured for repairing and enlarging the shield of our protection, that it might be able to meet and ward off the blow that seemed about to descend upon us, secured mainly by the indefatigable exertions of Mr. Clay. The result was in complete accordance with his far-seeing sagacity. Augmented and equipped according to the provisions of the bill, our navy was sent forth to battle and to victory. With the cry of our impressed and suffering seamen, mingled soon the joyful notes of triumph; release speedily succeeded; aggression ceased, and beneath the 'star spangled banner,' respected and honored, our merchantmen pursued their way to traffic where they pleased unmolested.

Most of the state legislatures signified their approval of the measures adopted by congress in relation to the war by corresponding resolutions. Kentucky early regarded with just indignation the tyrannical treatment of Great Britain, and evinced a disposition to resort immediately to coercive measures for redress, and guaranteed her support to the extent of her ability to any course the general government might think proper to pursue. She declared that 'should we tamely submit, the world ought to despise

us — we should despise ourselves — England herself would despise us.' In view of the prospect of immediate rupture, she resolved that 'the state of Kentucky, to the last mite of her strength and resources, will contribute them to maintain the contest and support the right of their country against such lawless violations, and that the citizens of Kentucky are prepared to take the field when called on.'

After the passage of the navy bill, which was on the 29th of January, 1812, congress was employed with matters pertaining to our relations with Great Britain, in all of which Mr. Clay exhibited untiring energy and unflagging zeal. In the language of another, 'in all of them Mr. Clay was the champion and the guide of the democratic party. No difficulties could weary or withstand his energies. He moved in majesty, for he moved in strength. Like the Carthaginian chief in the passage of the Alps, he kept his place in front of his comrades, putting aside with a giant effort every obstacle that opposed his progress, applauding the foremost of his followers, and rousing those who lingered by words of encouragement or reproach, until he succeeded in posting them upon a moral eminence from which they could look down upon the region where their prowess was to meet its long expected reward.'

On the first day of April ensuing, the following document was transmitted by the president to congress :

'Considering it as expedient under existing circumstances and prospects, that a general embargo be laid on all vessels now in port, or hereafter arriving, for the period of sixty days, I recommend the immediate passage of a law to that effect.'

Mr. Porter, the chairman of the committee on foreign relations, to whom the message was referred, reported a bill, and the house went into a committee of the whole to consider it. A warm and protracted discussion ensued, and Mr. Clay was among the first to come forward and express his hearty concurrence with the opinion of Mr. Madison relative to the embargo. 'I approve of it,' said he, 'because it is to be viewed as a direct precursor to war. As an American and a member of that house, he felt proud that the executive had recommended the measure.'

As a matter in course, those who opposed war opposed the embargo, which was obviously intended as a step preparatory to it, to give sufficient time to place our commercial interests in a secure condition, so that when hostilities should actually commence, our trading vessels should not be in a situation to become an easy prey to British cruisers. Among the most rabid was Mr. Randolph, who denounced the embargo, and in opposition to Mr. Clay, declared it a subterfuge — a retreat from battle — and not a step preparatory to war. 'Sir,' said he, 'we are now in secret conclave. The eyes of the world are not upon us, but the eyes of God behold our doings. He knows the spirit of our minds. Shall we

deliberate on this subject in the spirit of sobriety and candor, or with that spirit which has too often characterized our discussions like the present? We ought to realize that we are in the presence of that God who knows our thoughts and motives, and to whom we must render an account for the deeds done in the body. What new cause of war or of an embargo has arisen within the last twelve months? The affair of the Chesapeake is settled; no new principles of blockade have been interpolated in the laws of nations. Every man of candor would ask why we did not then go to war twelve months ago.' He said that the honorable speaker was laboring under a mistake by declaring that the message was for war; that he (Mr. Randolph) had 'too much reliance on the wisdom and virtue of the president to believe that he would be guilty of such gross and unparalleled treason.'

Mr. Clay replied in a becoming manner, in language that fell upon the house burning with the fire of his patriotic eloquence. 'The gentleman from Virginia need not have reminded them in the manner he had of that Being who watched over and surrounded them. From this sentiment we should draw very different conclusions from those which occurred to him. It ought to influence them to that patriotism and to a display of those high qualifications, so much more honorable to the human character. The gentleman asks what *new* cause of war has been avowed? The affair of the Chesapeake is settled, to be sure; but only to paralyse the spirit of the country. Has Great Britain abstained from impressing our seamen—from depredating upon our property? We have complete proof in her capture of our ships, in her exciting our frontier Indians to hostility, and in her sending an emissary to our cities to excite civil war, that she will do every thing to destroy us. Our resolution and spirit are our only dependence. Although I feel warm upon this subject, I pride myself upon those feelings, and should despise myself if I were destitute of them.'

Mr. Randolph still persisted in his intemperate opposition, averring that public sentiment was not in favor of either the embargo or war, and said that he had 'known gentlemen not inferior in gallantry, in wisdom, in experience, in the talents of a statesman, to any upon the floor, consigned to oblivion for advocating a war upon the public sentiment.' That the public mind was averse to these measures, Mr. Clay proved to be not true, by citing the great unanimity in the southern and western states, among both federalists and republicans, and the unequivocal resolutions of *fourteen state legislatures* in favor of both. If possible, Mr. Randolph was exceeded in the fierceness of his opposition by Mr. Josiah Quincy of Massachusetts; at least by the low and scurrilous language in which he expressed it. He condemned the embargo as treasonable to the interests of the nation, as absurd and contrary to

common sense. He boasted of having sent, in connection with his colleagues, expresses to the eastern cities, in the expectation that an embargo would be laid, that information to that effect might be given to merchants, so that they could obtain clearances for their vessels before it should take effect. Said he, 'we did it to escape into the jaws of the British lion and of the French tiger, which are places of repose, of joy and delight, when compared with the grasp and fang of this hyena embargo. Look now upon the river below Alexandria, and you will see the sailors towing down their vessels as from a pestilence, against wind and tide, anxious to escape from a country which would destroy instead of preserving them. I object to it because it is no efficient preparation, because it is not a progress towards honorable war, but a subterfuge from the question. If we must perish, let us perish by any hand except our own; any fate is better than self-slaughter.'

In meeting the storm of opposition which raged like a tempest around him, Mr. Clay is represented to have been 'a flame of fire.' He had now brought congress to the verge of what he conceived to be a war for liberty and honor, and his voice, inspired by the occasion, ran through the capitol like a trumpet-tone sounding for the onset. On the subject of the policy of the embargo, his eloquence, like a Roman phalanx, bore down all opposition, and he put to shame those of his opponents who flouted the government as being unprepared for war. 'Why is it,' he exclaimed, indignantly, 'that we are no *better* prepared? Because the gentlemen themselves have thrown every possible obstacle in our way! They have opposed the raising of an army—the fitting out of a naval armament—the fortification of our frontiers—and now talk of the madness of engaging in a war for which we are not *prepared!* It is asked what new cause of war? In reply I will ask what *old* cause of war is avenged? Has Great Britain abstained from impressing our seamen? I have no doubt but that the late Indian hostilities on the Wabash were excited by the British. Is not this cause of war?'

There was no withstanding his eloquent and patriotic appeals. They made every heart in the house vibrate and glow with intense desire to arouse and avenge the aggravated abuse heaped upon us by our foreign foe.

After an ineffectual attempt to procure an amendment to the bill by extending the embargo to ninety days, it passed by a vote of seventy to forty-one. It was then sent to the senate, which introduced the amendment proposed in the house, which was adopted by it, and after receiving the signature of the president, it became the law of the land on the fourth day of April.

Now war had become the settled policy of the nation; indeed the first initiatory step was taken. The Rubicon had been approached, and not to cross it would entail disgrace. Congress, therefore,

set vigorously about preparing for war. The tardy procedure of government in bringing the subject to a crisis, it was thought would operate prejudicially in its prosecution, by allowing the eagerness and zeal then so prevalent for the conflict to subside. A result of the correspondence then going on between America and England, and which was continued after the embargo had taken effect, was, to render undecided a large and patriotic portion of the people, who were earnest in demanding redress, but as long as there was the slightest prospect of obtaining it by negotiation, chose to delay rather than meet the expenses and horrors of war. Hopes were entertained, from time to time, by the tone of the British minister's communications, that all differences between the two nations would be pacifically arranged. But it soon appeared obvious, that nothing satisfactory would be proposed by him, that Great Britain had an ulterior object in view, in causing such expectations to be created, and that it would be better to abandon at once, and forever, all reliance upon this mode of procedure, resorted to from motives of the most amicable nature, on the part of the United States, and pursued so long and faithfully, yet ineffectually. Hope finally fled, though reluctantly and with a heavy heart, casting many 'a lingering look behind,' and 'grim visaged war' assumed her place. The most amicably disposed threw down the olive branch, and seized the sword. Remonstrance, entreaty, argument, and forbearance had been exhausted, and the nation, conscious of the righteousness of her cause, arose, buckled on her armor, and appealed to the God of battles for the maintenance of her rights.

Mr. Clay was one of a deputation appointed to wait upon Mr. Madison, to urge upon him the pressing necessity of making speedy and efficient preparation for the event which would inevitably occur. The views of congress, and of the country generally, relative to the subject of war, he spread before the president, argued that it was impolitic to waste any more time in fruitless negotiation, and expressed his sincere conviction, that, with their present resources, and those of which they could avail themselves, judiciously employed, as they would be by patriotic and indignant freemen, no alarming apprehensions need be entertained respecting the nature of the result. The muscular and mental energies of a free and united yeomanry of an independent and enlightened nation, arrayed in defence of *home* and every thing that made it happy, he believed constituted a force invincible — one that could not be crushed by the hireling soldiery of the combined powers of Europe.

The president, though inclined to advance with extreme caution, whose trepidation was increased by several members of his cabinet opposed to warlike movements, was nerved with fresh courage and fired with fresh patriotism, by the energetic remarks of Mr. Clay.

and induced to hasten the blow from the axe of executive power, which alone could burst the bands which bound and restrained the thunderbolt of war.

About this time, while in the exercise of his official prerogative, Mr. Clay became entangled in a disagreeable controversy with Mr. Randolph. This gentleman, though possessing talents and eloquence of a high order, employed them in such a manner as to make himself distinguished for the most extravagant eccentricities and wild vagaries. There had existed not the most cordial understanding between him and Mr. Clay, during several months previous. Their intercourse was not very uniform; sometimes it would be suspended for weeks, when not a word would be spoken by either to the other. The great difficulty of living on terms of intimacy or common civility even, with Mr. Randolph, caused Mr. Clay to adopt this course. He did not desire to offend the capricious gentleman, nor to place himself in a situation to receive offence from him. Occasionally, when the milk of human kindness was superabundant in his heart, Mr. Randolph would approach, and in the most honied accents and blandest manner, salute Mr. Clay and inquire after his health, with every demonstration of regard.

One of Mr. Randolph's peculiarities was exceeding uneasiness under restriction; indeed, he seldom quietly submitted to any parliamentary restraint, however necessary and salutary. He regarded the rules of the house as trammels and shackles, more honored by the breach than observance, and struggled violently against their enforcement in his case. During the day previous to that when the controversy mentioned occurred, Mr. Clay, in conversing with a friend of Mr. Randolph, remarked that the president would probably transmit a message to congress, recommending a declaration of war, on the following Monday. This information was communicated to Mr. Randolph, who the next morning appeared in his seat, and commenced one of his usual windy harangues, without submitting any motion to the house. After discussing some time the subject of our foreign relations, although he well knew that such discussion was designed to be strictly private, manifesting more than his accustomed hostility to declaring war with Great Britain, and zeal in justifying her cruelties towards the United States, he was called to order, on the ground that there was no resolution before the house. Mr. Bibb, being in the chair, suffered him to proceed. Soon after, Mr. Clay resumed his seat, when he was again called to order, and required to submit his motion in writing to the chair. Mr. Clay observed that a standing rule of the house rendered it incumbent on any member who attempted to address it, after a few pertinent prefatory remarks, to submit his proposition in due form to the house, and then confine his remarks to it. 'My proposition,' said Mr. Randolph, 'is that it is not expe-

dient at this time, to resort to a war with Great Britain.' He expressed great surprise when it was decided by the speaker that he could not proceed to discuss his proposition unless it was seconded and reduced to writing. 'Then I appeal from that decision.' The speaker briefly stated his reasons for his decision, which was sustained by a vote of sixty-seven to forty-two. 'Then, sir, under the compulsion to submit my motion in writing, I offer it,' said Mr. Randolph. The speaker replied, 'there is no compulsion in the case, because the gentleman may or may not offer it, at his option.' The motion was read from the chair, and the speaker observed that the house must first agree to consider it, before it could be in order to debate it. From this decision Mr. Randolph appealed, but at the suggestion of a friend, withdrew his appeal. Mr. Clay made a brief speech, justifying his decision, and then put the question whether the house would consider Mr. Randolph's resolution. It was rejected by a vote of seventy-two to thirty-seven.

Mr. Randolph, thus compelled to take his seat, was greatly chagrined. On the following day he published a vindictive address to his constituents, in which he inveighed in the most bitter terms against Mr. Madison's administration, declaring that the movements that had been made in reference to war, were not made with the intention of promoting the welfare of the country, and desired those whom he represented not to sanction the proposed declaration. Freedom of speech he declared had been invaded; that for the first time in the person of their representative had it been decided, that silence must be maintained upon the most important subject that could be brought forward for legislative action. He characterized this as 'usurpation, more flagitious than any which had ever been practiced under the reign of terror by the father of the sedition laws, and the people must interfere and apply a remedy or bid adieu to a free government forever.'

Mr. Clay noticed this singular paper in a communication over his own name, which was published in the *National Intelligencer* reviewing briefly the controversy, stating the grounds of his action in relation to it, and established the two following principles: 'that the house had a right to know through its organ, the specific motion which a member intends making before he undertakes to argue it at large, and that it reserves to itself the exercise of the power of determining whether it will consider it at the particular time when offered, prior to his thus proceeding to argue it.' These principles have subsequently formed the rule in the house in similar cases, the operation of which has tended, in no small degree, to promote the interests of the country, by restraining within proper bounds the freedom of debate.

On the first of June, the president despatched to the house a message, containing a summary statement of our grievances demanding reparation, narrating the various pacific and often repeated

attempts of the United States to adjust all existing difficulties with Great Britain, remarking the cold indifference or haughty repulse with which the latter had invariably met the amicable advances of the former, and recommending to the early consideration of congress the question whether the United States should 'continue passive under these progressive usurpations and these accumulating wrongs, or opposing force to force in defence of their natural rights, should commit a just cause into the hands of the almighty disposer of events.' An 'immediate appeal to arms' was recommended in a report of the committee on foreign relations, to whom the message was referred, on the eighteenth, and the act declaring war passed both houses of congress the same day, and on the nineteenth Mr. Madison issued his proclamation, declaring hostilities as actually commenced. On the sixth of July congress adjourned, to assemble on the first Monday in November.

The crisis towards which so many eyes had long been directed, had at last come — a crisis which, though sought by government, was sought reluctantly. Any measure that would have obviated its necessity, had been embraced with eager joy. Every expedient was resorted to, in order to prevent the waste of treasures and effusion of blood, with which it would be attended. The great master spirits, Messrs. Clay, Lowndes, Cheves and Calhoun, the bold pioneers in paving the way to and hastening on this crisis, did not attempt to shrink from their duty, nor to shake off the solemn responsibility which they assumed to their country in undertaking to conduct the ark of her liberties, now when they had guided it into the roaring vortex of war. They did not prove recreant to the precious trusts committed to their care, by traitorously deserting their posts. Though the billows of fierce conflict dashed against its sides, they did not withdraw the hand that had hitherto supported it. There was no looking back, no cowardly avoiding of danger, but shoulder to shoulder manfully they breasted the dark surges of belligerent strife, until in safety the harbor of success was finally attained.

With the view of shortening the conflict and ameliorating the condition of those engaged in it as much as possible, previous and subsequent to the declaration of war, they sought to place the financial department of the nation in a situation to meet the demands that would be made upon it in case of that event. In pursuance of this view, the secretary of the treasury, Mr. Gallatin, whose reputation for financiering stood high, was selected to devise and report a system that should accomplish the desired object. The public disappointment was excessive when his report appeared, which, instead of exhibiting any new feature in finance — instead of deriving revenue from the vast, existing and appropriate national sources — proposed to obtain it in the old obnoxious ways from excise, stamp duties, &c. Although deeply regretting that a

more efficient plan was not provided, still, with a spirit that seemed resolved to turn to the best possible account the propositions of the secretary, they commenced levying taxes according to his plan. To this end Mr. Cheves, chairman of the committee of ways and means, diligently employed himself in preparing bills, whose object was the raising of revenue. After their completion and presentation, a discovery was made that well nigh proved fatal to this. It was ascertained through the efforts of Mr. Smiley, an intimate friend of the secretary of the treasury, that both he and the president were opposed to levying taxes at the time of the declaration of war, declaring 'that the people would not take both war and taxes together.'

The non-concurrence of the executive in their financial scheme, was a source of bitter though unavailing regret to Mr. Clay and his coadjutors. It was, to be sure, defective, but had not this insuperable obstacle been interposed in the way of its being carried out, the treasury would have been to a considerable extent replenished with funds; the early want of which was a serious detriment felt during the whole war. To the influence of Mr. Gallatin, in a great measure, doubtless, the opposition of Mr. Madison to the conjunction of the two measures was owing. He was very susceptible of influence, especially from those in whom he reposed confidence, such as he did in the secretary. The same kind of influence, inducing him to procrastinate a declaration of war, Mr. Clay found him laboring under, when, as one of a deputation, he was sent to wait on and urge him to delay no longer, telling him that farther argument was useless, that the *ultima thule* of talking had been reached, and that the time for prompt and vigorous *action* had arrived. To illustrate the difference between speaking and writing, and *acting*, he repeated to Mr. Madison an anecdote of two Kentucky judges. 'One talked incessantly from the bench. He reasoned every body to death. He would deliver an opinion, and first try to convince the party that agreed with him, and then the opposite party. The consequence was that business lagged, the docket accumulated, litigants complained, and the community were dissatisfied. He was succeeded by a judge who never gave any reasons for his opinion, but decided the case simply for the plaintiff or defendant. His decisions were rarely reversed by the appellate court, the docket melted away, litigants were no longer exposed to ruinous delay, and the community were contented.' This humorous sally of Mr. Clay occasioned the president much mirth, who replied by relating an anecdote which occurred to him, of a French judge, who, said he, after hearing the arguments of the parties, put their papers in opposite scales, and decided the case according to the preponderance of weight.

Attempts on the part of the United States to prevent hostilities, did not cease until war had been declared, and even then a dispo-

sition was manifested to put a speedy termination to them, for in one week after this event, Mr. Jonathan Russell, our *chargé d'affaires* at the court of St. James, received instructions to agree to an armistice as a preliminary to a treaty, provided the British government should repeal her orders in council, and discontinue the impressment of our seamen, and afterwards without insisting upon any particular agreement. All our pacific efforts, however, were fruitless, our proposals refused with disdain, and accompanied with language of reproach and insult, even conveying the idea that the conduct of the United States was pusillanimous. She refused to treat with us at all, unless as preliminary we would recall our letters of marque and reprisal, and cease all hostile acts towards British property and British subjects. Such degrading conditions could never be submitted to by the United States, although the federal party were willing and even clamorous to comply with them. The virtue and patriotism of the people, however, preponderated over all the vile attempts at causing the nation to accept the disgraceful terms dictated by her haughty foe, to procure the repose she desired. The middle of September found us still endeavoring to procure an adjustment of our difficulties amicably. The proposals of Mr. Russell, though of the most liberal nature, were treated contemptuously, and at an interview on the seventeenth of September, lord Castlereagh expressed great astonishment that American commissioners should still continue to indulge the expectation that the right of impressment should ever be relinquished, and even had the arrogance to say that '*our* friends in congress had been so confident in that mistake, that they had ascribed the failure of such an arrangement solely to the misconduct of the American government.' The demands of the British in insolence seemed to have no limits; asking if the 'United States would deliver up the native British seamen who might be naturalized in America.' 'If,' said lord Castlereagh, 'the American government was so anxious to get rid of the war, it would have an opportunity of doing so, on learning the revocation of the orders in council.'

It was sufficiently obvious now that nothing remained but to prosecute the war as vigorously as possible. Our arms, in several cases, had been unsuccessful. The circumstances of the delivery of Detroit into the hands of the enemy by general Hull, were such as to render it certain that treason had some agency in it. These disasters tended to dampen the ardor of some, and to render more confident and blustering demagogues and federalists, who went about croaking like birds of ill omen, doing all in their power to infuse a spirit inimical to the course then pursuing, and bring opprobrium on the administration party. They continually referred to those partial failures as the sure prognostics that the whole country would fall an easy prey to the enemy. But these reverses were

subsequently in a measure repaired, by the successful and gallant achievements of a body of western volunteers, led on by general Harrison, over the British and their allies, the barbarous savages. Our brilliant victories on the sea were such as to kindle up the expiring energies in the hearts of the despairing, and to nerve to nobler deeds the intrepid. They evinced what could be accomplished by determination and valor combined. The British frigate *Guerriere* had been captured by captain Hull, commander of the frigate *Constitution*; commodore Rodgers had rendered most signal service to our commercial interests; all which tended to impart a fresh impulse to our army and navy.

During the interval between the adjournment and re-assembling of congress, Mr. Clay watched the progress of the war with the most intense interest. *This was the all-absorbing subject of his soul*, engaging its every faculty and principle; and the efforts which he made to secure its successful termination were as strenuous as they were unremitting. In public assemblies, in private circles, it was the theme on which he dwelt continually, and around which he twined the richest wreaths of his oratorical and colloquial skill. He always had a weapon ready to prostrate the opposition of the federalist and demagogue, however speciously presented. The grounds of encouragement to proceed, and the prospect of ultimate success, were so clearly elucidated by him, that the timid gathered confidence, and the bold redoubled their energies. Hope and courage were his constant companions, from which fear and cowardice fled away. These spread their animating influences far and wide, and like a beacon light lit up the whole land. Had Mr. Clay been engaged in a personal enterprize in which he had embarked his all, where fortune, fame, reputation, and life itself were at issue, he could not have manifested greater solicitude for the result, or put forth more gigantic efforts to render it favorable, than he did in relation to the war of the nation. If patriotism, undoubted and unadulterated, be not deducible from his agency in originating, prosecuting and consummating the war, on what page of the world's annals is it chronicled? The history of the Grecian and Roman republics furnish many instances of exalted, self-sacrificing patriotism—of those who under its influence met death as joyfully as they would have met a friend. Inspired by this principle we hear one of their bards exclaim,

‘Dulce est pro patria mori.’

It is sweet to die for one's country

But the lofty action of Mr. Clay in connection with this his country's crisis, his prompt response to her cry for aid, his unwavering attachment to her cause, and his ardent devotion to her interests, present an example of patriotic love and zeal, which may be placed by the side of similar ones on the records of those

nations, without the slightest fear of disparagement,—indeed as justifying the belief that if she had required a similar sacrifice, the victim would not have been wanting.

Mr. Clay advocated war, not as an experimental measure, not for the purpose of furnishing him an opportunity of gratifying his ambitious private projects, as his enemies desired it to be believed, but as the *dernier resort*, as that only which could raise from her prostrate condition his country, and restore her to that rank to which she was entitled as an independent nation. The result proved the correctness of his prediction, while it exposed the falsity of that pronouncing the measure as certain to eventuate in her ruin.

When he first approached the subject, he found it surrounded by a cloud of gloom, rendered dense and dark by the adverse circumstances of his country, and which was made every day more murky by the unpatriotic attitude of the disaffected, and the insidious efforts of the openly hostile. To dispel this, all his energies were directed, and on the re-assembling of congress, pursuant to adjournment, he was gratified to behold some few glimmerings of light through the sombre mass. This cheering indication, added to the reviving influence imparted to him by his recent immediate contact with the people, fired his soul with an irrepresible fervency, and caused the flame of his patriotic ardor to burn so intensely as to consume all opposing materials. For this flame, plenty of fuel was furnished by those, who evinced, by their deadly hostility, a desire to see the unequal struggle then going on between England and the United States, terminate in favor of the former. In some, this hostility, breaking over all bounds of decency, vented itself in the grossest lampoon. Their endeavors appeared more like the spasmodic efforts of a drowning man, than the skilfully directed attempts of enlightened opposers, as though they were determined, if possible, to accomplish the fulfilment of their predictions, which now, from the recent victorious feats of our arms, seemed quite dubious. Soon after the commencement of the session, the first subject of importance that came before the representatives of the people, was that of increasing the army. Mr. Clay, and those whose views were coincident with his, desired to concentrate the nation's energies in prosecuting the war to a glorious completion; to do which, fresh and gratifying evidence had been given. To secure this, it was proposed to augment the army by a recruit of twenty thousand men. The committee on military affairs in the house reported a bill for the purpose; which was considered in committee of the whole, and debated at length. From the opposition, this proposition met the most violent assault, and also those who supported it. The warmest opposers were found in the persons of Messrs Randolph, Pitkin and Quincy. The speech of the latter gentleman is said to have 'produced disgust on all sides

of the house,' and for violence and abuse stands unrivalled. Its most scurrilous expressions have been expunged; enough, however, remains to determine its original character. Speaking of the war, he observed, 'there is nothing in history like this war since the invasion of the bucaners. The disgrace of our armies is celestial glory compared to the disgrace reflected on our country by this invasion;' (the proposed invasion of Canada;) 'yet it is called a war for glory! Glory? Yes, such glory as that of the tiger when he tears the bowels from the lamb, filling the wilderness with its savage roars; the glory of Zenghis Khan, without his greatness; the glory of Bonaparte. Far from me and mine, and far from my country be such glory!' He stigmatized those in favor of the war as 'household troops, who lounge for what they can pick up about the government house; who come here, and with their families live and suck upon the breast of the treasury; toad-eaters, who live on eleemosynary, ill-purchased courtesy, upon the palace, swallow great men's spittle, and get judgeships, and wonder at the fine sights, and fine rooms, and fine company, and most of all, wonder how they themselves got there.' The state of public feeling in Massachusetts respecting the invasion, he stated by saying, that 'he had conversed upon the question with men of all ranks and conditions in Massachusetts, with men hanging over the plough and on the spade, judicious, honest, patriotic, sober men, who, if it were requisite, and their sense of moral duty went along with the war, would fly to the standard of their country at the winding of a horn, but who now hear yours with the same indifference they would have heard a jews-harp or a banjo.' He was particularly severe on those in the house who advised the rigid prosecution of the war, by calling them 'young politicians, with the pin-feathers yet unshed, the shell still sticking upon them; perfectly unfledged, though they fluttered and cackled on the floor; who favored such extravagant and ignorant opinions of a very proud nation.' He said, 'it would ill become a man whose family had been two centuries settled in the state, and whose interests, connections and affections were exclusively American, to shrink from his duty for the yelping of those blood-hound mongrels who were kept in pay to hunt down all who opposed the court; a pack of mangy hounds of recent importation; their backs still sore with the stripes of European eastigation, and their necks marked with the check collar.'

Mr. Clay replied to him in a speech of most pointed yet merited rebuke, and couched in language that stung like a scorpion. During the course of his remarks, Mr. Quincy took occasion to travel out of his way to attack the character of Mr. Jefferson. This uncalled for and unexpected abuse of an aged ex-president, a patriot living in retirement, Mr. Clay thus notices.

'Neither his retirement from public office, his eminent services,

nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. In 1801, he snatched from the rude hand of usurpation the violated constitution of his country, and *that* is his crime. He preserved that instrument, in form, and substance, and spirit, a precious inheritance for generations to come, and for *this*, he can never be forgiven. How vain and impotent is party rage directed against such a man! He is not more elevated by his lofty residence on the summit of his own favorite mountain, than he is lifted by the serenity of his mind, and the consciousness of a well-spent life, above the malignant passions and bitter feelings of the day. No! his own beloved Monticello is not less moved by the storms that beat against its sides, than is this illustrious man by the howlings of the whole British pack set loose from the Essex kennel.

Speaking of the notoriety Mr. Quincy had gained by attempting to impeach Mr. Jefferson a few years previous, he said, 'the final vote stood one for, and one hundred and seventeen against the proposition!' (of impeachment.) 'The same historic page that transmitted to posterity the virtue and the glory of Henry the Great of France, for their admiration and example, has preserved the infamous name of the frantic assassin of that excellent monarch.' Mr. Clay vindicated most ably the character of that exalted patriot, from the foul aspersions thus attempted to be cast upon it; after which, he alluded to the vacillating course pursued by those opposed to the administration party, in the following language. 'The course of that opposition by which the administration of the government has been unremittingly impeded for the last twelve years, is singular, and I believe unexampled in the history of any country. The administration has not been forgetful of its solemn obligations. No art has been left unessayed, no experiment promising a favorable result left untried, to maintain the peaceful relations of the country. When some six or seven years ago, the affairs of the nation assumed a threatening aspect, a partial non-importation was adopted. As they grew more alarming an embargo was imposed. It would have accomplished its purport, but it was sacrificed on the altar of conciliation. Vain and fruitless attempt to propitiate! Then came along the non-intercourse, and a general non-importation followed in the train. In the mean time, any indications of a return to the public law and the path of justice on the part of either belligerent, are seized upon with avidity by the administration. The arrangement with Mr. Erskine is concluded. It is first applauded, and then censured by the opposition. No matter with what unfeigned sincerity, with what real effort the administration cultivates peace, the opposition insist that it alone is culpable for every breach that is made between the two countries. Restriction after restriction has been tried. Negotiation has been resorted to until further negotiation would have been disgraceful.

Whilst these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war—the proud, the spirited, the sole repository of the nation's honor—the men of exclusive vigor and energy. The administration, on the contrary, is weak, feeble, and pusillanimous—incapable of being kicked into a war. The maxim, 'not a cent for tribute, millions for defence,' is loudly proclaimed. The opposition is tired, sick, disgusted with negotiation. They want to draw the sword and avenge the nation's wrongs. When, however, foreign nations, perhaps emboldened by the very opposition here made, refuse to listen to the amicable appeals, which have been repeated and reiterated by the administration, to their justice and their interests—when, in fact, war with one of them has become identified with our existence and our sovereignty, and to abstain from it was no longer possible, behold the opposition veering round and becoming the friends of peace and commerce. They tell you of the calamities of war—its tragical events—the squandering away of your resources—the waste of the public treasure, and the spilling of innocent blood. Now we see them exhibiting the terrific forms of the roaring king of the forest. Now the meekness and humility of the lamb. They are for war and no restriction when the administration is for peace. They are for peace and restrictions when the administration is for war. You find them tacking with every gale, displaying the colors of every party and of all nations, steady only in one unalterable purpose, to steer if possible into the haven of power.'

Mr. Clay's sentiments in relation to the British system of impressment were of the most affecting description, drawing tears from the eyes of almost every individual present, and concluded by saying, that 'My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy at sea or on land, and negotiate the terms of a peace at Quebec or Halifax. We are told that England is a proud and lofty nation, which, disdaining to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men—lash ourselves to our gallant tars, and expire together in one common struggle, fighting for free trade and seamen's rights.'

A correct idea of the effect produced it is impossible to gather from his reported speech, though in general accurately given. Look, tone, gesture, and manner contributed largely to its greatness,—perhaps as much as the 'thoughts that breathe and words that burn,' which in one continuous stream fell from his eloquent lips, causing the hearts of his hearers to thrill alternately with

pleasure and pain. It is represented as having been an exquisite specimen of grand eloquence — a felicitous blending of the beautiful, pathetic and sublime. He seemed to wave the enchanted wand of the fabled magician, now spreading peace and quiet, and now causing the most stormy emotions to swell the hearts of those who listened to him. The editor of the *National Intelligencer* says that the pathetic effect produced by the appeal admits not of description. Although the day was extremely cold, so cold that Mr. Clay, for the only time in his life, was unable to keep himself warm by the exercise of speaking, there were few individuals in the house who did not bear witness by their streaming eyes to the orator's control over their sensibilities. Members of both political parties — men whose patriotic souls had been sustained by his eloquence, and those who had been writhing and agonizing under his indignation, forgot their antipathies and wept together.

Mr. Clay had the pleasure of seeing the bill, as advocated by him, pass the house, on the fourteenth of January, 1813, by a vote of seventy-seven to forty-two. On the sixteenth (having passed the senate,) it received the signature of the president; and thus was taken another and very important step in carrying out that system of manly and bold resistance devised and introduced by him, and which was destined to redress all our grievances and restore our violated rights.

On the eighteenth of February, congress proceeded to ascertain the result of an election for president and vice president, which was as follows. For president, James Madison, one hundred and twenty-eight, De Witt Clinton, eighty-nine. For vice president, Elbridge Gerry, one hundred and thirty-one, Jared Ingersoll, eighty-six. Thus the re-election of Mr. Madison furnished undoubted evidence that the people, from whom there is no appeal, sustained the measures of war.

On the twenty-fourth of May, Mr. Clay was elected speaker to the house again, over Mr. Pitkin, by a majority of thirty-five, and whenever an opportunity was afforded him, he mingled in the discussions that were almost constantly agitating the house, in reference to prosecuting the war. At the commencement of this, the first session of the thirteenth congress, he called the attention of the house to that portion of the president's message which describes the manner in which the British had been waging war: which characterized it as 'adding to the savage fury of it on one frontier, a system of plunder and conflagration on the other, equally forbidden by respect for national character, and by the established rules of civilized warfare.' In a few pertinent remarks, he adverted to this description embodied by the message, censuring somewhat severely the nation guilty of such enormities, and said, 'if they should be found to be as public report had stated them, they called for the indignation of all christendom, and ought to be embodied

in an authentic document which might perpetuate them on the page of history.' An investigation instituted on a motion of Mr. Clay, in reference to these, developed the astounding fact that the most barbaric outrages were committed repeatedly, on American prisoners, by the savage allies of the British, with their approval. The indignation of the house was aroused to a high pitch, on learning the truth of the report, which took immediate measures or causing to be laid before it every instance of such flagrant violation of the rules of warfare recognized by all civilized nations.

War had now become the settled policy and regular business of the nation; a business which though at first she performed rather bunglingly, was now despatched in a more workmanlike manner. The plough, the spade, and the various implements of husbandry and mechanism, had become partially forgotten, by the familiarity which had been effected with the musket and the sword, so that greater skill was manifested in the use of the latter, which resulted in greater success than accompanied the first attempts at their use. York, the capital of Upper Canada, had fallen into our hands, and five naval victories had been achieved. Indecision and timidity had to a great extent disappeared, and a spirit of indomitable determination had been made to take their place, mainly through the irresistible influence of Mr. Clay's eloquent appeals. These were all-powerful, agitating the whole nation, paralyzing opposition, and organizing and arraying the talent, influence, and means of all classes, to do battle to death, if necessary, in defence of our precious liberties. A noble and enthusiastic feeling was diffused throughout the country. Public opinion was far and wide aroused in favor of the war, and its majestic roar shook down the unconsecrated temples of treason, and bared their secrets to the light of heaven. Patriot answered aloud to patriot — the sentinels of freedom caught up the watchword — from town to town the signal fires flashed free, and all things proclaimed that the spirit of the country was up for glory.

Both the friends and foes of Mr. Clay agree that at this period the control he had acquired was almost unlimited. In the house it was probably equal to that which he had acquired a few years previous in the legislature of Kentucky. This was always exercised in the spirit of the greatest liberality, and in such a manner as to promote the public interests. Towards the close of 1813, negotiations for peace commenced, at the suggestion of Alexander, the emperor of Russia, who proffered his mediation between the two belligerent nations. On the part of the United States, his proffer was favorably received, and a willingness manifested to accede to it, accompanied with expressions of regret that the commercial interests of Russia should be infringed or endangered in any way by her collision with Great Britain. This was first formally made at Washington, by the Russian minister, M. Dasch-

koff, as early as March of the same year, and eagerly embraced by the president. It had, however, several months previous, been hinted to Mr. Adams, our minister at St. Petersburg, by the emperor himself, who manifested great desire that hostilities should cease. On the part of Great Britain his pacific proposition was rejected, who alleged that the peculiar nature of her domestic and naval regulations rendered incompatible its acceptance, but declared her perfect willingness to treat with the American envoys, either at London, or Paris, or indeed at any convenient place selected by the two powers. This proposal was accepted, and the preliminary steps taken to accomplish the object proposed. Messrs. Albert Gallatin and James A. Bayard were selected as two of the commissioners for the United States, and directed to repair without delay and join Mr. J. Q. Adams, at St. Petersburg, there to await the further action of government.

A short time after, a proposal from the English ministry to negotiate with us at Gottingen was accepted, and Messrs. Clay and Jonathan Russell were selected commissioners, who, in connection with the three in Russia, were invested with full power to treat with lord Gambier, Henry Goulborne, and William Adamos, commissioners on the part of the British government.

Although Gottingen had been first agreed upon as the city where to conduct the negotiation, subsequently it was determined that Ghent should be the place. The sixth of August, 1814, found the plenipotentiaries of both nations (except Mr. Gallatin, who joined them soon after,) at the latter city, ready to proceed with their legitimate business. They commenced by a mutual interchange of kind feeling, evincing a disposition to approach the subject in the true spirit of conciliation, and to frame their stipulations so as to subserve the interests of the powers they represented. In consequence of the proximity of the British ministers to their government, they enjoyed a superior advantage over the American commissioners, of which they availed themselves freely, for whenever they received from the latter a note of any importance, it was directly sent to London, where its contents were carefully scrutinized by the English ministry, who prepared and sent back an answer containing instructions, which were to govern their actions in relation to it. This mode of procedure adopted by them, greatly retarded the negotiation, while the remoteness of the American negotiators from their government, made it impossible for them to resort to a similar method. The plan which they adopted on receiving a communication from the former, was to consider its contents deliberately, and with great circumspection; after which it was committed to the care of one of their number deputed to prepare an answer. This underwent a rigid examination, when each member considered it in private, making such alterations as he deemed proper. Afterwards they all assembled and subjected

them to a thorough scrutiny, which terminated in their adoption or rejection. Their proceedings in detail were never reported, so that it is impossible to state to what extent they were influenced by each member of the diplomacy, but it is matter of general credence that Mr. Clay, in their joint colloquial meetings, bore a prominent part and exercised a controlling power over the character of the stipulations. It is understood that Mr. Gallatin drew up more official communications than any one of his associates, that Mr. Adams ranked next, and Mr. Clay next. The various papers prepared by these gentlemen during the period of their negotiation, which continued about five months, furnish some of the finest specimens of English composition. For purity of diction, terseness of style, happy illustration, and logical construction, they will not suffer in comparison with the best political disquisitions in the English language.

The favorable indications which appeared at the commencement of the negotiation, soon gave place to those of a different character. The tone of the British commissioners, in laying the foundation of the treaty, soon became so dictatorial as almost to preclude the possibility of proceeding with it. In enumerating the various subjects which they designed to review and determine, besides the seizure of mariners from merchantmen on the high seas, boundary line, and the privileges heretofore enjoyed by the United States in carrying on their fisheries within the limits of British jurisdiction, they declared as a *sine qua non* to the completion of the treaty, that it must embrace provisions for rendering pacific the various Indian tribes within our borders, for settling their boundaries by a specific treaty with Great Britain, and that the right to purchase their lands without her consent must be unconditionally ceded. On such grounds the American commissioners unhesitatingly and unanimously refused to advance. The overbearing and haughty pretensions and arbitrary demands thus set up and insisted on at the very outset, seemed to interpose an insurmountable barrier towards effecting an amicable and honorable arrangement with our foe. Not only did she by prescription unadvised with us, exhibit an intention to have it all in her own way, but she avowed her design to obtain the control of certain islands in Passamaquoddy Bay, over which our right of jurisdiction had not been questioned up to that time, and to cause us to agree not to keep any naval force on the lakes, nor garrison soldiers on their eastern shores. The thought of submitting for a moment to such obnoxious exactions and requisitions could not be tolerated, and the American commissioners peremptorily informed them that negotiation under such circumstances was entirely out of the question, and that an unqualified abandonment of the objectionable portion of their demands must be complied with, before their consent to proceed another step in the business could be obtained. They

saw it was requisite to be thus decided, in order to put an early and effectual stop to such unwarrantable assumptions and encroachments, which, if quietly submitted to, they clearly foresaw (by their maintaining a right to 'vary and regulate their demands,') would be indefinitely extended. In their first despatches to Washington, therefore, instead of holding out any encouragement of success, they stated that there was no 'hope of peace.' Immediately after their arrival, they were spread before the people by the public journalists, whose indignation was greatly augmented, on becoming acquainted with treatment ostensibly given for the purpose of consummating a treaty of peace on grounds of mutual reciprocity, but which in reality recognized the nation with whom it was to be effected, as enslaved rather than free. The demands of England were characterized as 'arrogant, insulting to the United States, meriting instantaneous rejection, and demanding the united exertions of every citizen of these states, in the vigorous prosecution of the war until it shall be terminated in a just and honorable peace.'

The publication of their despatches was not anticipated by our commissioners, and great was their astonishment on perusing them in the newspapers at Ghent. Their fears were excited lest it should have an unfavorable bearing on the negotiations, if it did not put an abrupt period to them. The English negotiators maintained a guarded silence on the subject. Mr. Clay being solicitous to ascertain their opinions in relation thereto, addressed them, beginning with lord Gambier, whom he accosted by saying, 'you perceive, my lord, that our government has published our despatches, and that now the whole world knows what we are doing here.' 'Yes,' said he, 'I have seen it with infinite surprise, and the proceeding is without example in the civilized world.' 'Why, my lord,' said Mr. Clay, mildly, 'you must recollect that at the time of the publication of those despatches, our government had every reason to suppose, from the nature of the pretensions and demands which yours brought forward, that our negotiation would not terminate successfully, and that the publication would not find us here together. I am quite sure that if our government had anticipated the present favorable aspect of our deliberations, the publication of the despatches would not have been ordered. Then your lordship must also recollect, that if, as you truly asserted, the publication of despatches pending a negotiation is not according to the custom of European diplomacy, our government is organized on principles totally different from those on which European governments are constituted. With us, the business in which we are here engaged is the people's business. We are their servants, and they have a right to know how their business is going on. The publication, therefore, was to give the people information of what ultimately affected them'

Although unable to controvert this explanation by Mr. Clay, of the reasons for publishing the official papers relative to the negotiation, he expressed himself not perfectly satisfied with it, and his opinion was concurred in by his colleagues. However, the injurious consequences apprehended from their publication were not experienced, and the business of the treaty proceeded as if it had not been made.

Mr. Clay reciprocated an act of kindness of Mr. Goulborne, who had sent him a British periodical containing an account of the taking of Washington by the arms of his nation, by sending to him some American papers which he had recently received, describing a splendid victory won on lake Champlain or lake Erie, by the navy of *his* country over that of the British.

After the receipt of such unpleasant intelligence from Ghent, it was resolved that redoubled energy should be put forth in pushing forward the war, which caused the noble feats of our gallant navy and army to be greatly multiplied. At Plattsburgh, Chippewa, and many other places, victory perched upon our banner. The hearts of our hardy sailors gathered fresh strength, whose successful attempts in annoying the enemy by capturing his trading vessels, caused the most bitter lamentations throughout his realm, and underwriters to advance their rates of insurance between England and Ireland from three-fourths of one to five per cent. The determined spirit thus evinced by us, Great Britain correctly attributed to the arbitrarily assumptive course which she attempted to pursue in conducting the negotiations at Ghent; a spirit which she had the sagacity to discover would never brook the slightest shade of vassalage, or permit the acceptance of dishonorable terms, and also the wisdom to avert the destructive consequences which her varied and wide-spread interests would certainly sustain from the aggressions of those actuated by it, in speedily removing the causes by which it was aroused. A recession was immediately made, not only by the British ministers, who reduced their *sine qua non* so as to require only the effectuation of Indian pacification, but by the public journalists in both England and her provinces. They spoke in more respectful terms of the United States, and abated to a good extent their domineering attempts. Still some of the objectionable terms proposed at first as the basis of an arrangement, were adhered to. The cession of such a portion of our territory as should secure a permanent and safe communication to England between Quebec and Halifax, was required pertinaciously. The American commissioners assumed the responsibility, at the risk of breaking off the negotiation, of rejecting such terms, and indeed all that did not come within the limit of their instructions, by informing the English commissioners, that it was perfectly fruitless, besides a waste of time, to bring forward and attempt to connect with the treaty, subjects

respecting which they were not empowered to negotiate; subjects which were many of them foreign to their purpose, had no natural relation to it, and which if desirable might be definitely settled by subsequent negotiation, without being made a party to their present proposed arrangement. They affirmed that they had 'no relation to the subsisting differences between the two countries; they are inconsistent with acknowledged principles of public law; they are founded neither on reciprocity nor on any of the usual bases of negotiation, neither on that of the *uti possidetis* or of *status ante bellum*; they would inflict the most vital injury on the United States by dismembering their territory, by arresting their natural growth and increase of population, and by leaving their northern and western frontiers equally exposed to British invasion and Indian aggression; they are above all dishonorable to the United States, in demanding from them to abandon territory and a portion of their citizens, to admit a foreign interference in their domestic concerns, and to cease to exercise their natural rights on their own shores and in their own waters. A treaty concluded on such terms would be but an armistice. It cannot be supposed that America would long submit to conditions so injurious and degrading. It is impossible, in the natural course of events, that she should not, at the first favorable opportunity, recur to arms for the recovery of her territory, of her rights, and her honor. Instead of settling existing difficulties, such a peace would only create new causes of war, sow the seeds of permanent hatred, and lay the foundation of hostilities for an indefinite period. It is not necessary to refer such demands to the American government for its instruction. They will be only a fit subject of deliberation when it becomes necessary to decide upon the expediency of an absolute surrender of national independence.'

There was no mistaking the meaning of such language, respectful but pungent, expressing perspicuously the true principles of diplomatic action. Although it was self-evident that the spirit which dictated such sentiments as that communication contained, would not allow any truckling or swerving, still the British negotiators appeared determined to persevere until they accomplished what from the very commencement seemed to be to them a favorite feature in the treaty, viz: *the exposure of our whole northern frontier to the mercy of their nation*. She found that the Indian hordes could be advantageously employed by her, indeed she had already employed them to such an extent as to give, so far as she was concerned, a most truculent aspect to the war; hence the invincible determination manifested by her legalized commissioners, to have the treaty so framed as to secure to her their absolute control. This disposition was regarded by the American commissioners with feelings not only of regret, but of horror, who protested against 'the employment of savages, whose known rule

of warfare is the indiscriminate torture and butchery of women, children, and prisoners,' as constituting 'a departure from the principles of humanity observed between all civilized and christian nations even in war.' They stated that instead of endeavoring to effect *that control*, it would be much more comfortable with the dignity and grandeur of the British nation to abandon forever the barbarous practice, and to stipulate with America to that purpose in case of waging any future war with her. They would not recede an inch from the ground which they had taken, in relation to the Indians and northern frontier. After directing their combined diplomatic artillery against them for the space of several weeks incessantly, to drive them from it, but without the slightest success, the British diplomatists finally abandoned it. Soon after the American commissioners proposed to guaranty the pacification of the Indians when the treaty should be ratified, and expressed their unaltered determination to treat upon no subjects respecting which they had received no instructions. To this their opponents acceded, and the negotiation proceeded, the American commissioners dictating nearly all the terms, and finally issued in the production of a treaty, on the twenty-fourth of December, 1814.

Throughout the negotiation the utmost unanimity prevailed among our ministers, and never was there a difference of opinion, except in one instance. This related to certain fishery privileges, and the navigation of the Mississippi river.

In a treaty of peace concluded in 1783, between Great Britain and the United States, it was stipulated that the latter should enjoy the liberty of taking fish of every kind on all the banks of Newfoundland, Grand Bank, gulf of St. Lawrence, and in all other places where the inhabitants of both countries had been accustomed to fish — that the same should be enjoyed on all the coasts, bays and creeks of his Britannic majesty's dominions in America; that she should have full permission to dry and cure fish in the unsettled bays, &c. of Nova Scotia, Magdalen Islands, and Labrador, so long as they should remain unsettled, but that after they were settled, such permission must be sanctioned by their occupants; and also that the Mississippi river should be open forever to the navigation of both nations, from its mouth to its source. The latter stipulation was included in a treaty negotiated by Mr. Jay, in 1794.

The United States, anticipating that the subjects of the fisheries and navigation of the Mississippi would be brought forward by the British government, had directed the secretary of state, Mr. Monroe, to give her commissioners special instructions relative to them. He accordingly authorized them, in case she should require the United States to relinquish her fishing privileges, to treat the requisition as it deserved. They were given to understand that these privileges must not be brought into the discussion, and that,

if insisted on, their negotiations must terminate. He instructed them not to grant to Great Britain the right to navigate any river within the exclusive jurisdiction of the United States.

At an early stage of the negotiation, it had been intimated to the American commissioners by the British, that the privilege in question would not be renewed, unless the United States offered something to Great Britain which should be deemed an ample equivalent. The subject of this equivalent caused the difference of opinions to which allusion has been made. Mr. Adams contended that no equivalent could or ought to be demanded for the right of fishing stipulated in the treaty of 1783. He did not believe with his colleagues, that the article in that treaty, relating to this right, expired at the commencement of the war, but contended that it had survived the war, and that therefore it was absurd to treat concerning the *renewal* of a right, of which they were then in the legitimate possession. The great importance of preserving this right unabridged was felt by all. Mr. Gallatin went so far as to propose to permit Great Britain to exercise the right of navigating the Mississippi as an equivalent for that of fishing in the waters within her jurisdiction. After a warm debate, Messrs. Adams, Gallatin and Bayard declared themselves in favor of doing so, and Messrs. Clay and Russell opposed. Mr. Clay then affirmed, that his signature should not be appended to a treaty including such a proposition, who was joined soon after by Mr. Bayard, and consequently it was not included. A most animated discussion ensued, in which Mr. Clay demonstrated the impolicy of extending such a privilege to Great Britain, contended that America ought to come out of the war in the unimpaired possession of all the rights and privileges which she enjoyed prior to its commencement, and that the right of discussing the question of the fisheries did not come within the purview of their instructions. In regard to the navigation of the Mississippi, a mere glance at its unlimited connections and dependencies, the vast advantage which an easy access to them would confer, rendered no deliberation requisite in deciding upon granting a right to it to Great Britain. It would be almost tantamount to placing in her hands a tube communicating with the very vitals of the republic, through which she could suck its life blood; it would give her unbounded facilities for employing against us the numerous tribes of Indians at the north west, of which she would doubtless with avidity avail herself, and greatly to our detriment, and thus jeopard the great and growing interests of the whole west. As it respected the right which she imagined she possessed in virtue of the treaties of 1783 and 1794, Mr. Clay contended that the grounds upon which it was based were supposititious, and that therefore it could not be valid; that at the dates of those treaties, it was supposed that the law of nations would

entitle her to the right, inasmuch as it was believed that her dominions bordered on the Upper Mississippi, and that this supposed bordering of her territory on the river, was the principal reason adduced in stipulating for the right of its navigation; that now since it was certainly determined and known, that such was not the fact, she possessed no natural grounds on which to found the right; that Spain at the date of those treaties owned the entire western bank of the river from its mouth to its source, and consequently possessed an equal interest with the United States in its navigation, who could not, therefore, convey to a third party that interest, or any portion of it, unsanctioned by the former; that in 1803, by purchase, the United States became possessed of the entire Spanish interest, which placed her upon different grounds from those on which she stood in 1783 and 1794. Besides, Mr. Clay argued, what connection is there between the fishing privilege, and the right of navigating the Mississippi? The treaties showed none, their nature none. Why select as the equivalent for the privilege, the Mississippi? Why not barter the Potomac, or the Hudson for it? There was something calculated to excite suspicion in this attempt of our powerful enemy to introduce her invincible navy to the 'father of rivers.' It looked like feeling for the *purse-strings of the nation*. He would as soon yield a portion of her blood-bought territory, as this noblest of her streams, to become the resort of the British lion, where he might make his permanent lair, and eventually place his huge paw upon the crest of her eagle. Though as anxious as his colleagues possibly could be for the preservation of their fishing privileges, he could not consent to effect it by a purchase so expensive as that proposed. Thus Mr. Clay remained immovably determined to act in accordance with his convictions of duty in consulting the interests of that nation which he represented. The value of those interests, undoubtedly secured by the decided position which he assumed and maintained, is of such magnitude as to be inappreciable; they constitute a corner stone of the temple of liberty, destined to abide as long as she shall make it her abode.

Subsequently to the British ministers' becoming acquainted with the conclusion of the American commissioners, respecting the exchange, they, in a counter project of a treaty, submitted to the latter, proposed among other articles one to renew the right of navigation in question, without any equivalent. After much deliberation this was rejected. Finally, it was mutually agreed by both parties to refrain from inserting any article in the treaty, relating either to the fisheries or the navigation of the Mississippi. Thus the pride of the west and the glory of America was suffered to roll his majestic tide in beauty and grandeur to the ocean, unburthened by foreign vessels and unfettered by regal sway.

Several years afterwards, Mr. Clay became involved in an un-

pleasant controversy between Messrs. Russell and Adams, which originated from something connected with their negotiations at Ghent. On the day next subsequent to the signing of the treaty, the commissioners drew up a sketch of their discussions in relation to the difference of opinion among them, concerning complying with the demands of the British commissioners, which represented the offer of the navigation of the Mississippi as made by a *majority* of the American plenipotentiaries. At the same time, Mr. Russell communicated to Mr. Monroe the fact of his being in the minority in that offer, and declared his intention of submitting his reasons for disagreeing with his associates, at a future convenient period, which he subsequently carried into effect. These papers were deposited among the documents of the nation, where they remained till 1822, when they were placed before the house of representatives, at its request, by the president, together with a private communication from Mr. Russell, purporting to be a duplicate of one found among the private papers of the president. A statement was made by each of these letters, between which there was a discrepancy, which caused Mr. Adams to reprimand Mr. Russell severely, through the medium of the press. Mr. Clay addressed a letter to Mr. Russell designed to be private, in which he signified his acquiescence in the reprimand, and also gave a concise statement of their debates connected with their disagreement. It appeared that Mr. Adams was laboring under the impression that Mr. Clay coincided with him in construing the treaties of 1783 and 1794, or that part of them referring to the fisheries and Mississippi, from the fact of his signature being attached to the communication of the American to the British commissioners, embodying the views of the former in relation to them. Mr. Clay corrected that impression by declaring that he had not concurred with him. He stated that his object in advising the insertion of the words '*a majority*,' in the despatch to the secretary of state, was to announce to his government the fact of a division among them, and with the view of concealing it from the power with whom they were treating, he appended his signature to the communication. The dispute was maintained some time between Messrs. Russell and Mr. Adams, and with great acrimony, but no impeachment of Mr. Clay's conduct or motives was attempted by either. Both awarded to him the honor of having acted well his part, in bringing to so felicitous a consummation the treaty of peace.

Immediately after the close of the negotiation, Mr. Clay repaired to Paris, having resolved not to visit England until he learned the ratification of the treaty. At the request of Mr. Crawford, our minister at Paris, he took lodgings in his hotel, where he found an invitation to a ball, given by Mr. Hottinguer, the American banker, in honor of the conclusion of the treaty. There he was introduced to the celebrated madame de Stapl, and had a pleasant interview with her.

She informed him that she had recently visited England, and had openly espoused the cause of the United States there, remarking that the British were greatly exasperated against them, and entertained serious intentions of despatching the duke of Wellington at the head of their armies, for the purpose of inflicting proper, and as they thought well merited chastisement upon them. He politely thanked her for the interest she had manifested in behalf of his country, at the same time expressing his regret that England had not carried out her *intentions*. 'Why?' said she. 'Because, madame, if he had beaten us, we should only have been in the condition of Europe, without disgrace. But if we had been so fortunate as to defeat him, we should have greatly added to the renown of our arms.'

He afterwards met her at a select coterie at her own dwelling, where he found the marshals of France, duke of Wellington, and many other persons of rank. On introducing Mr. Clay to the duke, madame de Stael repeated the above anecdote. He replied promptly and gracefully, that had he been so fortunate in the execution of such a commission as to triumph over a foe evincing as much bravery as the Americans had, he should regard it as a greater honor than the most brilliant victory he had ever achieved.

Mr. Clay tarried at the French metropolis two months, during which time news of the glorious victory at New Orleans was communicated to him, whereupon he was heard to remark, 'now I can go to England without mortification.' He expressed, however, much chagrin at the reported flight of a body of Kentucky militia from the field of battle on that occasion, but declared his belief, from a personal acquaintance with their bravery, that it must be false.

Soon after, he went to England, where the treaty had been ratified formally, a few days previous to his leaving Paris. In England he received the most marked attention, and formed many valuable acquaintances, which subsequently proved a source of pleasure and profit to him. He won the esteem of lord Castlereagh, who treated him with particular politeness, offering to present him to the prince regent, which Mr. Clay civilly declined, in consequence of his unwillingness to submit to the courtly formalities of such an introduction.

Several days had elapsed, when he was informed by his host that an individual desired to speak with him. Mr. Clay requested that he might be admitted, who accordingly was, who proved to be a person splendidly dressed, and, refusing to be seated at Mr. Clay's request, announced himself as the first waiter of my *lord Castlereagh*! 'Indeed!' replied Mr. Clay, 'what is your pleasure with me?' 'Why, if your excellency pleases,' said the man, 'it is usual for a foreign minister when he is presented to lord Castlereagh to make to his first waiter a present, or pay the custom-

ary stipend;’ at the same time presenting him with a catalogue of names of foreign ministers, with the amount that each had paid him placed opposite his name.

Mr. Clay, believing it a vile attempt to extort money from him, endeavored to get rid of him in the easiest way possible, by saying that he was not the minister to England; that Mr. Adams, who was, would probably soon arrive from Paris, who would doubtless comply with the custom of the country in that respect. The servant, not being inclined to release him so easily, quickly replied, that it was immaterial whether he was a resident or special minister. Mr. Clay thought finally that the most effectual way to release himself, was to comply with his demand, and presented him a small sum.

While he was at London the battle of Waterloo was fought, and he witnessed the public rejoicings on account of its favorable termination to the British. He was one day dining at lord Castlereagh’s house in company with many of the nobility, when the conversation turned on the late victory, and the whereabouts of Napoleon, as it was not known where he had gone. Some intimated that he had sailed for America. ‘If he goes there,’ said lord Liverpool to Mr. Clay, ‘will he not give you much trouble?’ ‘None whatever,’ instantly replied Mr. Clay, ‘we shall be glad to receive such a distinguished, though unfortunate exile, and we shall soon make a good democrat of him.’

During his residence in England, Mr. Clay passed his time very agreeably, and laid the foundation for many grateful reminiscences. By the late sir James Mackintosh he was delightfully entertained. He embraced the opportunity of renewing his intimacy with lord Gambier, whose amiable qualities and piety had secured Mr. Clay’s strong attachment. With him he spent a week, visiting with him during that time several places of interest, one of which was the residence of a descendant of William Penn.

In September, 1815, he embarked for New York, where, on his arrival, he and Mr. Gallatin were complimented with a public dinner.

In every transaction of a public character in which Mr. Clay had any agency, he almost invariably rendered himself conspicuous; but in no one did he gather greener laurels, or make a longer stride towards immortal fame, than in that of the negotiation at Ghent. Rumor had preceded him, trumpeting his honors—the faithful and scrupulously jealous manner in which he had almost sleeplessly watched over the interests of his country, and crushed with the strength of a giant the incipient risings of a disposition to destroy or abridge her natural or conventional rights; and when he approached her shores, she opened wide her arms to receive him. In Kentucky, warm, noble-hearted Kentucky, his reception was like that of a dutiful and affectionate son in the long and

passionate embrace of a beloved mother. She welcomed him with a tenderness that would hardly allow the winds of heaven to visit him with gentle rudeness. Enthusiastic rejoicings were enkindled, and spontaneous outpourings of grateful feeling were lavished upon him like rain. He had even been re-elected to congress while he was still in Europe, and unanimously. A doubt having arisen touching the legality of this election, a new one was commenced, which resulted as at first.

At the commencement of the next session, the house again called him to preside over its deliberations, where he soon became engaged in directing successfully the affairs of the nation. As a matter in course, the *new treaty* was brought forward at an early stage, out of which the federalists, and the opposers of the war in general, endeavored to obtain food for their carping, fault-finding appetites. Passing indifferently and silently by the great advantages which it secured to the United States, they sought, with an eagerness worthy of a better cause, to find some defective or weak point. If in this they were successful, although it might be so diminutive as to escape the detection of any except their microscopic vision when thus employed, it was ridiculously amusing to listen to their barkings, and howlings, and wranglings over it, often for hours; and the multitude and variety of hard names and scurrilous epithets which they would bandy about on such occasions, rendered it necessary for one to go beyond the English vocabulary if he desired to satisfy his curiosity respecting their location. But Mr. Clay soon brought to bear upon them the tremendous battery of his eloquence, which sent the whole yelping pack to their kennels, both in and out of congress. This he did on the twenty-ninth of January, 1816.

Said he, on that occasion, 'I gave a vote for the declaration of war. I exerted all the little influence and talents I could command to make the war. The war was made. It is terminated; and I declare with perfect sincerity, if it had been permitted to me to lift the veil of futurity, and to have foreseen the precise series of events which has occurred, my vote would have been unchanged. We had been insulted, and outraged, and spoliated upon by nearly all Europe; by Great Britain, by France, Spain, Denmark, Naples, and, to cap the climax, by the little contemptible power of Algiers. We had submitted too long and too much. We had become the scorn of foreign powers, and the derision of our own citizens.'

These opposers laid no small emphasis upon the fact that no stipulation was contained in the treaty respecting the impressment of our seamen. He met this in a strain of lofty argument, whose pungency sank into their hearts like a spear. Said he, 'one of the great causes of the war and of its continuance was the practice of impressment exercised by Great Britain; and if this claim had been admitted by necessary implication or express stipulation, the

rights of our seamen would have been abandoned! It is with utter astonishment that I hear it has been contended in this country, that because our right of exemption from the practice had not been expressly secured in the treaty, it was therefore given up! It is impossible that such an argument can be advanced on this floor. No member who regarded his reputation would venture to advance such a doctrine.'

He concluded by stating the position in which the country ought to be speedily placed; advised the preservation of her present naval and military force; to make provision for the increase of the navy; to fortify her most defenceless points; to multiply military roads and canals; and to commence in earnest the great work of internal improvement. 'I would see a chain of turnpike roads and canals from Passamaquoddy to New Orleans, and other similar roads intersecting the mountains, to facilitate intercourse between all parts of the country, and to bind and to connect us together. *I would also effectually protect our manufactories.* I would afford them protection not so much for the sake of the manufacturers themselves as for the general interest.'

Mr. Clay resumed his duties in the house by evincing the same far reaching anxiety for the welfare of his whole country, that he manifested when he resigned his station for a foreign mission. To his influence, in a great measure, the origin of the war was owing, its bold prosecution, and satisfactory termination. But besides the advantages which we reaped as the fruits of it, we realized many detrimental consequences incidental to it. An immense debt had been contracted; our commercial, manufacturing, and agricultural interests had been partially suspended, if not totally neglected; we found ourselves greatly in want of articles, the product of mechanical ingenuity, to supply which it was necessary to resort to foreign work-shops; this of course caused large exportations of specie, which seldom returned; the bank issues amounted to upwards of one hundred millions of dollars, while at the same time there was only about fifteen millions of specie in the country. These institutions had of course been obliged to suspend specie payment; distress and pressure every where abounded, and the well disposed and patriotic began seriously to look about them for measures of relief, and restoration to the country. The most judicious and reflecting in the nation, believed that the greatest source of distress was to be found in the deranged state of the currency. Indeed it was completely vitiated. The government paper, bearing interest at six per cent., the redemption of which it had guaranteed by pledging the faith of the nation, was depreciated some twenty per cent., and doubt and distrust in money matters were prominent features of the condition of the country. Something must be done, it was obvious, to remove

that doubt, and restore confidence, or general stagnation would invade every industrial department throughout the nation. At this period, the individual states presented the singular appearance of being engaged in doing what the constitution evidently intended should be performed by the general government, namely, in reality regulating the currency, through the banking institutions operating under their sanction. This they were executing in a most unfinancial-like manner, in many instances making their paper a legal tender, thus compelling the creditor to accept it or yield his claim.

In this state of things, it was imperiously demanded of congress to interpose the power vested in it by the constitution, and recover that control over the currency which it had suffered to be usurped by the states. The articles in that instrument granting congress the exclusive power of coining money, and prohibiting the states from doing it, and also from issuing bills of credit, rendered it apparent that the power of regulating the general currency was lodged with that body. This was the belief of the most able financiers of *that* time, and adopted by those of the present. Acting under the influence of this belief, Mr. Madison had at the opening of the session of 1815-16, recommended 'the establishment of a national bank,' which 'he regarded as the best and perhaps the only adequate resource to relieve the country and the government from the present embarrassment. Authorized to issue notes which will be received in all payments to the United States, the circulation of its issues will be coëxtensive with the union, and there will exist a constant demand, leaving a just proportion to the annual amount of the duties and taxes to be collected, independent of the general circulation for commercial and social purposes. A national bank will therefore possess the means and the opportunity of supplying a circulating medium of equal use and value in every state and in every district of every state. Established by the authority of the United States, accredited by the government to the whole amount of its notes in circulation, and intrusted as the depository of the government with all the accumulations of the public treasure, the national bank, independent of its immediate capital, will enjoy every recommendation which can merit and secure the confidence of the public. Organized upon principles of responsibility, but of independence, the national bank will be retained within its legitimate sphere of action without just apprehensions from the misconduct of its directors, or from the encroachments of the government. Eminent in its resources, and in its example, the national bank will conciliate and lead the state banks in all that is necessary for the restoration of credit, public and private. And acting upon a compound capital, partly of stock, and partly of gold and silver, the national bank will be the ready instrument to enhance the value of the public securities, and to restore the currency of the national coin.'

Such were Mr. Madison's views in relation to a national bank, which were immediately referred to the committee on the national currency; and on the eighth of January, 1816, the chairman of that committee, Mr. John C. Calhoun, of South Carolina, presented an able and elaborate report in relation thereto, advocating the immediate chartering of such a bank as the president had recommended, and detailed its prominent features. When the bill was brought forward for the action of the house, Mr. Clay unequivocally declared himself in favor of its provisions in a speech of great ability and argumentative force, although well knowing that he would thereby subject himself to the charge of inconsistency. He was charged with it by his political enemies, who magnified his departure from the position taken by him in 1811 in relation to the same bank, into a monstrous blemish in his political character; which, if correctly considered, is seen to constitute an ornament, instead. A careful contrast of the grounds on which, and the circumstances *under* which he then opposed that institution, with those on and under which he now advocated it, will, to any unprejudiced mind, forever exempt him from that charge. Such a contrast will clearly show, that the total change of circumstances which had taken place during the five years that had elapsed since he first examined the merits of that bank, and that wrought in the policy of the general government in that time, to say nothing of the experience received in prosecuting the war, of the utility of and necessity for such an establishment, not only disarmed and rendered invalid now, objections which then were both valid and weighty when directed against it, but absolutely converted them into arguments in its favor. At the time when it was proposed to renew the charter of the old United States bank, Mr. Clay did not think it so essential in accomplishing any of the objects definitely specified in the constitution, as to justify its establishment, on grounds purely constructive. It was supported, too, principally by the federal party, and on the ground that its agency was requisite in executing the financial concerns of government; which ground then was falsely assumed, inasmuch as the local banks of the several states had, in certain cases, been employed to perform that office, which they were successfully executing. They, therefore, being known to compass the specific object for which it was stated the charter of the bank was to be renewed, it was justly regarded by Mr. Clay as a matter of super-erogation to renew it, and accordingly he opposed its renewal. In 1816, Mr. Clay supported the bank mainly on the ground of its *necessity*, to enable congress to exercise that ample and salutary supervision over the commercial and monetary interests of the country, which the constitution expressly gave it; and *that*, therefore, out of this very necessity, was fairly deducible its constitutionality, since it was absurd to suppose that the constitution would

grant to congress a specified right, and at the same time withhold the only means by which it could exercise that right. A stormy and protracted discussion arose respecting the bank charter, during which Mr. Clay came again into collision with Mr. Randolph, causing unusual sensation in the house, and giving rise to apprehensions that something serious might grow out of it. Mr. Randolph animadverted somewhat harshly upon Mr. Clay's custom of maintaining a uniform silence in his private intercourse respecting his change of opinion in regard to the expediency and constitutionality of a United States bank, using language that might admit of very offensive construction. When he ceased, Mr. Clay, with his usual self-possession and deliberation, rose, and in a few words declared that the offensive language needed explanation; that he should refrain from saying what he conceived himself bound to say, until Mr. Randolph should make it. Mr. Randolph rose, and made the explanation, which Mr. Clay pronounced unsatisfactory; and Mr. Randolph again explained, disavowing all intention to offer offence. During the altercation, an almost breathless stillness had been preserved in the house; a pin might be heard to fall in any part of it.

The bank bill passed the house by a vote of eighty to seventy-one, and the senate by a vote of twenty-two to twelve. On the tenth of April it became a law, went into operation in the early part of 1817, and more than justified the expectations of its friends, in regard to its influence for good upon the varied interests of the country.

During this session, Mr. Clay gave his support to a bill proposing a reduction of the direct tax laid upon the United States. He expressed himself in favor of a moderate land tax, and regarded the existing one as too high for a state of peace. He maintained that 'in time of peace we should look to foreign importations as the chief source of revenue, and in war when they are cut off, that it was time enough to draw deeply on our internal resources.' His plan was to make up for a still further decrease of the land tax, by an increase of the duties on imports.

It was deemed desirable to increase the pay of members of congress, which led to the framing and passage of the celebrated compensation bill. It was generally agreed among the members that their compensation (six dollars per day,) was not sufficient for their maintenance at Washington, and allow them to enjoy the society of their families. The principal question that arose respected the mode by which it should be increased. Some were in favor of a stipulated salary, and others of an increase of the *per diem* pay. On the sixth of March, colonel Richard M. Johnson, one of the committee to whom the business had been referred, reported a bill regulating the pay of members, by a salary of fifteen hundred dollars per session, for each member in congress, which

passed both houses. Mr. Clay voted for this bill, but at the same time declaring his preference for the *per diem* rate. The passage of this bill proved particularly obnoxious to the demagogues, throughout the country, who exerted themselves incessantly to excite the passions of the people, evidently for the purpose of accumulating political capital. In no section of the union did the excitement rage to such an extent as in Kentucky. It seemed as though scarcely an individual in the whole state was friendly to it. The ambitious and designing demagogues and ultra federalists united in Kentucky their furious forces, with exultations of delight at what appeared to them the certain prospect of accomplishing the total overthrow of Mr. Clay. They had succeeded to such a degree in kindling a flame of indignation against the measure, that there were at least some grounds of danger. They had long been impotently watching for this opportunity, and now from their various places of concealment they rushed forth, bent upon accomplishing their purpose. After some consultation as to the mode they should adopt, it was finally determined that Mr. John Pope, an eloquent and influential gentleman, should take the field in opposition to Mr. Clay. Accordingly, he immediately commenced political operations in the approved style of the country, by riding about among the inhabitants, addressing them often, setting forth his own merits and claims, and decrying those of his rival. It was not until after being repeatedly importuned by his friends, that Mr. Clay would consent to take the field in person against Mr. Pope. He finally went forth for the first time in his life, to vindicate in person to his constituents, his public political acts.

It has been said that Mr. Clay was the first Kentuckian who preserved dignity and independence of character on an electioneering tour. It was customary at that day in Kentucky, for any one who solicited an office in the gift of the people, to clothe himself in tattered garments, and in the attitude and with the tone of a menial, to go around among them and thus ask it at their hands. Mr. Clay's exalted sense of dignity and honor would not permit him to conform to this degrading custom, and he visited his constituents attired just as he would go to his seat in congress. He appealed to the people, expressing his entire willingness to be governed by their will, as he was in duty bound, and that he would vote for the repeal of the offensive law, if they instructed him to do so. He corrected their erroneous impressions, and occasionally made those happy and effective appeals to their hearts, which he knew so well how to direct, and he soon found himself almost entirely reinstated in their affections. Mr. Pope, perceiving that he was fast losing ground, made a desperate effort at regaining it, by challenging his rival to meet him on a designated day and discuss their respective claims to the suffrage of the people. It was unhes-

itatingly accepted. They met according to appointment, and in the presence of an immense assemblage, fought their battle of argument, which resulted in the signal defeat of Mr. Pope. Mr. Clay was re-elected by a large majority. The compensation bill was among the first subjects considered by congress after it convened again, which was repealed. The *per diem* allowance was finally increased to eight dollars per day.

During the canvass, Mr. Clay met an old hunter who had previously been his devoted friend, but now opposed him on the ground of the compensation bill. 'Have you a good rifle, my friend?' asked Mr. Clay. 'Yes.' 'Does it ever flash?' 'Once only.' 'What did you do with it, throw it away?' 'No, I picked the flint, tried it again, and brought down the game.' 'Have I ever flashed but on the compensation bill?' 'No.' 'Will you throw me away?' 'No! no!' quickly replied the hunter, nearly overwhelmed by his enthusiastic feelings, '*I will pick the flint and try you again!*' Ever afterwards he was the unwavering friend of Mr. Clay.

An Irish barber residing at Lexington, had always given Mr. Clay his vote, and on all occasions when he was a candidate for office, electioneered warmly for him. His ardent temperament and unrestrained passions frequently involved him in scrapes and difficulties, out of which Mr. Clay had generally succeeded in extricating him. While the canvass was progressing, after the compensation bill, the barber did not evince his usual zeal and animation, on the contrary seemed to be indifferent as to the result of the election. To all inquiries for whom he designed to vote he answered evasively. He was accosted a few days previous to the election, by a gentleman for whom he entertained the most profound regard, with the question, 'for whom, *Jerry*, do you mean to vote?' Regarding his interrogator with an earnest, shrewd look, he replied, 'Faix, an' sure, docthur, I mane to vote for the man who can't put more nor one hand into the *treasury*.' Mr. Pope, the opponent of Mr. Clay, had the misfortune to lose an arm in early life, and this circumstance, while it gave pertinence to the Irishman's reply, indicated for whom he intended to vote. A few days subsequent to the election, the barber met Mr. Clay in Lexington, and approaching him, burst into tears, saying that he had wronged him, and manifested bitter regret for his ingratitude. 'My poor dear wife,' said he, 'got round me, blubbering, and was after vexing herself and me too. She tould me that I was *too bad, too bad*, to desart like a base spalpleen, me ould frind. 'N ver's the time, *Jerry*, dear, when you got in jail or any bad fixin', *niver's the time* he didn't come to you an' hilp you out. Och! bad luck to you, for not giving him your vote.' The barber was ever after true to Mr. Clay.

In all matters of public importance brought before the house,

whenever it was compatible with his station, Mr. Clay interested himself, concerning which his manifestation of regard for the welfare of his country was characterized by unusual uniformity. There was nothing fitful or erratic about his zeal; it burned with a steady, certain light, revealing the secrets of his very soul, in relation to his public intentions and desires. Defeat could not diminish, nor opposition extinguish it; always irrepressible, conflicting circumstances only rendered it more intense. No measures passed through his hands without bearing its impress, and so deep as to appear a part of the same. But there were periods of extraordinary interest, when it blazed with more than meteoric brilliancy — when it constituted the aurora borealis of the political horizon, seen and admired by the whole universe. One of these periods we now approach — a period which reflects the highest honor on his character, for philanthropy and benevolence, and which caused his memory to be enshrined in the hearts of millions remote from the field of his fame — the period of the struggles of the Spanish colonies in South America, to become independent of the mother country. These he contemplated with as much anxiety and solicitude for their result, as though he had been an actual participator in them.

Happily for America, the allotment of Providence introduced Mr. Clay to the stage of public action at one of the most critical times in her history, when just such influence as he could exert was imperiously demanded. The din of the revolution had hardly died away, and the blood with which it was achieved scarcely dried up, when he first came forward in the defence of his country's rights. The spirit of 'seventy-six' had indeed felled the tall trees of tyranny, and plucked up the rank weeds of oppression, and planted the germ of liberty. But the little band of men inhaling that spirit, who had arrayed around the place of the precious deposit a rampart of iron hearts, after irrigating and enriching it with their blood, had either sunk down to an enviable rest in the sacred soil, or with diminished energy and flagging zeal still maintained their posts. Their pristine strength, however, the storm of war had swept away, and though they still stretched out their scar-covered arms to shield it from invasion, their feeble efforts were hardly sufficient to the task. Dangers were numerous, boding disaster in case the vigilance of that veteran band should slumber. The enemies of freedom, though beaten back, had retired with their weapons in their hands, and from their secret lurking places looked forth, ready to avail themselves of the first favorable moment to sally forth and nip it in the bud. Such were the circumstances, when Mr. Clay joined that weak and diminished company of watchers. He found the tree of liberty a strong and vigorous plant, unfolding its beautiful leaves, but needing great care and culture. There was much foreign rubbish to be removed which

retarded its growth. A glance at its situation determined his course. Nothing within the compass of his ability necessary to hasten on its progress towards maturity, was wanting. Morning, noon and night found him pouring the dew of his diligence upon it in copious effusions. Under its genial influences the trunk shot upward stately and strong, and the wide-spreading branches soon bent beneath large clusters of delicious fruit. The taste of that fruit caused the heart of the nation to bound with gladness, and her good and great men to desire that the inhabitants of the *whole world* might partake of it. Not a few of them gave utterance to that desire in words that burned with benevolence, but none spoke louder or with more effect than Mr. Clay. His voice infused courage into the hearts of those who were toiling to plant a similar tree on the fertile pampas of South America. Its thunder-tones reverberated among the lofty heights of the Andes, and rang through the halls of the incas. The hunter heard them, and departed for the battle-field to seek a nobler quarry. The gauchos left his lasso on the plain and buckled on his armor. From rank to rank of their embattled hosts they pealed, and nerved their arms to deal the liberating blows.

The first public expression of Mr. Clay's feelings in relation to South American independence, was made in connection with a proposition to reduce the direct taxes of the United States, which he thought too high for a state of peace. The aspect of our foreign relations at that time was peculiarly amicable, although, from a report that the Spanish minister had made an informal demand for a portion of Florida, seemed to indicate that a rupture with Spain was by no means improbable, and he expressed himself in favor of husbanding our means as much as practicable, in anticipation of such an event. At the same time, he hinted the propriety of assisting her colonial dependents in their endeavors to establish a free government. His remarks caused Mr. Randolph to express his sentiments concerning the same subject, which among other things charged Mr. Clay with entertaining a desire for conquest, indeed as being influenced by unworthy motives. He said he was not 'going a tilting for the liberties of South America.' She came not to our aid; let us mind our own business, and not tax our people for the liberties of the people of Spanish America. He declared that her inhabitants were incapable of appreciating or enjoying liberty. He thought Mr. Clay had imbibed the war-spirit of Europe. 'The honorable gentleman has been sent on a late occasion to Europe; he had been near the field of Waterloo, and he was apprehensive had snuffed the carnage and caught the infection.' He intimated that Mr. Clay advocated an increase of the army for the purpose of marching them to the scene of action. 'What! increase our standing army in time of peace on the suggestion that we are to go on a crusade to South America?' Mr

Clay denied having made the most remote suggestions to that effect,—that his remarks were incapable of being so construed. ‘Do I not understand the gentleman?’—‘I am sorry I do not. I labor under two great misfortunes—I can never understand the honorable speaker, and he can never understand me.’ Such being the case, Mr. Randolph remarked, he should be under the necessity of abandoning the argument with him, since it would be impossible to proceed.

Mr. Clay again alluded to the same subject a few days after, in a most feeling manner. A bill was brought forward to prohibit ‘our citizens from selling vessels of war to subjects of a foreign power,’ which he vigorously opposed because of its evident bearing upon the belligerent state of South America. He said it was impossible to conceal the true character of that bill. ‘Bestow upon it what denomination you will, disguise it as you may, it will be understood by the world as a law to discountenance any aid being given to the South American patriots, now in a state of revolution against the parent country. With respect to the nature of that struggle, I have not now for the first time to express my opinion and wishes. I wish them independence. It is the first step towards improving their condition. Let them have a free government, if they are capable of enjoying it. At any rate let them have independence. *Yes, from the inmost recesses of my soul I wish them independence.* In this I may be accused of imprudence in the utterance of my feelings on this occasion. I care not, when the independence, the happiness, the liberty of a whole people is at stake, and that people our neighbors, our brethren occupying a portion of the same continent, imitating our example, and participating of the same sympathies with ourselves.’

During the following month an attempt was made to appropriate and pledge the bonus paid by the United States bank into the public treasury, as a permanent fund to be employed in constructing works of internal improvement. Mr. Clay gave his hearty concurrence to this measure, declaring his belief that ‘there were no two subjects which could engage the attention of the national legislature, more worthy of its deliberate consideration, than those of internal improvements and domestic manufactures.’ A bill was passed constituting such fund, but the president vetoed it on alleged constitutional grounds.

Mr. Clay’s remarks caused great interest to be felt in behalf of South American liberty, and during the summer following, the president appointed three commissioners, Messrs. Rodney, Graham, and Bland, to proceed to South America, and examine her political, civil and social condition as preliminary to rendering them any assistance. Mr. Clay regarded the appointment as impolitic, and when a bill came before the house in March 1818, providing for the support of government, objected to having it

embrace a clause appropriating thirty thousand dollars for their compensation, for constitutional reasons. For it he proposed to substitute an amendment, appropriating eighteen thousand dollars as the outfit and one year's salary of a minister from the United States to the Independent Provinces of the river La Plata in South America. He accompanied the presentation of the amendment with a speech of great power, evincing great geographical and historical knowledge, and setting forth clearly the condition of the people. The amendment, however, was not adopted.

Many members of prominence differed with Mr. Clay, for whose opinions he expressed his respect, and regretted that his own convictions of expediency and duty led him to take a different view of the subject. He directly avowed that considerations of liberty and humanity had no little weight with him in advocating their cause, but at the same time his belief, that the adoption of the measure under consideration, while it would add to the renown of the republic, would render material assistance to those who were greatly in need of it. He vindicated himself from the charge which had been made, that he was desirous of fomenting a war between the states and Spain. He indulged in animating anticipations of the number and importance of the governments which might be formed in those vast, fertile, and beautiful provinces. To attempts at proving the movements of the colonists as rebellious, opposing the lawful government of Spain, he replied by clearly showing that if that power had possessed a legal claim to their allegiance, she had forfeited it by withholding that protection requisite to entitle her to it, and that consequently the people of Spanish America were contending for nothing more than their legal and natural rights. 'But' said Mr. Clay, 'I take a broader, bolder position. I maintain that an oppressed people are authorized, whenever they can, to rise and break their fetters. This was the great principle of the English revolution. It was the great principle of our own. We must therefore pass sentence of condemnation upon the founders of our liberty, say that they were rebels and traitors, and that we are at this moment legislating without competent powers, before we can condemn the course of Spanish America.' He contended that if we were justified in our attempts at independence, much more was she, who had writhed beneath the scourge of oppression so long, so much longer than we; that if they were worthy of success, if they were entitled to succeed from the justice of their cause, then surely we ought to wish it, especially when we consider the barbarous character of the war. He maintained that we were deeply interested, in recognizing their independence. Even then our commerce with those provinces was considerable, and would greatly increase after they should become permanently settled as free and independent nations. The

act would attach them to us, nay, it would bind them to us by relations as intimate as those of kindred; they would become our powerful allies. Mr. Clay said he took this ground, not because he desired to force our principles where they were not wished, but simply from feelings of sympathy. We knew by experience how sweet it was to receive that when we were in circumstances that tried men's souls. There could be no danger, nor objection to stretch out towards their people the hand of friendly sympathy, to present to those abused and oppressed communities an expression of our good will, to make them a tender of those great principles which we have adopted as the basis of our institutions. Their ignorance and inability had been brought forward, by those opposing the measure, as completely incapacitating them for self-government. These, he contended, had been greatly magnified, but admitting them to be as unqualifying as they had been represented to be, the fact ought rather to increase our pity for them, and to urge us to seek the more earnestly, by all reasonable and just means within our reach, their liberation from that detestable system which chained them to such a servile state. He ridiculed the idea that recognition could be made a just pretext for war. 'Recognition' said he, 'without aid is no just cause of war; with aid, it is not because of the recognition, but because of the aid, as aid without recognition is cause of war.' Mr. Clay's efforts were not successful at this time; no minister was despatched to South America; the friendly mission was deferred until 1821, when he submitted, on the tenth of February, a resolution to the house, 'declaring that the house of representatives participated with the people of the United States in the deep interest which they felt for the success of the Spanish provinces of South America, which were struggling to establish their liberty and independence, and that it would give its constitutional support to the president of the United States, whenever he might deem it expedient to recognize the sovereignty and independence of those provinces.'

On this resolution, a warm and protracted debate ensued, which was finally adopted, by a vote of eighty-seven to sixty-eight, and Mr. Clay was appointed chairman of a committee to communicate to the president the action of the house.

On the eighth day of March, 1822, the president transmitted to the house of representatives a message recommending the recognition, which Mr. Clay had so long struggled for. On the twenty-eighth the vote of recognition was taken, when it appeared that here was but one dissenting voice.

Thus at last were the noble and generous efforts of the patriot statesman crowned with success as complete as they had been persevering. Years had elapsed between their commencement and glorious consummation; years of toil, anxiety, and hope, but

now the harvest time had come. The president and congress, from vehemently opposing his views in relation to their independence, by his persuasive arguments were brought over to them, who officially stretched out the hand of the nation, to clasp with friendly pressure those of the infant republics of the south. As a matter of course, the act was denounced as one of folly and fraught with danger, by the personal and political enemies of Mr. Clay, but the truly philanthropic, throughout the land, regarded it with approbation, and described it as just what the greatest free nation on the globe should do towards those who were worthy of it. It was applauded throughout the world, but particularly by those towards whom it was directed, with enthusiastic expressions of gratitude. The supreme congress of Mexico voted him the thanks of the nation, for his zeal and efficient labors in their behalf.

During the struggle, his speeches were frequently read at the head of the patriot army, and the effect was always to increase their intrepidity and valor. The name of Clay became associated with every thing dear and valuable in freedom, and was pronounced by both officer and soldier with reverence; and many were the epistolary notices which he received, of the high estimation in which his services were held, by that suffering, but successfully struggling people. The following is a specimen.

‘BOGOTA, 21st November, 1827.

SIR, — I cannot omit availing myself of the opportunity afforded me by the departure of colonel Watts, *chargé d'affaires* of the United States, of taking the liberty to address your excellency. This desire has long been entertained by me, for the purpose of expressing my admiration of your excellency's brilliant talents and ardent love of liberty. All America, Colombia, and myself, owe your excellency our purest gratitude, for the incomparable services you have rendered to us, by sustaining our course with a sublime enthusiasm. Accept, therefore, this sincere and cordial testimony, which I hasten to offer to your excellency and to the government of the United States, who have so greatly contributed to the emancipation of your southern brethren

‘I have the honor to offer to your excellency my distinguished consideration.

‘Your excellency's obedient servant,

‘BOLIVAR.’

To the above, Mr. Clay replied, of which the following is an extract.

WASHINGTON, 27th October, 1828.

‘SIR, — It is very gratifying to me to be assured directly by your excellency, that the course which the government of the United States took on this memorable occasion, and my humble efforts, have excited the gratitude and commanded the approbation of your excellency. I am persuaded that I do not misinterpret the feelings of the people of the United States, as I certainly express my own, in saying that the interest which was inspired in this country by the arduous struggles of South America, arose principally from the hope that along with its independence would be established free institutions, insuring all the blessings of civil liberty. To the accomplishment of that object we still anxiously look. We are aware that great difficulties oppose it, among which not the least is that which arises out of the existence of a large military force, raised for the purpose of resisting the power of Spain. Standing armies, organized with the most patriotic intentions, are dangerous instruments. They devour the substance, debauch the morals, and too often destroy the liberties of a people. Nothing can be more perilous or unwise, than to retain them after the

necessity has ceased which led to their formation, especially if their numbers are disproportioned to the revenues of the state.

‘But notwithstanding all these difficulties, we had fondly cherished and still indulge the hope that South America would add a new triumph to the cause of human liberty, and that Providence would bless her as he had her northern sister, with the genius of some great and virtuous man, to conduct her securely through all her trials. We had even flattered ourselves that we beheld that genius in your excellency. But I should be unworthy the consideration with which your excellency honors me, and deviate from the frankness which I have ever endeavored to practice, if I did not on this occasion state that ambitious designs have been attributed by your enemies, to your excellency, which have created in my mind great solicitude. They have cited late events in Colombia as proofs of these designs. But slow in the withdrawal of confidence which I have once given, I have been most unwilling to credit the unfavorable accounts which have from time to time reached me.

‘I cannot allow myself to believe that your excellency will abandon the bright and glorious path which lies plainly before you, for the bloody road passing over the liberties of the human race, on which the vulgar crowd of tyrants and military despots have so often trodden. I will not doubt that your excellency will in due time render a satisfactory explanation to Colombia, and to the world, of the parts of your public conduct which have excited any distrust, and that preferring the true glory of our immortal Washington to the ignoble fame of the destroyers of liberty, you have formed the patriotic resolution of ultimately placing the freedom of Colombia upon a firm and sure foundation. That your efforts to that end may be crowned with complete success, I most fervently pray.

‘I request that your excellency will accept assurances of my sincere wishes for your happiness and prosperity.

‘H. CLAY.’

His magnanimity, his disinterestedness, and his philanthropy, stand out in bold relief, in the above extract from his appeal to Bolivar. It evinces the same spirit of kind regard for the welfare of the South American republics which he invariably manifested towards that of his own. Its tone, the nature of its sentiments, and its more than open frankness, utterly preclude the belief that selfishness had any agency in its dictation. It exhibits him, cherishing as strong a desire that the happy institutions, immunities, and privileges of liberty should be established and enjoyed in them, as he felt in supporting and perpetuating those of his own. No one can rise up from its perusal and candidly question the purity of his motives, nor charge him with an overweening ambition. In short, no one unblinded by prejudice can fail of beholding in it, his generous, uncalculating attitude.

During Mr. Madison’s administration, Mr. Clay was twice offered a seat in his cabinet by him, or the mission to Russia. The president reposed in him most unbounded confidence, and correctly appreciated his preëminent abilities. At the breaking out of hostilities, Mr. Madison selected him as commander-in-chief of the army. But Mr. Clay, thinking that he could render his country more efficient service in her public councils, declined all attempts at removing him from them, though he well knew that he did so at the expense of his private interests. These, however, never appear to have entered into or influenced in the least his calculations. ‘My country first, myself afterwards,’ is legibly written on every part of his public career.

After the accomplishment of his desires in relation to South America, he again reverted to his favorite policy; favorite, because he saw its intimate connection with the growth and prosperity of his country, as calculated to develop her vast resources, and to pour into her lap the blessings of a virtuous and free people. The formation of Mr. Clay's attachment to internal improvements and domestic manufactures, is coeval with his entrance into congress; and when matters demanding immediate attention had been disposed of, he would bring them forward, and labor to make the conviction of their importance sink deep into the heart of the nation. When Mr. Madison returned, with his objections, the bill appropriating the bonus of the United States bank for purposes of internal improvements, Mr. Clay expressed his astonishment. He had confidently calculated on its receiving the signature of the president; for he had particularly invited the attention of congress, in his message, 'to the expediency of exercising their existing powers, and where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.' Mr. Clay had heard, through the medium of uncertain rumor, that Mr. Madison designed to veto the bill, whereupon he sent him a communication, requesting him, if he entertained any constitutional scruples about signing it to let the whole matter rest and pass over to his successor for action. The president, however, took a different view of the subject, and on the third of March, returned the bill. On the following day, Mr. Monroe was inducted into his office, who, it was conjectured, prior to seeing Mr. Madison's veto-message, had prepared his inaugural address in such a manner as to recommend, in strong terms, the policy of promoting internal improvements, but that, on reading Mr. Madison's objections to the bill, he changed his opinion. It was thought he was led to do so partly from fear, and partly from a desire to conform his views with those of his predecessor. Subsequently he stated that a careful investigation had conducted him to the conclusion, that the power of making internal improvements was not vested in congress, and that to clothe that body with it, an amendment of the constitution was requisite. Opposition such as this policy had encountered, from so exalted a source as that of three chief magistrates, (Messrs. Jefferson, Madison and Monroe,) would have appalled a mind of ordinary strength and perseverance; but Mr. Clay was one who never formed an opinion with precipitancy, but only when, by the most diligent inquiry, he had established a foundation for it in reason and philosophy. Erected upon this basis, he would adhere to it, though confronted by the

combined opposition of the world. A compromise of principle he was a stranger to. Nothing disheartened, therefore, by the magnitude of the obstacles opposed to his progress in advocating his favorite measures, by those high in authority, he seemed to gather fresh energy from every new one that he encountered. In March, 1818, a resolution was submitted to the house, declaring that congress had power to construct military post-roads and canals, and also to appropriate money for that object. The opposition to this presented a formidable array of strength, and brought forward every objection that political ingenuity could devise. Mr. Clay did not deem it advisable to consume the time of the house in examining in detail any except those denominated *constitutional*. His whole aim, therefore, was to prove that the power alleged in the resolution, was derivable from the constitution; and this he accomplished in the most convincing manner. In construing this instrument, he observed the same rules which governed his action in relation to the bank bill of 1816. He maintained that every power, which *appeared necessary and proper*, to secure the lawful exercise of constitutional rights, *was fairly impliable*, and that this *necessity and propriety* must be determined by the discretion of those who exercised it, 'under all the responsibility of a solemn oath,' and the knowledge that they were the subjects of those laws that they passed, and that they were amenable to the *people*, who held in reserve the right to resist tyrannic usurpation. Mr. Clay argued that the power to *establish* post-roads, expressly specified in the constitution, involved the power to *construct* them. This position he illustrated with the clearness of demonstration, by referring to that clause which gives congress the power of making war, and employing the resources of the country in prosecuting it. He declared that, from the same provision, the power of transporting those means was derived by implication; and that therefore, to secure such transportation, congress might legally construct military roads, &c. His adversaries, compelled to yield before his powerful reasoning, fell back, and intrenched themselves behind the *concession* that peculiar emergencies might justify the exercise of the power in question. From this he drove them, by proving that this *concession contained the admission* that the constitution conveyed 'the power; and,' said Mr. Clay, 'we may safely appeal to the judgment of the candid and enlightened to decide between the wisdom of these two constructions, of which one requires you to wait for the exercise of your power until the arrival of an emergency, which may not allow you to exert it, and the other, without denying the power if you can exercise it during the emergency, claims the right of providing beforehand against the emergency.' They finally fortified themselves behind the position, that it was not requisite for the general government to construct such works, because individual enterprise would do it

as soon as sectional interests should demand their construction. Here he hemmed in and captured them. His motion was adopted by a vote of ninety to seventy-five. It was a triumph, and a signal one, over opposition that had been accumulating and strengthening during two previous administrations; and which in the then existing one, was directed against him with all the violence and impetuosity that reserved energies could impart to it. It must have been a moment of proud satisfaction to the indefatigable statesman, as he beheld the last vestige of opposition disappear beneath his feet, and himself the sole occupant of the place on which he had so happily succeeded in founding a basis for that noble, incomparably noble system, fraught with every good and every immunity which a virtuous people could desire. This system has since been erected so much under his supervision, and through his direct instrumentality, as to give him the title of 'its father.'

Mr. Clay advocated the policy of carrying forward the construction of the Cumberland road, as rapidly as possible, and exerted himself from time to time, to procure appropriations for that purpose; with what earnestness, we may learn from his own language, declaring that 'he had to *beg, entreat, and supplicate* congress, session after session, to grant the necessary appropriations to complete the road.' Said he, 'I have myself *toiled until my powers have been exhausted and prostrated* to prevail on you to make the grant.' A monument of stone has been erected on the road, surmounted by the genius of liberty, and bearing as an inscription, the name of 'Henry Clay.' The importance of this road to the public may be learned from some remarks made by Mr. Clay, on the occasion of a dinner given him by the mechanics of Wheeling, Virginia, in which he declared the great interest that work had awakened in his breast, and expressed his ardent desire that it might be prosecuted to a speedy completion. He said that a few years since, he and his family had employed the whole or greater part of a day, in travelling the distance of about nine miles, from Uniontown to Freeman's on Laurel Hill, which now, since the construction of the Cumberland road over the mountains, could be accomplished, together with seventy more, in the same time. He considered its importance so great to the union, that he would not consent to give it up to the keeping of the several states through which it passed.

Mr. Clay's latest congressional efforts in behalf of internal improvements, were made on the sixteenth of January, 1821, when he made a speech before the house, on a bill authorizing the president to cause certain surveys and estimates of roads and canals to be made. Mr. Monroe and a strong party of supporters assumed the ground, that congress had no control over the post roads, other than to use such as had been established by the states individually,

and that their construction and repair (and consequent alteration and closure) did not belong to the general government. To this doctrine Mr. Clay replied, by saying, 'is it possible that this construction of the constitution can be correct—a construction which allows a law of the United States, enacted for the good of the whole, to be obstructed or defeated in its operations by a county court in any one of the twenty-four sovereignties? Suppose a state, no longer having occasion to use a post-road for its own separate and peculiar purposes, withdraws all care and attention from its preservation. Can the state be compelled to repair it? No! Then may not the general government repair this road, which is abandoned by the state power? And may it not protect and defend that which it has thus repaired, and which there is no longer an interest or inclination in the state to protect and defend? Is it contended that a road may exist in the statute book, which the state will not, and the general government cannot repair and improve? What sort of an account should we render to the people of the United States, of the execution of the high trust committed to us for their benefit, if we were to tell them, that we had failed to execute it because a state would not make a road for us? The same clause of the constitution which authorizes congress to establish post roads, authorizes it also to establish post offices. Will it be contended that congress, in the exercise of the power to establish post offices, can do no more than adopt or designate some preëxisting office, enacted and kept in repair by state authority? There is none such. It may then fix, build, create and repair offices of its own, and its power over the post roads, is by the constitution equally extensive.' Mr. Barbour, of Virginia, was among the most vigorous assailants of the policy advocated by Mr. Clay. He contended, that if it were carried out, an encroachment on the rights of the states would be the inevitable consequence; that their jurisdiction would be abridged. He was answered in such a manner as to show that there was no ground of alarm to be apprehended from that source; that all the control which the general government sought to exercise, related simply to constructing and preserving the road, and the maintenance of the necessary measures of its defence, and that all illegal acts committed upon it would be left for adjudication by the state through which it passed. Mr. Clay contended that the general government derived the right of constructing canals, from the specified rights of making war and regulating domestic and foreign commerce. His reasoning was clear and conclusive, and when the final vote was taken, the majority was much greater than the most sanguine supporters of the measure had anticipated, showing a great increase since 1818, when he discussed the same subject. The opposition were now prostrated, indeed they had on this occasion brought out their whole strength, and many were

heard to say, that if defeated now, they should regard the policy of internal improvements permanently settled. Many, therefore, who had formerly opposed it, on witnessing Mr. Clay's complete triumph, adopted his views, and came over to his aid.

It has always been a prominent principle with Mr. Clay, in his legislative career, to give a judicious direction to his exertions, so that if they were successful, his country would be benefited, but if unsuccessful, that she should not sustain any harm. In this one feature of his action, is seen, as in a mirror, the purity of his patriotism. His exertions, as directed towards the subject of internal improvements, have been productive of incalculable benefit to the nation, and to individuals. They have awakened, and employed, and given an impetus to an amount of enterprise unmeasured, the salutary effects of which, every hill and vale of our vast country has felt. And the sea has felt them too; the sails of commerce have been multiplied by them, and foreign shores have groaned beneath the burdens of rich freights, which they have heaped upon them. But who, in imagination, even, can enumerate the number and the depth of the new channels of enterprise which they are destined yet to create, where industry may roll her golden tide, and build by their sides the abodes of a mighty, free, and happy people. Through the long vista of years to come, it needs no prophetic ken to look, and read, on many a monument of adamant, interspersed among them, in characters of imperishable fame, inscribed the name of HENRY CLAY.

Near the commencement of 1817, efforts were made by the friends of the free colored population in the United States, to ameliorate their condition. For this purpose, a meeting was convened at Washington, on the twenty-first of December, 1816, over which Mr. Clay was called to preside. On taking the chair, he stated the object of the meeting to be, to consider the propriety and practicability of colonizing the free people of color of the United States, and of forming an association relative to that object. In regard to the various schemes of colonization which had been suggested, that appeared the most feasible, which contemplated some portion of the coast of Africa. *There*, he said, ample provision might be made for the colony itself, and it might be rendered instrumental in introducing into that extensive portion of the globe, the arts of civilization and christianity. He said there was a peculiar and moral fitness in restoring them to the land of their fathers. He went on to state, that he had understood it constituted no part of the object of the meeting to touch or agitate in the slightest degree, a delicate question connected with another portion of the colored population of our country. It was not proposed to deliberate on or consider at all, any question of emancipation, or that was connected with the abolition of slavery. It was upon that condition alone, he was sure that many gentlemen from the south

and west, whom he saw present, had attended, or could be expected to cooperate. The meeting resulted in the formation of the Colonization Society, of which Bushrod Washington was chosen president.

In March previous, Mr. Clay expressed his views relative to holding congressional caucuses, for the purpose of making nominations. He thought them not compatible with the nature of the powers delegated to them by the people, as calculated to meet their disapprobation, and establish a precedent which might prove dangerous to their liberties.

When congress adjourned, in March, 1817, the house unanimously voted Mr. Clay their thanks, for the ability and impartiality with which he had presided over their deliberations, and the correctness of his decisions on all questions referred to the chair. He replied in an apposite and beautiful manner, saying that next to the approbation of one's own conscience, and one's own country, was that of the immediate representatives of the people. He spoke of the difficulties of legislation; said there were three periods that might be denominated difficult; the first was that which immediately preceded a state of war; the second was that which existed during its continuance; and the third was that which immediately succeeded it. The last was the one through which they had just passed — the most difficult of the three, when every thing pertaining to the general and state governments was unsettled, and when disorganization to a greater or less extent prevailed; when the task of supplying deficiencies, strengthening weaknesses, and correcting abuses, was by no means light or pleasant. He congratulated them on the efficient manner in which they had discharged that task, to which the records of the house bore ample testimony. He closed by tendering them his thanks, for the flattering expression of good feeling with which they had honored him, presuming that it was prompted more by a spirit of kindness, than by a sense of justice to him, as he was sure he did not merit it, and by pledging their united efforts, as an offering to their common country, in advancing their best interests.

When he reached Lexington, its citizens gave him a dinner, and as heretofore, showered on him their enthusiastic approbation and applause.

In January, 1817, the subject of the well known Seminole war was brought before the house for its consideration. Several features relating to the mode in which it had been conducted, demanded, in the opinion of many humane members, a critical investigation. The character which had been given to that war, by the chieftain to whose management it was intrusted, was reflecting strongly on the honor and justice of our country. She had sustained a grievous injury from a portion of the Seminole Indians, who, during the last war, aided the British arms against

her, and feeling that she had just cause for seeking redress, despatched general Andrew Jackson, at the head of a strong military force, to obtain it. He marched into their territory, and in a short time so reduced them, that a portion sued for peace. A treaty was accordingly prepared, in August, 1814, but which was not signed by many of the chiefs, except those previously friendly to our country, who constituted only about one third of the nation. This misnomered treaty, from its cruel and unheard-of tyrannical exactions, had found a much more appropriate resting place by the side of the ruthless interdicts of a Nero, or a Trajan, than in the archives of a christian nation. The poor natives, reduced to actual starvation, their wigwams and villages in ashes, withering in the dust beneath the feet of the conqueror, had no alternative but to submit to death, or just such terms as he chose to dictate. They preferred the latter, which was meted out with a hand nerved with all the unrelenting sternness of patriotism, without any of its mercy. The Indians obtained what they sought, but they paid dearly for it. The instrument granted them peace, on condition that they would cede a large portion of their territory to the United States, and yield them important powers and privileges over the remainder, and deliver into the hands of the conqueror the prophets of their nation. It needed only a superficial knowledge of the Indian character, to perceive that their proud and haughty spirit would not long brook a compliance with terms so abjectly humiliating. Not many months elapsed before they began to renew their depredations on our frontiers. Though acts of cruelty, on the part of the Seminoles, were of frequent occurrence, apparently calling loudly for vengeance, still they were greatly palliated by a letter from ten of the Seminole towns, addressed to the commanding officer of fort Hawkins, on the eleventh of September, 1817, in which it was stated that not a solitary white man had been butchered by them, except in revenge for the unprovoked murder of an Indian. 'The white people,' it declared, 'killed our people first, the Indians then took satisfaction. There are yet *three men* that the red people have never taken satisfaction for.' The governor of Georgia, accurately acquainted with all the facts, declared his honest and sincere conviction that they were not in fault. But supposing the whites had *not* been guilty of outrages on the Seminoles, subsequent to the date of the treaty, yet its unjustly oppressive character, the paucity of their chieftains' signatures attached to it, and the obligations imposed on the United States, by the ninth article of the treaty of Ghent, towards the Indian tribes, to say nothing of the law of nature, justified, in our humble opinion, the attempts of the Seminoles to shake off the insupportably heavy burden which military despotism had bound upon them. In view of these facts, in relation to general Jackson's treatment of the Seminoles, it is unnecessary to say, that his second expedition against them was

not marked by *one mitigating or lenient feature*; that they were treated more like *dogs* than men; that their chiefs were decoyed by him into his camp, and there seized and instantly put to death. In short, that every principle of honor, humanity, and justice, which ought to accompany the operations of a civilized army, was *utterly disregarded*. It is not surprising, therefore, that the patriotically disposed, in congress, on beholding the dark spot gathering on the escutcheon of their country's fame, in consequence of such high-handed proceedings, should rise up and attempt to efface it. General Jackson's conduct in the Florida war, was made the subject of special investigation, during the session of 1818-19. A series of resolutions were offered to congress, severely censuring it, which Mr. Clay sustained in a speech of unparalleled ability. Although on terms of personal intimacy with the general, although he accorded to him his just meed of praise, for the distinguished service he had rendered his country in the battle of New Orleans, still Mr. Clay thought he had transcended the limits of both law and equity, and did not allow his feelings of friendship for him to interpose any obstacle to the frank and fearless avowal of his sentiments. He commented very severely upon his treatment of *Indian prisoners, in ordering their inhuman massacre*, after obtaining possession of them, by the artifice of a '*false flag*;' not hesitating to pronounce it wanton, barbaric, and uncalled for. But his flagrant violations of the rights of neutrality called forth his sharpest animadversions. During the campaign, two Indian traders, Messrs. Arbuthnot and Ambrister, the former a Scotchman, the latter an Englishman, had fallen into the hands of general Jackson. Ambrister was found in the Indian camp, Arbuthnot within the limits of Spanish jurisdiction. The Englishman was suspected of having instigated the savages to make war upon the whites, and the Scotchman was charged with informing the Indians of their rights, as secured to them by the treaty of Ghent, and of having advised them to maintain them by force of arms. These unfortunate men, he ordered the one to be shot and the other hung, in direct opposition to the decision of a court martial of his own choosing. The turpitude of this act, Mr. Clay exhibited in its true colors. He contrasted the execution of Arbuthnot with the blackest act of Napoleon, the execution of Louis of France, and showed that for atrocity, and disregard for justice and clemency, it cast the latter far into the back-ground. His aggression committed upon the Spanish authorities, in seizing upon St. Marks and Pensacola, fell under the rod of his reprobation. Mr. Clay denounced these acts as falling little short of tyrannic usurpation, and which could not be justified on any ground of justice or reason. His speech on this occasion, has been compared to the polished orations of Sheridan, in the case of Hastings, but as exhibiting a much milder spirit, one of sincere sorrow, instead of revenge.

The resolutions were rejected by a small majority, which is not surprising, on considering that Mr. Monroe, his cabinet, and nearly all the house, were disinclined to arraign the conduct of general Jackson in the Seminole war, and when we reflect that Mr. Clay did not repeat his efforts, as he usually did. The general, who soon after visited Washington, took umbrage at Mr. Clay's speech, and carried his animosity so far as to refuse to have any intercourse with him, although he called on him directly after his arrival, thus evincing an unabatement of friendship.

To whatever part of Mr. Clay's congressional career we turn our eyes, we invariably find him actively engaged in building up that magnificent system of domestic utility, whenever circumstances admitted. This he commenced, as we have seen, previous to the war, and his attachment to it had been increasing ever since, until the conviction of its indispensable importance to the country had sunk so deep into his mind, as to cause him to toil unremittingly, in order that the beneficial influences of that system might be diffused over it as soon as possible. For these, the farmer at his plough and the mechanic in his shop were stretching out their hands. These, our infant manufactories, which sprang up to supply the demands caused by the war, demanded, and these were requisite to make the union (what Mr. Clay never lost sight of,) independent in *reality*, as she was in *name*, of all foreign powers.

It was obvious to both parties in congress, that in order to accomplish an object so essential to the welfare of the nation, a *protective tariff* was necessary. Accordingly, on the twelfth of March, 1816, Mr. Lowndes, of South Carolina, one of the committee of ways and means, made a report relative to the policy of protection. He sustained the policy by an able speech, and was followed by Mr. Calhoun, who also advocated it. Mr. Clay yielded his unqualified assent and vindication, and sought to cause the bill to be so formed as to secure efficient protection for woollen fabrics. It was finally adopted.

In April, 1820, the subject of a protective tariff came again before congress. The distress which the country had experienced since 1816, was seen to have originated, in a great degree, from inadequate protection, particularly that which had fallen upon the manufacturing districts. To a bill revising and improving the tariff of 1816, Mr. Clay gave his ardent support. As on former similar occasions, he urged its adoption on the high ground of national utility. 'I frankly own,' said he, 'that I feel great solicitude for the success of this bill. The entire independence of my country of all foreign states, as it respects a supply of our essential wants, has ever been with me a favorite object. The war of our revolution effected our political emancipation. The last war contributed greatly towards accomplishing our com-

mercial freedom. But our complete independence will only be consummated after the policy of this bill shall be recognized and adopted.' The bill, though passed by the house, was defeated in the senate.

In 1824, the distress of the country had increased to such an enormous extent, that the most serious apprehensions began to be entertained, lest the productive energies of the land would be completely annihilated, unless some remedy should be devised. There was no department which did not feel its blighting influence; navigation and commerce, no less than agriculture and manufactures, tottered beneath the tremendous weight of gloom, which, like a dense cloud of ruin, overshadowed the whole nation. Our vessels were either lying idle at their moorings, or mostly going in ballast; all encouragement for enterprise was taken away; produce was plenty, but purchasers few; our granaries and store houses were full to overflowing, and in many instances, their contents were going to decay; to obtain money, except at ruinous rates, was out of the question, consequently labor was in little demand and poorly rewarded; the depreciation of property of all kinds was unparalleled, and disorder and embarrassment pervaded every rank and condition of every industrial department. It was under such circumstances, that a farther revision and enlargement of the tariff of 1816 was proposed. In the house, the committee on manufactures reported a bill to that effect, at the same time expressing their opinion, that the evils which then existed, were clearly traceable to inefficient protection of domestic industry, and of relying too much on foreign producers, thereby allowing the specie, the life-blood of the country, to be drained out of it. This defect the bill proposed to remedy. Mr. Clay came forward in its support, under the most solemn impressions of the exceedingly lamentable condition which his country was in, and evinced, by every tone of his voice and look of his countenance, his deep anxiety to extend to her the hand of speedy relief. 'If it were allowable for us at the present day,' said he, 'to imitate ancient examples, I would invoke the aid of the Most High. I would anxiously and fervently implore his divine assistance, that he would be graciously pleased to shower on my country his richest blessings, and that he would sustain, on this interesting occasion, the individual who stands before him, and lend him the power, moral and physical, to perform the solemn duties which now belong to his public station.' He felt that it was indeed a sad sight, to behold a free and mighty nation sitting in sackcloth and ashes, with her hands shackled by a policy as unwise as it was foreign to her interests, with which, had they been free, she could have clothed herself with beautiful garments, excited the envy and admiration of the world, and brushed like chaff every vestige of depression and distress from her borders. He contended that the causes of

these were easily discoverable, and as easily removable; that they were entirely within our control, and that we had but to will it and the work was done, and it was high time, he said, to set about it. Evils of every description had been accumulating during the last ten years, until they had become so numerous and great as to be no longer patible. But it was a source of satisfaction to know that they *need not be endured* — that they were medicable — that with a change of policy they would disappear, as certainly as darkness disappears before light. A cultivation of her own resources, he said, would relieve the country. If she would break away from that state of foreign vassalage, into which she had voluntarily entered, the streams of commerce would again fertilize her fair fields. If she would but extend her hand and pluck from her breast the thorn, which her own suicidal policy had planted there, he avowed his belief that the rose of industry would spring up in its place. This change of policy, he believed, would accomplish all that would be requisite to her peace and prosperity. In supporting the bill, however, he had to encounter much and strong opposition, at the head of which stood Daniel Webster. The collision of these eloquent and intellectual giants, is said to have been inconceivably grand. Says a gentleman who witnessed it, ‘the eloquence of Mr. Webster was the majestic roar of a strong and steady blast, pealing through the forest; but that of Mr. Clay was the tone of a god-like instrument, sometimes visited by an angel touch, and swept anon by all the fury of the raging elements.’ Mr. Clay, aware that he was contending for the very vitality of his country, had nerved himself up to one of his mightiest efforts, one which would demolish every opposing obstacle, and plant his foot in complete triumph on the ruins of the strongest holds of his assailants. He turned aside every weapon directed against his system, and entirely disarmed all opposition. The bill passed the house on the sixteenth of April, by a vote of one hundred and seven to one hundred and two, and shortly after became a law, and its beneficial effects were felt throughout the country. The operations of this system, in connection with the United States bank, which was now rapidly correcting the derangements in the currency, filled the land with gladness and prosperity. Enterprise came forth from his retiracy, to which the previous embarrassment had driven him, and shaking the dust of sloth from his garments, cast his eyes about over the vast and beautiful field which invited his occupancy. Encouraged by the loud and united voices of this wisely regulated institution, and the American system, he took immediate possession. The desert bloomed, the forest fell, the mill arose, and the wheel of industry, which before was slumbering on its rusting axle, under the guidance of his potent hand began again its healthful revolutions, and soon the land was belted by her green and golden tracks. He hushed the voice of woe, and caused the loud shout of joy to go

up from every hill and vale throughout the nation. After she had enjoyed his life-imparting influence eight years, Mr. Clay thus describes her appearance. 'We have the agreeable contemplation of a people out of debt, innumerable flocks and herds browsing 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 imports increased and increasing, our tonnage, foreign and coastwise, fully occupied, the rivers of our interior animated by 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 relieved from the imposts. 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 the period of seven years which immediately followed the passage of the tariff of 1824.' Who can doubt, after an impartial survey of the whole ground, (and a superficial one is sufficient,) who can doubt that the materials for limning the above strong, but correct picture, were furnished by a *sound currency*, and a *judicious tariff*. As long as the term *tariff* shall remain in the English vocabulary, will the memory of Henry Clay, in all the verdancy of spring, abide in the heart of the nation.

Notwithstanding the sturdy opposition which Mr. Webster arrayed against this system, as advocated by Mr. Clay, he became its ardent supporter when time had tested and proved its importance. Many other public functionaries also, who had assailed it in the most vindictive manner, laid down their weapons, and cordially embraced, with strong protecting arms, its salutary provisions. Even bigotry and prejudice were forced into an unwilling acknowledgement of its utility, and were soon seen placing themselves in a situation where its benign influences would fall upon them.

In 1819, the most exciting question that ever agitated the councils of the nation, came before congress for adjustment—the question of admitting Missouri as a state into the Union. It was correctly called a '*distracting question*,' for it caused a political earthquake, whose quaking influences were felt from one end of the land to the other; and even now its recollection causes a sensation of terror to come over those who were the immediate witnesses of it. Its contemplation made the stout-hearted patriot, and the immovably good of all classes, to turn pale with fear, who believed, that unless it could be calmed, it would engulf in irremediable ruin the liberties of the republic. It was not the simple question of admission which convulsed the country, but the terms with which it was proposed to connect her reception into the confederacy—terms involving another question, one which furnished

all the fuel which kindled the fires of the most acrimonious strife, in every section of the nation—the *question of slavery*. The question of admission divided the country into two great parties. A large and respectable portion of her representatives at Washington, desired the admission to be unconditional, while the other wished it to be subject to certain conditions, among which was the following: that ‘all children of slaves, born within the said state after the admission thereof into the union, shall be free, but may be held to service until the age of twenty-five years, and the farther introduction of slavery or involuntary servitude is prohibited, except for the punishment of crimes whereof the party shall have been duly convicted.’ With the certainty of intuition, Mr. Clay foresaw and predicted the alarming consequences which would flow from the fiery crucible of public debate, if this combustible condition was placed in it, and rang the tocsin peal of his voice in the ears of the nation. Although opposed to slavery, and declaring that if he were a citizen of Missouri, he would strenuously oppose any farther introduction of slaves into her, and provide for the emancipation of those already within her borders, still he believed we had no right to compel her to adopt our opinions, especially as she was unrepresented, and preferred leaving the subject of slavery to be settled by her alone.

The condition, however, was made the subject of the most stormy debate in the house, and carried. The bill containing it was sent to the senate, which returned it to the house, after rejecting the condition. Neither house would abandon its opinion, consequently the bill for admitting Missouri was defeated, and unfortunately the question was laid over for the action of the next session. This gave time greatly to augment and embitter the tempest of contention that had been raised over this matter in congress, which soon drew within its eddying vortex, in one fierce wrangle, the *entire people*. Their representatives, on the adjournment of congress, carried the infection among them in every direction, which created the most violent monomania relative to this condition, demanding the sacrifice of ease, domestic avocations, and even health itself. The press reeked with inflammatory appeals, and when they reassembled at the session of 1819–20, they were almost wafted to their seats on the wings of the furious commotion. Under such circumstances the discussion was renewed, which was conducted in such an angry manner as to add fresh fuel to the flame raging without. Resolutions in favor of, and opposed to the condition, were passed by several states, and placed on the tables in congress, which already groaned beneath the ponderous weight of similar documents, from associations and public meetings throughout the country. These, instead of shortening, tended only to prolong the debate. At one time, Mr. Clay spoke about four hours against the condition, but his speech, we regret to say, was

never reported. Those who were in favor of subjecting her admission to the specific condition, brought forward the acts of congress passed in connection with the admission of Ohio, Indiana, and Illinois, into the union, which was coupled with a similar condition, or one even more restrictive in relation to slavery, as proof that it had a right to impose conditions on admitting a state. The principal argument of those opposed to the condition was derived from the constitution, which they contended bestowed on congress no power whatever over slaves, except what had already been exercised, in prohibiting their importation after the year 1808, that the slave states never would have joined the confederacy, if the power now claimed had been conferred by the constitution, that the day when it should be usurped, would be the last of the union, that Louisiana, Kentucky, Tennessee, Mississippi, and Alabama, had been admitted into the union, unsubjected to any such condition, and that therefore Missouri should also be received on the same ground.

After the smoke of the political battle had somewhat cleared up, the vote was again taken on the question of restriction, which showed a majority in the senate against, and in the house for it. At the same time before congress was an application from Maine for admission to the privileges of a state, which the senate coupled with that of Missouri, but the house refused to sanction the union. Finally, the question was referred to a joint committee from both houses, who attempted to decide it by compromise. By this, Missouri was admitted without restriction, but it was provided 'that in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the state contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be and is hereby forever prohibited. Provided always, that any person escaping into the same, from whom labor or service is lawfully claimed, in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.'

By this act of congress the territory was authorized to frame a constitution and state government, which should not infringe any article of the constitution of the United States, and required to transmit to congress 'a true and attested copy of the same,' when a final resolution of congress would be requisite to its admission into the union.

In June, 1820, the territory complied with these conditions, and introduced into her constitution an article making it the duty of the legislature 'as soon as might be to pass such laws as were necessary to prevent free negroes and mulattoes from coming to

and settling in the state under any pretext whatever.' This clause called forth the most violent censure of the friends of restriction, which caused the flames of contention to burst out anew and with redoubled violence. Mr. Clay found himself, in the autumn of 1820, obliged to resign his seat as speaker, and retire from congress, to repair by the practice of law, his fortune, which had been greatly diminished by heavy losses sustained by his becoming security for a friend.

At the commencement of the session of 1820-21, the constitution of Missouri was placed in the hands of a committee, who reported in favor of her admission. The senate passed an act to that effect, but the house rejected it. The admission of Missouri was opposed on the ground that free people of color were citizens of the state of their residence, and as such they possessed an undoubted right to remove to Missouri, and that her prohibition of their removal within her limits, was a flagrant violation of the constitution of the United States. On the other hand it was maintained that whether bond or free, the African race were not parties to our political institutions, that therefore free negroes and mulattoes were not citizens within the meaning of the constitution of the United States, and that even if the constitution of Missouri were repugnant to that of the United States, the latter was permanent and would overrule the conflicting provision of the former, without the interference of congress.

Such was the question which menaced a disruption of the union. Almost daily, in some form or other, it presented itself, wearing a more threatening aspect at each successive appearance, engendering in the hearts of the two contending parties, feelings of the most bitter animosity, clogging the wheels of government, and effectually impeding, and almost extinguishing all legislative action. Says one familiar with this question, 'popular meetings, legislative resolves, and other demonstrations of feeling and passion were resorted to; crimination and recrimination followed; and separation, disunion, and civil war, with all its infinite of horrors, were the common topics of every village and hamlet. Had a few more materials of excitement been kindled, the work of destruction would have been instant and complete.

In this crisis, when the last lingerings of hope seemed to have departed, that an amicable adjustment of the question would be effected, all eyes were turned towards Mr. Clay, as the only person who could avert the calamities which seemed suspended over the nation. He reached Washington on the sixteenth of January 1821, and found congress in the greatest scene of confusion imaginable. Legislation was absolutely terminated. The most envenomed feelings of hatred rankled in the bosoms of the two parties, who, frowning darkly on each other, bore a stronger resemblance to two belligerent armies, with their weapons in their hands,

impatiently waiting for the word to rush into the maddening conflict, than to companies of grave and sober legislators. He was immediately waited on by both parties, who expressed the strongest anxiety that the *vexed question* might be settled and entreated him to devise some method by which it might be consummated. He expressed his views freely, and urged them to select some common ground on which both parties could meet and harmonize their opinions. On the second day of February, he made a motion to commit the question to a committee of thirteen, to be chosen from both parties, a number suggested by the original states of the union, which was accepted. Mr. Clay, in a report submitted to the house on the tenth of February, by him as chairman of the committee of thirteen, introduced a resolution for the admission of Missouri, on the following conditions :

It is provided that the said state shall never pass any law preventing any description of persons from coming to or settling in the said state, who now are or may hereafter become citizens of any of the states of this union, and also that the legislature of the said state by a public act shall declare the assent of the state to this provision, and shall transmit to the president of the United States, on or before the fourth Monday in November next, an authentic copy of the said act, upon the receipt whereof, the president by proclamation shall announce the fact, whereupon and without any farther proceedings on the part of congress, the admission of the said state into the union shall be considered as complete, and it is provided further that nothing herein contained shall be construed to take from the state of Missouri, when admitted into the union, the exercise of any right or power which can now be constitutionally exercised by any of the original states.' The report was made to include this provision with direct reference to those who opposed the admission in consequence of the repugnance of a clause of the constitution of Missouri to the constitution of the United States, which, if they were sincere in their opposition, would cause them to desist. The house took up the report on the twelfth, when Mr. Clay entered into a minute detail of the deliberations of the committee, the difficulties that attended them, and the causes which led to the adoption of the resolution in the report, and concluded by beseeching them to cherish a feeling of conciliation, and to temper their proceedings by moderation. The report was rejected in committee of the whole on the state of the union, but was afterwards adopted in the house. On the third reading of the resolution, another sharp debate ensued, which was terminated by Mr. Clay, who is represented as having reasoned, remonstrated, and entreated, that the house would settle the question. He is represented as having been almost the only individual who was collected and calm. While others were covered with the foam of fierce debate, and lashed into fury by the com

bined influences of political or personal animosity, he seemed like one dwelling in the region of perpetual serenity on some lofty mountain, and contemplating unmoved the storm that was raging and bursting around its base. 'Every darker passion seemed to have died within him, and he looked down upon the maddening and terrific scene with that calm and sublime regret, and gave utterance to his thoughts in that high, majestic, and pathetic eloquence, which seemed almost to designate him as a superior being commissioned by heaven to warn our country against the sin of anarchy and blood.' The resolution, notwithstanding his exertions, was lost.

On the fourteenth, the two houses met for the purpose of ascertaining the result of an election that had been held for president and vice president, and while the ceremony was being performed, a scene of confusion occurred, on the presentation of the votes of the electors for Missouri. The senate withdrew, and with much difficulty Mr. Clay finally succeeded in restoring order, when the senate, on its being announced to them that the house was ready to complete the business for which they were assembled, returned. On proclaiming the result, it appeared that James Monroe had received two hundred and thirty-one votes, including those of the electors from Missouri, and two hundred and twenty-eight, if these were excluded. While the president of the senate was announcing the result, two members of the house claimed the floor to inquire what disposition had been made of the votes of Missouri, whereupon a scene of confusion and turmoil ensued, that beggars description, and the house was compelled to adjourn, in order to put a period to it.

The rejection of the report of thirteen, both in and out of congress, was regarded as a disaster. Those who had been most active in effecting it, soon began to repent their rashness, and the blackness of despair seemed to be settling down upon the councils of the nation. Mr. Clay sagaciously concluded that the feelings of despondency which they began to evince, would, if allowed to take their course, accomplish what reason, and argument, and philosophy could not; that they would cause the headstrong to reflect, and retrace their steps. He had driven them to the very '*ultima thule*' of argumentative debate, applying the lash of logic at every step, until they had become insensible to its infliction. 'What is your plan as to Missouri,' he would say to them. 'She is no longer a territory. She is a state, whether admitted into the union or not. She is capable of self-government, and she is governing herself. Do you mean to force her permanently from the union? Do you mean to lose the vast public domain which lies within her limits? Do you mean to drive her back to a territorial condition? Do you intend to coerce her to alter her constitution? *How* will you do all this? Is it your design to employ the bayonet? We tell

you frankly our views. They are, to admit her absolutely if we can, and if not, with the condition which we have offered. You are bound to disclose your views with equal frankness. You aspire to be thought statesmen. As sagacious and enlightened statesmen, you should look forward to the fearful future, and let the country understand what is your remedy for the evils which lie before us.'

Various propositions were submitted in both houses, for the purpose of healing the breach which every day seemed to be widening, but all fell short of accomplishing the object. Finally, on the twenty-second, Mr. Clay presented the following resolution:

'Resolved, that a committee be appointed on the part of the house, jointly with such committee as may be appointed on the part of the senate, to consider and report to the senate and house of representatives respectively, whether it be expedient or not, to make provision for the admission of Missouri into the union, on the same footing as the original states, and for the due execution of the laws of the United States within Missouri, and if not, whether any other, and what provision adapted to her actual condition ought to be made a law.'

This resolution was adopted in the house by a majority of nearly two-thirds, and in the senate by a much larger one. The committee, Mr. Clay proposed, should consist of twenty-three, a number answering to all the states in the union, and so exerted his influence in their selection, as to secure a majority favorable to the settlement of the whole matter, in the manner and form proposed.

The joint committees met on the twenty-fifth of February, 1821, and proceeded to consider and discuss the question of admission. Mr. Clay, with a vigilance that did not slumber for an instant, exerted himself to infuse into the members of the committees a portion of his own conciliatory spirit, exhorting them to mutual concession, and declared that it would be utterly futile to report any plan of adjustment in which they could not unanimously concur, when it should be submitted to the final test. So firmly convinced was he, that the effort which they were then making, was the last feasible one that *could* be made for the settlement of the question on which they were deliberating, as to cause him to address individually the members of the committees, in order to make such thorough preparation as to preclude the possibility of defeat. And it was found on the next day that such preparation had been made; the resolution was adopted by a vote of eighty-seven to eighty-one in the house, and despatched to the senate, which unhesitatingly agreed to it, and thus the question which had convulsed congress for three sessions, and nearly distracted the land, was at last settled, and mainly through the influence of Mr. Clay. The proclamation of the president was issued, and Mis-

souri took her place among her sisters of the confederacy. This event was greeted with the highest demonstrations of joy, and Missouri, beautiful Missouri, from her majestic forests and broad prairies, from her ancient mounds and mighty rivers, pealed her loud anthems of grateful praise to her and her country's deliverer, hailing him as the second Washington, as one who had plucked the brand of discord from the hands of ten millions of enraged and exasperated people, and put in its place the olive branch of peace. The incense of exulting hearts was lavished on Mr. Clay like rain. His agency in settling one of the most difficult and dangerous questions that ever has arisen since the adoption of our present constitution, was clearly seen, deeply and gratefully felt, and thus publicly acknowledged. No one then was so blind as not to see that it was his hand that rent the pall of gloom, which enshrouded the whole land. His labors and his incessant and health-destroying toils to bring this question to a happy consummation, constituted a topic of conversation which was in the mouth of every one. Although the journals of the day do not record the many speeches made by him on the occasion, yet it is reported that his exertions in speaking and acting were almost superhuman. If a stranger arrived in Washington, whose influence he thought could be made to bear favorably on the settlement of the question, he instantly endeavored to enlist it. Mr. Clay himself was heard to say, that so intense had become his excitement, and so exhausting his efforts, his life would in all probability have been sacrificed to them, if the admission of Missouri had been delayed a fortnight longer. There is no doubt, that he taxed his patriotism, his eloquence, his philanthropy, his intellect, and his every attribute of mind and body, to the utmost, and strained the bow of life almost to breaking, to accomplish this, and it is saying very little to observe, that a nation's thanks are his due, and that his signal service, in allaying the most tremendous storm that passion, prejudice, and sectional feeling ever raised, has imposed a debt of gratitude upon her, which posterity alone can pay.

At the time of the greatest turbulence over the Missouri question, when the fury of the contending parties in congress had broken down every barrier of order and decency, and was rushing rampant over the field of debate, certain southern gentlemen in the house, headed by Mr. Randolph, concocted a plan for withdrawing the entire body of members from the slaveholding states, from its deliberations, and abandon the business to the representatives of the other states. Had this been carried out, anarchy, civil war, and the effusion of blood would have followed inevitably. About this time, when an amicable settlement was nearly despaired of, and when the house was in session one evening, Mr. Randolph approached Mr. Clay and said, 'Mr. speaker, I wish you would

leave the house. I will follow you to Kentucky, or any where else in the world.' Mr. Clay, regarding him with one of his most searching looks for an instant, replied, in an under tone, '*Mr. Randolph*, your proposition is an exceedingly serious one, and demands most serious consideration; be kind enough to call at my room to-morrow morning, and we will deliberate over it together.' Punctual to a minute, Mr. Randolph was there, and closeted with Mr. Clay, discussed for some time the then all absorbing question connected with the admission of Missouri. Mr. Clay maintained, with all the force of his fine colloquial powers, the *plan of compromise*, as the wisest and best which he could suggest, and, in his opinion, that could be suggested, declaring his sincere conviction that the slaveholding states might adopt it, without any sacrifice of principle or interest. On the other hand, Mr. Randolph contended that it could not and would not be adopted; that the slave states occupied a correct position, and would maintain it at all hazards, and would not proceed an inch towards a compromise. They finally separated without agreeing on any thing that was calculated to harmonize their action in congress. 'Oh! Mr. Randolph,' said Mr. Clay, as the former was about stepping from the house, 'Mr. Randolph, with your permission I will embrace the present occasion to observe, that your language and deportment on the floor of the house, it has occurred to me, were rather indecorous and ungentlemanly on several occasions, and very annoying indeed to me, for, being in the chair, I had no opportunity of replying.' Admitting that such, perhaps, might be the case, Mr. Randolph replied that he too had often been much vexed at witnessing Mr. Clay's neglect to attend to him when speaking. Said he, 'I have seen you often, when I have been addressing the chair, I have seen you often turn away your head and ask for a *pinch of snuff*.' 'Oh! you are certainly mistaken, Mr. Randolph, you are mistaken if you think I do not listen to you; although I frequently turn away my head, it is true, and ask for a pinch of snuff, still I hear every thing you say, when seeming to hear nothing, and I will wager, retentive as I know your memory to be, Mr. Randolph, *that I can repeat as much of any of your recent speeches as you yourself can*.' 'Well, I do not know but I *am* mistaken,' he replied, 'and suppose we drop the matter, shake hands, and become good friends again.' 'Agreed,' said Mr. Clay, and extended his hand, which was cordially embraced by Mr. Randolph. They never spoke to each other, however, during the remainder of the session.

Soon after this meeting, Mr. Clay was successively, and without concert, informed by the late governor Edwards and general C. F. Mercer, the one a senator and the other a member of the house, that Mr. Randolph was present at and witnessed the death scene of the gallant and lamented commodore Decatur, that he remained gazing a long time upon his corpse, agitated with deep emotions.

and that he had been heard to express a desire to have, and with Mr. Clay, an affair of honor similar to that which brought Decatur to his untimely end. This information naturally put Mr. Clay upon his guard, and ever after during the session, whenever he met Mr. Randolph, he refrained from addressing him.

It is said that Mr. Randolph used all his influence in trying to induce one of the gentlemen above mentioned not to agree to a settlement of the Missouri question, as he (Mr. Randolph) feared that this, if accomplished as it was desired, would secure Mr. Clay's election to the presidency.

During the same session, and some time previous to their interview, Mr. Randolph accosted Mr. Clay with a look and manner betokening the deepest concern, exhibiting to him a letter couched in very abusive and insulting terms, threatening to cow-hide him, and asked Mr. Clay's advice as to the course he should pursue in relation to it. 'What caused the writer to send you such an insulting epistle, Mr. Randolph?' said Mr. Clay. 'Why, I suppose,' said he, 'it was in consequence of what I said to him the other day.' 'What *did* you say?' 'Why, sir, I was standing in the vestibule of the house, when the writer came up and introduced to me a gentleman who accompanied him, and I asked him what right he had to introduce that man to me, and told him that the man had just as *good a right* to introduce *him* to me, whereat he was very indignant, and said I had treated him scandalously, and turning on his heel went away. I expect that made him write the letter.' 'Do you not think that he was *a little out of his head to talk in that way?*' replied Mr. Clay. 'Why, I have been thinking about that,' said Mr. Randolph, 'I *have* my doubts respecting his sanity.' 'Well, that being the case, would it not be the wisest course not to bring the matter before the house? I will direct the sergeant-at-arms to keep a sharp look out for the man, and to cause him to be arrested, should he attempt any thing improper.' Mr. Randolph expressed his acquiescence in the speaker's opinion, and nothing more was heard of the subject.

On another occasion, when the same question was before the house, Mr. Randolph informed Mr. Clay that he had come to the conclusion to abandon his invective and caustic irony in debate, and in future to confine himself to pure argument; that he had come to this conclusion in consequence of the advice of chief justice Marshall. He tried pure argument, but was unsuccessful, not awakening any interest in those who listened to him. He finally fell back into his old eccentric, sarcastic track, where he was at home, and crowds flocked to hear him, as usual. In Mr. Randolph's hands ridicule was a powerful weapon, and one which no member knew how to use better than he, but sound reasoning and logical disquisition he wielded awkwardly—they were untempered weapons when used by him, about as effective as a rush in

the hands of a child. One day he came in contact with a very able debater, Mr. Sheffey, one of his colleagues from Virginia, who, in a playful sally, had made some remarks which aroused the irascible temper of Mr. Randolph, who replied to him and concluded by offering him the following *morceau* of advice. 'My worthy colleague possesses talents of a high order, but they are not very versatile. They qualify him for a particular sphere only, beyond the limits of which nature never designed him to travel. That sphere is *logic*. In this he can do battle with the boldest, but when he transcends it, he has less power than a pigmy. Therefore, as a friend, I would in the spirit of kindness, advise him *never to leave it for any other*; but especially would I caution him, as he values his reputation and safety, never to venture within the unexplored and unsubjected regions of wit, for whose labyrinths and intricacies he has neither taste nor talent. As no other motive but a tender solicitude for the gentleman's welfare, has prompted this advice, I hope it will be received and appreciated accordingly.' Mr. Sheffey, in reply, remarked that he did not like to remain in Mr. Randolph's debt, and would therefore cancel the heavy demand which he owed the gentleman, for his exceedingly valuable advice, by returning the compliment. He accordingly advised him never to aspire after logic, as it was an instrument of whose use his ignorance was more than sophomoric, and that in *his* hand it was like a *knife in the hands of a child*. 'In my opinion, from the armory of wit the facetious member may draw weapons every way adapted to his capacity, and I would therefore advise him never to resort to any other.' When he concluded, Mr. Randolph sprang to his feet, and in his quick, off-hand way, said, 'I will take back all that I have said, by way of advice, to my colleague, for he has given satisfactory evidence that he is a man both of logic and wit.' The incident furnished much mirth to the house. The next day, Mr. Randolph recommenced the attack with increased bitterness, and was called to order several times by Mr. Clay, who, after repeated trials, succeeded in checking him. Mr. Sheffey was much excited, and was called to order also, when Mr. Clay observed that he would be out of order in replying, as he was, to any other member, except Mr. Randolph.

At one time, Mr. Randolph, in a strain of most scorching irony, had indulged in some personal taunts towards Mr. Clay, commiserating his ignorance and limited education, to whom Mr. Clay replied by saying, 'sir, the gentleman from Virginia was pleased to say, that in one point, at least, he coincided with me—in an humble estimate of my grammatical and philological acquirements. I know my deficiencies. I was born to no proud patrimonial estate from my father. I inherited only infancy, ignorance, and indigence; I feel my defects; but so far as my situation in early life is concerned, I may without presumption say, they are more my misfor-

tune than my fault. But, however I deplore my inability to furnish to the gentleman a better specimen of powers of verbal criticism, I will venture to say my regret is not greater than the disappointment of this committee, as to the *strength of his argument.*'

The following incident aptly illustrates Mr. Clay's readiness at repartee. At the time of the passage of the tariff bill, April sixteenth, 1824, as the house was about adjourning, a friend of the bill observed to Mr. Clay, 'we have done pretty well to-day.' 'Very well, indeed,' rejoined Mr. Clay, instantly, '*very well*;' we made a good stand, considering we lost both our FEET;' alluding to Mr. Foote, of New York, and Mr. Foot, of Connecticut, both having opposed the bill, who it was confidently expected but a short time previous would support it.

During Mr. Clay's absence from congress, which, as has been before stated, was occasioned to furnish him an opportunity to repair pecuniary losses, he was appointed, in connection with Mr. Bibb, to attend the Virginia legislature, for the purpose of adjusting certain Kentuckian land claims. The land laws of Kentucky were a source of great perplexity and litigation, subjecting those who had settled there prior to her separation from Virginia, to great inconvenience and loss. In his appeal to the general assembly of Virginia, Mr. Clay manifested unusual anxiety to protect the interests of the occupants of the soil, in the state from which he was a delegate, and succeeded in awakening a corresponding feeling of sympathy in the hearts of those whom he addressed. He drew a vivid picture of the privations and hardships which the settler had to encounter, placed him before them in the attitude of bidding adieu to the 'tombs and temples of his fathers,' then followed him to the wilderness, and traced his toilsome progress, step by step, until he brought him to the period when he began to reap the reward of his labors. He exhibited him sitting at twilight in the door of his comfortable tenement, looking out upon his broad enclosures, the happy partner of his cares by his side, and his dear little ones enjoying their innocent pastimes around him, and almost made them see the heavings of his grateful heart, and the moistening of his eye, as he surveyed the abundance of domestic bliss, and peace, and plenty, which his industrious hand had gathered about him. This, said Mr. Clay, is the bright side of the picture; now let us look at the dark; and then, in his solemn, impressive, and inimitably graphic manner, with a quivering lip, and a hand tremulous with emotion, he pointed to the same group, yet he painted no happy look, he caused no shout of sportive joy to ascend, but he rendered audible the deep sigh, the suffocating sob, and piercing groan; he made almost visible the furrowed brow of toil-worn manhood wet with the dew of despair, a broken-hearted wife drowned in grief, surrounded by sorrowing childhood,

all fixing a last look upon a home dear to them as their lives, as they were about to depart to rear a new abode in the uninviting wilderness. This is no picture of a heated imagination, said Mr. Clay, it is suggested by scenes of almost every day occurrence, and it is to *prevent* their occurrence that prompts us to attempt the adjustment of these conflicting 'land claims.' Equity, humanity, and benevolence, all urge this; they all mingle their voices of mercy, and beseech that when the settler has by his honest and industrious efforts acquired the comforts and blessings of social and domestic life, he shall be permitted to enjoy them, and not be in danger of being dispossessed by a prior claim to his domain, and of which he was ignorant. In one of his most pathetic strains, he attempted to quote the affecting lines of sir Walter Scott:

'Lives there a heart so cold and dead,
That never to itself hath said —
This is my own, my native land!'

He commenced, but could not finish them; some words had escaped his memory, but without the least hesitation he pressed his hand upon his forehead a moment, in recalling them. All believed that this momentary hesitation was caused by the recollections of other years, which were swelling in his heart and checking utterance, and when he withdrew his hand from his brow and cast his tearful eyes over the assembly, and in his impassioned manner repeated the lines, there was one general gushing of tears, as if all hearts had been melted beneath his look and tone.

In the course of the year, Mr. Clay, in behalf of Kentucky, and B. W. Leigh, Esq., in behalf of Virginia, met at Ashland, and concluded a convention, which was ratified by the legislature of Kentucky, and by the house of delegates of Virginia, but was rejected in her senate, by a small majority.

Mr. Clay had now, during his three years absence from congress, realized his wishes in repairing his pecuniary losses, and at the earnest and repeated requests of his fellow citizens, accepted a renomination, and was again elected without opposition a member of the house of representatives.

In consequence of intense application to his professional duties, Mr. Clay's health had become materially impaired; indeed his life was despaired of. During the summer of 1823, he had visited, without receiving much benefit, the Olympian Springs, in Kentucky, and submitted to a thorough course of medicine, but all remedial means failed to arrest what appeared to be a gradual decline, which was conducting him apparently rapidly to the period of his dissolution. He began to think seriously, as a last resort, on going south to spend the ensuing winter, but it was requisite for him to be in Washington in November, and his own feelings inclined him to be there at the commencement of the session, in

case it were practicable. He finally, after consulting with his friends, abandoned the prescriptions of his physicians, procured a light carriage and a good saddle-horse, and riding, driving, and walking, leisurely made his way to the seat of government. When he reached Washington, he was nearly well.

At the opening of the eighteenth congress, on the first Monday of December, 1823, Mr. Clay was elected speaker to the house, over Mr. Barbour, of Virginia, the late speaker, by a vote of one hundred and thirty-nine to forty-two. Shortly after his election, the following beautiful *jeu d'esprit* appeared in the National Intelligencer.

'As near the Potomac's broad stream, t' other day,
Fair *Liberty* strolled in solicitous mood,
Deep-pondering the future, unheeding her way,
She met goddess *Nature* beside a green wood.
'Good mother,' she cried, 'deign to help me at need!
I must make for my guardians a *Speaker* to-day;
The first in the world I would give them.' 'Indeed!
When I made the first speaker, I made him of *Clay*.'

Mr. Clay accepted the appointment in a brief but pertinent speech, in which he gave a succinct view of the duties of the chair, and presented the house his thanks for placing him in it.

In the course of the session, the subject of the Greek revolution came before congress. Mr. Webster, of Massachusetts, on the fifth of December, introduced it to the house, in a resolution 'providing by law for defraying the expenses incident to the appointment of an agent or commissioner to Greece, whenever the president shall deem it expedient to make such appointment.' This he sustained by a speech of great power. Mr. Clay brought to its support the same feelings, the same warm sympathies, and the same strength of argument that he had arrayed round the subject of South American independence. They both fought hard to procure the adoption of this resolution, but it was lost. The struggling Greek, however, Mr. Clay never lost sight of, and when he became secretary of state, succeeded in accomplishing that for them, in which he was defeated now.

While the question of recognition was before the house, Mr. Clay was violently assailed by a member from New Hampshire, recently arrived. It was thought his motive in doing this was to bring himself into notice, by attacking the most distinguished man in the house. He received such a rebuke from Mr. Clay, administered with mingled feelings of indignation and pity, as almost to wither his energies during the remainder of the session.

It will be recollected, that during this session, the great tariff measure was passed. An incident grew out of Mr. Clay's exertions in its behalf, which occasioned no little amusement in Washington, at the time, and throughout Virginia. Mr. William B. Giles, since governor of Virginia, on the appearance of Mr.

Clay's tariff speech, published several articles entitled 'The Golden Casket,' in which he introduced Mr. Clay's name pretty often, and in no very courteous connection. The articles were of course perused by Mr. Clay, who, aware of the foibles of their author, took no serious offence thereat, but set to work to manufacture amusement from them. He sat down in a comic mood one day, and wrote Mr. Giles a long letter, complimenting him on the vigor of his intellect, his great mental ability, and his accurate critical acumen, but praising him especially for those qualities of which he was utterly destitute. When it was completed, he showed it to Mr. Archer, of Virginia, and several other friends, all of whom enjoyed it immoderately, and urged him to send it to Mr. Giles, and accordingly he sent it. As had been anticipated, the old gentleman devoured it with the greatest gusto and satisfaction. It contained just what he most desired — praise of his weakest traits of character. He read it repeatedly, and at each successive reading his heart relented towards the author, to such a degree as to cause him to observe, that had he received the communication previous to the publication of his '*Casket*,' he should not have spoken of Mr. Clay as he did in that work. Shortly after, he exhibited this letter to some of his intimate friends, to let them see in what high estimation he was held by the great orator and statesman, but unfortunately nearly the first one who read it, discovered the hoax played on him, and immediately circulated it. Curiosity to see the letter now pervaded the whole community, and some difference of opinion prevailed as to its true character. A few of Mr. Giles' friends expressed their belief that it had been written in good faith, but most that it was intended for a joke at his expense. Quite a violent dispute grew out of it; one party instigated by angry, and the other by mirthful feelings. At length, Mr. Archer, who resided in the same district with Mr. Giles, returned from congress, and the true version of the matter was soon trumpeted through the community, which caused unusual merriment. This was too much for Mr. Giles, who sent his son, a lad of sixteen years of age, to demand an explanation of Mr. Clay. He received the boy very civilly, who made known to Mr. Clay the nature of his business, saying that he was commissioned by his father to ask if he were the author of that letter, at the same time exhibiting to him the famous epistle, and if he were, to demand his motives in writing it. When he had concluded his interrogations, Mr. Clay coolly replied, 'tell your father that I shall make no explanation to him through his own son. If he will employ a proper messenger, I will render him another answer.' The lad departed, and nothing more was heard from Mr. Giles.

On the fifteenth of August, 1824, general Lafayette, the nation's guest, arrived at New York, and on the tenth of December following, was introduced to the house of representatives by a select

committee appointed for the purpose, and was received by Mr. Clay, in an apposite and beautiful address, of which the following is an extract. 'The vain wish has been sometimes indulged, that providence would allow the patriot after death, to return to his country, and to contemplate the intermediate change that had taken place, to view the forests felled, the cities built, the mountains levelled, the canals cut, the highways constructed, the progress of the arts, the advancement of learning, and the increase of population. General, your present visit to the United States, is a realization of the consoling object of that wish. You are in the midst of posterity. Every where you must have been struck with the great changes, physical and moral, which have occurred since you left us. Even this city, bearing a venerated name, alike endeared to you and to us, has since emerged from the forest which then covered its site. In one respect you find us unaltered, and that is, in the sentiment of continued devotion to liberty, and of ardent affection and profound gratitude to your departed friend, the father of his country, and to you, and to your illustrious associates in the field and the cabinet, for the multiplied blessings which surround us, and for the very privilege of addressing you, which I now exercise. This sentiment, now fondly cherished by more than ten millions of people, will be transmitted with unabated vigor, down the tide of time, through the countless millions who are destined to inhabit this continent, to the latest posterity.'

To this address, the general replied in a manner which evinced that he had been most deeply affected by it; indeed, it was calculated to thrill his heart with proud joy, conveying to him as it did a rich tribute of gratitude from a mighty nation, expressed in the full, silvery voice of sincerity and affection, whose every tone sank into his soul with the power of a warm welcome. He contracted a strong attachment for Mr. Clay, which existed to the day of his death.

At this period, Mr. Clay's influence had reached a commanding height. His control over the legislation of the United States, was unquestionably greater than that of any other individual, not even excepting the executive himself. Although Mr. Clay disagreed with president Monroe on the great measures of national policy, internal improvements, and the tariff, and also respecting the mode of recognizing South American independence, still, the latter, entertaining the most profound regard for his ability, and appreciating the value of his services to his country, repeatedly offered him a seat in his cabinet, and the choice of all the foreign missions. Justice to Mr. Clay's disinterested patriotism demands it to be recorded, that his honest conviction, that he could be more serviceable to his country by remaining in her popular assembly, than in representing her abroad, was one of the most weighty motives which prevented him from planting his foot upon one of

the many stepping-stones, to place and power, which the hand of executive favor had, unsolicited, laid before him. The differences of opinion existing between him and Mr. Monroe, never interrupted for a moment, the amicable relations of social intercourse which they mutually maintained.

Towards the close of his second term, which expired in 1825, the question of the next presidency was generally agitated. As candidates for this office, Messrs. J. Q. Adams, Andrew Jackson, Henry Clay, and William H. Crawford, had been brought forward by their respective friends. As early as November, 1822, in a meeting of the members of the legislature of Kentucky, Mr. Clay had been nominated to it, and a short time after, he was nominated also in meetings of the members of the legislatures of Missouri, Ohio, and Louisiana. Enthusiastic expressions, approbating this nomination, issued from large assemblies throughout the land, and as the period for the election approached, there were many cheering indications that it would be carried in his favor. But efforts were resorted to, not the most creditable to those who employed them, for the purpose of defeating his election. About the commencement of the canvass, reports were industriously circulated, calculated to diminish his support. Among them was one announcing his withdrawal from the contest, for which the unscrupulous exertions of many of his opponents gained extensive credence, notwithstanding our late lamented chief magistrate, and many other friends of Mr. Clay in Ohio, published a counter report, declaring that he '*would not* be withdrawn from the contest but by the fiat of his Maker.' The probabilities, however, of his success, continued to increase, until the time of the choice of electors in Louisiana, by the legislature of that state. In that body, Mr. Clay's popularity was such as to secure him the vote of the state; this was evident from the fact of his nomination by it. The members of the legislature friendly towards the other candidates, endeavored to effect a compromise with those who supported Mr. Clay; but the latter, aware of their strength, rejected it. The compromise proposed to give him four of the five electoral votes to which the state was entitled, which would have carried him into the house of representatives, to the exclusion of Mr. Crawford, as one of the highest three candidates, from which, according to the constitution, it would be obliged to make a selection. Unfortunately, about the time when the state of Louisiana made choice of her electors, three of Mr. Clay's friends became so seriously indisposed, as to preclude their attendance on the legislature. This event furnished the friends of Mr. Adams and general Jackson an opportunity to form a coalescence, which they eagerly embraced, and divided the five votes so as to give the former three and the latter two. This consequently excluded Mr. Clay from the house, into which, had he gone, there is no doubt that his unbounded popularity in that

body would have secured his election to the office. When, however, it became apparent, that no election of president would be made by the people, with a nobleness and a nice sense of honor, so characteristic of him, he resolved not to go into the house, but to withdraw his name, and at a time too when the prospect was of his being one of the highest three candidates. With great magnanimity, therefore, he put into execution his resolution, assigning to several of his intimate friends his reasons, among which was the belief, that by his doing so, the choice would be more readily and pacifically made. Such generous and self-sacrificing conduct, while it illustrates the purity and strength of his patriotism, is worthy of all admiration and commendation.

Near the close of December, 1824, the result of the canvass was ascertained, by which it appeared that the three candidates returned to the house, were Andrew Jackson, John Q. Adams, and W. H. Crawford, by votes of ninety-nine, eighty-four, and forty-one.

Mr. Clay's position now was exceedingly delicate as well as important. He had it in his power, by placing himself at the head of the party who went with him in the house, to control its choice of the three candidates returned to it. This he well knew, as also their friends, who beset him continually and in every possible manner, to secure his influence in behalf of their favorite candidates. His predilection was well known to his personal friends, but he sedulously refrained from making it the basis of any caucusses or intrigues, which, knowing the unhealthy excitement always generated by them, he desired to avoid. During the several weeks immediately pending the election, the warm partisans of the parties supporting Messrs. Jackson and Adams, approached him in the most obsequious manner, expressing the deepest regret that he had not been returned to the house, and lavished on him the most fulsome flatteries and mawkish caresses. After trying these for some time ineffectually, finding the more than Roman firmness of the statesman unmoved by them, they attempted to *coërce* him into a compliance with their wishes, and the most unprincipled attempts were made to accomplish this. He was attacked through the medium of anonymous letters incessantly, filled with abusive and menacing language. These arrived, almost hourly, from every part of the country; indeed, the machinery of compulsion discharged their missiles at him from every fortress of his political opponents, in the hope of making him espouse their cause. Vain hope! A foolish waste of power, as they might have known. It were easier for the infant of a day with his puny hand to bow the oak of a thousand years, than for the combined efforts of his enemies to cause him to yield an inch of the high ground he had taken. In writing to a friend, he thus alludes to the blandishments and brow-beatings which he received at this time. Of the former, he said, 'I am enjoying whilst alive, the

posthumous honors which are usually awarded to the illustrious dead;’ and of the latter, he remarked. ‘I bore them, I trust, as *your representative* ought to have borne them, and as became me.’ But the *basest* attempts which they made, one which capped the climax of their depraved assaults, and which was intended to fix the foul stigma of disgrace indelibly upon their victim, was embraced by a letter published in a Philadelphia newspaper, called the ‘Columbian Observer.’ Without any preamble, this charged Mr. Clay with the deliberate intention of *selling his vote to the highest bidder*. This letter purported to have been written by a member of congress from Pennsylvania, and declared that the terms of a contract had been settled, which gave Mr. Clay the secretaryship, for which he was to bring his influence to bear in electing Mr. Adams. This allegation, the former lost no time in denying, in a communication published in the National Intelligencer, over his own signature, in which he pronounces the author of the letter ‘a base and infamous calumniator,’ and called upon him, whoever he might be, to come out boldly, avow and sustain the charge. This was answered a few days after, by a member of congress from Pennsylvania, Mr. George Kremer, who admitted himself the author, and also his readiness to substantiate his assertions in relation to the character of Mr. Clay. Subsequent developments have made it more than probable that Kremer did *not* write the epistle in question, his declaration to the contrary notwithstanding, but that it was written by the individual who sustained the ‘Columbian Observer,’ John H. Eaton, and the latter did not deny the authorship, although Mr. Clay directly charged him with it. The evidence elicited was such as to show Mr. Kremer’s entire passivity in the whole matter — a mere machine, moved by the hands of the vile plotters behind the scene, made to speak and act as they directed, and caused to father the villanous slander, which was generated amid the slime of their hearts, as destitute of honor and patriotism as the icebergs of Greenland of verdure. This supple tool had the frankness (to his credit be it spoken,) to acknowledge afterwards to Mr. Crowninshield, a member of congress from Massachusetts, that he *was not* the originator or author of it.

The more effectually to vindicate himself, Mr. Clay desired to place the subject before the house. To this he was prompted by his own feelings, and also by the belief that the dignity and honor of the body over which he presided, demanded that a complete investigation should be instituted, of those gross charges which had caused such disreputable imputations to rest upon his character. In accordance, therefore, with his request, a committee was appointed on the fifth of February, 1825, consisting of many leading members in the house, all of whom were his political opponents. Probably the matter had now gone farther than Mr. Kremer wished

or expected it to go, as he began to manifest considerable uneasiness respecting the result, notwithstanding he had but a day or two previous arisen in his place and substantially reiterated the contents of the communication he had acknowledged, stating that 'if, upon an investigation being instituted, it should appear that he had not sufficient reason to justify the statements he had made, he trusted he should receive the marked reprobation which had been suggested by the speaker. *Let it fall where it might, he was willing to meet the inquiry and abide the result.*' And yet, when it was proposed to adopt a course which would establish the truth or falsehood of his statements, which would test this willingness 'to meet the inquiry,' he shrank back and shuffled under a mean subterfuge. The committee, in their report, declared that Mr. Kremer refused to appear before, or communicate to them any facts of which he had virtually admitted himself to be in possession, and protested against acting either as an accuser or a witness, although strongly urged thereto by them, and not feeling authorized to use compulsion in procuring evidence, they suffered the subject to drop. While it was in the hands of the house, he was heard to remark to Messrs. Brent and Little, one of whom was a warm friend of general Jackson, that he never intended to charge Mr. Clay with corruption; that he had transferred or could transfer the votes or interests of his friend; and that he was among the last men in the nation to make such a charge against Mr. Clay. To this declaration both these gentlemen certified. Although Mr. Kremer was weak enough to allow himself to be made the organ of the abominable conspirators, and, as it appears, a little contrary to his convictions of truth and honor, he could not stifle the compunctious visitations of *conscience*, which he experienced on account of the abusive treatment which, through him, had fallen on an unoffending individual, and that individual one of the main pillars of the republic. He often expressed his intention of apologizing to Mr. Clay, and even went so far as to prepare an apology, containing a minute explanation of all the circumstances connected with the whole affair, from its inception to its completion, and which fully exonerated Mr. Clay from every charge brought against him in the letter. Information of his repentings and intended reparation soon came to the ears of the grand instigators, which carried panic to their cowardly hearts, and caused them to quake, lest their party-colored covering, composed of the very quintessence of meanness, baseness, and falsehood, should be stripped from them, and their nakedness exposed to the view and the derision of the world. To prevent such dreaded consequences, they began instantly to bestir themselves, at what expense of principle or integrity, they stopped not to consider. Their first efforts were very naturally directed towards the instrument of their machinations, who was seized, the apology taken from, and a muzzle

fastened upon him, to prevent the slightest utterance of his repentant emotions. They then drew up a labored statement in his name, and laid it before the house, reeking with duplicity, and infecting the very atmosphere with its nauseating effluvia. Who can contemplate the loathsome picture of depravity, worthy of the arch fiend himself, which those evidently instigated by him, painted and attempted to suspend on the walls of the nation's dwelling-place — the holy home of Liberty — in desecrating and contaminating proximity to the canvass emblazoning the form and the features of the 'father of his country,' and the glorious scenes of his revolutionary valor, without mingled feelings of disgust, indignation, and regret? — what patriotic heart, what lover of liberty and political virtue, in view of the fountain of immaculate purity, on the one hand, whose streams went forth incessantly, to fertilize, and gladden, and bless a mighty nation, and their diabolical attempts, on the other, to pollute and blot it from existence, without sending up the fervent ejaculation, '*Heaven save my country from falling into such hands?*'

After the dust and fog created by their unnatural endeavors had passed away, the object of their malice appeared in his proper place, as unmoved and serene as though the clangor of their strife had not saluted his ears, and as unaffected by the showers of their envenomed arrows, as though he had been sitting in his native forests amid the rain-like fall of autumnal leaves. Their loud and discordant clamors did not for a moment interrupt his meditations concerning that important, that solemn duty, which had devolved upon him, in the performance of which he had resolved that no arts of wheedling or coercion should influence him; that no man nor set of men should act as his casuist; and that he would not select from the numerous casuistical proposals, which party zeal had placed before him, *one* that should determine the *mode* of its discharge. No! he chose to settle *that* question at a tribunal from which there was *no appeal* — at the tribunal of *Nature*, which Nature's God had erected in his own bosom. To *that* he resorted; indeed, it was one of his most favorite resorts; and spreading out this momentous question before her bar, we hear him exclaim, '*My position in relation to the presidential contest is highly critical, and such as to leave me no path on which I can move without censure. I have pursued in regard to it the rule which I always observe in the discharge of my public duty. I have interrogated my conscience as to what I ought to do, and that faithful guide tells me that I ought to vote for Mr. Adams. I shall fulfil its injunctions. Mr. Crawford's state of health, and the circumstances under which he presents himself to the house, appear to me to be conclusive against him. As a friend to liberty, and to the permanence of our institutions, I cannot consent, in this early stage of their existence, by contributing to the election of a military chief-*

tain, to give the strongest guarantee that this republic will march in the fatal road which has conducted every other republic to ruin. I am, and shall continue to be, assailed by all the abuse which partisan zeal, malignity and rivalry can invent. I shall view without emotion these effusions of malice, and remain unshaken in my purpose. What is a public man worth, if he will not expose himself, on fit occasions, for the good of his country? Yes! he *did* act according to the response which that '*faithful guide*' gave to his sincere interrogation, and had the anathemas of the world been thundered in his ears, they would not have driven him from thus acting. He deemed *her* will paramount to that of his constituents, who had desired him to vote for general Jackson. They afterwards, however, not only justified, but highly approved — as must every good man — his decision. It would be an act of superfluity to specify minutely the grounds of Mr. Clay's preference. He had obtained ocular evidence of Mr. Crawford's inability to sustain the responsibilities and perform the arduous duties of the chief magistracy. He ascertained it to be a fact, but one carefully concealed from the community, that Mr. Crawford had become almost entirely debilitated by paralysis, both physically and mentally, which itself, aside from the knowledge which he possessed, that his influence could not elect him, was sufficient to induce his rejection. Between general Jackson and Mr. Adams, it cannot be supposed that Mr. Clay would long hesitate to choose. His determination had been taken a long time previous to his knowing the result of the election by the people. He had repeatedly given utterance to that determination to friends and foes, at home and at Washington, in public and in private, declaring that no *supposable contingency* could arise to constrain him to vote for general Jackson, and even went so far as to say, that if, in consequence of his well known and often promulged opinion of the character, acquirements, and abilities, of that individual, he *should* sustain him, he would subject himself to the just contempt and reprobation of all parties. Neither did he nor his friends look for Mr. Clay's support, and said that if he did give it, he would be *guilty of duplicity*. It is very natural to suppose, that a consultation of his experience would be sufficient to cause Mr. Clay to prefer Mr. Adams. He had been associated with the latter in many situations of trust and responsibility, requiring the most consummate skill and statesmanship, and he had invariably found him more than sufficient for them all. He had always found him prepared for any emergency or exigency, however suddenly or unexpectedly it might arise. But in reference to the military chieftain, its consultation elicited evidence just the reverse; he searched in vain for a page recording his diplomatic wisdom, sound expositions of governmental policy, and accurate estimates of presidential qualifications; it was wanting. But on many he found indelibly written, acts of unwarrantable and unjust

ifiable usurpation, evincing a disposition to trample on law humanity, and the constitution itself. But general Jackson's supposed hostility to internal improvements and protection to domestic manufactures, had these enumerated deficiencies and defects in his character been wanting, would have been sufficient to exclude him from receiving Mr. Clay's suffrage. These cherished systems, which he regarded as of no subordinate importance to the nation, and to establish which he had expended the prime of his life, he knew, found a firm supporter in Mr. Adams. This fact furnished the *fundamental reason* (if any *one* may be thus denominated) which determined his choice. Mr. Clay therefore gave Mr. Adams his vote, who was elected president. He immediately tendered the former the office of secretary of state, which was accepted with that promptitude and decision which he always manifested in entering upon the discharge of those duties to which he believed his country called him. By this act he proved himself consistent with his advocacy of the claims of Mr. Adams to the presidency, under whom he believed that he could render more efficient service, than in his present position in the house. There can be no other reason assigned, which carries with it even the shadow of validity, inducing him to accept a place in the cabinet of the president. The same place had been tendered him by Messrs. Madison and Monroe, and had been declined, on the ground of his belief that he could make himself more serviceable to the nation, by continuing where he was. The great measures of national policy which were suspended upon his shoulders, at the time they desired to transfer him from that body to their cabinets, he had disposed of, and had also happily removed most of the serious impediments and obstructions which then greatly retarded the wheels of legislation, so that there was a fair prospect that they would roll on smoothly, without requiring his immediate aid. He could, therefore, seek with safety another sphere, and one where he could exert a more extended and salutary influence.

In relation to his having bargained for the office of secretary of state, Mr. Adams speaks, in reply to an address from a committee of gentlemen, expressing their confidence in his purity and patriotism, and a hope that the evening of his days would be passed in that tranquillity which is only the lot of the good. He said that upon Mr. Clay, 'the foulest slanders have been showered. Long known and appreciated, as successively a member of both houses of your national legislature, as the unrivalled speaker, and at the same time, most efficient leader of debates in both of them, as an able and successful negotiator for your interests in war and in peace with foreign powers, and as a powerful candidate for the highest of your trusts. The department of state itself was a station, which, by its bestowal, could confer neither profit nor honor upon him, *but upon which he has shed unfading honor by the*

manner in which he has discharged its duties. Prejudice and passion have charged him with obtaining that office by bargain and corruption. *Before you, my fellow citizens, in the presence of our country, and of heaven, I pronounce that charge totally unfounded.* This tribute of justice is due from me to him, and I seize with pleasure the opportunity, offered me by your letter, of discharging the obligation.

‘As to my *motives* for tendering to him the department of state when I did, let that man who questions them come forward. Let him look around among statesmen and legislators of this nation, and of that day. Let him then select and name the man, whom, by his preëminent talents, by his splendid services, by his ardent patriotism, by his all-embracing public spirit, by his fervid eloquence in behalf of the rights and liberties of mankind, by his long experience in the affairs of the union, foreign and domestic, a president of the United States, intent only upon the honor and welfare of his country, ought to have preferred to Henry Clay. Let him name the man, and then judge you, my fellow citizens, of my motives.’

Five years subsequent to his election, in a letter to a friend, Mr. Adams referred to the above testimonial of Mr. Clay’s talents and character, as one from which he could deduct nothing, but to which he could add much. He also said, that such was his opinion of Mr. Clay’s abilities, that he had expressed to him his candid intention, at the time he resigned the speakership, in 1820, if a vacancy should occur in the mission to Great Britain, he should deem it his duty to recommend the nomination of him to that office. He also speaks of the great despatch and facility, with which Mr. Clay transacted business, notwithstanding the feebleness of his health during the whole time. Indeed, he regarded him as a *perfect model* of fitness for the office to which he called him, and as having honored and adorned it with the intellectual wealth of his fertile mind. No station in which he was placed, suffered, either through remissness, or deficiency. The fact that his entrance to office was always hailed with general joy, and his departure witnessed with regret, furnished the highest possible compliment to his ability and eminence. Had we space, and felt disposed, we could multiply individual complimentary expressions to almost any extent, but this is not necessary, for his fame and praise are in the mouth of the world. The period of Mr. Clay’s speakership may be adduced as one of the most brilliant of his public life. He illustrated it by all the lofty attainments of one profoundly versed in the arts of government, under the guidance of patriotism, that subordinated every thing to its ardor and devotion. During his occupancy of the chair, from 1811 to 1825, except two years of voluntary absence, his decisions, though prompt, were rarely reversed. Though a warm partisan, he never allowed his

own particular views to influence them in the least, and both friends and foes unite in declaring, that their rendition was far removed from all suspicion of party or venal considerations, in short; that on them all was stamped *impartiality*, in everduring characters. But Mr. Clay, besides rendering himself conspicuous for the correctness of his decisions, won also the regard and confidence of the house for the courteously stern manner in which he governed and guided its deliberations. He combined, in a preëminent degree, the *suaviter in modo* with the *fortiter in re*. There was an indescribable something in his look, gesture, and tone of voice, added to his dignity and self-possession, that always restrained and conciliated the turbulent and inimical, and bound to him, with the silken ligaments of love, the peaceable and friendly. At no period of our political history, were subjects so momentous and dangerous in their nature, and so difficult to adjust, brought before congress, as during that of which we are speaking. The political heavens had never been so black, nor the political ocean heaved his surges so high, before, and had not *he* been there to spread the bow of serenity upon the one, and calm the wild fury of the other, it is hardly too much to say, that our liberties, our institutions, and our every thing nationally valuable, would have been swept by the besom of their rage into the tomb of chaos, if not into oblivion. But *he was there*, ruling, tempering, guiding, and blessing. He seemed to act as though he were conscious that his country stood at his side, with her piercing eyes fixed full upon him, reading the secrets of his heart,—as though he heard her voice sounding in his ears, imploring and beseeching him to guard and watch over, faithfully, those interests which she had so unreservedly placed in his hands, and whenever he lifted his arm, or opened his mouth, it seemed to be for the single purpose of executing her *revealed will*. No wonder that in view of such unparalleled patriotism and disinterestedness, applause should be extorted from the mouth of enmity itself. No wonder that it should be heard saying, ‘*Mr. Clay accomplished what no other man could have performed.*’

Many incidents occurred during his speakership, highly illustrative of his playfulness, wit, and readiness, of which the following may serve as a specimen.

On one occasion, the late general Alexander Smyth, of Virginia, a gentleman of unusual ability and erudition, had been speaking a long time, fatiguing and vexing the house with the length and number of his quotations, and citations of authorities, and justified his unbearable prolixity by saying to Mr. Clay, who was seated near him, ‘*you, sir, speak for the present generation, but I speak for posterity.*’ ‘*Yes,*’ he immediately replied, ‘*and you seem resolved to speak until the arrival of your audience!*’

On another, the house was harangued by the late governor

Lincoln, of Maine, in his usual eloquent, but verbose and declamatory manner. He was considering the revolutionary pension bill, and replying to an argument which opposed it on the ground that those to whom it proposed to extend pecuniary aid, might perhaps live a long time, and thus cause heavy drafts to be made upon the treasury. In one of his elevated flights of patriotic enthusiasm, he burst out with the exclamation, '*soldiers of the revolution, live forever!*' Mr. Clay succeeded him, in favor also of the humane provision, but did not respond to his desire relative to the length of the lives of those worthies for whose benefit it was devised, and when he closed, turned suddenly towards Mr. Lincoln, and, with a smile upon his countenance, observed, 'I hope my worthy friend will not insist upon the very great duration of these pensions which he has suggested. Will he not consent, by way of a compromise, to a term of nine hundred and ninety-nine years, instead of eternity?'

We have seen, that the contest which resulted in placing Mr. Adams at the head of the nation, was one of unusual violence, and in waging which, the most unscrupulous means were employed; and that one of its most unredeeming features was the unmitigated calumny and abuse, which they heaped upon Mr. Clay. But soon after the combatants had retired from the field of conflict, and resumed their various avocations, the jarring elements of political faction became quiescent, the blood of the ambitious demagogue fell from its fever heat to its ordinary temperature, and the foul slanderer, fearing exposure, had slunk away to his dark retreat, to deplore his discomfiture, and concoct new materials. Every thing gave omen that a season of peace and grateful repose would be enjoyed. It was thought that no lover of these and of good order, much less a patriot, could be found, who would be base and foolhardy enough to stir up the expiring embers of strife, and add fresh fuel to their flames. Those who entertained this belief, however, found themselves mistaken. They saw one coming forth, one who boasted long and loud of patriotism and devotion to country, and, stooping from his supposed lofty eminence of political virtue, pick up the relaxed bow of slander, and discharge the most envenomed arrows of malice and detraction, at one of the fairest ornaments of that very country, to whose interests he professed himself so strongly attached. To their utter astonishment, they beheld, in that individual, thus anomalously engaged, no less a personage than that of '*the hero of New Orleans.*' General Jackson had *the distinguished honor of reviving the thousand times refuted report* of 'bargain and corruption,' in relation to Mr. Clay's acceptance of the department of state. A letter, dated March eighth, 1825, went the rounds of the newspapers, pretending to give the substance of a conversation which passed between the writer and general Jackson, to the effect that Mr. Clay's friends in

congress had proposed to *his* friends, that if they would agree that Mr. Adams should not be retained in the department of state, that then their (Mr. Clay and his supporters') influence should be immediately used to elect general Jackson, who, it affirmed, rejected the proposal with becoming indignation. Soon after the appearance of this communication, the author, Mr. Carter Beverly, addressed general Jackson, requesting him to confirm it, who replied, June fifth, 1827, by a letter directly charging the friends of Mr. Clay with having proposed to him, through a member of congress, to give him their support in case he (general Jackson) would pledge himself not to retain Mr. Adams as aforesaid, and who intimated that the proposition originated with Mr. Clay; and, to give the last finishing stroke, and one which should ensure it credence, he went so far in that reply as to state, *that immediately after the rejection of the proposition, Mr. Clay came out openly for Mr. Adams.* He also declared, that, in reply to this proposition, he stated, that before he would reach the presidential chair by such ignoble means, 'he would see the earth open and swallow both Mr. Clay and his friends, and himself with them!' The name of the member of congress was demanded by Mr. Clay, and that of Mr. Buchanan, of Pennsylvania, was given, a warm personal friend of general Jackson's. His version of the matter proved the assertion of the latter a barefaced falsehood, unsupported by even the semblance of truth. Mr. Buchanan flatly and promptly denied, that such a proposition had been made through him as had been alleged, and entirely exonerated Mr. Clay and his adherents from all connection with it. He stated, that, during the month of December, 1824, hearing it currently reported in Washington, that general Jackson, in case he was elected president, designed to continue Mr. Adams as secretary of state, and thinking that such a report, if not properly contradicted, would operate detrimentally to his interests, he called on him, and expressed his opinion in relation thereto, and that the general declared, that he entertained a high opinion of Mr. Adams, but had never said any thing in relation to retaining or rejecting him as secretary of state, and that he (Mr. Buchanan) was authorized to state, that such was the result of the interview. Mr. Buchanan also declared his honest and sincere conviction, that 'general Jackson did not believe or entertain the most distant idea that he came on behalf of Mr. Clay or of his friends, until the publication of the letter making that accusation.'

Thus the burden of proof of the vile calumny, which had been placed upon the shoulders of the calumniator himself, remained unmoved. The united efforts of himself and friends, instead of disengaging it, only rendered its magnitude more visible, and its deformity more gross. The eyes of the nation have been directed to it, and many pure patriots, of all parties, in view of it, with sad-

dened hearts, have exclaimed, 'alas, alas, for the all-absorbing prevalence of party spirit—for the frailty of human nature!'

Though no substantiating evidence was, or could be, produced, by those who sought to produce it, a mass of refuting testimony was obtained by Mr. Clay and his friends, perfectly overwhelming. A circular letter was addressed to the western delegation of 1825, who were the principal individuals implicated in the charges against Mr. Clay, soliciting their views respecting them, who *unhesitatingly pronounced them false*; and many stated, that their determination to vote for Mr. Adams was formed *previous to knowing Mr. Clay's intention*. This testimony Mr. Clay embodied in a pamphlet, which he published in January, 1828, containing evidence more than sufficient to convince any unprejudiced mind, that he had repeatedly and unambiguously declared his intention to vote for Mr. Adams, long before the alleged proposition was said to have been made. In this he says, 'I make no appeal to public sympathy. I invoke only stern justice. If truth has not lost its force, reason its sway, and the fountains of justice their purity, the decision must be auspicious. With a firm reliance upon the enlightened judgment of the public, and conscious of the zeal and uprightness with which I have executed every trust committed to my care, I await the event without alarm or apprehension. Whatever it may be, my anxious hopes will continue for the success of the great cause of human liberty, and of *those high interests of national policy*, to the promotion of which, the best exertions of my life have been faithfully dedicated. And my humble, but earnest prayers will be unremitted, that all danger may be averted from our common country, and especially that our union, our liberty, and our institutions, may long survive, a cheering exception from the operations of that fatal decree, which the voice of all history has hitherto uniformly proclaimed.'

Though utterly abortive were all the attempts of the enemies of Mr. Clay, to injure him in the estimation of the unprejudiced and the good, still, they managed to make political capital out of the charges of bargain and corruption. Notwithstanding this final appeal to the people, embraced, substantially, the numerous evidences of their falsehood, evidences that had been repeated again and again, still, there were found thousands who believed these charges, and many servile partisan presses to circulate them, and carefully suppress the proofs of their untruth. These labored unremittingly, to make the community believe, that general Jackson was absolutely cheated out of his election by Mr. Clay, and multitudes settled down on this belief, and clung to it with an obstinacy, that would not have been moved, had he *sealed his protestation of their falsehood with his blood*. This belief was so congenial to the feelings of many, as to cause them to turn a deaf ear to any statement calculated to weaken it. A specimen of this

class of individuals fell under the personal observation of Mr. Clay, while, in 1828, he was travelling in Virginia, accompanied by some friends. 'We halted,' said he, 'at night, at a tavern kept by an aged gentleman, who, after supper, 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 man, 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 learnt 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.'

These calumnious allegations have expended their strength, and are now remembered and denominated only as the vilest fabrication of the most unscrupulous political malice, to destroy the most exalted patriotism and unsullied political virtue, that ever adorned this or any other country. The individual against whom they were directed, not merely outlived them, but also secured the civic wreath of honor, in which flashes, in everduring brilliancy, many a gem of public favor. It was a sublime sight, for a mighty nation to see her most distinguished son, single-handed, holding on his patriotic course, now breasting the ungovernable waves of faction, and now making his way through the serried ranks of vindictive assailants, casting their weapons from him as the lion shakes the dewdrops from his mane, or, seated in the unmoved majesty of his integrity, regarding them as the ocean rock looks down and laughs at the impotency of surge and storm, breaking harmlessly against his feet. Through all, he passed to the chair of state, unshorn of a lock of his might. The duties of that arduous station he discharged with a zeal and fidelity, which may be equalled, but not surpassed. These had become greatly multiplied when Mr. Clay entered upon it, in consequence of the extension of our foreign relations, which required the preparation of many documents that devolved upon it. It would be impracticable to give even a list of these. His health was so feeble, that he intimated to the president his intention of resigning his office in 1828, but, through the persuasion of his friends, consented to remain. It is surprising, that, under such circumstances, the official records, during his term of service, show a greater amount of labor performed than was

accomplished by any of his predecessors, who enjoyed those collateral aids which it was impracticable for him to obtain. In the single article of treaties, his incumbency was illustrious. The number negotiated and concluded by him, at Washington, is greater than that of all which had ever been previously concluded there, from the first adoption of the constitution. These relate chiefly to commerce, navigation, and neutral rights, and were entered into between the United States, Central America, Prussia, Denmark and the Hanseatic Republic, and Austria, though he vacated his office previous to the ensembling of the treaty with the latter. With foreign ministers at Washington, he was a great favorite, and on terms of salutary intimacy, which enabled him to consult most advantageously the best interests of his country, in negotiating with them. In devising and framing these instruments, Mr. Clay not only found ample scope for the exercise of his mental faculties, but also for those amiable qualities of his character which enhanced the pleasure of his personal intercourse, and which contributed not a little in obtaining liberal terms for his country. He laid the foundation of an arrangement with Russia, for the settlement of certain claims of American citizens. These treaties furnish a full refutation of the charge often preferred against him, of being indifferent to, and unmindful of our foreign commercial interests, and as being willing to sacrifice them in fostering domestic trade and manufactures. A perusal of these is sufficient to convince the most skeptical, that our foreign commercial interests lay as near his heart as any other subject of diplomatic action. He abrogated in them a clause introduced into the London treaty of 1815, by which English and American vessels were restricted, in their commercial intercourse with one another, to articles of the growth or manufacture of each, and inserted one in its place, permitting them to enter their ports, without any regard being had to the place of growth and manufacture of their cargoes. This removed what experience had proved to be a most serious impediment to our navigation, and seemed so just and proper in Mr. Clay's estimation, that, in speaking of it, he says, 'its reciprocity is perfect; and when it comes to be adopted by all nations, we can scarcely see any thing beyond it, in the way of improvement to the freedom and interests of their mutual navigation. The devices of maritime nations have been various, to augment their marine, at the expense of other powers. When there has been a passive acquiescence in the operation of these devices, without any resort to countervailing regulations, their success has sometimes been very great. But nations are now too enlightened to submit quietly to the selfish efforts of any one power to engross, by its own separate legislation, a disproportionate share of navigation in their mutual intercourse. These efforts are now met by opposite efforts, restriction begets restriction, until the discovery is at last made, after a long train of

vexatious and irritating acts and manœuvres on both sides, that the course of selfish legislation, ultimately, does not effect the distribution of maritime power, whilst it is attended with the certain evil of putting nations into an ill humor with each other. Experience at last teaches, that, in every view, it is better to begin and continue in the career of liberality.'

This restriction, however, Great Britain would not abandon, when urged thereto by Mr. Gallatin, whom Mr. Adams had empowered to treat with that nation, in relation to the trade between the United States and her colonial dependencies. He was particularly instructed by Mr. Clay to make the subject of the West India trade a matter of special negotiation. Unsuccessful efforts to effect a mutually advantageous arrangement, had been made several years previous, and Mr. Gallatin was despatched to resume them, at the request of the British minister at Washington. The former was told, immediately after presenting his credentials, that the British government would not treat concerning the West India trade, and also that she would not admit the United States to participate in it, because they had not complied with the provision of a certain act of parliament relating to it, of which act they were in utter ignorance. Its passage had never been officially announced to them, at London or at Washington. The act itself was vague, and when the British minister was questioned by Mr. Clay respecting its application, the former was unable to explain its ambiguity, or to say whether it was intended to apply to the United States or not, as there was nothing in his instructions relating to it. In connection with refusing to negotiate with Mr. Gallatin, Great Britain insulted the United States through him, by declaring that *they were bound to know and take notice of the acts of parliament!* We doubt whether the diplomacy of any other nation ever presented such a flagrant assertion, so arrogantly assumptive, and so palpably unjust. The result, of course, was inevitable; direct intercourse between the United States and the West India ports of Great Britain, in British or American vessels, was mutually prohibited. Mr. Clay's official correspondence, in relation to this question, is replete with argument and sound reasoning.

The expansiveness of Mr. Clay's love of freedom, again exhibited itself soon after entering upon the duties of his office. Although they were such as to keep him continually and exhaustingly engaged, he nevertheless found time to extend his commiseration and his aid to those nations, the recognition of whose independence, by his country, he had endeavored to procure some time previous. His situation was now such as to give him an opportunity of accomplishing this. From time to time he spread the subject before the executive, and so eloquently pleaded their cause, that a minister was despatched by our government to Greece, which resulted in the recognition of her independence by it. In this the

United States was first, and through the influence of Mr. Clay did she make this benevolent movement. As he had anticipated, it infused new strength into the hearts of the struggling Greeks, who had begun to sink beneath the Turkish scimitar.

Mr. Clay's official letter to Mr. Middleton, our minister at Russia, dated May tenth, 1825, is a paper of great polish and skill. Mr. Clay had witnessed, for seventeen years, the devastating wars which had raged between Spain and her South American colonies, and fervently desired to see them terminated. For this purpose, he projected and prepared the document aforesaid, independent of all suggestion or aid, from any public functionary. He had familiarized himself with the facts connected with these wars, which, in the most striking and beautiful manner, he spread out before the emperor, and urged him to use his influence in bringing about an event which he so ardently desired. This communication was so skilfully and ingeniously framed, as to direct the attention of Alexander to the struggling Greeks, and enlist his influence in their behalf, which was precisely what the writer wished, though he did not say so in so many words. Mr. Clay's efforts were triumphantly successful. The emperor instructed his minister at the Spanish court, to use every proper exertion to terminate these sanguinary conflicts, which eventuated in the acknowledgement of South American independence, by the parent country. The emperor also took sides with the Greeks, made certain proposals, relative to them, to the grand sultan, and, on their being rejected, instantly set about making preparations to march against him. Before their completion he deceased, but his successor took them up, and struck a blow so decisive as to put an instant period to his barbarities. Thus Mr. Clay's influence, through this instrument, set in motion means that moved both hemispheres, and accomplished results, the sum of whose benefits and blessings, never has been, and never can be, ascertained.

If we were to single out one from the multitude of official papers prepared by Mr. Clay during his secretaryship, as evincing the most ability and skill, it would be the letter of instructions to Messrs. John Sergeant and Richard C. Anderson, delegates from the United States to the congress at Panama, convened at the request of the republics of Colombia, Mexico, and Central America, whose representatives were also present. The object of this congress was not very definitely stated in the request for it, and, before appointing delegates, Mr. Clay endeavored to ascertain the nature and extent of the subjects upon which they would deliberate, and the powers with which it would be proper to clothe them. This object, though not precisely ascertained, was presumed to be honorable; indeed, the convention was believed to have been suggested by the declaration of president Monroe, that, in case of any interference of any of the allied powers, in the contest between

Spain and her former colonies, the United States would not remain an indifferent spectator. This declaration very naturally led the republics before mentioned, towards whom the Holy Alliance maintained a hostile attitude, to seek the cultivation of those amicable relations with the United States, which would secure their aid, in case it should be desired. In Mr. Clay's letter of instructions, the delegates were authorized to treat of peace, friendship, commerce, navigation, maritime law, neutral and belligerent rights, and other subjects of mutual interest. Subjoined, is an extract from this able document.

Speaking of the regulation respecting private property, which ought to exist on the ocean in time of war, he said: 'although, in the arrangement of things, security against oppression should be the greatest where it is most likely to be often practiced, it is nevertheless remarkable, that the progress of enlightened civilization has been much more advanced on the land than on the ocean. And, accordingly, personal rights, and especially those of property, have both a safety and protection on the former, which they do not enjoy on the latter element. Scarcely any circumstance would now tend more to exalt the character of America, than that of uniting its endeavors to bring up the arrears of civilization as applied to the ocean, to the same forward point which it has attained on the land, and, thus rendering men and their property secure against all human injustice and violence, leave them exposed only to the action of those storms and disasters, sufficiently perilous, which are comprehended in the dispensations of providence. It is under the influence of these and similar considerations, that you will bring forward, at the contemplated congress, the proposition to abolish war against private property and non-combatants on the ocean. Private property of an enemy is protected, when on land, from seizure and confiscation. Those who do not bear arms there, are not disturbed in their vocations. Why should not the same humane exemption be extended to the sea?'

Respecting religious toleration, he remarks, 'you will avail yourselves of all suitable occasions to press upon the minister of the other American states, the propriety of a free toleration of religion, within their respective limits. In the United States, we experience no inconvenience from the absence of any religious establishment, and the universal toleration which happily prevails. We believe that none would be felt by other nations who should allow equal religious freedom. It would be deemed rash to assert, that civil liberty and an established church cannot exist together in the same state; but it may be safely affirmed, that history affords no example of their union, where the religion of the state has not only been established, but exclusive. If any of the American powers think proper to introduce into their systems an established religion, although we should regret such a determination, we would

have no right to make a formal complaint, unless it should be *exclusive*. As the citizens of any of the American nations have a right, when here, without hindrance, to worship the Deity according to the dictates of their own consciences, our citizens ought to be allowed the same privilege, when, prompted by business or inclination, they visit any of the American states. You are accordingly authorized to propose a joint declaration, to be subscribed by the ministers of all or any of the powers represented, that, within their limits, there shall be free toleration of religious worship. The declaration on this subject in which you are authorized to unite, as well as that directed against European colonization within the territorial limits of any of the American nations herein before mentioned, does no more than announce, in respect to the United States, the existing state of their institutions and laws.'

These instructions reflect the highest honor on Mr. Clay, and when, in March, 1829, their publication was called for, in connection with other documents relating to the Panama mission, it was rancorously opposed by his enemies, who foresaw clearly that it would increase his popularity and add to his celebrity, as well as refute their assertion, that the object of the administration, in sending delegates to the Panama congress, was to carry into effect objects utterly at variance with the interests and true policy of the United States.

Mr. Clay's method of preparing state papers, was, to make himself perfectly master of the subjects to be considered, by perusing all the papers on file relating to them, and afterwards draw up the documents in a form that seemed to him correct, and then submit them to the inspection of the president, who, it is understood, seldom found it necessary to suggest the slightest alteration.

During his term of service, Mr. Clay was under the painful necessity of reproving a foreign minister. Our *chargé d'affaires* at the court of Brazil, had, by his intimidating manner, rendered himself very unpopular, and brought our affairs into great embarrassment at Rio de Janeiro. He frequently indulged in harsh and disrespectful language toward officers of the Brazilian government. Mr. Clay conveyed to him the rebuke of the United States, for these misdemeanors, which, though severe, was couched in language calculated to give the least possible pain.

The confidence of Mr. Adams was liberally and voluntarily given to Mr. Clay, nor could it have been better bestowed. With all the acts of the latter, he expressed himself entirely satisfied — except his affair of honor with Mr. Randolph. Of this he disapproved, most heartily and unequivocally; and Mr. Clay himself greatly regretted it. Many evidences are on record of Mr. Adams's regard for Mr. Clay, both of a public and private character. The following is an interesting one.

Says a correspondent of the Newark Daily Advertiser, '1

have frequently observed ladies' albums circulating through the house and senate chamber, with the view of collecting the autographs of the members. I saw one this morning which contained a page of well written poetry, dated twenty-third July, 1842, in the tremulous hand-writing of John Q. Adams, descriptive of the will chaos at present spread over our political affairs, and anticipated coming events, which would bring order out of disorder. The closing verse was as follows :

‘ Say, for whose brow this laurel crown ?
For whom this web of life is spinning ?
Turn this, thy album, upside down,
And take the end for the beginning.’

The meaning of this was somewhat mystical, but, by turning to the back of the book, and inverting it, on its last page a piece was found with the signature of ‘ H. CLAY !’

Seldom, perhaps, has an administration been assailed with more violence, or with less cause, than that of Mr. Adams. Perhaps the hostility manifested towards it, was occasioned, to a considerable extent, by Mr. Clay's connection with it, and from the fact that the views of the president, in relation to the great measures of national policy, harmonized perfectly with his own. This gave to the opposition, of the ultra advocates of state rights, its bitterest venom, which was profusely lavished upon it. As soon as Mr. Clay left the house, his old eccentric foe, Mr. Randolph, cast off all restraint, and spoke and acted as though law and order were not for him; suffering no occasion to pass unimproved in abusing Mr. Clay, and often travelling out of his way to seek one. The subject of the Panama mission furnished him rich materials for exercising his peculiar genius, which he employed in the most insulting manner towards him. He characterized that unison of sentiment to which we have alluded, which existed between the president and Mr. Clay, as a ‘ coalition of Blifil and Black George — a combination of the Puritan with the black-leg’ — and charged Mr. Clay with ‘ stealing a leaf from the curse book of PANDEMONIUM.’ Such language would be disgraceful under any circumstances, but especially on the floor of the senate chamber. Mr. Randolph seemed determined to bring about a personal conflict with Mr. Clay, from what motives it is difficult to determine, for the latter gave him no cause of abuse, carefully avoiding him as he did. But the former went on, day after day, unprovoked, adding injury to injury, heaping insult upon insult upon the latter, until further forbearance became exceedingly difficult, to say the least, especially as Mr. Clay was surrounded by his family. Says an individual intimately acquainted with the parties, ‘ Mr. Randolph knew that his every word, whether spoken in his sober or inebriated moments, was pregnant with death, to the pride and the happiness of the innocent and the lovely.’ Although he himself had no family; although he

was an individual in reference to whom a distinguished friend of ours once thanked God in congress, that monsters could not perpetuate their species; still he must have known, from hearsay, that the feelings of a wife and a daughter are keenly sensitive. Had Mr. Clay held a seat in the senate, Mr. Randolph, dark as were his designs, and much as he longed for a quarrel, would not have dared to use the language of open outrage. There was ever something in Mr. Clay's eye, before which his spirit quailed and blinked, like a frightened thing. Mr. Clay, however, was absent, and every day of his forbearance added bitterness to the insults that were heaped on him. What could he do? Undoubtedly, that religion, whose kingdom is not of this world, required him to endure patiently unto the end. It is a matter of regret that he did not, but who shall censure him harshly, for having, in a moment of uncontrollable exasperation, turned upon his pursuer and dared him to single combat!

Of the duel, itself, it is not necessary to say much. Mr. Randolph, in defiance of established usage, went upon the field in a huge morning gown; and the seconds, had not Mr. Clay interfered, would have made this singular conduct the occasion of a quarrel. In due time the parties fired, and luckily for both of them, or at least for Mr. Clay, Mr. Randolph's life was saved by his gown. The unseemly garment constituted such a vast circumference, that the locality of 'the thin and swarthy senator' was at least a matter of very vague conjecture. Mr. Clay might as well have fired into the outspread top of an oak, in the hope of hitting a bird that he supposed to be snugly perched somewhere among the branches. His ball hit the centre of the visible object, but *Randolph was not there!* and of course the shot did no harm and no good. After the first discharge, Mr. Randolph, by firing into the air, showed his disinclination to continue the fight. He immediately walked up to Mr. Clay, who was still standing in his place, and, parting the folds of his gown, pointed to the hole where the bullet of the former had pierced his coat, and, in the shrillest tones of his squeaking voice, exclaimed, '*Mr. Clay, you owe me a COAT, you owe me a COAT!*' to which he replied, in a voice of slow and solemn emphasis, at the same time pointing directly to Mr. Randolph's heart, '*MR. RANDOLPH, I thank God that I am no DEEPER in your debt!*'

We are no apologist for the duelist; we regard the practice of duelling with the deepest detestation and abhorrence, and believe it unjustified, under any circumstances; still, we unhesitatingly say, that those which surrounded Mr. Clay, were approximated as nearly to a justification, as any possibly could. He had resorted to all honorable means to avoid a duel with Mr. Randolph; calling upon and desiring him to explain or retract his insulting language, but he flatly refused. It may not be amiss to state, in this connection, that Mr. Clay reprobated the practice of duelling, himself

This appears from his avowed sentiment relative thereto. 'I owe it,' said he, 'to the community, to say, that whatever, heretofore, I may have done, or by inevitable circumstances may be forced to do, no man in it holds in deeper abhorrence than I do, the pernicious practice of duelling. Condemned as it must be, by the judgment and philosophy, to say nothing of the religion, of every thinking man, it is an affair of feeling, about which we cannot, although we should, reason. The true corrective will be found, when all shall unite, as all ought to unite, in its unqualified proscription.'

The hostile meeting between Mr. Randolph and Mr. Clay, occurred April eighth, 1826. Their last interview took place in March, 1833, a short time previous to the decease of the former. He was on his way to Philadelphia, where he died. Being unable to walk or stand without assistance, he was borne into the senate chamber, to which he was about to pay his last visit. The senate was in session by candlelight. Mr. Clay had risen to make some remarks on the compromise act. 'Help me up,' said Mr. Randolph, sitting in a chair, and speaking to his half-brother, Mr. Tucker, 'help me up; *I have come to hear that voice once more.*' When Mr. Clay concluded, he approached, and shook Mr. Randolph cordially by the hand, and thus terminated their intercourse forever.

Mr. Clay's efforts, during his secretaryship, contributed much in making Mr. Adams's administration peculiarly American. They afforded material aid in cherishing and strengthening those principles, which would render the United States independent of foreign nations — principles for which he contended with a zeal that nothing could dampen, and which would not allow any compromise. In giving Mr. Adams his vote, he was not mistaken in supposing that he would be their able supporter too. In their adherence to these, they went hand in hand. This was a source of most vexatious uneasiness to the enemies of those principles. Hence the cause of their excessive hostility towards the administration of Mr. Adams, for they believed it was materially shaped by Mr. Clay. They little expected, and less designed, that their opposition should thus pay him the highest possible compliment — that of wielding a power scarcely inferior to that of the executive himself. The enemies of Mr. Clay, therefore, became the enemies of Mr. Adams, whose administration they determined to prostrate, let the expense be what it might. '*It must be put down;*' said one of general Jackson's most prominent supporters, '*though as pure as the angels at the right hand of God.*' The foulest charges were preferred against Mr. Adams and Mr. Clay, the mildest of which was, CORRUPTION. Of the latter, in consequence of his having made some transfers, in publishing the laws, from one printing establishment to another, it was alleged, that he attempted to corrupt the press, which, with a great outcry, was bruited from one end of the land to the other

He was charged with having made the transfer from interested party considerations, and an attempt was made to cause him to communicate to congress what changes he had made, with his reasons. It failed, however, on the ground that the house had no jurisdiction over the matter. At the very time (or nearly) that his enemies in the house were thus engaged in subjecting him to this gross charge, their coadjutors in the senate, led on by Mr. Van Buren, were endeavoring to deprive the National Intelligencer of the printing of that body. *Notable consistency!* Not an act of Mr. Adams, or Mr. Clay, which was not made to pass through the traducing ordeal of their enemies' malice, and pronounced corrupt and ruinous in their tendency. The same acts might be submitted to the examination of any impartial tribunal, who would rise up from it, and declare them as nearly faultless as any human ones could be; indeed, that of posterity, whose decisions are never reversed, is fast rendering such a verdict. Many an eye now dims with tears, and many a heart heaves with regret, at the recollection of Mr. Adams's administration. The political degeneracy and pollution of the present day, were far from it. Economy, dignity, and liberality, were written all over it, in such indelible characters, that the most intemperate flood of opposition could not expunge them. It can be said of Mr. Adams, that he never dismissed a public functionary solely on the ground of party considerations, and in selecting these, he did not permit himself to be governed by them. But, unexceptionable as was the course pursued by him, detraction and calumny performed their utmost to bring him into disrepute, and with too much success. Party prejudice and sectional feelings were aroused and inflamed in all parts of the country. The wants of each were catered for, without stint or measure: coalitions, combinations, caucusses, and all the unnamed and undescribed pharaphernalia of party manœuvring, were organized, drilled, arrayed, and brought out, to be used by strong and willing hands, in the most ignoble and base employment in which they could be engaged—in crushing an administration without any regard to its merit or demerit. The prime movers of the whole heterogeneous mass had decreed, that it '*must be put down,*' and its loud *ergo* pealed up, '*it ought to be put down.*' Contradictory and paradoxical reasoning was employed, with success equal to that of true, in different parts of the country. Their creed was comprehensive enough to embrace all, how various soever their names or tenets. From such an army political virtue and honesty fled away and hid themselves, which, like the devouring locusts of Egypt, passed over the whole land, blighting and destroying every green thing in its political enclosures. Sometime previous to the close of the administration, the opposition gained the ascendancy in congress, which greatly facilitated their operations, which resulted in the election of their candidate, Andrew Jackson, to the presidential chair, in the autumn of 1828.

The prevalence of truth is sure. It may be temporarily suppressed, error may triumph over it, and it may seem to be lost, but its disenfranchisement is just as certain, as the release of the earth by solar heat from the mists that press upon its bosom. Error gravitates — its nature is downwards; but truth soars — its own intrinsic buoyant power bears it, sooner or later, to the surface of human observation. It cannot perish; it is the ally of immortality, and will survive all sublunary things, and be seen and admired ages after falsehood and all his base companions shall have gone down to their dark dwelling-place. This attribute of truth seems to have been overlooked or disregarded, by those who, with a blind zeal and misguided patriotism, sought the overthrow of an administration too good to escape the shafts of envy, and dispensing more benefits than could be enumerated or appreciated by them when thus engaged. Those who were most active in elevating general Jackson to the presidency, displayed great skill in party tactics, and a most liberal education in the schools of intrigue and detraction. Experience had taught them, that a public functionary was most vulnerable through the minds of his constituents; that if the lodgment of a certain principle could be effected *there*, their work was done, his ruin was accomplished. This was precisely the mode of warfare pursued by the opponents of Mr. Adams and Mr. Clay. All their efforts were directed to the single end, of instilling into the minds of the people the belief, that these eminent statesmen, these great and good men, *were vampyres upon their pockets*, shaping their measures so as to drain them of their contents. The cry of extravagance drowned every other, and that of economy, retrenchment, and reform, was iterated and reiterated so often, that the truth of the first, and imperious necessity of the others, soon became their permanent belief. It is not surprising, that under the influence of this, they should rise, and pluck them from their places, without stopping to inquire, whether those who excited them to the committal of this act, did not do it for the express purpose of thrusting their hands still deeper into their pockets. The sequel seemed to furnish good grounds for such an opinion. From the purses of the people, general Jackson's administration took about two dollars to Mr. Adams's one, and Mr. Van Buren's about three. The necessity for diminishing the public expenditures, suddenly ceased, upon their becoming safely installed in their places, and their sympathy for the '*dear people*,' in view of their pretended robbery, which seemed to be so expansive before, immediately returned to the narrow limits of their own bosoms. But truth, whose voice was completely stifled in reference to the administration of Mr. Adams, and the herculean labors of Mr. Clay, as connected with it, in the political *melée* of 1828, is fast justifying its measures, and causing many to regret, who zealously sought, its overthrow, and fervently pray for its return.

A few days after general Jackson's inauguration into the presidential chair, Mr. Clay prepared to return to the retirement and the social delights of his home; where, at his leisure, he could review his public acts, and devise new measures for benefiting his country. About the time of his departure from Washington, his friends residing in that city, as a testimonial of their regard for his private and public character, gave him a dinner. In a speech, on that occasion, he alluded to his public career, and the duties of citizenship, in the following beautiful language. 'Whether I shall ever hereafter take any part in the public councils or not, depends upon circumstances beyond my control. Holding the principle that a citizen, as long as a single pulsation remains, is under an obligation to exert his utmost energies in the service of his country, if necessary, whether in a public or private station, my friends here and every where may rest assured, that, in either condition, I shall stand erect, with a spirit unconquered, whilst life endures ready to second their exertions in the cause of liberty, the union, and the national prosperity.'

Of general Jackson he remarked, 'that citizen has done me much injustice. It was inflicted, as I must ever believe, for the double purpose of gratifying private resentment, and promoting personal ambition. When, during the late canvass, he came forward in the public prints, under his proper name, with his charge against me, and summoned before the public tribunal his friend and his *only* witness, (Mr. Buchanan,) to establish it, the anxious attention of the whole American people was directed to the testimony which that witness might render. He promptly obeyed the call, and testified to what he knew. He *could* say nothing, and he *said nothing* which cast the slightest shade upon my honor or integrity. What he *did* say was the reverse of any implication of *me*. Then all just and impartial men, and all who had faith in the magnanimity of my accuser, believed that he would make a public acknowledgement of his error. How far this reasonable expectation has been fulfilled, let his persevering and stubborn silence attest. But my relations to that citizen, by a recent event, are now changed. He is the chief magistrate of my country, invested with large and extensive powers, the administration of which may conduce to its prosperity, or occasion its adversity. Patriotism enjoins as a duty, that while he is in that exalted station he should be treated with decorum, and his official acts be judged of in a spirit of candor.'

The rancor of his enemies had pursued Mr. Clay as though he had been a devastating monster, laying waste the fair and fertile fields of his country, instead of enriching them by his toils. It overstepped, not only the bounds of prudence, but of propriety and decency. It followed him to the sanctuary of his home, and violated that. In a letter written in May, 1828, he thus speaks of

their attempts to destroy his pecuniary credit. 'The variety in their modes of attack, and the industry of my enemies, are remarkable, if not always commendable. I observe that some of them about Lexington, have carefully searched the records of Fayette, and extracted from them a formidable list of mortgages, which are paraded as evidence of my bankruptcy. The fairness of this proceeding, in my absence on arduous public service, and without inquiry into the fact whether the mortgages be extinguished or not, is submitted to my fellow-citizens of Fayette. I do not consider, that a man who honestly fulfils his pecuniary engagements, is entitled to any special praise, or I would not observe, that I can confidently appeal to all with whom I ever had pecuniary transactions, to bear testimony to the fidelity with which I have discharged mine. I invite the severest scrutiny into my conduct in that respect, and request a comparison of it with that of any one of those who now assail me. I never was sued in my life, for an uncontested debt; indeed, I have no recollection at this time of having ever been sued for any ascertained debt, contested or uncontested, and whether I was principal or endorser. I am not free absolutely from debt. I am not rich. I never coveted riches. But my estate would even now be estimated at not much less than one hundred thousand dollars. Whatever it may be worth, it is a gratification to me to know, that it is the produce of my own honest labor, no part of it being hereditary, except one slave, who would oblige me very much if he would accept his freedom. It is sufficient, after paying all my debts, to leave my family above want, if I should be separated from them. It is a matter, also, of consolation to me, to know that this wanton exposure of my private affairs can do me no pecuniary prejudice. My few creditors will not allow their confidence in me to be shaken by it. It has, indeed, led to one incident, which was at the same time a source of pleasure and pain. A friend lately called on me, at the instance of another friend, and informed me that they were apprehensive that my private affairs were embarrassed, and that I allowed their embarrassment to prey upon my mind. He came, therefore, with their authority, to tell me that they would contribute any sum that I might want, to relieve me. The emotions which such a proposition excited, can be conceived by honorable men. I felt most happy to be able to undeceive them, and to decline their benevolent proposition.'

Though Mr. Clay's enemies were greatly gratified at his ejection from office, they were more disappointed and chagrined at the fortitude, and humor, even, with which he bore it. They had prepared a rich feast of enjoyment over his anticipated sorrow, on the occurrence of that event, which was spoiled by him, in not complying with the conditions that *would make it palatable*. Instead of being sad, he was merry. At the time of his departure

from Washington for Kentucky, the roads were very bad, which induced him to send his private conveyance in advance, and resort to the stage-coach. On one occasion, the roughness of them caused him to take a seat beside the driver, which he occupied on entering Uniontown, in Pennsylvania, at which his friends in that place expressed great surprise, to which he replied, 'gentlemen, although I am with the ours, yet I can assure you that the ins behind me, have much the worst of it.' His health, which had become much enfeebled by his arduous duties, improved rapidly during his journey home, and the flow of his exuberant spirits more than kept pace with it. The most kindly receptions greeted him at every stage of it; indeed, in the expressions of regard for his character and services, there was scarcely any cessation, from the time he left the seat of government until he reached his home, to which he was welcomed by one of those warm, spontaneous, and eloquent outbursts of Kentuckian feeling, which, to be known, must be witnessed, for no description can do it justice. Hardly had he disrobed himself of his travelling garments, and become seated in his residence at Ashland, before he was importuned to exchange it for one in congress, or in the legislature of Kentucky; but ill health, and a desire for temporal repose, caused him to decline. Scarcely a day passed away which did not bring to his abode testimonials of regard and affection, from his friends in all parts of the country. He was urged repeatedly to participate in their hospitality, which had he complied with to the extent in which it was proffered, the strength of a thousand men would have been requisite to carry him uninjured through it. These invitations were prompted by a consciousness of his worth, and a desire to gather his opinions and sentiments, in relation to national policy. This desire was always gratified, at those which he accepted. In May, 1829, he was honored by a public dinner, served up at Fowler's garden, at which about three thousand sat down. His presence called forth the following toast: 'our distinguished guest, friend, and neighbor, HENRY CLAY—with increased proofs of his worth, we delight to renew the assurance of our confidence in his patriotism, talents, and incorruptibility—may health and happiness attend him in retirement, and a grateful nation do justice to his virtues.' After its announcement, he spoke for the space of one hour and a half, with more than his usual eloquence and energy. He reviewed somewhat minutely his public career, the administration of Mr. Adams, and spoke in terms of deserved censure of the means resorted to, by his enemies, to put him down. He animadverted severely upon the course pursued by general Jackson, in removing faithful public officers, and considered his conduct, in that respect, unjustifiable, and as calculated to establish a dangerous precedent. His sentiments concerning the principles which ought to govern public servants, are worthy of all

acceptance, and should be inscribed in letters of gold on the phylacteries of all office-holders and office-seekers. He closed by saying, 'in the presence of my God, and of this assembled multitude, I can and I will say, that I have honestly and faithfully served my country, that I have never wronged it, and that, however unprepared I lament that I am, to appear in the Divine presence on other accounts, I invoke the stern justice of His judgment on my public conduct, without the smallest apprehension of His displeasure.'

Mr. Clay never attempted concealment either of his sentiments or his actions in relation to public matters; on the contrary, he invited the most searching scrutiny, conscious that in the maintenance of the former, and the performance of the latter, he was actuated by upright motives.

In 1829-30 he visited various parts of Kentucky, loaded with favors wherever he came; upholding those measures which were truly national, and denouncing, without any reserve, those that were of an opposite character. Of this description he found many connected with the administration of general Jackson, neither did he allow himself to be deterred from expressing his views freely in relation to them, from any motives of a personal consideration. Mr. Clay was not the man to shrink from the duty of directing the attention of the country to measures whose tendency he believed was detrimental to its interests. He would not hesitate to lift his warning voice, though it would be at the expense of his hard-earned fame, when he saw means employing to jeopard its safety. He visited New Orleans at the commencement of 1830, where, if possible, the attentions bestowed upon him exceeded those which he received from his own constituents. Although his visit was occasioned by business of a private character, he was continually thronged by the people, of all parties, tendering him the mede of honor due his distinguished eminence. It was with difficulty he could resist their warm importunity to accept a public dinner. He left for Natchez, Mississippi, on the ninth of March, amid an immense concourse of people, assembled to witness his departure. The levee, tops of steamboats, and houses, were completely covered by them, who rent the air with their enthusiastic cheering. As the steamer that bore him moved from the pier, they were almost deafening, which, with the waving of banners and handkerchiefs, and firing of cannon, made it appear more like the departure of a mighty conqueror, than of a private citizen. At Natchez, his arrival was anticipated, by the congregating of individuals from all parts of Mississippi, comprising the elite of her distinguished men, irrespective of partisanship, who thronged the wharf, waiting to receive him. On the arrival of the boat, the rush into it was so great as to excite alarm, and the multitude environing it was so large and dense, that some time was consumed in making an opening through it. Mr. Clay found it

easier to accept an invitation to a public dinner, than to resist the importunity with which it was tendered. The guests were numerous. Says one who witnessed the assembly, 'it was no partisan gathering. The warmest political opponents, sat down face to face with each other, united in one subject—at least—the desire to do honor to their distinguished guest—to one whose patriotic motives none of them could doubt, however much they might differ from his principles. In his remarks, he was interrupted more than once by the deep, involuntary murmurs of applause, which burst forth around him. Every word which he uttered, went down and rested upon the hearts of his auditors, like the kind tones of some blessed visitant. It was a proud moment for Henry Clay. The dark elements of faction sank down into quietude before him. Men who had been arrayed for years in political contention, who had hitherto met each other with the compressed lip and knitted brow of hatred, gave back, on this occasion, the smiles of one another.

'Mr. Clay commenced by an acknowledgment of his gratitude for the honors bestowed upon him. 'There is nothing in life,' said he, 'half so delightful to the heart, as to know that, notwithstanding the conflicts that arise among men—the whirlwind and madness of party feeling—there yet are times, as on the present occasion, when passion and prejudice slumber—moments, when old differences cease from troubling, and when all that is turbulent, and all that is distrustful, are sacrificed to the generous and social dictates of humanity.'

'He spoke of general Jackson. He spoke of his great battle. Darkly as he had been traduced, deeply as he had been injured by that man, he yet hesitated not to bestow upon him his full measure of patriotic encomium. His feelings rose with the subject. His eye kindled. There was a moral grandeur in his look; and all who saw it felt that it was the visible manifestation of the triumph of his nobler feelings over the dark sense of wrong.

'At that moment I would have given my right hand, to have seen general Jackson confronted before his magnanimous opponent—face to face with the man whom he had so foully injured. Had he been there—under the eye of that noble-hearted speaker—every word of commendation, every generous acknowledgment of his services, would have fallen upon his head like a rain of fire.' In every town which he visited, the citizens gathered round him, and wherever he turned, a hundred hands were extended to clasp his own. Public feeling flowed after him as the tides of the ocean follow the moving moon. Passing through Donaldsonville, where the legislature of Louisiana was in session, he unexpectedly entered the hall of the house of representatives, when that body, including speaker, and members of both parties, simultaneously rose to receive him. In the summer of 1830, business called him to Columbus, the capital of Ohio. At the time, a celebration was had by the mechanics

of the place and vicinity, at which the following honorary toast was given: 'our inestimable guest, Henry Clay. An efficient laborer in support of the industry of the country. *Farmers and mechanics know how to appreciate his services*'—to which he responded, in a speech which embraced allusions to his favorite theme, internal improvements, in connection with the hostility of general Jackson to them, as evinced in his veto of acts passed by congress, expressive of its views of that system, and the established policy of the nation. He vindicated their action, and proved its accordance with the provisions of the constitution. The operation of the tariff he also considered, and showed it salutary. In his concluding remarks he adverted to his own circumstances. 'Why,' said he, 'were the fires of unabated persecution kindled around him? Why was the artillery of the press incessantly levelled upon *him*? What had he done? The history of his past life was before the people. If he had erred in any of his endeavors to subserve the best interests of the public, he regretted it. His conscience, at least, did not reproach him. And what was he *doing* to draw upon him the maledictions of his countrymen? He was a private citizen. He could exercise authority over none, nor had he any engine of governmental patronage, to pervert and make subservient to purposes of personal aggrandizement.'

At this meeting he exposed the turpitude of the odious doctrines of nullification, which had begun to be agitated at the south.

On the seventeenth of December, 1829, Mr. Clay delivered an address before the Colonization Society, of Kentucky, at Frankfort, in which the principles and objects of that humane institution were ably and eloquently supported. In it, he alluded pointedly to the subject of slavery, surveyed the numerous train of evils consequent upon it, and expressed his hearty desire to coöperate with any society which would mitigate, lessen, or remove them. He lingered, with peculiar pleasure, upon the success which had unexpectedly crowned the efforts of the American Colonization Society, and declared his sincere conviction, that it had most abundant encouragement to persevere and endeavor to redouble its exertions. 'We may boldly challenge the annals of human nature,' said he, 'for the record of any human plan for the melioration of the condition or the advancement of our race, which promises more unmixed good, in comprehensive benevolence, than that of the Colonization Society, if carried into full operation. Its benevolent purposes are not confined to the limits of one continent—not to the prosperity of a solitary race. They embrace the largest two portions of the earth, with the peace and happiness of both descriptions of their present inhabitants, and the countless millions of their posterity. The colonists, reared in the bosom of this republic, with a knowledge of the blessings which liberty imparts, although now unable to share them, will carry a recollection of them to benighted

Africa, and light up, in time, her immense territory. And may we not indulge the hope, that, in a period of time not surpassing in duration that of our own colonial and national existence, we shall behold a confederation of republican states on the western shores of Africa, with their congress, and their annual legislatures, thundering forth in behalf of the rights of man, and causing tyrants to tremble on their thrones!'

Mr. Clay regarded the society, if judiciously managed, competent to diffuse the light and blessings of civilization and christianity, under the guidance of Providence, through the entire vast regions of Africa; saying, that it proposed 'to send, not one or two pious members of christianity, into a foreign land, among a different and perhaps a suspicious race, of another complexion, but to transport annually, for an indefinite number of years, thousands of efficient missionaries, of the descendants of Africa itself, with the same interests, sympathies, and constitutions of the natives, to communicate the benefits of our holy religion, and of the arts of civilization. And this colony of missionaries is to operate, not alone by preaching the words of truth and revelation, which, however delightful to the ears of the faithful and intelligent, are not always comprehended by untutored savages, but also by works of ocular demonstration. It will open the great forest, it will build up cities, erect temples for christian worship, and thus practically exhibit to the native sons of Africa, the beautiful moral spectacle, and the superior advantages, of our religious and social systems. In this unexaggerated view of the subject, the African colony, compared with other missionary plans, presents the force and grandeur of the noble steamer majestically ascending, and with ease subduing the current of the Mississippi, in comparison with the feeble and tottering canoe, moving slowly among the reeds which fringe its shores. It holds up the image of the resistless power of the Mississippi itself, rushing down from the summit of the Rocky mountains, and making its deep and broad and rapid course through the heart of this continent, thousands of miles, to the gulf of Mexico, in comparison with that of an obscure rivulet, winding its undiscernable way through dark and dense forests or luxuriant prairies, where it is quickly and forever lost.

'Confiding in the approving judgment of Divine Providence, and conscious of the purity and benevolence of our intentions, we may fearlessly advance in our great work. And when we shall, as soon we must, be translated from this into another existence, is the hope presumptuous, that we shall then behold the common Father of the white and the black, the Ruler of the universe, cast his all-seeing eye upon civilized and regenerated Africa, its cultivated fields, its coasts studded with numerous cities, and adorned with temples dedicated to the religion of his redeeming Son, its far-famed Niger, and all its great rivers, lined with flourishing

villages, and navigated by that wonderful power which American genius first applied; and that, after dwelling with satisfaction upon the glorious spectacle, he will deign to look with approbation upon us, his humble instruments, who have contributed to produce it? -

Mr. Clay believed that the association would eventually abolish *slavery*, whose existence how deeply he deplored, may be gathered from the following language. 'If I could be instrumental in eradicating this deepest stain upon the character of our country, and removing all cause of reproach on account of it, by foreign nations; if I could only be instrumental in ridding of this foul blot that revered state that gave me birth, or that not less beloved state which kindly adopted me as her son, *I would not exchange the proud satisfaction which I should enjoy, for the honor of all the triumphs ever decreed to the most successful conqueror.*'

Mr. Clay was elected to the United States senate, by the legislature of Kentucky, in the autumn of 1831. About the same time, in a national convention, at Baltimore, he was nominated to the presidency, in opposition to general Jackson.

Soon after taking his seat in the senate, the subject of the tariff came up for consideration, to which he gave his most efficient aid. The president avowed his hostility to protective measures, and in consequence of his great influence in congress, there was great danger that they would be frittered away, so as to impair very materially their utility, or be entirely destroyed. The south began to murmur their enmity towards them, which they believed operated against their interests. They were violently opposed to the policy of imposing duties on cotton fabrics, which were imported into the United States from Great Britain, the principal consumer of her staple production. From the attitude which she began to assume, in relation to the protective system, just ground of alarm for its safety was apprehended, and furnished an occasion sufficiently critical to call forth one of Mr. Clay's mightiest efforts. He endeavored to conciliate the south, and cause, if possible, their views to harmonize with the north. On the ninth of January, 1832, he introduced a resolution, providing that the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced in the United States, ought to be forthwith abolished, except the duties on wines and silks, and that they ought to be reduced, and that the committee on finance be instructed to report a bill accordingly. In defence of this resolution, he made a speech, powerfully illustrating the importance to the whole country of protective enactments. He was followed by Mr. Hayne, of South Carolina, in reply. The discussion was continued several days, during which, Mr. Clay made his brilliant speech, in which he signally sustained the American system against the British colonial system. Its delivery occupied several days, and when he ceased, this masterly produc-

tion of sound and argumentative reasoning, logical deduction, and legitimate inference, presented to the delighted view of the friends of that system, a mighty monument, destined to perpetuate its practical utility, in connection with the fame of the founder, while, to the enemies of that system, it presented the impregnable bulwark of its defence. Mr. Clay's speech, on this occasion, may be justly regarded as a complete text-book, where every thing requisite for the defence of protection and internal improvement may be found.

On the thirteenth of March, Mr. Dickerson, from the committee on manufactures, reported a bill, framed in accordance with the suggestions of Mr. Clay's resolution. This was opposed, on the ground that it did not embrace the whole subject of the tariff, because the duties on articles which were protected, were not reduced. Upon this bill a sharp debate followed, which resulted in its being laid upon the table. After being amended, and variously altered, it passed both houses, and became a law in July, 1832.

This bill preserved all the essential features and characteristics of the protective system unimpaired; too much, indeed, to please the south. Violently opposed to any measures of protection which made the slightest encroachment upon their sectional interests, they regarded the provisions of this bill with the most bitter hatred. The leaven of nullification, which was rapidly spreading itself at the south, gloated over these, and derived new strength to go forth and disseminate its invalidating dogmas. Its aspect grew more and more menacing every day, until, at last, indubitable evidences of an organized opposition to this bill began to appear. In this, South Carolina took the lead. The legislature of that state ratified an ordinance, passed by a state convention at Columbus, in November, 1832, declaring the tariff acts unconstitutional, and utterly null and void. The most decided determination was expressed, to disregard them, and not a few were found insisting upon the right to do so. Measures were devised to resist their enforcement, and munitions of war procured, and warlike preparations made; the other southern states were invited to join her; reports were put in circulation, that Great Britain was about to become her fast and firm ally; and the lovers of liberty began to tremble for the result. The anti-republicans began to chuckle over the fancied prospect, that their predictions were about to be verified — that our liberties, our institutions, and our union, were about to be overwhelmed in utter destruction, by the all-devouring jaws of civil war. President Jackson promptly issued his proclamation, denouncing the doctrines of nullification, and declared that the entire military force of the United States, if necessary, should be employed to put down all attempts to oppose or resist any enactment of the general government. He remonstrated with the people of South Carolina, and urged them to submit to the laws of the United States. His wishes, however,

were not heeded. The governor (Mr. Hayne) immediately issued a counter proclamation, setting forth the arbitrary measures which the federal executive sought to subject them to, and counselling them to resist these, even by force of arms, if necessary. The danger that impended increased every hour, notwithstanding the bold and decided stand, which the president took by the side of the laws of the union. In this respect his conduct is entitled to all praise. But it was not occasioned by any good or friendly feeling towards the protective system, nor by any diminution of his hostility towards this. He gave increasing evidence of his willingness to contribute to its destruction, by yielding to the rebellious state all she desired, in abandoning the principle of protection. This had been distinctly avowed, in the report of the secretary of the treasury, recommending the reduction of duties to a revenue standard, and on the twenty-seventh of December, Mr. Verplanck, from the committee on 'ways and means,' reported a bill which, in accordance with the recommendation of the secretary's report, proposed to reduce the duties on imported goods, to an average of about fifteen per cent. upon the foreign valuation. This bill was designed to take immediate effect, and to make a further reduction of duties, on all protected articles, in March, 1834. Thus the administration came over to the ground which the nullifiers desired it to occupy. After the bill had been discussed about a week, the president transmitted a message to congress, together with the abrogating enactments of South Carolina, and recommended the course he deemed proper to be pursued in relation to them. A bill to enforce the collection of the revenue, was brought before the senate a few days subsequent, directing coercive measures to be employed, in case of resistance. Matters seemed fast coming to extremities. The disorganizers, though in a state of readiness, took no decisive steps, but seemed to be looking for an adjustment of the subject occasioning their disquietude, in a way to suit their peculiar views. But the prospect that this would be accomplished, grew every day fainter. At this critical juncture, when no source of help was visible, when the political heavens were continually gathering blackness, and the thunder of insurgency fell with appalling plainness upon the ear, Mr. Clay stepped forth to disperse the gloom, and clothe with the garments of peace, an almost distracted people. He clearly saw, that, to heal the breach which had been made, and which was continually widening, it was necessary to make a partial retrocession from the vantage ground, which by toil and strife he had gained, in relation to the American system. To yield an inch of this, of such vital importance did he conceive it to be to the country, was like allowing the sources of his own existence to be annihilated, one by one. But the salvation of it depended, at this crisis, on making this retrograde movement, as well as the peace, and perhaps life, of no inconsiderable portion of the people. Under these circumstances, he did not hesitate as to the course he

ought to pursue. It seemed as though he had, some time previous, cast his solicitous eyes over the whole ground ; that he had foreseen while in embryo the dark elements of faction and resistance, and nullification, and foresaw that they would commingle, and ferment, and finally originate just such an emergency, as that which reared its horrid front before him. Something like *compromise* had suggested itself to him, some weeks previous, while spending a season of leisure with a relative in Philadelphia. He then gave the subject considerable consideration, and digested a plan suited to the extremity, which he knew would, sooner or later, arrive. *It had come*, bringing in its train, remote though they might be, consequences which no patriot, no well-wisher to his country, could contemplate, without standing aghast. To avert these, Mr. Clay deemed it not only desirable, but highly obligatory upon those who were the recipients of the blessings of freedom. Having completed his remedial plan, he spread it before the senate on the eleventh of February, 1833, in the form of a *compromise* bill. This was the result of mature deliberation and much consultation, both with the friends and enemies of protection. He thought it expedient to ascertain, not only the manner of its reception, but of its operation. Many of those whom he consulted did not approve of his plan. Among these was Mr. Webster. With him Mr. Clay discussed the provisions thoroughly, and though partially convinced of its utility, he did not yield it his entire confidence. Mr. Webster's opinion, carrying with it great weight, tended to gather a pretty formidable opposition around him at the north, while nullification at the south contributed its share. Mr. Clay, therefore, found it necessary to advance with great caution ; to survey carefully every inch of ground he intended to occupy, previous to setting foot upon it. Never, perhaps, was a bill brought before congress under such peculiar circumstances, or when greater talent and skill were needed. The south was willing to be conciliated, but somewhat inclined to dictate terms. A hair-breadth deviation from the line which her predilection designated, might prove fatal to his scheme, and cause the gathering storm to pour its desolating strength upon the land. As far as practicable, Mr. Clay ascertained the feelings of this section in relation to it, and had several interviews with Mr. Calhoun, and o'her influential members from the south. The proclamation of the president had temporarily diverted their enmity from the system of protection, towards him. To the summary and stern manner in which general Jackson proposed, and even seemed anxious, to settle existing difficulties, there was a great and growing repugnance at the north, and which operated favorably in disposing the south to embrace any plan that might be proposed, though it should not embody all the peculiarities of their views.

Mr. Clayton, of Delaware, zealously coöperated with Mr. Clay, incessantly exerting himself to propagate his views, and, in conse-

quence of his commanding influence, his efforts were crowned with gratifying success. He was strongly attached to Mr. Calhoun, and many other southern members, and would often express his admiration of their distinguished talents and noble qualities, and a desire to see them retained in the service of their and his country. 'Noble fellows, Clay! noble fellows!' he would say. 'We must save them, if possible; it will not do to let general Jackson hang them; the country needs them; *she cannot spare them yet!*' Southern members generally took sides with South Carolina, so far as to consult her wishes in selecting such measures as would satisfy her. The principle of home valuation, which Mr. Clay and his friends insisted upon incorporating with his compromise bill, they opposed at first, but finally most of them agreed to it, among whom was Mr. Calhoun. When the bill was taken up by the senate, he, for the first time, signified his assent to that principle, and paid a handsome tribute to the patriotism and motives of Mr. Clay. He intimated, plainly, that Mr. Clay's bill was calculated to heal the wound which the confederacy had received, and expressed the strongest anxiety that this would be accomplished without abandoning a tittle of the constitutional right of protection. In a debate, which was protracted several days, the enemies of the bill arrayed against it all their power. Mr. Webster, with the mighty weapons which his giant intellect was capable of forging, assaulted it with tremendous vehemence. Its defeat was considered at one stage of the discussion as certain. Said Mr. Forsyth, tauntingly, '*the tariff is at its last gasp; no hellebore can cure it.*' 'It contains nothing but *protection*, from beginning to end,' said Mr. Smith, of Maryland, '*and therefore I oppose it.*'

During the debate, a personal difficulty occurred between Mr. Poindexter, of Mississippi, and Mr. Webster, which threatened to lead to something serious. Mr. Clay, by his generous interference, pacificated the parties, by bringing about a satisfactory explanation.

The compromise bill finally was adopted in the house, by a vote of one hundred and twenty to eighty-four, and in the senate, by a vote of twenty-nine to sixteen, and received the president's signature, in March, 1833. And thus the country once more breathed freely; the good and benevolent, who had clad themselves in sackcloth, and, in a posture of the deepest humiliation and grief, sat supplicating a kind Providence to shield her, in this her hour of imminent peril, and guide her safely through it, arose and poured out to Him the libations of their gratitude. Neither did they forget the instrument which he had deigned to employ in accomplishing her deliverance. Both friends and foes acknowledged his agency in this. As in the settlement of the Missouri question, so in this, he was hailed as the liberator of a nation from the jaws of impending danger, and perhaps of ruin. The tide of popular praise and profound regard set towards him from all parts

of it, like the streams of gravitation towards the centre of the earth. Men of all parties contributed to swell this. Those who rarely spoke of him, except in detracting terms, now joined heartily in the popular cry of approval. President Tyler was heard to say, several years subsequent to the passage of Mr. Clay's bill, in view of his agency in carrying it through congress, 'in my deliberate opinion, there was but one man who could have arrested the then course of things (the tendency of nullification to dissolve the union), and that man was *Henry Clay*. It rarely happens to the most gifted and talented and patriotic, to record their names upon the page of history, in characters indelible and enduring. But if to have rescued his country from civil war — if to have preserved the constitution and union from hazard and total wreck — constitute any ground for an immortal and undying name among men, *then do I believe that he has won for himself that high renown*. I speak what I do know, for I was an actor in the scenes of that perilous period. When he rose in the senate chamber, and held in his hand the olive branch of peace, I, who had not known what envy was before, *envied him*. I was proud of him as my fellow countryman, and still prouder that the *slashes of Hanover*, within the limit of my old district, gave him birth.'

The above is a fair sample of the expressions of praise and regard, for his eminent services rendered, in connection with introducing those wise and sanative provisions which poured the balm of peace into the lacerated hearts of an afflicted people. Probably they were never more united in any one measure, than in that of expressing their gratitude to Mr. Clay, for his successful interference. And well did he merit it. The task which he performed was no easy one. It cost an amount of mental labor which cannot be easily estimated. Many sleepless nights were passed in exhausting thought, in revolving in his mind the subject, in all its aspects and details, with an anxiety to devise some remedy that would meet the exigencies of the case, that drank up the very sources of his existence. It required the mightiest effort of his great and varied powers, to prevent its strangulation at its inception. While in the hands of the committee, its enemies endeavored to cause the impression to be received, that the bill, as designed by Mr. Clay, could not pass; that there was not the slightest chance of its success; and several members of the committee were determined that it should not be reported to the senate in any form, and were more than once on the point of abandoning their places to secure this. 'Gentlemen,' Mr. Clay would say, 'this subject has been committed to us, and we must not dismiss it in this manner; it is our duty to report it in some shape, and it *shall*, at all events, *be reported*.' It appeared subsequently, from the testimony of Mr. Hugh L. White, on whom the duty of selecting the committee devolved, that *general Jackson had, in person, urged him to choose*

such members as were friendly to Mr. Verplanck's bill, and consequently hostile to Mr. Clay's. It is matter of great surprise, that, under such circumstances, it should have passed at all, except with the entire abandonment of protection. More than sleepless vigilance was requisite, to bring it safely out from beneath the uplifted arms of a powerful party, led on by the executive himself, and place it on the statute book of the nation. Columbus hardly encountered fiercer storms, or braved greater dangers, in *discovering* America, than Mr. Clay in originating, sustaining, and consummating, a measure that resulted in the preservation of a great portion of it from falling into the hands of the worst of all human enemies, *civil war*. Well did he deserve, then, the meed of praise which its inhabitants unanimously accorded to him. Most righteous was their decision, in relation to his motives — that they were *unimpeachably pure*. In these days of political degeneracy, it is refreshing to look back and suffer one's vision to rest upon that spot on which he planted his feet, and fought his glorious, patriotic battle; their prints are still seen; they have gathered greenness with the lapse of years, presaging that the floods and storms of time will never obliterate or mar them.

We have before alluded to Mr. Clay's indomitable adhesion to principle, that no party or selfish consideration could induce him for a moment to swerve from it. This led him to act for the good of his whole country, and *never to act*, while a member of her councils, unless an occasion when that was at stake arose. We have searched long, but in vain, for evidence to the contrary. We have examined, with great care, his public character, as spread out upon the records of the nation, and solemnly declare our belief, that none, either expressed or implied, exists. If, in relation to his public career, we were asked, 'what is its most prominent characteristic?' we should unhesitatingly reply, *purity of motive*. We believe, in reference to this, that he stands on a moral eminence, high enough to command a view of the globe. So prominent does this appear, the more it is examined, the conviction cannot be resisted, that, in all his public action, of which his country was the object, his desire to act right was stronger than that of life itself. Says one of his personal friends, 'on one occasion he did me the honor to send for and consult with me, in reference to a step he was about to take. After stating what he proposed, I suggested, whether there would not be danger in it, whether such a course would not injure his own prospects, as well as those of the whig party in general.' His reply was, 'I did not send for you to ask what might be the effects of the proposed movement on my prospects, BUT WHETHER IT IS RIGHT; *I would rather be right than be president.*' A noble sentiment! and would it were more common among politicians.

The compromise act was intended to expire in 1842, to which

ime it provided for a gradual reduction of duties, when twenty per centum should be the rate until otherwise regulated by law.

Soon after the adjournment of congress, accompanied by a portion of his family, Mr. Clay took a long-contemplated tour to the eastern cities. This gave the people an opportunity of beholding the great and successful champion of their rights, and in many instances of tendering to him their thanks. His whole route was like the movement of some mighty conqueror—almost one unbroken triumphal procession. He was taken into the arms of popular favor, as soon as he stepped from the threshold of his dwelling, and hardly suffered to alight, until they had returned him thither.* He was escorted into all the principal places through which he passed, with the highest possible respect. At New York, every demonstration of gratitude and rejoicing welcomed him. An immense throng of gentlemen on horseback, escorted him to his lodgings. The governor's room in the city hall, was appropriated to his use, and was crowded by a constant succession of visitors. All parties seemed to vie with each other in devising and presenting the most fitting testimonials of regard. Through the eastern states, his reception was marked with every token of esteem; their inhabitants rose up from their occupations, almost like one person, to do him homage. For a season, their spindles, shuttles, and manufacturing establishments, ceased operation, in honor of the presence of their defender. Arrived at Boston, whose population had been anticipating and preparing for his arrival, the enthusiasm which had been swelling and increasing and accompanying his progress, was given back from Faneuil hall and Bunker hill, in echoes that reverberated to the remotest parts of the country. The young men of that city presented him a pair of superb silver pitchers, weighing one hundred and fifty ounces; committees waited on and addressed him; and invitations to public festivals on his account were numerous. On his return, after visiting Troy and Albany, his reception at New York, Philadelphia, Baltimore, and other places, was, if possible, more enthusiastic than it was when he passed through them on his way east. He was released from the 'bondage' of the people's favor, in season for him to renew his efforts in vindicating their privileges and their liberties.

The policy advocated by Mr. Clay in disposing of the public lands, rendered him a fit subject for the continuance of that favor which the people had lavished so unsparingly upon him, and a target for his enemies to give fresh specimens of their skill in archery. The question came up in this manner. Mr. Bibb, of Kentucky,

* In one of the many speeches which he made during his journey, he thus alludes to the tenderness with which he was treated. 'I was taken into custody, made captive of, but placed withal in such *delightful bondage*, that I could find no strength and no desire to break away from it.'

on the twenty-second of March, 1832, moved to reduce the price of public lands, and Mr. Robinson, of Illinois, the propriety of ceding them to the several states in which they were located. The administration party managed to have this question referred (though with manifest impropriety) to the committee on *manufactures*. This they did with the obvious intent of perplexing Mr. Clay, who was a member of that committee. They knew his prompt and decided manner; that he would not dismiss the question, without taking some definite action. They knew, also, that local prejudices and interests were so deeply involved in it, as to make its consideration peculiarly difficult, and to bring down upon the agent of its adjustment, the loud displeasure of that section, whose interests must, in a measure, from its very nature, be sacrificed. Their only motive was to impair his popularity with the east, if he suffered their interest to be transferred to the west, and with the latter, if he made provision for its maintenance. To a narrow-minded politician, this subject would have presented a dilemma, but to Mr. Clay none at all. He gave his enemies fresh and most overwhelming evidence, of the utter fruitlessness of appealing to what scarcely existed within him — *to his cupidity*. He would not deviate a hair from the path of rectitude, to accept the highest gift which the nation could confer. Its reference to the committee on manufactures he knew to be, and pronounced, highly irregular, as well as improper, yet it had been made, and for one he was resolved not to shrink from the duty of examining it. He therefore took up the subject, and according to his notion of equity and justice to all in any way interested in the disposal of the public domain, framed his noted 'land bill,' of which the following is a synopsis. It provided, that, after the thirty-first day of December, 1832, twelve and a half per centum of the net proceeds of the sales of the public lands within Ohio, Indiana, Illinois, Alabama, Missouri, and Mississippi, should be paid to them independent of what they were entitled to according to the terms of their admission into the confederacy. This was to be appropriated for purposes of internal improvement and education, under the supervision of their several legislatures. The remainder of the proceeds was to be distributed among all the states in proportion to their representative population, for similar purposes, and under similar control, or in liquidation of any debt contracted in making internal improvement.

The act was to continue five years, except in case of war. Additional provisions were to be made for any new state that might be admitted during its continuance.

The minimum price of the lands was not to be increased, and not less than eighty thousand dollars per annum to be applied in completing the public surveys. Land offices were to be discontinued, where the net proceeds of the sales in them should not be

sufficient to defray the expense of their continuance, and that certain designated quantities of land should be granted to six of the new states, not to be sold at a less than the minimum price of lands sold by the United States.

Such was the bill introduced by Mr. Clay, and great was the astonishment of the administration party in view of its munificent provisions, and that exemplary impartiality, which consulted the interests of all sections of the country alike. Being a candidate for the presidency, they had confidently expected that he would make such a disposition of the question as to secure the support of all the western states, or, at least, so manage as to make it bear favorably on his election. Great, therefore, was their astonishment, in subjecting his bill to their microscopic scrutiny, in not being able to find the remotest reference to *self*, not the slightest looking towards the presidency, and great was their disappointment also. They had tried various schemes to destroy his popularity, without success, and, thinking that he would reason on this subject as *they themselves*, concluded that he would become entangled in their snare. They almost began to chuckle over the anticipated cry of 'bargain' and 'corruption,' with which they should be able to fill the land, on the appearance of his bill. Great was their disappointment, therefore, when his sterling integrity, his purity of intention, appeared in their place.

On the twentieth of June, Mr. Clay's land bill was taken up by the senate. He exerted himself nobly in its defence, and was opposed by Mr. Benton, who, together with other administration men, strenuously supported the policy of reducing the price of a part of the public lands, and of surrendering the remainder to the states in which they lie.

Efforts were made to postpone and amend the bill, but it was so ably enforced, and the objections to it so completely refuted, that it passed the senate by a vote of twenty to eighteen, on the third of July. The house, in regard to some of its provisions, disagreed, and this circumstance enabled its enemies to postpone its consideration, until December, next following, by a vote of ninety-one to eighty-eight. At the next session it was taken up and passed, by votes of twenty-four to twenty in the senate, and ninety-six to forty in the house, and sent to the president for his signature. Had he returned it immediately, even with his veto, it would have become a law, according to the constitution, requiring a vote of two thirds; but, unfortunately for the country, the president's constitutional privilege of retaining bills a designated length of time, did not expire until after the adjournment of congress, which gave general Jackson an opportunity of taking the business of legislation out of the hands of the people, which he eagerly embraced—to trample this bill, as Mr. Benton exultingly said, 'under his big foot,' although he knew it expressed the obvious wishes of the

people. He, therefore, kept the bill, until the commencement of the next session, (fifth of December, 1833,) when he returned it to the house, with his objections. He regarded Mr. Clay's proposition of giving a certain per centage of the sales of the public lands to the states in which they were located, as an 'indirect and undisguised violation of the pledge given by congress to the states before a single cession was made, abrogating the condition on which some of the states came into the union, and setting at naught the terms of cession spread upon the face of every grant, under which the title of that portion of the public lands are held by the federal government.' In close connection with his objection to surrendering a *part* of the public domain to the several states, as mentioned, came his proposal to yield them the *whole*. To grant them a *part*, would be unconstitutional; but to grant them the *whole*, would be constitutional. This reasoning is perfectly *sui generis*; presenting a singular specimen of *logic and consistency* united. It behoved the president to support his veto by some prop, but no person supposed he would select such a crooked and frail one. The fact that he did, shows how long and tedious must have been his wanderings through the political forest, with his executive axe upon his shoulder, in search of a straight and firm one. The truth of the whole matter probably is, that the veto originated more from his personal hostility to Mr. Clay himself, than from any valid constitutional objection to his land bill. This view of the subject receives strong confirmation, by a reference to his message of December fourth, 1832. In this, the president *specifically recommended* the basis of *just such a bill* as that introduced by Mr. Clay. *Stubborn facts* justify us in saying, that if the same bill, containing the same provisions, had been introduced and advocated by Mr. Benton, or Mr. Buchanan, or indeed by any ardent supporter of the administration, the veto never would have been thought of. But it was presented by a hated hand; a hand, that, in the estimation of the president, polluted every thing it touched, and he indignantly spurned its contents to the dust; a hand respecting which he was always ready to ask, 'can any GOOD THING come out of it?' There is too much truth in the remark that has been made of him, both by his friends and foes, thousands of times—'*he would have every thing his own way.*'

But, though defeated by the despotic will of one man, Mr. Clay was not, and could not be, silenced by it. While he had strength to stand up in the councils of his country, he resolved to stand firmly by the side of her rights, and paralyze, if possible, the hand uplifted to infringe them. Though not a participator in those scenes of blood and carnage, in which her broad and beautiful fields were won, yet his sympathizing heart too vividly portrayed the floods of tears, and treasure, and anguish, which the eastern states poured out in perfecting their title papers, to sit tamely down and see them

defrauded of their interest in these. The tombs of their heroes who fell in these struggles, would cry aloud for vengeance, if he sealed his mouth, and hid himself, when he saw the robber approaching. No! Henry Clay was not the man to act thus; his country's rights were *his* rights, her wishes *his* wishes, and he would maintain the former, and consult the latter, at any cost. The 'big foot,' therefore, of general Jackson, though it ruthlessly 'trampled' on his *work*, dared not 'trample' on *him*, and he vigorously set about exposing the fallacy, and puerility, even, of the president's reasons for his veto. This he did in a report which he submitted to the senate, from the committee on public lands, May second, 1834, with special reference to the return of the land bill. Subsequently, from time to time, during several years, efforts were made to wrest the public domain from its rightful owners, which Mr. Clay successfully resisted, and finally succeeded in placing it beyond the reach of those who were bent upon its plunder, giving to each section of the country its equitable share in it. His exertions in accomplishing this have established a foundation for his fame to rest upon, as immovable as the hills which they protected, and which shall endure as long as the verdure which clothes them shall be an object of grateful contemplation.

In 1831-32, Mr. Van Buren's nomination as minister to England came before the senate for confirmation. Mr. Clay opposed it, on the ground of that gentleman's anti-republican conduct in giving, while secretary of state, instructions to Mr. McLane. In these he not only manifested a desire to attach unnecessary blame to the United States, in their intercourse with Great Britain, but unjustly disparaged, in the eyes of that power, the preceding administration. He stated, that its acts had induced England to withhold from them certain privileges, which it otherwise would have extended to them. On the objectionable portions of these instructions, Mr. Clay animadverted with merited severity. 'According to Mr. Van Buren,' said he, 'on our side *all was wrong*—on the British side *all was right*. We brought forward nothing but claims and pretensions; the British government asserted, on the other hand, a clear and incontestible right. We erred, in too tenaciously and too long insisting upon our pretensions, and not yielding at once to the force of just demands. And Mr. McLane was commanded, to avail himself of all the circumstances in his power to mitigate our offence, and to dissuade the British government from allowing their feelings, justly incurred by the past conduct of the party driven from power, to have an adverse influence towards the American party now in power. Sir, was that becoming language, from one independent nation to another? Was it proper in the mouth of an American minister? Was it in conformity with the high, unsullied, and dignified character of our previous diplomacy? Was it not, on the contrary, the language of an humble vassal to a proud and

haughty lord? Was it not prostrating and degrading the American eagle before the British lion?

The nomination was rejected in the senate by the casting vote of Mr. Calhoun, the vice president. Mr. Clay's opposition to it was based upon grounds purely national — on a desire to maintain the dignity and honor of his country's character. It was fair for him, and for every one, to infer, that the spirit of cringing obsequiousness which Mr. Van Buren evinced, in framing instructions for a foreign minister, would display itself before the court of St. James, in acts as humiliating to her feelings as derogatory to her honor; in a word, that he would take the low attitude of the *parasite*, and not the erect position of the high-minded representative of an independent and mighty nation. How could Mr. Clay's course have been otherwise? Viewed with the eye of a partisan, it may be deemed impolitic; it may have contributed more than any thing else to elevate Mr. Van Buren to the presidency, by recommending him more strongly to the favor of his party, as the victim of political persecution. Party politics, however, had nothing to do in determining Mr. Clay's action; this was not the result of the consultations of any clique, nor the product of any party machinery; it was the offspring of his prompt, spontaneous, and unqualified obedience to his country's mandate. He was never found grovelling among the dingy kennels and filthy sewers of party cabal, seeking the performance of some dirty job; for his country, his *whole country*, gave him too much and too honorable employment to allow him any leisure for this, had he been thus inclined. We have seen that it was his ardent desire to develop the resources of his country to their greatest possible extent, and to cause the tide of prosperity to flow unremittingly into the depositaries of her treasures; and he possessed the abilities requisite to accomplish both, if these could have been suitably directed. Unfortunately, however, circumstances rendered it necessary for them to be almost constantly employed in beating off those who were determined to lay violent hands on her facilities and riches. Instead, therefore, of erecting new political edifices, his time was incessantly occupied in preventing her enemies from tearing down those that were already established. These, he fought and belabored to the last, and plucked from their ravenous jaws many fair portions of his country's possessions. But it needed more than human aid to overthrow their now combined and embattled forces. We have reached the period rendered memorable by their ruthless ravages, the darkest and most disgraceful of our history — chronicling the vilest acts of those in power, and the noblest deeds of those out of power. Hitherto, in tracing the public career of Mr. Clay, our path has been, for the most part, smooth and flowery; but now it is to become rugged and thorny, for we have arrived at the border of the *great desert of our political annals* — a region of ruin,

covered with the black monuments of political depravity and unprincipled faction—a region we would gladly avoid, did not our path lead across it, which we enter reluctantly, and with feelings not unlike those of the traveller who has journeyed through an enlightened country, beautified by art, literature, and science, and is about to pass into one destitute of the conveniences and necessities of civilization. As he pauses and turns to take a last look of the beauty of the former, before he plunges into the gloom and dreariness of the latter, so let us cast a glance at the bright region behind, before entering the dismal one before us. The vision is cheered by a vast country, basking in the sunshine of high prosperity, with its various departments organized and governed with the most scrupulous fidelity, and with strict regard for the interests of those for whom they were established. No evils are seen to exist, except such as are incident to the most wisely regulated human institutions. On all sides we behold a population harmonious and happy, pursuing their different vocations without clashing or defection, or rejoicing over the rewards of honest and judicious industry. The great sources of their thrift, and most conspicuous features of their country, are the broad, deep, and crystalline streams of agriculture, commerce, currency, and domestic manufactures, with its noble tributary, internal improvement. These meander throughout its whole extent, deposit their sweet waters at every man's dwelling, and make the whole land vocal with innocent mirth and pure enjoyment. Such was the condition of the country through which we have just journeyed, and, had we leisure, would gladly linger to enumerate more particularly the benefits and blessings which the enriching influences of those magnificent streams generated; but we must hasten to trace their progress in the country before us. Previously, however, to commencing our cheerless march, let us, from our lofty position, survey their appearance, after they enter its lonely wilds and barrens. According to a universal and fundamental law of nature, their magnitude should be greatly increased, but they present an instance of its suspension, for some have dwindled to mere rills, and some have entirely disappeared, while others, encountering some unnatural impediments, have become dammed up, and inundated immense tracts with their waters, which stagnate and pollute the atmosphere with noxious vapors. The appearance of the country and its inhabitants, is sickening to behold. The former, broken, uncouth, and uncultivated, looks as though it were laboring under an attack of delirium tremens. Among the latter, commotion, confusion, and disorder, prevail. There is an abundance of action, but it is that of desperation and excitement, but it is perfectly veneficial. A noble few seem to be struggling virtuously against a tide of ruin and excess; but the great mass appear to be in the hot pursuit of the wildest schemes that human

imagination ever invented, trampling upon all order and restraint, diffusing the wildest intoxication through every department of public and private life, and making them the rendezvous of the worst evils known or named among men. The causes of these singular phenomena, a brief recital of facts, as connected with the subject of our memoir, will explain; to gather which, we must enter the territory whose condition we have been anticipating. The first that we notice is the policy of general Jackson towards the bank of the United States — an institution which he found in most prosperous circumstances, and answering every expectation that could be reasonably entertained in relation to such an establishment, and pronounced by the best financiers sound and safe. Nevertheless, soon after entering upon his official duties, he commenced his ‘humble efforts’ at improving its condition, which, however, aimed at nothing more nor less than making it subservient to party interests. Attempts were made to accomplish this, which, however, proved utterly abortive; the president of the bank replying to them, that its management should not be in any way connected with politics, and that the position which it should maintain, would be that of a *faithful and impartial friend* to the government, and not that of a party or government politician. Enticement proving unsuccessful, resort was then had to threats, which, however, failed of their effect. President Jackson, in his first message, commenced paving the way for the destruction of the bank, by causing the impression to be received that it was unsound, and that *the people* questioned the constitutionality and expediency of the law by which it was established. In his second message he intimates the same, and makes such allusions to the *veto power* as to show that he designed to employ it, unless his own peculiar views should be consulted in renewing the charter of the bank. In his third message he takes similar ground in relation to it, but says he ‘leaves the subject to the investigation of the people and their representatives.’ This was promptly made, and resulted in rechartering the bank, by a vote of one hundred and seven to eighty-five in the house, which was as promptly vetoed by him. In his veto message is the following remarkable passage. ‘*If the executive had been called on to furnish the project of a national bank, the duty would have been cheerfully performed.*’

In the senate, Mr. Clay met the veto in a becoming manner, and denounced its absurd doctrines in the most faithful manner. On this occasion he gave a full *exposé* of his views respecting it: proving its spirit at variance with our institutions, and expressed himself decidedly in favor of permanently limiting its exercise. The most absurd of its dogmas related to expounding the constitution, which declared that every public officer might interpret it as he pleased. This called forth one of Mr. Clay’s most impetuous bursts of eloquence. ‘I conceive,’ said he, ‘with great deference,

that the president has mistaken the purport of the oath to support the constitution of the United States. No one swears to support it as he understands it, but to support it simply as it is in truth. All men are bound to obey the laws — of which the constitution is supreme — but must they obey them as they understand them, or as they are? If the obligation of obedience is limited and controlled by the measure of information — in other words, if the party is bound to obey the constitution only as he understands it — what would be the consequence? There would be general disorder and confusion throughout every branch of administration, from the highest to the lowest offices — *universal nullification*?

The insinuations and charges of the president led to a rigid examination of the affairs of the bank, which showed its assets to exceed its liabilities, by more than *forty millions of dollars*. So perfectly safe did congress consider the public deposits in its vaults, that the house passed a vote, of one hundred and nine to forty-six, expressive of their belief of their safety. Not the shadow of evidence was adduced, to give the slightest coloring of truth to the assumptions of the president, or that there was any necessity for augmenting the '*limited powers*' (as he termed them) *of the secretary of the treasury over the public money*. But general Jackson had declared its continuance in the bank dangerous, and he seemed determined on acting as though it were in fact the case. It was requisite for him to have some justifying pretext for the arbitrary measure he designed to adopt, in subverting that noble institution; hence, his hints of the unconstitutionality and inexpediency of its existence, and the unsafety of the people's money in its vaults; but these were now merged in direct attack. He succeeded in withdrawing from them the public deposits — an act that spread panic, embarrassment, and unparalleled distress, through the country, and was the great prolific cause of causes, of all the evils with which it was subsequently visited. This act, to all intents and purposes, was the *president's*, although it was performed through the instrumentality of Mr. Taney, the secretary of the treasury, who executed the unconstitutional bidding of the president, for decidedly refusing to execute which, two previous secretaries, Messrs. McLane and Duane, he had removed. Indeed, in his message of 1833, he distinctly avowed, that he urged the removal of the public money.

Mr. Clay introduced resolutions to the senate, calling for a copy of the documents in which the secretary pretended to find precedents, justifying the course he had pursued, which passed the senate, and, on the thirteenth of December, Mr. Taney placed in the hands of that body, a communication, which contained, however, nothing satisfactory, or contemplated by the resolutions. Mr. Clay declared the ground which the secretary assumed, untenable, and, on the twenty-sixth of December, introduced resolutions to

the senate, pronouncing his reasons for removing the deposits, as communicated to congress, unsatisfactory and insufficient, and that the president, in dismissing the secretary of the treasury because he would not, in violation of his sense of duty, remove, as directed, the public money, had assumed the exercise of a power over the treasury of the United States, not granted by the constitution and laws, and dangerous to the liberties of the people. In defence of these, Mr. Clay made one of his ablest speeches, and forcibly demonstrated the unconstitutionality and illegality of the procedure of the president and secretary. He foretold, with prophetic accuracy, the fatal consequences which would flow from it, and depicted in glowing colors the dangers that threatened the best interests of the nation. These resolutions passed the senate, and, on the seventeenth of April, 1833, the president communicated to the senate his celebrated protest—a document perfectly characteristic of him, replete with the most arrogant assumptions and declarations. This led to a warm and protracted debate, in which Messrs. Clay, Poindexter, Sprague, Frelinghuysen, and Southard, joined, whose powerful arguments drove the president from the last vestige of the fallacious grounds he had assumed, and scattered the doctrines of his protest to the winds. The senate, by a vote of twenty-seven to sixteen, excluded it from the journals, and maintained that the president possessed no right to protest against any of its proceedings. During the discussion, Mr. Leigh, of Virginia, paid Mr. Clay a rich and merited compliment, for his services in allaying the spirit of nullification at the south, in 1832 and 1833. ‘I cannot but remember,’ said he, ‘when all men were trembling under the apprehension of civil war—trembling from the conviction, that if such a contest should arise, let it terminate how it might, it would put our present institutions in jeopardy, and end either in consolidation or disunion; for I am persuaded that the first drop of blood which shall be shed in a civil strife between the federal government and any state, will flow from an irremediable wound, that none may ever hope to see healed. I cannot but remember, that the president, though wielding such a vast power and influence, never contributed the least aid to bring about the compromise that saved us from the evils which all men, I believe, and I, certainly, so much dreaded. The men are not present to whom we are chiefly indebted for that compromise; and I am glad they are absent, since it enables me to speak of their conduct, as I feel I might not without, from a sense of delicacy. I raise my humble voice in gratitude for that service, to *Henry Clay* of the senate, and *Robert P. Letcher*, of the house of representatives.

At the time of introducing resolutions pronouncing secretary Taney’s reasons insufficient, Mr. Clay took occasion to refute an assertion which a prominent person had made in relation to his (Mr. Clay’s) connection with the United States bank, which

intimated that it was dishonorable. He declared that he did not owe the bank, nor any of its branches, a cent; that he had never received a gratuity from it, in any form; that he had acted as counsel, and transacted a vast amount of business for it, in Ohio, and received only the customary fees; and that, in consequence of endorsing for a friend, he had become indebted to the bank, to a considerable amount, but that, by establishing a system of rigid economy, he had entirely liquidated it.

Immediately after the passage of the resolutions excluding the protest, Mr. Clay introduced others, providing for the restoration of the deposits, and reiterating the insufficiency of the secretary's reasons for removing them, and remarked, that whatever might be the fate of the resolutions at the other end of the capitol, or in any other building, that consideration ought not to influence, in any degree, their action. They passed the senate, but, as had been expected, were laid on the table in the house.

During the celebrated session, of 1833-34, known as the *panic session*, Mr. Clay performed an amount of labor seldom equalled. He let no suitable occasion pass, without opposing the despotic proceedings of the president, and raising his warning voice against his suicidal policy. The distress caused by the removal of the deposits, and consequent curtailment of the issues of the United States bank, called forth memorials from the people, which poured into congress continually, denouncing the president's financial experiment, and calling for relief. Many of these were presented by Mr. Clay, who generally accompanied them by a brief speech. One, which he made in presenting a memorial from Kentucky, and one from Troy, contains an accurate and faithful picture of the condition of the country at that period. The evils of the 'pet bank system,' soon began to develop themselves. On one occasion, in alluding to it, Mr. Clay remarked as follows. 'The idea of uniting thirty or forty local banks for the establishment and security of an equal currency, could never be realized. As well might the crew of a national vessel be put on board thirty or forty bark canoes, tied together by a grape vine, and sent out upon the troubled ocean, while the billows were rising mountains high, and the tempest was exhausting its rage on the foaming elements, in the hope that they might weather the storm, and reach their distant destination in safety. The people would be contented by no such fleet of bark canoes, with admiral Taney in their command. They would be heard again calling out for old Ironsides, which had never failed them in the hour of trial, whether amidst the ocean storm, or in the hour of battle.'

The session terminated the last of June, when Mr. Clay set out for Kentucky. While travelling in the stage-coach from Charlestown to Winchester, Virginia, he narrowly escaped death, by its upsetting, a young gentleman being instantly killed by his side.

In 1834-35, the subject of French spoliations came before congress, in considering which, Mr. Clay rendered valuable services. A treaty had been concluded with France, stipulating for indemnification, the first instalment of which was not promptly paid, whereupon the president, with injudicious precipitancy, recommended the passage of a law authorizing reprisals upon French property, unless at the next session of the French chamber provision should be made for its payment. The tendency of this recommendation was most deleterious upon our commercial interests. The subject was referred to the committee on foreign relations, at the head of which the senate had placed Mr. Clay. On the sixth of January, 1835, he read a lengthy and most able report, which detailed, with great minuteness and perspicuity, the facts connected with the subject of the spoliations, which was received with great applause, and twenty thousand copies printed and circulated through the country, which soon restored commercial confidence. The doctrines of the report were such as commended themselves to every patriotic heart — simple, just, exacting to the last tithé our demands on France, but yet deprecating rashness in obtaining them. The committee did not doubt the power of the United States to enforce payment, but deemed it inexpedient to exercise it, until other means had been exhausted. They coincided with the president in a determination to have the treaty fulfilled, but desired to avoid too great haste. They concluded by recommending the senate to adopt a resolution, declaring it ‘inexpedient to pass, at this time, any law vesting in the president authority for making reprisals upon French property, in the contingency of provision not being made for paying to the United States the indemnity stipulated by the treaty of 1831, during the present session of the French chambers.’

On the fourteenth of January, in accordance with previous arrangement, Mr. Clay called for the consideration of the report and its accompanying resolution. It being expected that he would address the senate, the members of the house generally left their seats to listen to him, nor were they disappointed; for he spoke nearly an hour, in strains of eloquence that thrilled the hearts of all who listened to him. After being slightly modified, the resolution passed the senate unanimously, and thus, mainly through the efforts of Mr. Clay, a hostile collision with France was averted, and that pacific intercourse which had previously existed between her and the United States reëstablished, and the consummation of the treaty greatly accelerated. As he justly deserved, his country awarded him sincere praise, for his magnanimous course in achieving this.

Soon after the president's recommendation of reprisals, the French minister was recalled from Washington, and passports presented to our minister at Paris, by the order of Louis Philippe,

the French king, in anticipation of a rupture with the United States. In consequence of these proceedings, Mr. Clay, near the close of the session, made a short report from the committee on foreign relations, recommending that the senate adhere to the resolution previously adopted, await the result of another appeal to the French chambers, and hold itself in readiness for whatever exigency might arise. The advice of the committee was adopted by the senate, and thus terminated the consideration of the subject.

On the fourth of February, 1835, an occasion occurred favorable for the exercise of Mr. Clay's philanthropic feelings, which he promptly embraced. He had received a memorial from certain Indians of the Cherokee tribe, setting forth their condition, grievances, wants, and rigid and cruel policy pursued towards them by the state of Georgia. A portion desired to remain where they were, and a portion to remove beyond the Mississippi. In presenting their petition, Mr. Clay made remarks which came burning with pathos and eloquence from his inmost soul. He manifested the deepest feeling, as he dwelt upon the story of their wrongs, and their downtrodden state. This he represented as worse than that of the slave, for his master cared for and fed him, 'but what human being,' said he, 'is there, to care for the unfortunate Indian?' Mr. Clay alluded to the numerous solemn treaties, in which the United States pledged their faith towards the red man, to allow him the unmolested occupancy of his hunting grounds. He was much affected, and many of his audience were bathed in tears. Mr. Clay's sympathetic feelings flowed forth unbidden, and unchecked by selfish considerations, whenever he beheld suffering humanity, and no class have participated more largely in them than the poor, friendless aborigines. He invariably advocated their claims, and a full redress of their grievances. The presence of a Cherokee chief and a female of the tribe greatly enhanced the interest of the occasion, who seemed to hang upon the lips of the benevolent speaker, and drink in every word as though it had been water to their thirsty souls. In conclusion, Mr. Clay submitted a resolution, directing the committee on the judiciary to inquire into the expediency of making further provision, by law, to enable Indian tribes to whom lands have been secured by treaty, to defend and maintain their rights to such lands, in the courts of the United States. Also, a resolution directing the committee on Indian affairs, to inquire into the expediency of setting apart a district of country west of the Mississippi, for such of the Cherokee nations as were disposed to emigrate, and for securing in perpetuity their peaceful enjoyment thereof, to themselves and their descendants.

A bill was reported to the senate, abating executive patronage, which Mr. Clay supported by a speech, on the eighteenth of February, 1835, embodying an accurate account of the multifarious evils resulting from the selfish and arbitrary course pursued by the

chief magistrate — evils which no lover of his country and her liberties could contemplate but with apprehensions of terror. He also spoke in favor of making an appropriation for continuing the construction of the Cumberland road, and against surrendering it to the control of the states through which it passed.

During the session of 1835-6, a further consideration of the subject of French spoliations was had. Mr. Clay, being again placed at the head of the committee on foreign relations, on the eleventh of January, 1836, introduced a resolution to the senate, calling on the president for information relative to our affairs with France. Three weeks subsequently, he introduced another, calling for the *exposé* which accompanied the French bill of indemnity, for certain notes which passed between the Duc de Broglie, and our *chargé*, Mr. Barton, and those between our minister, Mr. Livingston, and the French minister of foreign affairs. With some modifications, these resolutions were adopted.

On the announcement of the president, February eighth, 1836, that Great Britain had offered her mediation between the United States and France, Mr. Clay took occasion to remark that he could not withhold the expressions of his congratulations to the senate, for the agency it had in producing the happy termination of our difficulties with France. If the senate had not, by its unanimous vote of last September, declared that it was inexpedient to adopt any legislative action upon the subject of our relations with France, if it had yielded to the recommendations of the executive, in ordering reprisals against that power, it could not be doubted but that war would have existed, at that moment, in its most serious state.

On the fourteenth of April, Mr. Clay's land bill was taken up in the senate, and discussed at length, for several days, during which he ably and faithfully defended it. On the twenty-sixth, he made a speech in its behalf, which was not far behind his most brilliant efforts. In reference to it says the National Intelligencer, 'we thought, after hearing the able and comprehensive arguments of Messrs. Ewing, Southard, and White, in favor of this beneficent measure, that the subject was exhausted; that, at any rate, but little new could be urged in its defence. Mr. Clay, however, in one of the most luminous and forcible arguments which we have ever heard him deliver, placed the subject in new lights, and gave to it new claims to favor. The whole train of his reasoning appeared to us a series of demonstrations.'

By a vote of twenty-five to twenty, it passed the senate, May fourth, 1836, in the same form, substantially, as that vetoed by general Jackson; but in the house his influence was too powerful to admit of its passage there at that time.

On the right of petition, Mr. Clay stated his views, which supported the belief that the servants of the people ought to examine,

deliberate, and decide, either to grant or refuse the prayer of a petition, giving the reasons for such decision; and that such was the best mode of putting an end to the agitation of the public on the subject. The right of congress to abolish slavery in the District of Columbia, he thought, existed, but seemed inclined to question the expediency of exercising it, under the circumstances then existing.

The condition of the deposit banks was made the subject of a report by the secretary of the treasury, on the seventeenth of March, 1836, when Mr. Clay demonstrated the insecurity of the public monies in their keeping, and foretold, with astonishing accuracy, the crisis which in 1837 occurred.

The recognition of the independence of Texas, was effected by the exertions of Mr. Clay, on ascertaining that it had a civil government in successful operation. Up to the close of the session, (July fourth, 1836,) Mr. Clay's vigilance and activity in the service of his country did not abate in the least. The fortification bill, reduction of duties on articles not coming in collision with the manufacturing interests, and various other questions of national importance, engaged his attention.

On returning to Kentucky, a dinner was tendered him, by the citizens of Woodford county, at which he reviewed, in a masterly manner, the doings of the administration, and expressed his determination to withdraw from public life, and even went so far as to declare his wish that the state would look for some other individual to fill the station then occupied by him, but which would soon be vacant by the expiration of his term.

While surveying his cattle, in the autumn of 1836, he narrowly escaped death, by a furious bull, which rushed towards him, plunging his horns into the horse on which he was seated, killing him suddenly, and throwing Mr. Clay several feet. He, however, escaped with a slight contusion.

In 1836, Mr. Clay accepted the appointment of president of the American Colonization Society, in the place of ex-president Madison, deceased.

Being strongly importuned from a variety of sources, Mr. Clay consented to become a candidate for the senatorship again, and was reëlected. Immediately after the convening of congress, he once more brought forward his land bill. After being read twice, it was referred to the appropriate committee, at the head of which was Mr. Walker, of Mississippi, who said, that he had been instructed by it to move the indefinite postponement of the bill, whenever it should come up for consideration. A few days after, he introduced his own bill, proposing to restrict the sales of lands to actual settlers. On the ninth of February, 1837, Mr. Calhoun introduced *his* bill, which ostensibly sold, but in reality gave to the new states, the public lands. This plan was vigorously denounced

by Mr. Clay, who expressed himself opposed to all schemes of disposing of the national domain which would deprive the old states of their rightful interest in it, and that, while he had strength to stand and speak, he would employ it in protesting against their adoption. He implored the senate not to appeal to the cupidity of the new states from party inducements, and exhorted a faithful adhesion to equity and justice in apportioning the public lands.

On a bill, originating with the committee on finance, which contained provisions conflicting with the compromise act, Mr. Clay spoke at considerable length; also on a resolution introduced by Mr. Ewing, rescinding the specie circular, which required all payments for public lands to be in specie.

On the sixteenth of January, Mr. Clay discussed the question of *expunging* from the records of the senate, for 1834, his resolution censuring general Jackson for removing the deposits unconstitutionally; Mr. Benton having introduced a resolution requiring its erasure. In his speech, Mr. Clay so blended indignant invective, sarcasm, scorn, humor, and argument, as to make it one of the most withering rebukes ever administered. 'What patriotic purpose,' said he, '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 yourself 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 cannot 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 earth below, and liberty and patriotism, decide the preponderance.

'What patriotic purpose is to be accomplished by this expunging resolution? Is it to appease the wrath, and 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 grovelling 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.'

The expunging resolution, however, passed, and thus the just resolution of Mr. Clay was stricken from the national records, but not from the *record of memory*; there will it live until her functions cease, the memento of a patriotic purpose to place the signet of a nation's displeasure upon as unprincipled an act as any ruler of that nation ever perpetrated.

In the autumn of 1836, the presidential election took place, which resulted in elevating Mr. Van Buren to the chair of the chief magistracy, by one hundred and seventy of the two hundred and ninety-four electoral votes. At the time he entered upon the discharge of his official duties, the situation of the country was deplorable in the extreme. She was reaping the bitter fruits, which Mr. Clay had again and again predicted general Jackson would bring back from his experimental crusade and thrust down her throat. From Maine to Florida, her population were eating them, and gnashing their teeth with rage, when they contrasted their present lamentable condition, with what it was during the halcyon and equitable administration of Mr. Adams. Then, there was every thing to admire, and nothing to deprecate; now, there was nothing to admire and every thing to deprecate; then, the most devoted patriot, as he cast his eyes over his country, discovered abundant evidence of health, and the existence of few evils, and those medicable, or, if not, easily patible; now, wounds and bruises and putrescence, disfiguring it, he beheld at every stage of his survey, and ills of untold magnitude and enormity, for which no remedy could be devised. But there is no necessity for specification; it is sufficient to say, that when general Jackson took up the reins of government, he found the country prosperous and happy, and that when he laid them down, its *condition was just the reverse*. For every good which he found, its opposite evil had been substituted; for solvency, insolvency; for confidence, suspicion; for credit, discredit; for a sound and safe currency, one, if possible, worse than unsound and unsafe; for honesty, dishonesty; for purity, corruption; for justice, injustice; for frankness and candor, intrigue and duplicity; for order, disorder; for quiet, turmoil; for fidelity, infidelity; for enterprise, indolence; for wealth, poverty; for patient industry, wild speculation; for republican simplicity, haughty aristocracy; for wisdom, folly; for health, disease; for happiness, misery; for hope, despair; and for life, death. This substitution, Mr. Clay clearly foresaw would be made; he predicted it, and forewarned the country of it. Such was the condition of the country, when Mr. Van Buren attempted to 'walk in the footsteps of his illustrious predecessor.' Soon after his inauguration, he issued his proclamation, ordering an extra session of congress, to commence the first Monday in September. Pursuant to this, congress met to prescribe some mode of relief. In his message, the president recommended the *sub-treasury system* for the deposit,

transfer, and disbursement of the public revenue. This was the engrossing topic of the session, and which Mr. Clay combated and denounced unsparingly. He detected in it, and lucidly exposed, *that* which was calculated, not only to perpetuate the excesses and abuses under which the land was then groaning, but to superinduce fresh ones. He saw in it the grand link of that chain, destined to bind the resources and patronage of the government to the *car of party*, which for eight long years Mr. Van Buren's predecessor had been so busily engaged in forging. Mr. Clay's speech on this occasion is an inimitable specimen of close argumentative reasoning. After exposing the defects, absurdities, and danger of the sub-treasury scheme, he declared his decided conviction, that the only practicable measure for restoring a sound, safe, and uniform currency to the United States, was a properly organized United States bank, but that it would be unwise to propose such an institution, until the conviction of its necessity should become permanently impressed upon the minds of the people. The sub-treasury bill passed the senate by a vote of twenty-five to twenty, but in the house was laid on the table by a vote of one hundred and twenty to one hundred and seven.

Petitions for the erection of a national bank poured into congress incessantly, quite too fast to please the administration, which began to tremble for the safety of its darling projects. Mr. Wright, from the committee on finance, moved that the prayer of the memorialists ought not to be granted. Mr. Clay said, if the honorable senator persisted in his opposition, he should feel constrained to move to strike out all after *resolved*, and substitute 'that it will be expedient to establish a bank of the United States, whenever it shall be manifest, that a clear majority of the people of the United States desire such an institution.'

On the nineteenth of February, 1838, Mr. Clay once more addressed the senate in opposition to the sub-treasury plan, in one of the longest speeches he ever delivered, and made a complete *expose* of the ulterior intentions of the present and previous administrations, which were, to subvert the whole banking system, and build upon its ruins a mighty government, treasury bank, to be mainly organized and controlled by the executive department.

During the session, Mr. Clay, in presenting a petition for the establishment of a national bank, communicated some of his own views in relation to such an institution. He desired, first, that its capital should not be enormously large — about fifty millions of dollars — and its stock divided between the general government, the states, and individual subscribers; secondly, that in its organization, reference should be had to public and private control, public and private interests, and to the exclusion of foreign influence; thirdly, that a portion of its capital should be set apart, and placed in permanent security, adequate to meet any contingency

that might arise in connection with the issues of the bank; fourthly, perfect publicity in relation to all its affairs; fifthly, that its dividends should be limited to a certain per centum; sixthly, a prospective reduction in the rate of interest to six, and, if practicable, to five per centum; seventhly, that there should be a restriction upon the premium demanded upon post notes and checks used for remittance, to about one and a half per centum as the maximum between the most remote points of the union, thereby regulating domestic exchanges; eighthly, that effective provisions should be made against executive interference with the bank, and of it with the elections of the country. Such a public banking institution Mr. Clay advocated, from the conviction that it would perform every thing requisite in furnishing a good currency. The question of its constitutionality, he considered as satisfactorily settled by the fact, that the people during forty years had cherished the bank, that it had been approved by Washington, the father of his country, by Madison, the father of the constitution, and by Marshall, the father of the judiciary.

The subject of abolition was introduced into the senate, which Mr. Clay approached, and freely discussed, although urged to avoid it by his friends. He considered it, as it might be expected he would, in the true spirit of philanthropy, benevolence, and patriotism. His sentiments were conceived and uttered in such a noble, liberal, and magnanimous manner, as to elicit expressions of approbation and of commendation even from both anti and pro slavery men. Mr. Calhoun admitted the correctness of his sentiments, and the entire security which their adoption would promise to the union. As a matter in course, the enemies of Mr. Clay strove to cause the impression to be received, that, in his thus advocating the right of petition, he was actuated by motives of a personal nature, by a desire to render himself popular with abolitionists. His advocacy of this right *did* render him popular, not only with that class of individuals, but with all who revere and love the immutable and eternal principles of truth and justice, and rejoice to see the outpourings of sympathy towards a worthy object.

During the summer of 1839, in his return from a northeastern tour, he visited the city of New York, where his reception was as gratifying to his feelings as it was spontaneous and brilliant on the part of those who gave it. The whole city joined in it, and it may well be questioned, whether any individual ever entered the city, attended by such enthusiastic tokens of popular favor. He approached it in the steamer James Madison, at the foot of Hammond street, Greenwich, early in the afternoon. As he stepped on the wharf, the air was rent by the welcoming acclamations of an immense multitude assembled there, which were taken up and continued by similar collections of people lining his whole route (a distance of three miles) to the Astor House, where lodgings

had been prepared for him. He sat in an open barouche, preceded by a band of music, and followed by an immense concourse of citizens in carriages. The streets through which he passed were crowded with one dense mass of *people*, and the houses were covered with them. At all the principal places in his route, bands of music were stationed, that, as he approached, sent forth their spirit-stirring peals, which, with the vociferous shouts of thousands on thousands, and waving of handkerchiefs, flags, and banners, rendered his march like that of an oriental pageant. When he reached the Park, the shouting was almost deafening, which went up like the roar of the sea. The most interesting feature of this grand reception, was its *spontaneousness*. It was not 'got up,' but it was the unprovided for, the unsolicited, and voluntary *act of the people*, tendering to their best, their most devoted friend, their sincere and heart-felt greetings and gratulations. Mr. Clay had greatly endeared himself to all capable of appreciating lofty and disinterested action, who, as Mr. Van Buren's presidential term drew to a close, began to be mentioned continually as the most suitable whig candidate for president. On the fourth of December, 1839, the democratic whig convention met at Harrisburgh to nominate one. Not a doubt was entertained that Mr. Clay was the man of their choice, when they assembled, and that his selection would have been the result of their assembling, had not the most dishonorable means been employed to defeat it.

On the fifth of December, the convention was organized, Hon. James Barbour being appointed president. The committee appointed to report a candidate, after a session of two days, during which the intriguers were busy in circulating their falsehoods, and reading letters pretended to have been received from distinguished individuals in different parts of the country, and which were filled with false assertions of Mr. Clay's unpopularity, finally decided upon William Henry Harrison. Their decision was received by those of Mr. Clay's friends who stood by him to the last, without a murmur, although with melancholy looks, and silent disappointment. Mr. Banks, one of the delegation from Kentucky, was the first to rise and express their cordial concurrence in the nomination made. Mr. Preston expressed himself similarly, and desired that a letter from Mr. Clay, which had been in the possession of a delegate several days, should be read to the convention, and which had not been previously shown, lest the motives for its exhibition should have been misconstrued. It was read by colonel Coombs, of Kentucky. In this, Mr. Clay says, 'with a just and proper sense of the high honor of being called to the office of president of the United States, by a great, free, and enlightened people, and profoundly grateful to those of my fellow citizens who are desirous to see me placed in that exalted and responsible station, I must nevertheless say, in entire truth and sincerity, that, if the delibera-

tions of the convention shall lead them to the choice of another, as the candidate of the opposition, far from feeling any discontent, the nomination will have my best wishes, and receive my cordial support.' He then exhorted the delegation from Kentucky to think not of *him*, but of their bleeding, prostrate country, and to cooperate with the convention in selecting such an individual as should seem most competent to deliver her from the perils and dangers with which she was environed.

The reading of this remarkable communication, sent a thrill of astonishment and admiration through the hearts of all who listened to it. Many were affected to tears. Mr. Barbour said, after assenting to the determination of the convention, that he had been on terms of intimacy with Mr. Clay for thirty years, and that a more devoted or purer patriot and statesman never breathed, and that during that period he had never heard him give utterance to a single sentiment unworthy this character; that there was no place in his heart for one petty or selfish consideration. Mr. Leigh, of Virginia, said, he never thought that Mr. Clay needed the office, but that the country needed him. That office could confer no dignity or honor on Henry Clay. The measure of his fame was full, and whenever the tomb should close over him, it would cover the loftiest intellect and the noblest heart that this age had produced or known. '*I envy Kentucky, for when he dies she will have his ashes!*' said the venerable Peter R. Livingston, of New York.

In selecting a candidate for the vice presidency, it was thought that a suitable one was found in John Tyler, of Virginia, who was accordingly chosen.

Mr. Clay concurred, cheerfully and nobly, in the nomination of general Harrison, and exerted himself manfully in promoting his election. Mr. Clay did not evince the slightest disappointment at the result of the nominating convention, but seemed to rejoice over it. In the presidential canvass, preceding the election of general Harrison, Mr. Clay took a prominent part. In advocating the claims of general Harrison to the presidency, he labored sedulously, also, to procure the adoption of those principles which he considered ought to constitute the rule of action to all virtuous politicians. Averse to every thing like concealment himself, respecting his political sentiments, he ascertained, accurately, those of general Harrison, and then faithfully exhibited them. The contest resulted in the election of general Harrison, who received two hundred and thirty-four of the two hundred and ninety-four electoral votes cast. By the same vote Mr. Tyler was elected to the vice presidency.

Mr. Clay continued, with unrelaxing energy, his services during the session of 1839-40. The land bill came up again, and a warm debate ensued between him and Mr. Calhoun, and somewhat harsh language passed between them. The latter insinuated, that, at a certain time, he had the ascendancy over Mr. Clay in

debate—that he was his (Mr. Clay's) master. In reply, Mr. Clay said, that so far from admitting Mr. Calhoun to be his *master*, he would not own him for a *slave*. Mr. Clay, however, was not the man to harbor hard feelings towards any one, especially towards a political opponent. Soon after retiring from the senate in 1842, he met Mr. Calhoun as he was passing out of the senate chamber, and exchanged with him cordial salutations, while tears came to the eyes of both.

On a variety of questions of public interest, Mr. Clay spoke, the principal of which were, that of the abolition of slavery, the Maine boundary line, the navy appropriation bill, branch mints, expenditures of government, Cumberland road, and internal improvements. On the twentieth of January, 1840, he delivered a speech of rare ability on the sub-treasury, now called the independent treasury bill, which he denominated a government bank in disguise.

On all suitable occasions Mr. Clay frankly avowed his political faith, but never, perhaps, more minutely or explicitly, than at a dinner given to him at Taylorsville, in June, 1840. His speech at that time is a storehouse of sound political tenets, among which we find the following.

First. That there should be a provision to render a person ineligible to the office of president of the United States, after a service of one term.

Second. That the veto power should be more precisely defined, and be subjected to further limitations and qualifications.

Third. That the power of dismissal from office should be restricted, and the exercise of it rendered responsible.

Fourth. That 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.

Fifth. That 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, be prohibited.

General Harrison, previously to commencing his journey to Washington, visited Mr. Clay, and tendered him any office in the president's gift, but he courteously, yet firmly, declined accepting one, and expressed his unalterable resolution to withdraw from public life, as soon as he should see those fundamental measures, for which he had been so long and so ardently struggling, put in a train of accomplishment. To the very last of Mr. Van Buren's administration, he labored untiringly to place them in such a position. He was the strenuous advocate of a uniform system of bankruptcy. This was embodied in a bill reported to the senate by the judiciary committee, in the spring of 1840, on

account of the numerous petitions presented in its favor. It passed the senate, by a vote of twenty-four to twenty-three, but was defeated in the house.

Directly after the inauguration of general Harrison, he issued his proclamation ordering an extra session of congress, to commence on the last Monday in May. Before that period arrived, the president was no more. He died just one month after his introduction to office. The intelligence of his death filled the nation with sadness, yet no serious grounds of fear were entertained, because it was believed that Mr. Tyler would discharge the duties of the presidency with fidelity. Congress assembled in accordance with the proclamation of the late lamented Harrison. Mr. Clay commenced the public business with vigor and alacrity. The subjects which he deemed of pressing importance, and should engage the immediate attention of the senate, were,

First, the repeal of the sub-treasury law.

Secondly, the incorporation of a bank adapted to the wants of the people and government.

Thirdly, the provision of an adequate revenue, by the imposition of duties, and including an authority to contract a temporary loan to cover the public debt created by the last administration.

Fourthly, the prospective distribution of the proceeds of the public lands.

Fifthly, the passage of necessary appropriation bills.

Sixthly, some modification in the banking system of the District of Columbia, for the benefit of the people of the district.

From the head of the committee on finance, Mr. Clay moved the appointment of a select committee, to take into consideration the bank question, of which he was made chairman.

In June, Mr. Clay reported a plan for a national bank, which, after an animated discussion, was adopted by both houses, which, on the sixteenth of August, was vetoed by president Tyler. The return of the bill was hailed with mingled surprise, sorrow, and alarm, in the senate, which was addressed on the subject of the veto, by Mr. Clay, in strains of lofty eloquence, almost surpassing himself. Another bill was then framed with special reference to the objections of the president; in other words, it was just such a bill as he had recommended. The surprise and indignation were overwhelming, when it was known that this bill had encountered the fate of its predecessor. Mr. Clay did not scruple to denounce the exercise of the veto, as he had denounced it in the case of general Jackson, as unjustifiable, and as involving a manifest encroachment upon the liberties of the people.

With the solitary exception of Mr. Webster, the cabinet resigned their seats, and the feeling of indignation, enkindled at Washington, spread through and lit up the whole country into a glow of wrath, at the uncalled for and unexpected procedure of Mr. Tyler.

Although baffled, and in a measure defeated, by the despotism of one man, still Mr. Clay did not slacken his exertions to render relief to his suffering and distracted country. He was at the head of two important committees, and performed an amount of labor truly surprising. He had the gratification of witnessing the repeal of the abominable sub-treasury scheme, the passage of the bankrupt law, and his land bill.

An attempt to adjust the tariff was made, which occasioned another veto from the president. This was directed mainly against the distribution clause, which was finally surrendered to accommodate the views of the president. The tariff bill at length became a law.

On the thirty-first of March, 1842, Mr. Clay executed his long and fondly cherished design of retiring to the quiet of private life. He resigned his seat in the senate, and presented to that body the credentials of Mr. Crittenden, his friend, and successor. The scene which ensued when he tendered his resignation, was indescribably thrilling. It was not unlike that, when the father of his country, surrounded by his companions in arms, pronounced his farewell address, as they were about to disband and enter upon the possession and enjoyment of that independence which their invincible arms had won. Had the guardian genius of congress and the nation been about to take his departure, and giving his parting admonitions, deeper feeling could hardly have been manifested, than when Mr. Clay rose to address, on this occasion, his congressional compeers. An individual witnessing the breathless silence that pervaded the densely crowded senate chamber, and the tears flowing freely and copiously from the eyes of all, would have said, that wherever else Mr. Clay might have enemies, he had none in that assembly. In those who were politically opposed, and in those who were personally hostile to him, the movings of the best principles of our being were not subjected to the cruel control of selfishness or envy, but permitted to respond to the voice of nature, calling them in her most enticing tones to unite with his devoted friends, in bearing appropriate testimony to his public worth. The former no less than the latter, manifested the most sincere regret at the prospect of his departure. All felt that a master spirit was bidding them adieu — that the pride and ornament of the senate and the glory of the nation was being removed, and all grieved in view of the void that would be made. He spoke as it might be expected the patriot warrior of a thousand victorious battles would speak, standing on the field where they were fought — the living, burning, sublime sentiments of patriotism. His feelings often overpowered him. His voice, naturally musical, seemed the very refinement of sweetness and pathos, whose honied accents sank into the hearts of his hearers, like heaven's benediction. When Mr. Clay closed, the most intense

emotion agitated the senate. Mr. Preston rose, and remarked, in view of it, that he presumed there would be little disposition to transact business; that the event that had just occurred, was an epoch in the legislative history of the nation, and that therefore he would move that the senate adjourn. The motion was adopted unanimously.

His resignation as senator did not by any means close his intercourse with his fellow-countrymen. He still labored for his country; and by letters from his residence in Kentucky, and by speeches delivered there and elsewhere, frequently sent forth his opinions on the various topics of the day. The Whig party had long regarded him as their most prominent candidate for the chief magistracy, and he was nominated by acclamation in the convention of 1844, when 'Justice to Henry Clay,' was the watchword of the contest. He was defeated, however, by the late James K. Polk, who unexpectedly received the democratic nomination, and remained in retirement until after the election of General Taylor to the Presidency. In compliance with the earnest wishes of his political friends he consented to resume his seat in the senate, and in 1849 was again elected to that honorable position. During the exciting session of 1849-50, all his energies were devoted to securing the passage of the series of measures known as the 'Compromise Acts,' and there is no doubt that his incessant and intense labors upon the multifarious schemes which engrossed the attention of congress, occasioned serious debility and hastened his death. When, in the winter of 1850-51, it became but too evident that his disease was gaining the mastery over him, he visited New Orleans and Havana, in the hope that travel and relaxation, united with the effects of change of climate, would renovate his physical system. No permanent advantage, however, resulted from this experiment, and he was again induced, by a consciousness of his failing health, to resign his seat in the senate—the resignation to take effect on the 6th of September, 1852. But he was not destined to see that day. He became gradually weaker and weaker, and was confined to his room in Washington for several weeks, where he breathed his last on the morning of the 29th of June, 1852, at seventeen minutes past eleven o'clock. No one was present at the time, except his son, Thomas Hart Clay, and governor Jones, of Tennessee. His last moments were calm and quiet, and he seemed in full possession of all his faculties, apparently suffering but little. He did not speak for many hours before his dissolution, but his countenance indicated a happy resignation and full knowledge of his condition. He had long previously made every preparation for death, giving his son full instructions as to the disposition of his body and the settlement of his worldly affairs.

Perhaps the death of no individual since that of the revered Washington ever spread such a universal gloom over the country. In all the principal cities of the Union, funeral honors were paid to his memory, which were heartfelt and sincere, and evinced a pervading

feeling in the public mind that a great benefactor and friend was no more. In the Senate and House of Representatives, as will be seen by the subjoined proceedings, every one seemed anxious to testify his respect for the memory of the great man who had so long figured in our national councils. Political differences were forgotten, and all parties united in rendering homage to his transcendent worth and in mourning his irreparable loss. A committee was appointed to attend his remains to Kentucky, where they now repose.

We shall not attempt an analysis of his mind, conscious of our inability to do it justice. Its powers were so numerous and so great, as to make the task no light one. Its most prominent attribute was *patriotism*. This was the sun of its lofty faculties, which revolved about it in the order of satellites. Every thing was subordinate to, or absorbed by it. This was seen in every part of his career, towering magnificently upwards, like a mighty mountain, to bathe its head in everlasting sunshine, and formed its loveliest and most attractive feature. With Mr. Clay, patriotism was no unmeaning word. He made it the grand test of both principle and measure, and the main-spring of action. His devotion to it was most remarkable; so exclusive, as to lead him to sacrifice every other consideration upon its altar. On one occasion, acting under its influence, he said to Mr. Grundy, 'Tell general Jackson, that if he will sign *that bill* (the land bill), I will pledge myself to retire from congress, and *never enter public life again*;' of such vital importance did he consider that bill to the welfare of his beloved country. One cannot avoid breaking out in exclamations of admiration, and reverence, even, in view of such self-immolating political purity, as this sincere declaration evinces. *My country, my country*, seems to have been the constant apex of his thoughts and wishes. This attribute gave to his commanding eloquence its invincible power, and was the rocky pedestal on which he reared the temple of his immortal fame.

Political consistency was another prominent characteristic of Mr. Clay. This, like a line of light, is traceable through all his public life. The soundness of his judgment was worthy of note, by which he was enabled to predict, with almost prophetic accuracy, the effect of the adoption of certain measures. As a writer, Mr. Clay's style was nervous, perspicuous, and concise, evincing the freshness and beauty of originality, usually moving on in a deep and quiet current, but at times rushing like the mountain torrent, overthrowing all obstacles. He was peculiarly qualified for the regions of argument and close investigation, yet he could soar into that of imagination, and whenever he did, it was the flight of the eagle towards heaven. His power of illustration was felicitous, demonstrating an intimate acquaintance with the secret springs of the soul, and a sagacious knowledge of its mysterious movements. His conversational faculties were striking, and exceedingly versatile, enabling him to accommodate himself to the capacities of all, to the humblest, as well as to the loftiest intellect. It was remarked of Mr. Burke, by Dr. John-

son, that if a tempest, or any other occurrence, should cause him to take shelter under the roof of a peasant, he would find sufficient topics to employ his conversational powers, and *would so employ* them as to leave indelibly impressed upon the mind of its lowly occupant, the belief, that he was listening to no ordinary man. This would be emphatically true of Mr. Clay, who possessed, in an eminent degree, the faculty attributed to Mr. Burke. It was the exercise of this, that so endeared him to those who were privileged to come within the sphere of its influence, which invested his domestic and social relations with their greatest charms.

In private life, Mr. Clay exhibited the noblest characteristics of human nature, which may be expressed by one word—*openhartedness*. He was kind and liberal to a fault. Says one who was intimate with him, ‘his door and his purse were alike open to the friendless stranger and the unfortunate neighbor. Frank, open, and above the meanness of deception himself, and consequently never searching for duplicity and treachery in those around him, he more than once suffered from the vile ingratitude of men who have been cherished by his bounty and upheld by his influence.

‘The curse of aristocracy never chilled the warm flow of his natural feelings. His heart continued as warm, his hand as free, and his smile as familiar as they were when, without friends and without influence, he first responded to the hearty welcome of the Kentuckian. His feelings never changed with his fortunes.’

Mr. Clay was admirably qualified for the interchange of social and friendly feelings, in which he indulged most judiciously. His convivial interviews were enlivened by enjoyments of a marked intellectual character. His readiness at repartee, and aptitude for reply, were conspicuous features in his character. No emergency, however sudden or unexpected, found him unprepared, or disarmed him. He perceived the bearing of remarks, with the quickness of intuition, however vague or ambiguous they might be, and, with the suddenness of thought, framed and uttered a suitable reply.

Perhaps we cannot better close this imperfect memoir than by appending the following eloquent tribute from the pen of GEORGE D. PRENTICE, Esq. It originally appeared in the *Southern Ladies' Book*, for June, 1853, and has been extensively republished in other periodicals—an evidence of its claim to preservation in a less perishable form.

HENRY CLAY.

With voice and mien of stern control
 He stood among the great and proud,
 And words of fire burst from his soul!
 Like lightnings from the tempest cloud;
 His high and deathless themes were crowned
 With glory of his genius born,
 And gloom and ruin darkly frowned
 Where fell his bolts of wrath and scorn.

But he is gone—the free, the bold—
 The champion of his country's right;
 His burning eye is dim and cold,
 And mute his voice of conscious might.
 Oh no, not mute—his stirring call
 Can startle tyrants on their thrones,
 And on the hearts of nations fall
 More awful than his living tones.

The impulse that his spirit gave
 To human thought's wild, stormy sea,
 Will heave and thrill through every wave
 Of that great deep eternally;
 And the all-circling atmosphere,
 With which is blent his breath of flame,
 Will sound, with cadence deep and clear,
 In storm and calm, his voice and name.

His words that like a bugle blast
 Erst rang along the Grecian shore,
 And o'er the hoary Andes passed,
 Will still ring on for evermore.
 Great Liberty will catch the sounds,
 And start to newer, brighter life,
 And summon from Earth's utmost bounds
 Her children to the glorious strife.

Unnumbered pilgrims o'er the wave,
 In the far ages yet to be,
 Will come to kneel beside his grave,
 And hail him prophet of the tree,
 'Tis holier ground, that lowly bed
 In which his mouldering form is laid,
 Than fields where Liberty has bled
 Beside her broken battle-blade.

Who now, in danger's fearful hour,
 When all around is wild and dark,
 Shall guard with voice, and arm of power,
 Our freedom's consecrated ark?
 With stricken hearts, Oh God, to Thee,
 Beneath whose feet the stars are dust,
 We bow, and ask that thou wilt be
 Through every ill our stay and trust.

OBITUARY ADDRESSES

ON THE OCCASION OF

THE DEATH OF THE HON. HENRY CLAY;

DELIVERED IN THE

SENATE AND THE HOUSE OF REPRESENTATIVES,

AND

THE FUNERAL SERMON,

PREACHED IN THE CAPITOL, JULY 1, 1852,

BY THE REV. C. M. BUTLER, CHAPLAIN OF THE SENATE.

SENATE OF THE UNITED STATES, WEDNESDAY, JUNE 30, 1852.

AFTER the reading of the Journal, Mr. Underwood rose, and addressed the senate as follows:

MR. PRESIDENT: I rise to announce the death of my colleague, Mr. Clay. He died at his lodgings, in the National Hotel of this city, at seventeen minutes past eleven o'clock yesterday morning, in the seventy-sixth year of his age. He expired with perfect composure, and without a groan or struggle.

By his death our country has lost one of its most eminent citizens and statesmen; and, I think, its greatest genius. I shall not detain the Senate by narrating the transactions of his long and useful life. His distinguished services as a statesman are inseparably connected with the history of his country. As Representative and Speaker in the other House of Congress, as Senator in this body, as Secretary of State, and as Envoy abroad, he has, in all these positions, exhibited a wisdom and patriotism which have made a deep and lasting impression upon the grateful hearts of his countrymen. His thoughts and his actions have already been published to the world in written biography; in Congressional debates and reports; in the Journals of the two Houses; and in the pages of American history. They have been commemorated by monuments erected on the wayside. They have been engraven on medals of gold. Their memory will survive the monuments of marble and the medals of gold; for these are effaced and decay by the friction of ages. But the thoughts and actions of my late colleague have become identified with the immortality of the human mind, and will pass down from generation to

generation, as a portion of our national inheritance, incapable of annihilation, so long as genius has an admirer or liberty a friend.

Mr. President: The character of Henry Clay was formed and developed by the influence of our free institutions. His physical, mental, and moral faculties were the gift of God. That they were greatly superior to the faculties allotted to most men, cannot be questioned. They were not cultivated, improved, and directed by a liberal or collegiate education. His respectable parents were not wealthy, and had not the means of maintaining their children at college. Moreover, his father died when he was a boy. At an early period, Mr. Clay was thrown upon his own resources, without patrimony. He grew up in a clerk's office in Richmond, Virginia. He there studied law. He emigrated from his native state, and settled in Lexington, Kentucky, where he commenced the practice of his profession before he was of full age.

The road to wealth, to honour, and fame, was open before him. Under our Constitution and laws he might freely employ his great faculties unobstructed by legal impediments, and unaided by exclusive privileges. Very soon Mr. Clay made a deep and favorable impression upon the people among whom he began his career. The excellence of his natural faculties was soon displayed. Necessity stimulated him in their cultivation. His assiduity, skill, and fidelity in professional engagements secured public confidence. He was elected member of the legislature of Kentucky, in which body he served several sessions prior to 1806. In that year he was elevated to a seat in the senate of the United States.

At the bar and in the General Assembly of Kentucky, Mr. Clay first manifested those high qualities as a public speaker which have secured to him so much popular applause and admiration. His physical and mental organization eminently qualified him to become a great and impressive orator. His person was tall, slender, and commanding. His temperament ardent, fearless, and full of hope. His countenance clear, expressive, and variable—indicating the emotion which predominated at the moment with exact similitude. His voice, cultivated and modulated in harmony with the sentiment he desired to express, fell upon the ear like the melody of enrapturing music. His eye beaming with intelligence and flashing with coruscations of genius. His gestures and attitudes graceful and natural. These personal advantages won the prepossessions of an audience, even before his intellectual powers began to move his hearers; and when his strong common sense, his profound reasoning, his clear conceptions of his subject in all its bearings, and his striking and beautiful illustrations, united with such personal qualities, were brought to the discussion of any question, his audience was enraptured, convinced, and led by the orator as if enchanted by the lyre of Orpheus.

No man was ever blessed by his Creator with faculties of a higher order of excellence than those given to Mr. Clay. In the quickness of his perceptions, and the rapidity with which his conclusions were

formed, he had few equals and no superior. He was eminently endowed with a nice, discriminating taste for order, symmetry, and beauty. He detected in a moment every thing out of place or deficient in his room, upon his farm, in his own or the dress of others. He was a skilful judge of the form and qualities of his domestic animals, which he delighted to raise on his farm. I could give you instances of the quickness and minuteness of his keen faculty of observation which never overlooked any thing. A want of neatness and order was offensive to him. He was particular and neat in his handwriting and his apparel. A slovenly blot or negligence of any sort met his condemnation; while he was so organized that he attended to, and arranged little things to please and gratify his natural love for neatness, order, and beauty, his great intellectual faculties grasped all the subjects of jurisprudence and politics with a facility amounting almost to intuition. As a lawyer, he stood at the head of his profession. As a statesman, his stand at the head of the Republican Whig party for nearly half a century, establishes his title to pre-eminence among his illustrious associates.

Mr. Clay was deeply versed in all the springs of human action. He had read and studied biography and history. Shortly after I left college, I had occasion to call on him in Frankfort, where he was attending court, and well I remember to have found him with Plutarch's Lives in his hands. No one better than he knew how to avail himself of human motives, and all the circumstances which surrounded a subject, or could present them with more force and skill to accomplish the object of an argument.

Mr. Clay, throughout his public career, was influenced by the loftiest patriotism. Confident in the truth of his convictions and the purity of his purposes, he was ardent, sometimes impetuous, in the pursuit of objects which he believed essential to the general welfare. Those who stood in his way were thrown aside without fear or ceremony. He never affected a courtier's deference to men or opinions which he thought hostile to the best interests of his country; and hence he may have wounded the vanity of those who thought themselves of consequence. It is certain, whatever the cause, that at one period of his life Mr. Clay might have been referred to as proof that there is more truth than fiction in those profound lines of the poet—

'He who ascends the mountain top shall find
 Its loftiest peaks most wrapt in clouds and snow;
 He who surpasses or subdues mankind,
 Must look down on the hate of those below:
 Though far above the sun of glory glow,
 And far beneath the earth and ocean spread.
 Round him are icy rocks, and loudly blow
 Contending tempests on his naked head,
 And thus reward the toils which to those summits led.'

Calumny and detraction emptied their vials upon him. But how glorious the change! He outlived malice and envy. He lived long

enough to prove to the world that his ambition was no more than a holy aspiration to make his country the greatest, most powerful, and best governed on the earth. If he desired its highest office, it was because the greater power and influence resulting from such elevation would enable him to do more than he otherwise could for the progress and advancement—first of his own countrymen, then of his whole race. His sympathies embraced all. The African slave, the Creole of Spanish America, the children of renovated classic Greece—all families of men, without respect to color or clime, found in his expanded bosom and comprehensive intellect a friend of their elevation and amelioration. Such ambition as that, is God's implantation in the human heart for raising the down-trodden nations of the earth, and fitting them for regenerated existence in politics, in morals, and religion.

Bold and determined as Mr. Clay was in all his actions, he was, nevertheless, conciliating. He did not obstinately adhere to things impracticable. If he could not accomplish the best, he contented himself with the highest approach to it. He has been the great compromiser of those political agitations and opposing opinions which have, in the belief of thousands, at different times, endangered the perpetuity of our Federal Government and Union.

Mr. Clay was no less remarkable for his admirable social qualities than for his intellectual abilities. As a companion, he was the delight of his friends; and no man ever had better or truer. They have loved him from the beginning, and loved him to the last. His hospitable mansion at Ashland was always open to their reception. No guest ever thence departed without feeling happier for his visit. But, alas! that hospitable mansion has already been converted into a house of mourning; already has intelligence of his death passed with electric velocity to that aged and now widowed lady, who, for more than fifty years, bore to him all the endearing relations of wife, and whose feeble condition prevented her from joining him in this city, and soothing the anguish of life's last scene by those endearing attentions which no one can give so well as woman and a wife. May God infuse into her heart and mind the Christian spirit of submission under her bereavement! It cannot be long before she may expect a reunion in Heaven. A nation condoles with her and her children on account of their irreparable loss.

Mr. Clay, from the nature of his disease, declined very gradually. He bore his protracted sufferings with great equanimity and patience. On one occasion, he said to me, that when death was inevitable and must soon come, and when the sufferer was ready to die, he did not perceive the wisdom of praying to be 'delivered from sudden death.' He thought under such circumstances the sooner suffering was relieved by death the better. He desired the termination of his own sufferings, while he acknowledged the duty of patiently waiting and abiding the pleasure of God. Mr. Clay frequently spoke to me of his hope of eternal life, founded upon the merits of Jesus Christ as

a Saviour; who, as he remarked, came into the world to bring 'life and immortality to light.' He was a member of the Episcopalian Church. In one of our conversations he told me, that as his hour of dissolution approached, he found that his affections were concentrating more and more upon his domestic circle—his wife and children. In my daily visits, he was in the habit of asking me to detail to him the transactions of the senate. This I did, and he manifested much interest in passing occurrences. His inquiries were less frequent as his end approached. For the week preceding his death, he seemed to be altogether abstracted from the concerns of the world. When he became so low that he could not converse without being fatigued, he frequently requested those around him to converse. He would then quietly listen. He retained his mental faculties in great perfection. His memory remained perfect. He frequently mentioned events and conversations of recent occurrence, showing that he had a perfect recollection of what was said and done. He said to me that he was grateful to God for continuing to him the blessing of reason, which enabled him to contemplate and reflect on his situation. He manifested during his confinement the same characteristics which marked his conduct through the vigor of his life. He was exceedingly averse to give his friends '*trouble*,' as he called it. Some time before he knew it, we commenced waiting through the night in an adjoining room. He said to me, after passing a painful day, 'Perhaps some one had better remain all night in the parlor.' From this time he knew some friend was constantly at hand, ready to attend to him.

Mr. President, the majestic form of Mr. Clay will no more grace these halls. No more shall we hear that voice which has so often thrilled and charmed the assembled representatives of the American people. No more shall we see that waving hand and eye of light, as when he was engaged unfolding his policy in regard to the varied interests of our growing and mighty republican empire. His voice is silent on earth for ever! The darkness of death has obscured the lustre of his eye. But the memory of his services—not only to his beloved Kentucky, not only to the United States, but for the cause of human freedom and progress throughout the world—will live through future ages, as a bright example, stimulating and encouraging his own countrymen and the people of all nations in their patriotic devotions to country and humanity.

With Christians, there is yet a nobler and a higher thought in regard to Mr. Clay. They will think of him in connection with eternity. They will contemplate his immortal spirit occupying its true relative magnitude among the moral stars of glory in the presence of God. They will think of him as having fulfilled the duties allotted to him on earth, having been regenerated by Divine grace, and having passed through the valley of the shadow of death, and reached an everlasting and happy home in that 'house not made with hands, eternal in the heavens.'

On Sunday morning last I was watching alone at Mr. Clay's bedside. For the last hour he had been unusually quiet, and I thought he was sleeping. In that, however, he told me I was mistaken. Opening his eyes and looking at me, he said, 'Mr. Underwood, there may be some question where my remains shall be buried. Some persons may designate Frankfort. I wish to repose at the cemetery in Lexington, where many of my friends and connections are buried.' My reply was, 'I will endeavor to have your wish executed.'

I now ask the senate to have his corpse transmitted to Lexington, Kentucky, for sepulture. Let him sleep with the dead of that city, in and near which his home has been for more than half a century. For the people of Lexington, the living and the dead, he manifested, by the statement made to me, a pure and holy sympathy, and a desire to cleave unto them, as strong as that which bound Ruth to Naomi. It was his anxious wish to return to them before he died, and to realize what the daughter of Moab so strongly felt and beautifully expressed: 'Thy people shall be my people, and thy God my God. Where thou diest will I die, and there will I be buried.'

It is fit that the tomb of Henry Clay should be in the city of Lexington. In our Revolution, liberty's first libation-blood was poured out in a town of that name in Massachusetts. On hearing it, the pioneers of Kentucky consecrated the name, and applied it to the place where Mr. Clay desired to be buried. The associations connected with the name harmonize with his character; and the monument erected to his memory at the spot selected by him will be visited by the votaries of genius and liberty with that reverence which is inspired at the tomb of Washington. Upon that monument let his epitaph be engraved.

Mr. President, I have availed myself of Doctor Johnson's paraphrase of the epitaph on Thomas Hanmer, with a few alterations and additions, to express in borrowed verse my admiration for the life and character of Mr. Clay, and with this heart-tribute to the memory of my illustrious colleague I conclude my remarks:

Born when Freedom her stripes and stars unfur'd,
 When Revolution shook the startled world—
 Heroes and sages taught his brilliant mind
 To know and love the rights of all mankind.
 'In life's first bloom his public toils began,
 At once commenced the senator and man:
 In business dext'rous, weighty in debate,
 Near fifty years he labor'd for the state.
 In every speech persuasive wisdom flow'd,
 In every act refulgent virtue glow'd;
 Suspended faction ceased from rage and strife,
 To hear his eloquence and praise his life.
 Resistless merit fixed the Members' choice,
 Who hail'd him Speaker with united voice?
 His talents ripening with advancing years—
 His wisdom growing with his public cares—

A chosen envoy, war's dark horrors cease,
 And tides of carnage turn to streams of peace.
 Conflicting principles, internal strife,
 Tariff and slavery, disunion rife,
 All, all are *compromised* by his great hand,
 And beams of joy illuminate the land.
 Patriot, Christian, Husband, Father, Friend,
 Thy work of life achieved a glorious end!

I offer the following resolutions:

Resolved, That a committee of six be appointed by the president of the senate, to take order for superintending the funeral of Henry Clay, late a member of this body, which will take place to-morrow at twelve o'clock, M., and that the senate will attend the same.

Resolved, That the members of the senate, from a sincere desire of showing every mark of respect to the memory of the deceased, will go into mourning for one month by the usual mode of wearing crape on the left arm.

Resolved, As a further mark of respect entertained by the senate for the memory of Henry Clay, and his long and distinguished services to his country, that his remains, in pursuance of the known wishes of his family, be removed to the place of sepulture selected by himself at Lexington, in Kentucky, in charge of the sergeant at arms, and attended by a committee of six senators, to be appointed by the president of the senate, who shall have full power to carry this resolution into effect.

Mr. Cass.—Mr. President: Again has an impressive warning come to teach us, that in the midst of life we are in death. The ordinary labors of this hall are suspended, and its contentions hushed, before the power of Him, who says to the storm of human passion, as He said of old to the waves of Galilee, *PEACE, BE STILL*. The lessons of His providence, severe as they may be, often become merciful dispensations, like that which is now spreading sorrow through the land, and which is reminding us that we have higher duties to fulfil, and graver responsibilities to encounter, than those that meet us here, when we lay our hand upon His holy word, and invoke His holy name, promising to be faithful to that Constitution, which He gave us in His mercy, and will withdraw only in the hour of our blindness and disobedience, and of His own wrath.

Another great man has fallen in our land, ripe indeed in years and in honors, but never dearer to the American people than when called from the theatre of his services and renown to that final bar where the lofty and the lowly must all meet at last.

I do not rise, upon this mournful occasion, to indulge in the language of panegyric. My regard for the memory of the dead, and for the obligations of the living, would equally rebuke such a course. The severity of truth is, at once, our proper duty and our best consolation. Born during the revolutionary struggle, our deceased associate was one of the few remaining public men who connect the present generation with the actors in the trying scenes of that eventful period, and whose names and deeds will soon be known only in the history of their country. He was another illustration, and a noble one, too, of the glorious equality of our institu-

tions, which freely offer all their rewards to all who justly seek them; for he was the architect of his own fortune, having made his way in life by self-exertion; and he was an early adventurer in the great forest of the West, then a world of primitive vegetation, but now the abode of intelligence and religion, of prosperity and civilization. But he possessed that intellectual superiority which overcomes surrounding obstacles, and which local seclusion cannot long withhold from general knowledge and appreciation.

It is almost half a century since he passed through Chilicothe, then the seat of government of Ohio, where I was a member of the legislature, on his way to take his place in this very body, which is now listening to this reminiscence, and to a feeble tribute of regard from one who then saw him for the first time, but who can never forget the impression he produced by the charms of his conversation, the frankness of his manner, and the high qualities with which he was endowed. Since then he has belonged to his country, and has taken a part, and a prominent part, both in peace and war, in all the great questions affecting her interest and her honor; and though it has been my fortune often to differ from him, yet I believe he was as pure a patriot as ever participated in the councils of a nation, anxious for the public good, and seeking to promote it, during all the vicissitudes of a long and eventful life. That he exercised a powerful influence, within the sphere of his action, through the whole country, indeed, we all feel and know; and we know, too, the eminent endowments to which he owed this high distinction. Frank and fearless in the expression of his opinion, and in the performance of his duties, with rare powers of eloquence, which never failed to rivet the attention of his auditory, and which always commanded admiration, even when they did not carry conviction—prompt in decision, and firm in action, and with a vigorous intellect, trained in the contests of a stirring life, and strengthened by enlarged experience and observation, joined withal to an ardent love of country, and to great purity of purpose,—these were the elements of his power and success; and we dwell upon them with mournful gratification now, when we shall soon follow him to the cold and silent tomb, where we shall commit “earth to earth, ashes to ashes, dust to dust,” but with the blessed conviction of the truth of that Divine revelation which teaches us that there is life and hope beyond the narrow house, where we shall leave him alone to the mercy of his God and ours.

He has passed beyond the reach of human praise or censure; but the judgment of his contemporaries has preceded and pronounced the judgment of history, and his name and fame will shed lustre upon his country, and will be proudly cherished in the hearts of his countrymen for long ages to come. Yes, they will be cherished and freshly remembered, when these marble columns that surround us, so often the witnesses of his triumph—but in a few brief hours, when his mortal frame, despoiled of the immortal spirit, shall rest

under this dome for the last time, to become the witnesses of his defeat in that final contest, where the mightiest fall before the great destroyer—when these marble columns shall themselves have fallen, like all the works of man, leaving their broken fragments to tell the story of former magnificence, amid the very ruins which announce decay and desolation.

I was often with him during his last illness, when the world and the things of the world were fast fading away before him. He knew that the silver cord was almost loosened, and that the golden bowl was breaking at the fountain; but he was resigned to the will of Providence, feeling that he who gave has the right to take away, in his own good time and manner. After his duty to his Creator, and his anxiety for his family, his first care was for his country, and his first wish for the preservation and perpetuation of the Constitution and the Union—dear to him in the hour of death, as they had ever been in the vigor of life. Of that Constitution and Union, whose defence in the last and greatest crisis of their peril, had called forth all his energies, and stimulated those memorable and powerful exertions, which he who witnessed can never forget, and which no doubt hastened the final catastrophe a nation now deplores, with a sincerity and unanimity, not less honorable to themselves, than to the memory of the object of their affections. And when we shall enter that narrow valley, through which he has passed before us, and which leads to the judgment-seat of God, may we be able to say, through faith in his Son, our Saviour, and in the beautiful language of the hymn of the dying Christian—dying, but ever living, and triumphant—

‘The world recedes, it disappears—
 Heaven opens on my eyes! my ears
 With sounds seraphic ring;
 Lend, lend your wings! I mount—I fly!
 Oh, Grave! where is thy victory?
 Oh, Death! where is thy sting!’

‘Let me die the death of the righteous, and let my last hour be like his.’

Mr. HUNTER.—Mr. President: We have heard, with deep sensibility, what has just fallen from the senators who have preceded me. We have heard, sir, the voice of Kentucky—and, upon this occasion, she had a right to speak—in mingled accents of pride and sorrow; for it has rarely fallen to the lot of any state to lament the loss of such a son. But Virginia, too, is entitled to her place in this procession; for she cannot be supposed to be unmindful of the tie which bound her to the dead. When the earth opens to receive the mortal part which she gave to man, it is then that affection is eager to bury in its bosom every recollection but those of love and kindness. And, sir, when the last sensible tie is about to be severed,

it is then that we look with anxious interest to the deeds of the life, and to the emanations of the heart and the mind, for those more enduring monuments which are the creations of an immortal nature.

In this instance, we can be at no loss for these. This land, sir, is full of the monuments of his genius. His memory is as imperishable as American history itself, for he was one of those who made it. Sir, he belonged to that marked class who are the men of their century; for it was his rare good fortune not only to have been endowed with the capacity to do great things, but to have enjoyed the opportunities of achieving them. I know, sir, it has been said and deplored, that he wanted some of the advantages of an early education; but it, perhaps, has not been remembered that, in many respects, he enjoyed such opportunities for mental training as can rarely fall to the lot of man. He had not a chance to learn so much from books, but he had such opportunities of learning from men as few have ever enjoyed. Sir, it is to be remembered that he was reared at a time when there was a state of society, in the commonwealth which gave him birth, such as has never been seen there before nor since. It was his early privilege to see how justice was administered by a Pendleton and a Wylie, with the last of whom he was in the daily habit of familiar intercourse. He had constant opportunities to observe how forensic questions were managed by a Marshall and a Wickham. He was old enough, too, to have heard and to have appreciated the eloquence of a Patrick Henry, and of George Keith Taylor. In short, sir, he lived in a society in which the examples of a Jefferson, and a Madison, and a Monroe, were living influences, and on which the setting sun of a Washington cast the mild effulgence of its departing rays.

He was trained, too, as has been well said by the senator from Michigan, [Mr. Cass,] at a period when the recent revolutionary struggle had given a more elevated tone to patriotism, and imparted a higher cast to public feeling and to public character. Such lessons were worth, perhaps, more to him than the whole encyclopedia of scholastic learning. Not only were the circumstances of his early training favorable to the development of his genius, but the theatre upon which he was thrown, was eminently propitious for its exercise. The circumstances of the early settlement of Kentucky, the generous, daring, and reckless character of the people—all fitted it to be the theatre for the display of those commanding qualities of heart and mind, which he so eminently possessed. There can be little doubt but that those people and their chosen leader exercised a mutual influence upon each other; and no one can be surprised that, with his brave spirit, and commanding eloquence, and fascinating address, he should have led not only there, but elsewhere.

I did not know him, Mr. President, as you did, in the freshness of his prime, or in the full maturity of his manhood. I did not hear him, sir, as you have heard him, when his voice roused the spirit of

his countrymen for war—when he cheered the drooping, when he rallied the doubting through all the vicissitudes of a long and doubtful contest. I have never seen him, sir, when, from the height of the chair, he ruled the House of Representatives by the energy of his will, or when upon the level of the floor he exercised a control almost as absolute, by the mastery of his intellect. When I first knew him, his sun had a little passed its zenith. The effacing hand of time had just begun to touch the lineaments of his manhood. But yet, sir, I saw enough of him to be able to realize what he might have been in the prime of his strength, and in the full vigor of his maturity. I saw him, sir, as you did, when he led the 'opposition' during the administration of Mr. Van Buren. I had daily opportunities of witnessing the exhibition of his powers during the extra session under Mr. Tyler's administration. And I saw, as we all saw, in a recent contest, the exhibition of power on his part, which was most marvellous in one of his years.

Mr. President, he may not have had as much of analytic skill as some others, in dissecting a subject. It may be, perhaps, that he did not seek to look quite so far ahead as some who have been most distinguished for political forecast. But it may be truly said of Mr. Clay, that he was no exaggerator. He looked at events through neither end of the telescope, but surveyed them with the natural and the naked eye. He had the capacity of seeing things as the people saw them, and of feeling things as the people felt them. He had, sir, beyond any other man whom I have ever seen, the true mesmeric touch of the orator—the rare art of transferring his impulses to others. Thoughts, feelings, emotions, came from the ready mould of his genius, radiant and glowing, and communicated their own warmth to every heart which received them. His, too, was the power of wielding the higher and intenser forms of passion with a majesty and an ease, which none but the great masters of the human heart can ever employ. It was his rare good fortune to have been one of those who form, as it were, a sensible link, a living tradition which connects one age with another, and through which one generation speaks its thoughts and feelings, and appeals to another. And, unfortunate is it for a country, when it ceases to possess such men, for it is to them that we chiefly owe the capacity to maintain the unity of the great Epos of human history, and preserve the consistency of political action.

Sir, it may be said that the grave is still new-made which covers the mortal remains of one of those great men who have been taken from our midst, and the earth is soon to open to receive another. I know not whether it can be said to be a matter of lamentation, so far as the dead are concerned, that the thread of this life has been clipped when once it had been fully spun. They escape the infirmities of age, and they leave an imperishable name behind them. The loss, sir, is not theirs, but ours; and a loss the more to be lamented that we see none to fill the places thus made vacant on

the stage of public affairs. But it may be well for us, who have much more cause to mourn and to lament such deaths, to pause amidst the business of life for the purpose of contemplating the spectacle before us, and of drawing the moral from the passing event. It is when death seizes for its victims those who are, by 'a head and shoulders, taller than all the rest,' that we feel most deeply the uncertainty of human affairs, and that 'the glories of our mortal state are shadows, not substantial things.' It is, sir, in such instances as the present that we can best study by the light of example the true objects of life, and the wisest ends of human pursuit.

MR. HALE.—MR. President: I hope I shall not be considered obtrusive, if on this occasion, for a brief moment, I mingle my humble voice with those that, with an ability that I shall neither attempt nor hope to equal, have sought to do justice to the worth and memory of the deceased, and at the same time appropriately to minister to the sympathies and sorrows of a stricken people. Sir, it is the teaching of inspiration that 'no man liveth and no man dieth unto himself.'

There is a lesson taught no less in the death than in the life of every man—eminently so in the case of one who has filled a large space and occupied a distinguished position in the thoughts and regard of his fellow-men. Particularly instructive at this time is the event which we now deplore, although the circumstances attending his decease are such as are calculated to assuage rather than aggravate the grief which it must necessarily cause. His time had fully come. The three score and ten marking the ordinary period of human life had for some years been passed, and, full of years and of honors, he has gone to his rest. And now, when the nation is marshalling itself for the contest which is to decide 'who shall be greatest,' as if to chasten our ambition, to restrain and subdue the violence of passion, to moderate our desires and elevate our hopes, we have the spectacle of one who, by the force of his intellect and the energy of his own purpose, had achieved a reputation which the highest official honors of the Republic might have illustrated, but could not have enhanced, laid low in death—as if, at the very outset of this political contest, on which the nation is now entering, to teach the ambitious and aspiring the vanity of human pursuit and end of earthly honor. But, sir, I do not intend to dwell on that moral which is taught by the silent lips and closed eye of the illustrious dead, with a force such as no man ever spoke with; but I shall leave the event, with its silent and mute eloquence, to impress its own appropriate teachings on the heart.

In the long and eventful life of Mr. Clay, in the various positions which he occupied, in the many posts of public duty which he filled, in the many exhibitions which his history affords of untiring energy, of unsurpassed eloquence, and of devoted patriotism, it would be

strange indeed if different minds, as they dwell upon the subject, were all to select the same incidents of his life, as preëminently calculated to challenge admiration and respect.

Sir, my admiration—ay, my affection for Mr. Clay—was won and secured many years since, even in my school-boy days—when his voice of counsel, encouragement, and sympathy, was heard in the other hall of this capitol, in behalf of the struggling colonies of the southern portion of this continent, who, in pursuit of their inalienable rights, in imitation of our own forefathers, had unfurled the banner of liberty, and, regardless of consequences, had gallantly rushed into that contest where ‘life is lost, or freedom won.’ And again, sir, when Greece, rich in the memories of the past, awoke from the slumber of ages of oppression and centuries of shame, and resolved

‘To call her virtues back, and conquer time and fate’—

there, over the plains of that classic land, above the din of battle and the clash of arms, mingling with the shouts of the victors and the groans of the vanquished, were heard the thrilling and stirring notes of that same eloquence, excited by a sympathy which knew no bounds, wide as the world, pleading the cause of Grecian liberty before the American congress, as if to pay back to Greece the debt which every patriot and orator felt was her due. Sir, in the long and honorable career of the deceased, there are many events and circumstances upon which his friends and posterity will dwell with satisfaction and pride, but none which will preserve his memory with more unfading lustre to future ages than the course he pursued in the Spanish, American, and Greek revolutions.

MR. CLEMENS.—MR. President: I should not have thought it necessary to add any thing to what has already been said, but for a request preferred by some of the friends of the deceased. I should have been content to mourn him in silence, and left it to other tongues to pronounce his eulogy. What I have now to say shall be brief—very brief.

Mr. President, it is now less than three short years ago since I first entered this body. At that period it numbered among its members many of the most illustrious statesmen this republic has ever produced, or the world has ever known. Of the living, it is not my purpose to speak; but in that brief period, death has been busy here; and, as if to mark the feebleness of human things, his arrows have been aimed at the highest, the mightiest of us all. First, died Calhoun. And well, sir, do I remember the deep feeling evinced on that occasion by him whose death has been announced here to-day, when he said: “I was his senior in years—nothing else. In the course of nature I ought to have preceded him. It has been decreed otherwise; but I know that I shall linger here only a short time, and shall soon follow him.” It was genius mourning over his younger brother, and too surely predicting his own approaching end.

He, too, is now gone from among us, and left none like him behind. That voice, whose every tone was music, is hushed and still. That clear, bright eye is dim and lustreless, and that breast, where grew and flourished every quality which could adorn and dignify our nature, is cold as the clod that soon must cover it. A few hours have wrought a mighty change—a change for which a lingering illness had, indeed, in some degree, prepared us; but which, nevertheless, will still fall upon the nation with crushing force. Many a sorrowing heart is now asking, as I did yesterday, when I heard the first sound of the funeral bell—

“And is he gone?—the pure of the purest,
The hand that upheld our bright banner the surest,
Is he gone from our struggles away?
But yesterday lending a people new life,
Cold, mute, in the coffin to-day.”

Mr. President, this is an occasion when eulogy must fail to perform its office. The long life which is now ended is a history of glorious deeds too mighty for the tongue of praise. It is in the hearts of his countrymen that his best epitaph must be written. It is in the admiration of a world that his renown must be recorded. In that deep love of country which distinguished every period of his life, he may not have been unrivalled. In loftiness of intellect, he was not without his peers. The skill with which he touched every chord of the human heart may have been equalled. The iron will, the unbending firmness, the fearless courage, which marked his character, may have been shared by others. But where shall we go to find all these qualities united, concentrated, blended into one brilliant whole, and shedding a lustre upon one single head, which does not dazzle the beholder only because it attracts his love and demands his worship?

I scarcely know, sir, how far it may be allowable, upon an occasion like this, to refer to party struggles which have left wounds not yet entirely healed. I will venture, however, to suggest, that it should be a source of consolation to his friends that he lived long enough to see the full accomplishment of the last great work of his life, and to witness the total disappearance of that sectional tempest which threatened to whelm the republic in ruins. Both the great parties of the country have agreed to stand upon the platform which he erected, and both of them have solemnly pledged themselves to maintain unimpaired the work of his hands. I doubt not the knowledge of this cheered him in his dying moments, and helped to steal away the pangs of dissolution.

Mr. President, if I knew any thing more that I could say, I would gladly utter it. To me, he was something more than kind, and I am called upon to mingle a private with the public grief. I wish that I could do something to add to his fame. But he built for himself a monument of immortality, and left to his friends no task but

that of soothing their own sorrow for his loss. We pay to him the tribute of our tears. More we have no power to bestow. Patriotism, honour, genius, courage, have all come to strew their garlands about his tomb; and well they may, for he was the peer of them all.

MR. COOPER.—MR. President: It is not always by words that the living pay to the dead the sincerest and most eloquent tribute. The tears of a nation, flowing spontaneously over the grave of a public benefactor, is a more eloquent testimonial of his worth and of the affection and veneration of his countrymen, than the most highly-wrought eulogium of the most gifted tongue. The heart is not necessarily the fountain of words, but it is always the source of tears, whether of joy, gratitude, or grief. But sincere, truthful, and eloquent, as they are, they leave no permanent record of the virtues and greatness of him on whose tomb they are shed. As the dews of heaven falling at night are absorbed by the earth, or dried up by the morning sun, so the tears of a people, shed for their benefactor, disappear without leaving a trace to tell to future generations of the services, sacrifices, and virtues of him to whose memory they were a grateful tribute. But as homage paid to virtue is an incentive to it, it is right that the memory of the good, the great, and noble of the earth should be preserved and honored.

The ambition, Mr. President, of the truly great, is more the hope of living in the memory and estimation of future ages than of possessing power in their own. It is this hope that stimulates them to perseverance; that enables them to encounter disappointment, ingratitude, and neglect, and to press on through toils, privations, and perils to the end. It was not the hope of discovering a world, over which he should himself exercise dominion, that sustained Columbus in all his trials. It was not for this he braved danger, disappointment, poverty, and reproach. It was not for this he subdued his native pride, wandered from kingdom to kingdom, kneeling at the feet of princes, a suppliant for means to prosecute his sublime enterprise. It was not for this, after having at last secured the patronage of Isabella, that he put off in his crazy and ill-appointed fleet into unknown seas, to struggle with storms and tempests, and the rage of a mutinous crew. It was another and nobler kind of ambition that stimulated him to contend with terror, superstition, and despair, and to press forward on his perilous course, when the needle in his compass, losing its polarity, seemed to unite with the fury of the elements and the insubordination of his crew in turning him back from his perilous but glorious undertaking. It was the hope which was realized at last, when his ungrateful country was compelled to inscribe, as an epitaph on his tomb, 'Columbus has given a New World to the Kingdoms of Castile and Leon,' that enabled him, at first, to brave so many disappointments, and at last, to conquer the multitude of perils that beset his pathway on the deep. This, sir, is the ambition of the truly great—not to achieve

present fame, but future immortality. This being the case, it is befitting here to-day to add to the life of Henry Clay the record of his death, signalized as it is by a nation's gratitude and grief. It is right that posterity should learn from us, the contemporaries of the illustrious deceased, that his virtues and services were appreciated by his country, and acknowledged by the tears of his countrymen poured out upon his grave.

The career of Henry Clay was a wonderful one. And what an illustration of the excellence of our institutions would a retrospect of his life afford! Born in an humble station, without any of the adventitious aids of fortune by which the obstructions on the road to fame are smoothed, he rose not only to the most exalted eminence of position, but likewise to the highest place in the affections of his countrymen. Taking into view the disadvantages of his early position, disadvantages against which he had always to contend, his career is without a parallel in the history of great men. To have seen him a youth, without friends or fortune, and with but a scanty education, who would have ventured to predict for him a course so brilliant and beneficent, and a fame so well deserved and enduring? Like the pine, which sometimes springs up amidst the rocks on the mountain side, with scarce a crevice in which to fix its roots, or soil to nourish them, but which, nevertheless, overtops all the trees of the surrounding forest, Henry Clay, by his own inherent, self-sustaining energy and genius, rose to an altitude of fame almost unequalled in the age in which he lived. As an orator, legislator, and statesman, he had no superior. All his faculties were remarkable, and in remarkable combination. Possessed of a brilliant genius and fertile imagination, his judgment was sound, discriminating, and eminently practical. Of an ardent and impetuous temperament, he was nevertheless persevering and firm of purpose. Frank, bold, and intrepid, he was cautious in providing against the contingencies and obstacles which might possibly rise up in the road to success. Generous, liberal, and entertaining broad and expanded views of national policy, in his legislative course he never transcended the limits of a wise economy.

But, Mr. President, of all his faculties, that of making friends and attaching them to him was the most remarkable and extraordinary. In this respect, he seemed to possess a sort of fascination, by which all who came into his presence were attracted towards, and bound to him by ties which neither time nor circumstances had power to dissolve or weaken. In the admiration of his friends was the recognition of the divinity of intellect; in their attachment to him a confession of his generous personal qualities and social virtues.

Of the public services of Mr. Clay, the present occasion affords no room for a sketch more extended than that which his respected colleague [Mr. Underwood] has presented. It is, however, sufficient to say, that for more forty years he has been a prominent actor in the drama of American affairs. During the late war with England,

his voice was more potent than any other in awakening the spirit of the country, infusing confidence into the people, and rendering available the resources for carrying on the contest. In our domestic controversies, threatening the peace of the country and the integrity of the Union, he has always been first to note danger, as well as to suggest the means of averting it. When the waters of the great political deep were upheaved by the tempest of discord, and the ark of the Union, freighted with the hopes and destinies of freedom, tossing about on the raging billows, and drifting every moment nearer to the vortex which threatened to swallow it up, it was his clarion voice, rising above the storm, that admonished the crew of impending peril, and counselled the way to safety.

But, Mr. President, devotedly as he loved his country, his aspirations were not limited to its welfare alone. Wherever freedom had a votary, that votary had a friend in Henry Clay; and in the struggle of the Spanish colonies for independence he uttered words of encouragement which have become the mottoes on the banners of freedom in every land. But neither the services which he has rendered his own country, nor his wishes for the welfare of others, nor his genius, nor the affection of friends, could turn aside the destroyer. No price could purchase exemption from the common lot of humanity. Henry Clay, the wise, the great, the gifted, had to die; and his history is summed up in the biography which the Russian poet has prepared for all, kings and serfs:

* * * * 'Born, living, dying,
 Quitting the still shore for the troubled wave,
 Struggling with storm-clouds, over shipwrecks flying,
 And casting anchor in the silent grave.'

But though time would not spare him, there is still this of consolation: he died peacefully and happy, ripe in renown, full of years and of honours, and rich in the affections of his country. He had, too, the unspeakable satisfaction of closing his eyes whilst the country he had loved so much and served so well was still in the enjoyment of peace, happiness, union, and prosperity—still advancing in all the elements of wealth, greatness, and power.

I know, Mr. President, how unequal I have been to the apparently self-imposed task of presenting, in an appropriate manner, the merits of the illustrious deceased. But if I had remained silent on an occasion like this, when the hearts of my constituents are swelling with grief, I would have been disowned by them. It is for this reason—that of giving utterance to their feelings as well as of my own—that I have trespassed on the time of the senate. I would that I could have spoken fitter words; but such as they are, they were uttered by the tongue in response to the promptings of the heart.

MR. SEWARD.—Mr. President: Fifty years ago, Henry Clay, of Virginia, already adopted by Kentucky, then as youthful as himself, entered the service of his country, a representative in the unre-

tending legislature of that rising state; and having thenceforward, with ardor and constancy, pursued the gradual paths of an aspiring change through halls of congress, foreign courts and executive councils, he has now, with the cheerfulness of a patriot, and the serenity of a Christian, fitly closed his long and arduous career, here in the senate, in the full presence of the republic, looking down upon the scene with anxiety and alarm, not merely a senator, like one of us who yet remain in the senate-house, but filling that character which, though it had no authority of law, and was assigned without suffrage, Augustus Cæsar nevertheless declared was above the title of Emperor, *Primus inter Illustres*—the Prince of the Senate.

Generals are tried, Mr. President, by examining the campaigns they have lost or won, and statesmen by reviewing the transactions in which they have been engaged. Hamilton would have been unknown to us, had there been no constitution to be created; as Brutus would have died in obscurity, had there been no Cæsar to be slain.

Colonization, Revolution, and Organization—three great acts in the drama of our National Progress—had already passed when the Western Patriot appeared on the public stage. He entered in that next division of the majestic scenes which was marked by an inevitable reaction of political forces, a wild strife of factions and ruinous embarrassments in our foreign relations. This transition stage is always more perilous than any other in the career of nations, and especially in the career of Republics. It proved fatal to the Commonwealth in England. Scarcely any of the Spanish-American states have yet emerged from it; and more than once it has been sadly signalized by the ruin of the republican cause in France.

The continuous administration of Washington and John Adams had closed under a cloud which had thrown a broad, dark shadow over the future; the nation was deeply indebted at home and abroad, and its credit was prostrate. The revolutionary factions had given place to two inveterate parties, divided by a gulf which had been worn by the conflict in which the Constitution was adopted, and made broader and deeper by a war of prejudices concerning the merits of the belligerents in the great European struggle that then convulsed the civilized world. Our extraordinary political system was little more than an ingenious theory, not yet practically established. The union of the states was as yet only one of compact; for the political, social, and commercial necessities to which it was so marvelously adapted, and which, clustering thickly upon it, now render it indissoluble, had not then been broadly disclosed, nor had the habits of acquiescence and the sentiments of loyalty, always slow of growth, fully ripened. The bark that had gone to sea, thus unfurnished and untried, seemed quite certain to founder by reason of its own inherent frailty, even if it should escape unharmed in the great conflict of nations which acknowledged no claims of justice and tolerated no pretensions of neutrality. Moreover, the territory

possessed by the nation was inadequate to commercial exigencies and indispensable social expansion; and yet no provision had been made for enlargement, nor for extending the political system over distant regions, inhabited or otherwise, which must inevitably be acquired. Nor could any such acquisition be made, without disturbing the carefully-adjusted balance of powers among the members of the confederacy.

These difficulties, Mr. President, although they grew less with time and by slow degrees, continued throughout the whole life of the statesman whose obsequies we are celebrating. Be it known, then, and I am sure that history will confirm the instruction, that conservatism was the interest of the nation, and the responsibility of its rulers, during the period in which he flourished. He was ardent, bold, generous, and even ambitious; and yet, with a profound conviction of the true exigencies of the country, like Alexander Hamilton, he disciplined himself and trained a restless nation, that knew only self-control, to the rigorous practice of that often humiliating conservatism which its welfare and security in that particular crisis so imperiously demanded.

It could not happen, sir, to any citizen to have acted alone, nor even to have acted always the most conspicuous part in a trying period so long protracted. Henry Clay, therefore, shared the responsibilities of government with not only his proper contemporaries, but also survivors of the Revolution, as well as also many who will succeed himself. Delicacy forbids the naming of those who retain their places here, but we may without impropriety recall among his compeers a senator of vast resources and inflexible resolve, who has recently withdrawn from this chamber, but I trust not altogether from public life, (Mr. Benton); and another, who, surpassing all his contemporaries within his country, and even throughout the world, in proper eloquence of the forum, now in autumnal years for a second time dignifies and adorns the highest seat in the executive council, (Mr. Webster.) Passing by these eminent and noble men, the shades of Calhoun, John Quincy Adams, Jackson, Monroe, and Jefferson, rise up before us—statesmen whose living and local fame has ripened already into historical and world-wide renown.

Among geniuses so lofty as these, Henry Clay bore a part in regulating the constitutional freedom of political debate; establishing that long-contested and most important line which divides the sovereignty of the several states from that of the states confederated; asserting the right of neutrality, and vindicating it by a war against Great Britain, when that just but extreme measure became necessary; adjusting the terms on which that perilous yet honorable contest was brought to a peaceful close; perfecting the army and the navy, and the national fortifications; settling the fiscal and financial policy of the government in more than one crisis of apparently threatened revolution; asserting and calling into exercise the powers of the government for making and improving internal communica-

tions between the states; arousing and encouraging the Spanish-American colonies on this continent to throw off the foreign yoke, and to organize governments on principles congenial to our own, and thus creating external bulwarks for our own national defence: establishing equal and impartial peace and amity with all existing maritime powers; and extending the constitutional organization of government over all the vast regions secured in his lifetime by purchase or by conquest, whereby the pillars of the republic have been removed from the banks of the St. Mary to the borders of the Rio Grande, and from the margin of the Mississippi to the Pacific coast. We may not yet discuss here the wisdom of the several measures which have thus passed in review before us, nor of the positions which the deceased statesman assumed in regard to them, but we may without offence dwell upon the comprehensive results of them all.

The Union exists in absolute integrity, and the republican system is in complete and triumphant development. Without having relinquished any part of their individuality, the states have more than doubled already, and are increasing in numbers and political strength and expansion more rapidly than ever before. Without having absorbed any state, or having even encroached on any state, the Confederation has opened itself so as to embrace all the new members who have come, and now, with capacity for further and indefinite enlargements, has become fixed, enduring, and perpetual. Although it was doubted only half a century ago whether our political system could be maintained at all, and whether, if maintained, it could guarantee the peace and happiness of society, it stands now confessed by the world the form of government not only most adapted to Empire, but also most congenial with the constitution of Human Nature.

When we consider that the nation has been conducted to this haven, not only through stormy seas, but altogether, also, without a course and without a star; and when we consider, moreover, the sum of happiness that has already been enjoyed by the American people, and still more the influence which the great achievement is exerting for the advancement and melioration of the condition of mankind, we see at once that it might have satisfied the highest ambition to have been, no matter how humbly, concerned in so great transaction.

Certainly, sir, no one will assert that Henry Clay in that transaction performed an obscure or even a common part. On the contrary, from the day on which he entered the public service until that on which he passed the gates of death, he was never a follower, but always a leader; and he marshalled either the party which sustained or that which resisted every great measure, equally in the senate and among the people. He led where duty seemed to him to indicate, reckless whether he encountered one president or twenty presidents, whether he was opposed by factions or even by the whole people. Hence it has happened, that although that people

are not yet agreed among themselves on the wisdom of all, or perhaps of even any of his great measures, yet they are nevertheless unanimous in acknowledging that he was at once the greatest, the most faithful, and the most reliable of their statesmen. Here the effort at discriminating praise of Henry Clay, in regard to his public policy, must stop in this place, even on this sad occasion which awakens the ardent liberality of his generous survivors.

But his personal qualities may be discussed without apprehension. What were the elements of the success of that extraordinary man? You, sir, knew him longer and better than I, and I would prefer to hear you speak of them. He was indeed eloquent—all the world knows that. He held the keys to the hearts of his countrymen, and he turned the wards within them with a skill attained by no other master.

But eloquence was nevertheless only an instrument, and one of many that he used. His conversation, his gesture, his very look, was persuasive, seductive, irresistible. And his appliance of all these was courteous, patient and indefatigable. Defeat only inspired him with new resolution. He divided opposition by his assiduity of address, while he rallied and strengthened his own bands of supporters by the confidence of success which, feeling himself, he easily inspired among his followers. His affections were high, and pure, and generous, and the chiefest among them was that which the great Italian poet designated as the charity of native land. And in him that charity was an enduring and overpowering enthusiasm, and it influenced all his sentiments and conduct, rendering him more impartial between conflicting interests and sections than any other statesman who has lived since the Revolution. Thus with very great versatility of talent and the most catholic equality of favor, he identified every question, whether of domestic administration or foreign policy, with his own great name, and so became a perpetual Tribune of the people. He needed only to pronounce in favor of a measure or against it, here, and immediately popular enthusiasm, excited as by a magic wand, was felt, overcoming all opposition in the senate chamber.

In this way he wrought a change in our political system, that I think was not foreseen by its founders. He converted this branch of the legislature from a negative position, or one of equilibrium between the executive and the house of representatives, into the active ruling power of the republic. Only time can disclose whether this great innovation shall be beneficent, or even permanent.

Certainly, sir, the great lights of the senate have set. The obscuration is not less palpable to the country than to us, who are left to grope our uncertain way here, as in a labyrinth, oppressed with self-distrust. The times, too, present new embarrassments. We are rising to another and a more sublime stage of natural progress,—that of expanding wealth and rapid territorial aggrandizement. Our institutions throw a broad shadow across the St. Lawrence, and, stretching beyond the valley of Mexico, it reaches even to the plains

of Central America: while the Sandwich Islands and the shores of China recognise its renovating influence. Wherever that influence is felt, a desire for protection under those institutions is awakened. Expansion seems to be regulated, not by any difficulties of resistance, but by the moderation which results from our own internal constitution. No one knows how rapidly that restraint may give way. Who can tell how far or how fast it ought to yield? Commerce has brought the ancient continents near to us, and created necessities for new positions—perhaps connections or colonies there—and with the trade and friendship of the elder nations, their conflicts and collisions are brought to our doors and to our hearts. Our sympathy kindles, our indifference extinguishes the fire of freedom in foreign lands. Before we shall be fully conscious that a change is going on in Europe, we may find ourselves once more divided by that eternal line of separation that leaves on the one side those of our citizens who obey the impulses of sympathy, while on the other are found those who submit only to the counsels of prudence. Even prudence will soon be required to decide whether distant regions, East and West, shall come under our own protection, or be left to aggrandize a rapidly spreading and hostile domain of despotism.

Sir, who among us is equal to these mighty questions? I fear there is no one. Nevertheless, the example of Henry Clay remains for our instruction. His genius has passed to the realms of light, but his virtues still live here for our emulation. With them there will remain also the protection and favor of the Most High, if by the practice of justice and the maintenance of freedom we shall deserve it. Let, then, the bier pass on. With sorrow, but not without hope, we will follow the revered form that it bears to its final resting place; and then, when that grave opens at our feet to receive such an inestimable treasure, we will invoke the God of our fathers to send us new guides, like him that is now withdrawn, and give us wisdom to obey their instructions.

MR. JONES, of Iowa.—Mr. President: Of the vast number who mourn the departure of the great man whose voice has so often been heard in this hall, I have peculiar cause to regret that dispensation which has removed him from among us. He was the guardian and director of my collegiate days; four of his sons were my collegemates and my warm friends. My intercourse with the father was that of a youth and a friendly adviser. I shall never cease to feel grateful to him—to his now heart-stricken and bereaved widow and children, for their many kindnesses to me during four or five years of my life. I had the pleasure of renewing my acquaintance with him, first, as a delegate in congress, while he was a member of this body from 1835 to 1839, and again in 1848, as a member of this branch of congress; and during the whole of which period, some eight years, none but the most kindly feeling existed between us.

As an humble and unimportant senator, it was my fortune to

coöperate with him throughout the whole of the exciting session of 1849-'50—the labor and excitement of which is said to have precipitated his decease. That coöperation did not end with the accordant vote on this floor, but, in consequence of the unyielding opposition to the series of measures known as the 'compromise,' extended to many private meetings held by its friends, at all of which Mr. Clay was present. And whether in public or private life, he every where continued to inspire me with the most exalted estimate of his patriotism and statesmanship. Never shall I forget the many ardent appeals he made to senators, in and out of the senate, in favor of the settlement of our then unhappy sectional differences.

Immediately after the close of that memorable session of congress, during which the nation beheld his great and almost superhuman efforts upon this floor to sustain the wise counsels of the 'Father of his Country,' I accompanied him home to Ashland, at his invitation, to re-visit the place where my happiest days had been spent, with the friends who there continued to reside. During that, to me, most agreeable and instructive journey, in many conversations he evinced the utmost solicitude for the welfare and honor of the republic, all tending to show that he believed the happiness of the people and the cause of liberty throughout the world depended upon the continuance of our glorious Union, and the avoidance of those sectional dissensions which could but alienate the affections of one portion of the people from another. With the sincerity and fervor of a true patriot, he warned his companions in that journey to withhold all aid from men who labored, and from every cause which tended, to sow the seeds of disunion in the land; and to oppose such, he declared himself willing to forego all the ties and associations of mere party.

At a subsequent period, sir, this friend of my youth, at my earnest and repeated entreaties, consented to take a sea voyage from New York to Havana. He remained at the latter place a fortnight, and then returned by New Orleans to Ashland. That excursion by sea, he assured me, contributed much to relieve him from the sufferings occasioned by the disease which has just terminated his eventful and glorious life. Would to Heaven that he could have been persuaded to abandon his duties as a senator, and to have remained during the past winter and spring upon that island of Cuba! The country would not now, perhaps, have been called to mourn his loss.

In some matters of policy connected with the administration of our general government, I have disagreed with him, yet the purity and sincerity of his motives I never doubted; and as a true lover of his country, as an honorable and honest man, I trust his example will be revered and followed by the men of this, and of succeeding generations.

Mr. BROOKE.—Mr. President: As an ardent, personal admirer and political friend of the distinguished dead, I claim the privilege of adding my humble tribute of respect to his memory, and of joining in

the general expression of sorrow that has gone forth from this chamber. Death, at all times, is an instructive monitor as well as a mournful messenger; but when his fatal shaft hath stricken down the great in intellect and renown, how doubly impressive the lesson that it brings home to the heart that the grave is the common lot of all—the great leveller of all earthly distinctions! But at the same time we are taught that in one sense the good and great can never die; for the memory of their virtues and their bright example will live through all coming time in an immortality that blooms beyond the grave. The consolation of this thought may calm our sorrow; and, in the language of one of our own poets, it may be asked:

‘Why weep ye, then, for him, who having run
 The bound of man’s appointed years, at last,
 Life’s blessings all enjoyed, life’s labors done,
 Serenely to his final rest has pass’d;
 While the soft memory of his virtues yet
 Lingers, like twilight hues when the bright sun has set?’

It will be doing no injustice, sir, to the living or the dead to say, that no better specimen of the true American character can be found in our history than that of Mr. Clay. With no adventitious advantages of birth or fortune, he won his way by the efforts of his own genius to the highest distinction and honour. Ardentlly attached to the principles of civil and religious liberty, patriotism was with him both a passion and a sentiment—a passion that gave energy to his ambition, and a sentiment that pervaded all his thoughts and actions, concentrating them upon his country as the idol of his heart. The bold and manly frankness in the expression of his opinions which always characterized him, has often been the subject of remark; and in all his victories it may be truly said he never ‘stooped to conquer.’ In his long and brilliant political career, personal considerations never for a single instant caused him to swerve from the strict line of duty, and none have ever doubted his deep sincerity in that memorable expression to Mr. Preston, ‘Sir, I had rather be right than be President.’

This is not the time nor occasion, sir, to enter into a detail of the public services of Mr. Clay, interwoven as they are with the history of the country for half a century; but I cannot refrain from adverting to the last crowning act of his glorious life—his great effort in the thirty-first congress for the preservation of the peace and integrity of this great republic, as it was this effort that shattered his bodily strength, and hastened the consummation of death. The Union of the states, as being essential to our prosperity and happiness, was the paramount proposition in his political creed, and the slightest symptom of danger to its perpetuity filled him with alarm, and called forth all the energies of his body and mind. In his earlier life he had met this danger and overcome it. In the conflict of contending factions it again appeared; and coming forth from the repose of private life, to

which age and infirmity had carried him, with unabated strength of intellect, he again entered upon the arena of political strife, and again success crowned his efforts, and peace and harmony were restored to a distracted people. But, unequal to the mighty struggle, his bodily strength sank beneath it, and he retired from the field of his glory to yield up his life as a holy sacrifice to his beloved country. It has well been said that peace has its victories as well as war; and how bright upon the page of history will be the record of this great victory of intellect, of reason, and of moral suasion, over the spirit of discord and sectional animosities!

We this day, Mr. President, commit his memory to the regard and affection of his admiring countrymen. It is a consolation to them and to us to know that he died in full possession of his glorious intellect, and, what is better, in the enjoyment of that 'peace which the world can neither give nor take away.' He sank to rest as the full-orbed king of day, unshorn of a single beam, or rather like the planet of morning, his brightness was but eclipsed by the opening to him of a more full and perfect day—

'No waning of fire, no paling of ray,
But rising, still rising, as passing away.
Farewell, gallant eagle, thou'rt buried in light—
God speed thee to heaven, lost star of our night.'

The resolutions submitted by Mr. Underwood, were then unanimously agreed to.

Ordered, That the secretary communicate these resolutions to the House of Representatives.

On motion by Mr. Underwood,

Resolved, That, as an additional mark of respect to the memory of the deceased, the senate do now adjourn.

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### HOUSE OF REPRESENTATIVES, JUNE 30, 1852.

THE journal of yesterday having been read, a message was received from the senate, by Asbury Dickins, Esq., its secretary, communicating information of the death of Henry Clay, late senator from the state of Kentucky, and the proceedings of the senate thereon. The resolutions of the senate having been read,

Mr. BRECKINRIDGE then rose and said: Mr. Speaker, I rise to perform the melancholy duty of announcing to this body the death of Henry Clay, late a senator in congress from the commonwealth of Kentucky.

Mr. Clay expired at his lodgings in this city yesterday morning,

at seventeen minutes past eleven o'clock, in the seventy-sixth year of his age. His noble intellect was unclouded to the last. After protracted sufferings, he passed away without pain; and so gently did the spirit leave his frame, that the moment of departure was not observed by the friends who watched at his bedside. His last hours were cheered by the presence of an affectionate son; and he died surrounded by friends who, during his long illness, had done all that affection could suggest to soothe his sufferings.

Although this sad event has been expected for many weeks, the shock it produced, and the innumerable tributes of respect to his memory exhibited on every side, and in every form, prove the depth of the public sorrow, and the greatness of the public loss.

Imperishably associated as his name has been for fifty years with every great event affecting the fortunes of our country, it is difficult to realize that he is indeed gone for ever. It is difficult to feel that we shall see no more his noble form within these walls—that we shall hear no more his patriot tones, now rousing his countrymen to vindicate their rights against a foreign foe, now imploring them to preserve concord among themselves. We shall see him no more. The memory and the fruits of his services alone remain to us. Amidst the general gloom, the Capitol itself looks desolate, as if the genius of the place had departed. Already the intelligence has reached almost every quarter of the republic, and a great people mourn with us, to-day, the death of their most illustrious citizen. Sympathizing, as we do, deeply, with his family and friends, yet private affliction is absorbed in the general sorrow. The spectacle of a whole community lamenting the loss of a great man, is far more touching than any manifestation of private grief. In speaking of a loss which is national, I will not attempt to describe the universal burst of grief with which Kentucky will receive these tidings. The attempt would be vain to depict the gloom that will cover her people, when they know that the pillar of fire is removed, which has guided their footsteps for the life of a generation.

It is known to the country, that from the memorable session of 1849-'50, Mr. Clay's health gradually declined. Although several years of his senatorial term remained, he did not propose to continue in the public service longer than the present session. He came to Washington chiefly to defend, if it should become necessary, the measures of adjustment, to the adoption of which he so largely contributed; but the condition of his health did not allow him, at any time, to participate in the discussions of the senate. Through the winter, he was confined almost wholly to his room, with slight changes in his condition, but gradually losing the remnant of his strength. Through the long and dreary winter, he conversed much and cheerfully with his friends, and expressed a deep interest in public affairs. Although he did not expect a restoration to health, he cherished the hope that the mild season of spring would bring to him strength enough to return to Ashland, and die



in the bosom of his family. But, alas! spring, that brings life to all nature, brought no life nor hope to him. After the month of March, his vital powers rapidly wasted, and for weeks he lay patiently awaiting the stroke of death. But the approach of the destroyer had no terrors for him. No clouds overhung his future. He met the end with composure, and his pathway to the grave was brightened by the immortal hopes which spring from the Christian faith.

Not long before his death, having just returned from Kentucky, I bore to him a token of affection from his excellent wife. Never can I forget his appearance, his manner, or his words. After speaking of his family, his friends, and his country, he changed the conversation to his own future; and looking on me with his fine eye undimmed, and his voice full of its original compass and melody, he said, 'I am not afraid to die, sir. I have hope, faith, and some confidence. I do not think any man can be entirely certain in regard to his future state, but I have an abiding trust in the merits and mediation of our Saviour.' It will assuage the grief of his family to know that he looked hopefully beyond the tomb, and a Christian people will rejoice to hear that such a man, in his last hours, reposed with simplicity and confidence upon the promises of the gospel.

It is the custom, on occasions like this, to speak of the parentage and childhood of the deceased, and to follow him, step by step, through life. I will not attempt to relate even all the great events of Mr. Clay's life, because they are familiar to the whole country, and it would be needless to enumerate a long list of public services which form a part of American history.

Beginning life as a friendless boy, with few advantages, save those conferred by nature, while yet a minor, he left Virginia, the state of his birth, and commenced the practice of law at Lexington, in Kentucky. At a bar remarkable for its numbers and talent, Mr. Clay soon rose to the first rank. At a very early age he was elected from the county of Fayette to the general assembly of Kentucky, and was the speaker of that body. Coming into the senate of the United States, for the first time, in 1806, he entered upon a parliamentary career, the most brilliant and successful in our annals. From that time he remained habitually in the public eye. As a senator, as a member of this house and its speaker, as a representative of his country abroad, and as a high officer in the executive department of the government, he was intimately connected for fifty years with every great measure of American policy. Of the mere party measures of this period, I do not propose to speak. Many of them have passed away, and are remembered only as the occasions for the great intellectual efforts which marked their discussion. Concerning others, opinions are still divided. They will go into history, with the reasons on either side rendered by the greatest intellects of the time.

As a leader in a deliberative body, Mr. Clay had no equal in

America. In him, intellect, person, eloquence, and courage, united to form a character fit to command. He fired with his own enthusiasm, and controlled by his amazing will, individuals and masses. No reverse could crush his spirit, nor defeat reduce him to despair. Equally erect and dauntless in prosperity and adversity, when successful, he moved to the accomplishment of his purposes with severe resolution; when defeated, he rallied his broken bands around him, and from his eagle eye shot along their ranks the contagion of his own courage. Destined for a leader, he every where asserted his destiny. In his long and eventful life he came in contact with men of all ranks and professions, but he never felt that he was in the presence of a man superior to himself. In the assemblies of the people, at the bar, in the senate—every where within the circle of his personal presence, he assumed and maintained a position of pre-eminence.

But the supremacy of Mr. Clay, as a party leader, was not his only, nor his highest title to renown. That title is to be found in the purely patriotic spirit which, on great occasions, always signalized his conduct. We have had no statesman, who, in periods of real and imminent public peril, has exhibited a more genuine and enlarged patriotism than Henry Clay. Whenever a question presented itself actually threatening the existence of the union, Mr. Clay, rising above the passions of the hour, always exerted his powers to solve it peacefully and honorably. Although more liable than most men, from his impetuous and ardent nature, to feel strongly the passions common to us all, it was his rare faculty to be able to subdue them in a great crisis, and to hold toward all sections of the confederacy the language of concord and brotherhood.

Sir, it will be a proud pleasure to every true American heart to remember the great occasions when Mr. Clay has displayed a sublime patriotism—when the ill-temper engendered by the times, and the miserable jealousies of the day, seemed to have been driven from his bosom by the expulsive power of nobler feelings—when every throb of his heart was given to his country, every effort of his intellect dedicated to her service. Who does not remember the three periods when the American system of government was exposed to its severest trials; and who does not know that when history shall relate the struggle which preceded, and the dangers which were averted by the Missouri compromise, the tariff compromise of 1832, and the adjustment of 1850, the same pages will record the genius, the eloquence, and the patriotism of Henry Clay?

Nor was it in Mr. Clay's nature to lag behind until measures of adjustment were matured, and then come forward to swell a majority. On the contrary, like a bold and real statesman, he was ever among the first to meet the peril, and hazard his fame upon the remedy. It is fresh in the memory of us all that, when lately the fury of sectional discord threatened to sever the confederacy, Mr. Clay, though withdrawn from public life, and oppressed by the

burden of years, came back to the senate—the theatre of his glory—and devoted the remnant of his strength to the sacred duty of preserving the union of the states.

With characteristic courage he took the lead in proposing a scheme of settlement. But while he was willing to assume the responsibility of proposing a plan, he did not, with petty ambition, insist upon its adoption to the exclusion of other modes; but, taking his own as a starting point for discussion and practical action, he nobly labored with his compatriots to change and improve it in such form as to make it an acceptable adjustment. Throughout the long and arduous struggle, the love of country expelled from his bosom the spirit of selfishness, and Mr. Clay proved, for the third time, that though he was ambitious and loved glory, he had no ambition to mount to fame on the confusions of his country. And this conviction is lodged in the hearts of the people; the party measures and the party passions of former times have not, for several years, interposed between Mr. Clay and the masses of his countrymen. After 1850, he seemed to feel that his mission was accomplished; and, during the same period, the regards and affections of the American people have been attracted to him in a remarkable degree. For many months, the warmest feelings, the deepest anxieties of all parties, centered upon the dying statesman; the glory of his great actions shed a mellow lustre on his declining years; and to fill the measure of his fame, his countrymen, weaving for him the laurel wreath, with common hands, did bind it about his venerable brows, and send him, crowned, to history.

The life of Mr. Clay, sir, is a striking example of the abiding fame which surely awaits the direct and candid statesman. The entire absence of equivocation or disguise, in all his acts, was his master-key to the popular heart; for while the people will forgive the errors of a bold and open nature, he sins past forgiveness who deliberately deceives them. Hence Mr. Clay, though often defeated in his measures of policy, always secured the respect of his opponents without losing the confidence of his friends. He never paltered in a double sense. The country was never in doubt as to his opinions or his purposes. In all the contests of his time, his position on great public questions was as clear as the sun in a cloudless sky. Sir, standing by the grave of this great man, and considering of these things, how contemptible does appear the mere legerdemain of politics! What a reproach is his life on that false policy which would trifle with a great and upright people! If I were to write his epitaph, I would inscribe, as the highest eulogy, on the stone which shall mark his resting-place, 'Here lies a man who was in the public service for fifty years, and never attempted to deceive his countrymen.'

While the youth of America should imitate his noble qualities, they may take courage from his career, and note the high proof it affords that, under our equal institutions, the avenues to honor are open to all. Mr. Clay rose by the force of his own genius, unaided

by power, patronage, or wealth. At an age when our young men are usually advanced to the higher schools of learning, provided only with the rudiments of an English education, he turned his steps to the west, and amidst the rude collisions of a border-life, matured a character whose highest exhibitions were destined to mark eras in his country's history. Beginning on the frontiers of American civilization, the orphan boy, supported only by the consciousness of his own powers, and by the confidence of the people, surmounted all the barriers of adverse fortune, and won a glorious name in the annals of his country. Let the generous youth, fired with honorable ambition, remember that the American system of government offers on every hand bounties to merit. If, like Clay, orphanage, obscurity, poverty, shall oppress him; yet if, like Clay, he feels the Promethean spark within, let him remember that his country, like a generous mother, extends her arms to welcome and to cherish every one of her children whose genius and worth may promote her prosperity or increase her renown.

Mr. Speaker, the signs of woe around us, and the general voice, announce that another great man has fallen. Our consolation is that he was not taken in the vigor of his manhood, but sank into the grave at the close of a long and illustrious career. The great statesmen who have filled the largest space in the public eye, one by one are passing away. Of the three great leaders of the senate, one alone remains, and he must follow soon. We shall witness no more their intellectual struggles in the American forum; but the monuments of their genius will be cherished as the common property of the people, and their names will continue to confer dignity and renown upon their country.

Not less illustrious than the greatest of these will be the name of Clay—a name pronounced with pride by Americans in every quarter of the globe; a name to be remembered while history shall record the struggles of modern Greece for freedom, or the spirit of liberty burn in the South American bosom; a living and immortal name—a name that would descend to posterity without the aid of letters, borne by tradition from generation to generation. Every memorial of such a man will possess a meaning and a value to his countrymen. His tomb will be a hallowed spot. Great memories will cluster there, and his countrymen, as they visit it, may well exclaim—

‘Such graves as his are pilgrim shrines,  
Shrines to no creed or code confined;  
The Delphian vales, the Palestines,  
The Meccas of the mind.’

Mr. Speaker, I offer the following resolutions :

*Resolved,* That the House of Representatives of the United States has received with the deepest sensibility, intelligence of the death of Henry Clay.

*Resolved,* That the officers and members of the House of Representatives will

wear the usual badge of mourning for thirty days, as a testimony of the profound respect this house entertains for the memory of the deceased.

*Resolved*, That the officers and members of the House of Representatives, in a body, will attend the funeral of Henry Clay, on the day appointed for that purpose by the senate of the United States.

*Resolved*, That the proceedings of this house, in relation to the death of Henry Clay, be communicated to the family of the deceased by the clerk.

*Resolved*, That as a further mark of respect for the memory of the deceased, this house do now adjourn.

Mr. EWING rose, and said: A noble heart has ceased to beat for ever. A long life of brilliant and self-devoted public service is finished at last. We now stand at its conclusion, looking back through the changeful history of that life to its beginning, contemporaneous with the very birth of the republic, and its varied events mingle, in our hearts and our memories, with the triumphs and calamities, the weakness and the power, the adversity and prosperity of a country we love so much. As we contemplate this sad event, in this place, the shadows of the past gather over us; the memories of events long gone crowd upon us, and the shades of departed patriots seem to hover about us, and wait to receive into their midst the spirit of one who was worthy to be a co-laborer with them in a common cause, and to share in the rewards of their virtues. Henceforth he must be to us as one of them.

They say he was ambitious. If so, it was a grievous fault, and grievously has he answered it. He has found in it naught but disappointment. It has but served to aggravate the mortification of his defeats, and furnish an additional lustre to the triumph of his foes. Those who come after us may—ay, they will—inquire why his statue stands not among the statues of those whom men thought ablest and worthiest to govern.

But his ambition was a high and holy feeling, unselfish, magnanimous. Its aspirations were for his country's good, and its triumph was his country's prosperity. Whether in honour or reproach, in triumph or defeat, that heart of his never throbbed with one pulsation, save for her honor and her welfare. Turn to him in that last best deed, and crowning glory of a life so full of public service and of honor, when his career of personal ambition was finished for ever. Rejected again and again by his countrymen; just abandoned by a party which would scarce have had an existence without his genius, his courage, and his labors, that great heart, ever firm and defiant to the assaults of his enemies, but defenceless against the ingratitude of friends, doubtless wrung with the bitterest mortification of his life—then it was, and under such circumstances as these, the gathering storm rose upon his country. All eyes turned to him; all voices called for those services which, in the hour of prosperity and security, they had so carelessly rejected. With no misanthropic chagrin; with no morose, selfish resentment, he forgot all but his country, and that country endangered. He returns to the scene of his labors and his fame, which he had thought to have left for ever

A scene—that American senate chamber—clothed in no gorgeous drapery, shrouded in no superstitious awe or ancient reverence for hereditary power, but to a reflecting American mind more full of interest, or dignity, and of grandeur than any spot on this broad earth, not made holy by religion's consecrating seal. See him as he enters there tremblingly, but hopefully, upon the last, most momentous, perhaps most doubtful conflict of his life. Sir, many a gay tournament has been more dazzling to the eye of fancy, more gorgeous and imposing in the display of jewelry and cloth of gold, in the sound of heralds' trumpets, in the grand array of princely beauty and of royal pride. Many a battle-field has trembled beneath a more ostentatious parade of human power, and its conquerors have been crowned with laurels, honored with triumphs, and 'apotheosised' amid the demigods of history; but to the thoughtful, hopeful, philanthropic student of the annals of his race, never was there a conflict in which such dangers were threatened, such hopes imperiled, or the hero of which deserved a warmer gratitude, a nobler triumph, or a prouder monument.

Sir, from that long, anxious, and exhausting conflict, he never rose again. In that last battle for his country's honor and his country's safety, he received the mortal wound which laid him low, and we now mourn the death of a martyred patriot.

But never, in all the grand drama which the story of his life arrays, never has he presented a sublimer or a more touching spectacle than in those last days of his decline and death. Broken with the storms of state, wounded and scathed in many a fiery conflict, that aged, worn, and decayed body, in such mournful contrast with the never-dying strength of his giant spirit, he seemed a proud and sacred, though a crumbling monument of past glory. Standing among us, like some ancient colossal ruin amid the degenerate and more diminutive structures of modern times, its vast proportions magnified by the contrast, he reminded us of those days when there were giants in the land, and we remembered that even then there was none whose prowess could withstand his arm. To watch him in that slow decline, yielding with dignity, and as it were inch by inch, to that last enemy, as a hero yields to a conquering foe, the glorious light of his intellect blazing still in all its wonted brilliancy, and setting at defiance the clouds that vainly attempted to obscure it, he was more full of interest than in the day of his glory and his power. There are some men whose brightest intellectual emanations rise so little superior to the instincts of the animal, that we are led fearfully to doubt that cherished truth of the soul's immortality, which, even in despair, men press to their doubting hearts. But it is in the death of such a man as he that we are reassured by the contemplation, of a kindred, though superior spirit, of a soul which, immortal, like his fame, knows no old age, no decay, no death.

The wondrous light of his unmatched intellect may have dazzled a world; the eloquence of that inspired tongue may have enchanted

millions, but there are few who have sounded the depths of that noble heart. To see him in sickness and in health, in joy and in sadness, in the silent watches of the night and in the busy day-time—this it was to know and love him. To see the impetuous torrent of that resistless will; the hurricane of those passions hushed in peace, breathe calm and gently as a summer zephyr; to feel the gentle pressure of that hand in the grasp of friendship which in the rage of fiery conflict would hurl scorn and defiance at his foe; to see that eagle eye, which oft would burn with patriotic ardor, or flash with the lightning of his anger, beam with the kindest expressions of tenderness and affection—then it was, and then alone, we could learn to know and feel that that heart was warmed by the same sacred fire from above which enkindled the light of his resplendent intellect. In the death of such a man even patriotism itself might pause, and for a moment stand aloof while friendship shed a tear of sorrow upon his bier.

‘His life was gentle; and the elements  
So mixed in him, that Nature might stand up  
And say to all the world, *This was a man!*’

But who can estimate his country’s loss? What tongue portray the desolation which in this hour throughout this broad land hangs like a gloomy pall over his grief-stricken countrymen? How poorly can words like mine translate the eloquence of a whole people’s grief for a patriot’s death. For a nation’s loss let a nation mourn. For that stupendous calamity to our country and mankind, be the heavens hung with black; let the wailing elements chant his dirge, and the universal heart of man throb with one common pang of grief and anguish.

Mr. CASKIE said: Mr. Speaker, Unwell as I am, I must try to lay a single laurel leaf in that open coffin, which is already garlanded by the eloquent tributes to the illustrious departed, which have been heard in this now solemn hall; for I come, sir, from the district of his birth. I represent on this floor that old Hanover so proud of her Henrys—her Patrick Henry and her Henry Clay. I speak for a people among whom he has always had as earnest and devoted friends as were ever the grace and glory of a patriot and statesman.

I shall attempt no sketch of his life. That you have had from other and abler hands than mine. Till yesterday that life was, of his own free gift, the property of his country; to-day it belongs to her history. It is known to all, and will not be forgotten. Constant, stern opponent of his political school as has been my state, I say for her, that no where in this broad land are his great qualities more admired, or his death more mourned, than in Virginia. Well may this be so; for she is his mother, and he was her son.

Mr. Speaker, when I remember the party strifes in which he was

so much mingled, and through which we all more or less have passed, and then survey this scene, and think how far, as the lightning has borne the news that he is gone, half-masted flags are drooping and church-bells are tolling, and men are sorrowing, I can but feel that it is good for man to die. For when death enters, O! how the unkindnesses, and jealousies, and rivalries of life do vanish, and how like incense from an altar do peace, and friendship, and all the sweet charities of our nature, rise around the corpse which was once a man! And of a truth, Mr. Speaker, never was more of veritable noble *manhood* cased in mortal mould than was found in him to whose memory this brief and humble, but true and heartfelt tribute is paid. But his eloquent voice is hushed, his high heart is stilled. 'Like a shock of corn fully ripe, he has been gathered to his fathers.' With more than three score years and ten upon him, and honors clustered thick about him, in the full possession of unclouded intellect, and all the consolations of Christianity, he has met the fate which is evitable by none. Lamented by all his countrymen, his name is bright on fame's immortal roll. He has finished his course, and he has his crown. What more fruit can life bear? What can it give that Henry Clay has not gained?

Then, Mr. Speaker, around his tomb should be heard not only the dirge that wails his loss, but the jubilant anthem which sounds that on the world's battle-field another victory has been won—another *incontestable greatness* achieved.

MR. CHANDLER, of Pennsylvania, said: Mr. Speaker, It would seem as if the solemn invocation of the honorable gentleman from Kentucky (Mr. EWING) was receiving an early answer, and that the heavens are hung in black, and the wailing elements are singing the funeral dirge of Henry Clay. Amid this elemental gloom, and the distress which pervades the nation at the death of Henry Clay, private grief should not obtrude itself upon notice, nor personal anguish seek for utterance. Silence is the best exponent of individual sorrow, and the heart that knoweth its own bitterness shrinks from an exposition of its affliction.

Could I have consulted my own feelings on the event which occupies the attention of the house at the present moment, I should even have forborne attendance here, and in the solitude and silence of my chamber have mused upon the terrible lesson which has been administered to the people and the nation. But I represent a constituency who justly pride themselves upon the unwavering attachment they have ever felt and manifested to Henry Clay—a constant, pervading, hereditary love. The son has taken up the father's affection, and amid all the professions of political attachments to others, whom the accidents of party have made prominent, and the success of party has made powerful, true to his own instincts, and true to the sanctified legacy of his father, he has placed the name of Henry Clay forward and preëminent as the exponent of what is



greatest in statesmanship and purest in patriotism. And even, sir, when party fealty caused other attachments to be avowed for party uses, the preference was limited to the occupancy of office, and superiority admitted for Clay in all that is reckoned above party estimation.

Nor ought I to forbear to add that, as the senior member of the delegation which represents my commonwealth, I am requested to utter the sentiments of the people of Pennsylvania at large, who yield to no portion of this great Union in their appreciation of the talents, their reverence for the lofty patriotism, their admiration of the statesmanship, and hereafter their love of the memory of Henry Clay.

I cannot, therefore, be silent on this occasion without injustice to the affections of my constituency, even though I painfully feel how inadequate to the reverence and love my people have toward that statesman must be all that I have to utter on this mournful occasion.

I know not, Mr. Chairman, where now the nation is to find the men she needs in peril; either other calls than those of politics are holding in abeyance the talents which the nation may need, or else a generation is to pass undistinguished by the greatness of our statesmen. Of the noble minds that have swayed the senate, one yet survives in the maturity of powerful intellect, carefully disciplined and nobly exercised. May He who has thus far blessed our nation, spare to her and the world that of which the world must always envy our country the possession! But my business is with the dead.

The biography of Henry Clay, from his childhood upward, is too familiar to every American for me to trespass on the time of this house by a reference directly thereto; and the honorable gentlemen who have preceded me have, with affectionate hand and appropriate delicacy, swept away the dust which nearly fourscore years have scattered over a part of the record, and have made our pride greater in his life, and our grief more poignant at his death, by showing some of those passages which attract respect to our republican institutions, of which Mr. Clay's whole life was the able support and the most successful illustration.

It would, then, be a work of supererogation for me to renew that effort, though inquiry into the life and conduct of Henry Clay would present new themes for private eulogy, new grounds for public gratitude.

How rare is it, Mr. Speaker, that the great man, living, can with confidence rely on extensive personal friendship, or dying, think to awaken a sentiment of regret beyond that which includes the public loss or the disappointment of individual hopes. Yet, sir, the message which yesterday went forth from this city that Henry Clay was dead, brought sorrow—personal, private, special sorrow—to the hearts of thousands; each of whom felt that from his own love for, his long attachment to, his disinterested hopes in Henry Clay, he had a particular sorrow to cherish and express, which weighed upon his heart, separate from the sense of national loss.

No man, Mr. Speaker, in our nation had the art so to identify himself with public measures of the most momentous character, and to maintain at the same time almost universal affection, like that great statesman. His business, from his boyhood, was with national concerns, and he dealt with them as with familiar things. And yet his sympathies were with individual interests, enterprises, affections, joys, and sorrows; and while every patriot bowed in humble deference to his lofty attainments and heartfelt gratitude for his national services, almost every man in this vast republic knew that the great statesman was, in feeling and experience, identified with his own position. Hence the universal love of the people; hence their enthusiasm in all times for his fame. Hence, sir, their present grief.

Many other public men of our country have distinguished themselves and brought honor to the nation by superiority in some particular branch of public service, but it seems to have been the gift of Mr. Clay to have acquired peculiar eminence in every path of duty he was called to tread. In the earnestness of debate, which great public interests and distinguished opposing talents excited in this house, he had no superior in energy, force, or effect. Yet, as the presiding officer, by blandness of language and firmness of purpose, he soothed and made orderly; and thus, by official dignity, he commanded the respect which energy had secured to him on the floor.

Wherever official or social duties demanded an exercise of his power, there was a preëminence which seemed prescriptively his own. In the lofty debate of the senate and the stirring harangues to popular assemblages, he was the orator of the nation and of the people; and the sincerity of purpose and the unity of design evinced in all he said or did, fixed in the public mind a confidence strong and expansive as the affections he had won.

Year after year, sir, has Henry Clay been achieving the work of the mission with which he was intrusted; and it was only when the warmest wishes of his warmest friends were disappointed, that he entered on the fruition of a patriot's highest hopes, and stood in the full enjoyment of that admiration and confidence which nothing but the antagonism of party relations could have divided.

How rich that enjoyment must have been it is only for us to imagine. How eminently deserved it was we and the world can attest.

The love and the devotion of his political friends were cheering and grateful to his heart, and were acknowledged in all his life—were recognized even to his death.

The contest in the senate chamber or the forum were rewarded with success achieved, and the great victor could enjoy the ovation which partial friendship or the gratitude of the benefit prepared. But the triumph of his life was no party achievement. It was not in the applause which admiring friends and defeated antagonists offered to his measureless success, that he found the reward of his labors, and comprehended the extent of his mission.

It was only when friends and antagonists paused in their contests

appalled at the public difficulties and national dangers which had been accumulating, unseen and unregarded; it was only when the nation itself felt the danger, and acknowledged the inefficacy of party action as a remedy, that Henry Clay calculated the full extent of his powers, and enjoyed the reward of their saving exercise. Then, sir, you saw, and I saw, party designations dropped, and party allegiance disavowed, and anxious patriots, of all localities and name, turn toward the country's benefactor as the man for the terrible exigencies of the hour; and the sick chamber of Henry Clay became the Delphos whence were given out the oracles that presented the means and the measures of our Union's safety. There, sir, and not in the high places of the country, were the labors and sacrifices of half a century to be rewarded and closed. With his right yet in that senate which he had entered the youngest, and lingered still the eldest member, he felt that his work was done, and the object of his life accomplished. Every cloud that had dimmed the noonday lustre had been dissipated; and the retiring orb, which sunk from the sight of the nation in fullness and in beauty, will yet pour up the horizon a posthumous glory that shall tell of the splendor and greatness of the luminary that has passed away.

Mr. BAYLY, of Virginia.—Mr. Speaker: Although I have been all my life a political opponent of Mr. Clay, yet from my boyhood I have been upon terms of personal friendship with him. More than twenty years ago, I was introduced to him by my father, who was his personal friend. From that time to this, there has existed between us as great personal intimacy as the disparity in our years and our political difference would justify. After I became a member of this house, and upon his return to the senate, subsequent to his resignation in 1842, the warm regard upon his part for the daughter of a devoted friend of forty years' standing, made him a constant visitor at my house, and frequently a guest at my table. These circumstances make it proper that, upon this occasion, I should pay this last tribute to his memory. I not only knew him well as a statesman, but I knew him better in most unreserved social intercourse. The most happy circumstance, as I esteem it, of my political life has been, that I have thus known each of our great congressional triumvirate.

I, sir, never knew a man of higher qualities than Mr. Clay. His very faults originated in high qualities. With as great self-possession, with greater self-reliance than any man I ever knew, he possessed moral and physical courage to as high a degree as any man who ever lived. Confident in his own judgment, never doubting as to his own course, fearing no obstacle that might lie in his way, it was almost impossible that he should not have been imperious in his character. Never doubting himself as to what, in his opinion, duty and patriotism required at his hands, it was natural that he should sometimes have been impatient with those more

doubting and timid than himself. His were qualities to have made a great general, as they were qualities that did make him a great statesman, and these qualities were so obvious, that during the darkest period of our late war with Great Britain, Mr. Madison had determined, at one time, to make him general-in-chief of the American army.

Sir, it is but a short time since the American congress buried the first one that went to the grave of that great triumvirate. We are now called upon to bury another. The third, thank God! still lives, and long may he live to enlighten his countrymen by his wisdom, and set them the example of his exalted patriotism. Sir, in the lives and characters of these great men, there is much resembling those of the great triumvirate of the British Parliament. It differs principally in this: Burke preceded Fox and Pitt to the tomb. Webster survives Clay and Calhoun. When Fox and Pitt died, they left no peer behind them. Webster still lives, now that Calhoun and Clay are dead, the unrivalled statesman of his country. Like Fox and Pitt, Clay and Calhoun lived in troubled times. Like Fox and Pitt, they were each of them the leader of rival parties. Like Fox and Pitt they were idolized by their respective friends. Like Fox and Pitt, they died about the same time, and in the public service; and, as has been said of Fox and Pitt, Clay and Calhoun died with 'their harness upon them.' Like Fox and Pitt—

'With more than mortal powers endow'd,  
 How high they soared above the crowd!  
 Theirs was no common party race,  
 Jostling by dark intrigue for place—  
 Like fabled gods their mighty war  
 Shook realms and nations in its jar.  
 Beneath each banner proud to stand  
 Look'd up the noblest of the land.  
 \*        \*        \*        \*        \*  
 Here let their discord with them die.  
 Speak not for those a separate doom;  
 Whom fate made brothers in the tomb;  
 But search the land of living men,  
 Where wilt thou find their like again?'

Mr. VENABLE said: Mr. Speaker, I trust that I shall be pardoned for adding a few words upon this sad occasion. The life of the illustrious statesman, which has just terminated, is so interwoven with our history, and the lustre of his great name so profusely shed over its pages, that simple admiration of his high qualities might well be my excuse. But it is a sacred privilege to draw near; to contemplate the end of the great and the good. It is profitable as well as purifying to look upon and realize the office of death in removing all that can excite jealousy or produce distrust, and to gaze upon the virtues which, like jewels, have survived his powers of destruction. The light which radiates from the life of a great and patriotic statesman is often dimmed by the mists which party

conflicts throw around it. But the blast which strikes him down purifies the atmosphere which surrounded him in life, and it shines forth in bright examples and well-earned renown. It is then that we witness the sincere acknowledgment of gratitude by a people, who, having enjoyed the benefits arising from the services of an eminent statesman, embalm his name in their memory and hearts. We should cherish such recollections, as well from patriotism as self-respect. Ours, sir, is now the duty, in the midst of sadness, in this high place, in the face of our republic, and before the world, to pay this tribute by acknowledging the merits of our colleague, whose name has ornamented the journals of congress for near half a century. Few, very few, have ever combined the high intellectual powers and distinguished gifts of this illustrious senator. Cast in the finest mould by nature, he more than fulfilled the anticipations which were indulged by those who looked to a distinguished career as the certain result of that zealous pursuit of fame and usefulness upon which he entered in early life. Of the incidents of that life it is unnecessary for me to speak—they are as familiar as household words, and must be equally familiar to those who come after us. But it is useful to refresh memory, by recurrence to some of the events which marked his career. We know, sir, that there is much that is in common in the histories of distinguished men. The elements which constitute greatness are the same in all times; hence those who have been the admiration of their generations present in their lives much which, although really great, ceases to be remarkable, because illustrated by such numerous examples—

‘But there are deeds which should not pass away,  
And names that must not wither.’

Of such deeds the life of Henry Clay affords many and bright examples. His own name, and those with whom he associated, shall live with a freshness which time cannot impair, and shine with a brightness which passing years cannot dim. His advent into public life was as remarkable for the circumstances as it was brilliant in its effect. It was at a time when genius and learning, statesmanship and eloquence, made the American Congress the most august body in the world. He was the contemporary of a race of statesmen, some of whom—then administering the government, and others retiring and retired from office—presented an array of ability unsurpassed in our history. The elder Adams, Jefferson, Madison, Gallatin, Clinton, and Monroe, stood before the republic in the maturity of their fame; while Calhoun, John Quincy Adams, Lowndes, Randolph, Crawford, Gaston, and Cheves, with a host of others, rose a bright galaxy upon our horizon. He who won his spurs in such a field earned his knighthood. Distinction amid such competition was true renown—

‘The fame which a man wins for himself is best—  
That he may call his own.’

It was such a fame that he made for himself in that most eventful era in our history. To me, sir, the recollection of that day, and the events which distinguish it, is filled with an overpowering interest. I never can forget my enthusiastic admiration of the boldness, the eloquence, and the patriotism of Henry Clay during the war of 1812. In the bright array of talent which adorned the congress of the United States; in the conflict growing out of the political events of that time; in the struggles of party, and amid the gloom and disasters which depressed the spirits of most men, and well nigh paralyzed the energies of the administration, his cheerful face, high bearing, commanding eloquence and iron will, gave strength and consistency to those elements which finally gave not only success but glory to the country. When dark clouds hovered over us, and there was little to save from despair, the country looked with hope to Clay and Calhoun, to Lowndes, and Crawford, and Cheves, and looked not in vain. The unbending will, the unshaken nerve, and the burning eloquence of Henry Clay, did as much to command confidence and sustain hope as even the news of our first victory after a succession of defeats. Those great names are now canonized in history; he, too, has passed to join them on its pages. Associated in his long political life with the illustrious Calhoun, he survived him but two years. Many of us heard his eloquent tribute to his memory in the senate chamber on the annunciation of his death. And we this day unite in a similar manifestation of reverential regard to him whose voice shall never more charm the ear, whose burning thoughts, borne on that medium, shall no more move the hearts of listening assemblies.

In the midst of the highest specimens of our race, he was always an equal; *he was a man among men*. Bold, skillful, and determined, he gave character to the party which acknowledged him as a leader; impressed his opinions upon their minds, and an attachment to himself upon their hearts. No man, sir, can do this without being eminently great. Whoever attains this position must first overcome the aspirations of antagonist ambition, quiet the clamors of rivalry, hold in check the murmurs of jealousy, and overcome the instincts of vanity and self-love in the masses thus subdued to his control. But few men ever attain it. Very rare are the examples of those whose plastic touch forms the minds and directs the purposes of a great political party. This infallible indication of superiority belonged to Mr. Clay. He has exercised that control during a long life; and now through our broad land the tidings of his death, borne with electric speed, have opened the fountains of sorrow. Every city, town, village, and hamlet will be clothed with mourning; along our extended coast, the commercial and military marine, with flags drooping at half-mast, own the bereavement; state-houses draped in black proclaim the extinguishment of one of the great lights of senates; and minute-guns sound his requiem.

Sir, during the last five years I have seen the venerable John

Quincy Adams, John C. Calhoun, and Henry Clay pass from among us, the legislators of our country. The race of giants who 'were on the earth in those days' is well-nigh gone. Despite their skill, their genius, their might, they have sunk under the stroke of time. They were our admiration and our glory; a few linger with us, the monuments of former greatness, the beacon-lights of a past age. The death of Henry Clay cannot fail to suggest melancholy associations to each member of this house. These walls have echoed the silvery tones of his bewitching voice; listening assemblies have hung upon his lips. The chair which you fill has been graced by his presence, while his commanding person and unequalled parliamentary attainments inspired all with deference and respect. Chosen by acclamation because of his high qualifications, he sustained himself before the house and the country. In his supremacy with his party, and the uninterrupted confidence which he enjoyed to the day of his death, he seems to have almost discredited the truth of those lines of the poet Laberius—

‘Non passunt primi esse omnes omni in tempore,  
Summum ad gradum cum claritatis veneris,  
Consistes ægre, et citius, quam ascendas, eades.’

If not at all times first, he stood equal with the foremost, and a brilliant, rapid rise knew no decline in the confidence of those whose just appreciation of his merits had confirmed his title to renown.

The citizens of other countries will deplore his death; the struggling patriots who on our own continent were cheered by his sympathies, and who must have perceived his influence in the recognition of their independence by this government, have taught their children to venerate his name. He won the civic crown, and the demonstrations of this hour own the worth of civil services.

It was with great satisfaction that I heard my friend from Kentucky, [Mr. Breckenridge,] the immediate representative of Mr. Clay, detail a conversation which disclosed the feelings of that eminent man in relation to his Christian hope. These, Mr. Speaker, are rich memorials, precious reminiscences. A Christian statesman is the glory of his age, and his memory will be glorious in after times; it reflects a light coming from a source which clouds cannot dim nor shadows obscure. It was my privilege, also, a short time since, to converse with this distinguished statesman on the subject of his hopes in a future state. Feeling a deep interest, I asked him frankly what were his hopes in the world to which he was evidently hastening. ‘I am pleased,’ said he, ‘my friend, that you have introduced the subject. Conscious that I must die very soon, I love to meditate upon the most important of all interests. I love to converse and to hear conversations about them. The vanity of the world, and its insufficiency to satisfy the soul of man, has long been a settled conviction of my mind. Man’s inability to secure by his own merits the approbation of God, I feel to be true. I trust in the

atonement of the Saviour of men as the ground of my acceptance and my hope of salvation. My faith is feeble, but I hope in His mercy and trust in his promises.' To such declarations I listened with the deepest interest, as I did on another occasion, when he said: 'I am willing to abide the will of Heaven, and ready to die when that will shall determine it.'

He is gone, sir, professing the humble hope of a Christian. That hope, alone, sir, can sustain you, or any of us. There is one lonely and crushed heart that has bowed before this afflictive event. Far away, at Ashland, a widowed wife, prevented by feeble health from attending his bedside and soothing his painful hours, she has thought even the electric speed of the intelligence daily transmitted of his condition too slow for her aching, anxious bosom. She will find consolation in his Christian submission, and will draw all of comfort that such a case admits from the assurance that nothing was neglected by the kindness of friends which could supply her place. May the guardianship of the widow's God be her protection, and His consolations her support!

'All cannot be at all times first  
To reach the topmost step of glory: to stand there,  
More hard. Even swifter than we mount, we fall.'

Mr. HAVEN said: Mr. Speaker, Representing a constituency distinguished for the constancy of its devotion to the political principles of Mr. Clay, and for its unwavering attachment to his fortunes and his person—sympathizing deeply with those whose more intimate personal relations with him have made them feel most profoundly this general bereavement—I desire to say a few words of him, since he has fallen amongst us and been taken to his rest.

After the finished eulogies which have been so eloquently pronounced by the honorable gentlemen who have preceded me, I will avoid a course of remark which might otherwise be deemed a repetition, and refer to the bearing of some of the acts of the deceased upon the interests and destinies of my own state. The influence of his public life, and of his *purely American character*, the benefits of his wise forecast, and the results of his efforts for wholesome and rational progress, are no where more strongly exhibited than in the state of New York.

Our appreciation of his anxiety for the general diffusion of knowledge and education, is manifested in our twelve thousand public libraries, our equal number of common schools, and a large number of higher institutions of learning, all of which draw portions of their support from the share of the proceeds of the public lands, which his wise policy gave to our state. Our whole people are thus constantly reminded of their great obligations to the statesman whose death now afflicts the nation with sorrow. Our extensive public works, attest our conviction of the utility and importance of the system of internal improvements he so ably advocated; and their value



and productiveness, afford a most striking evidence of the soundness and wisdom of his policy. Nor has his influence been less sensibly felt in our agriculture, commerce, and manufactures. Every department of human industry acknowledges his fostering care; and the people of New York are, in no small measure, indebted to his statesmanship for the wealth, comfort, contentment, and happiness so widely and generally diffused throughout the state.

Well may New York cherish his memory and acknowledge with gratitude the benefits that his life has conferred. That memory will be cherished throughout the republic.

When internal discord and sectional strife have threatened the integrity of the Union, his just weight of character, his large experience, his powers of conciliation and acknowledged patriotism, have enabled him to pacify the angry passions of his countrymen, and to raise the bow of promise and of hope upon the clouds which have darkened the political horizon.

He has passed from amongst us, ripe in wisdom and pure in character—full of years and full of honors—he has breathed his last amidst the blessings of a united and grateful nation.

He was, in my judgment, particularly fortunate in the time of his death.

He lived to see his country, guided by his wisdom, come once again unhurt out of trying sectional difficulties and domestic strife; and he has closed his eyes in death upon that country, whilst it is in the enjoyment of profound peace, busy with industry, and blessed with unequalled prosperity.

It can fall to the lot of but few to die amidst so warm a gratitude flowing from the hearts of their countrymen; and none can leave a brighter example or a more enduring fame.

Mr. Brooks, of New York, said: Mr. Speaker, I rise to add my humble tribute to the memory of a great and good man, now to be gathered to his fathers. I speak for, and from, a community in whose heart is enshrined the name of him whom we mourn; who, however much Virginia, the land of his birth, or Kentucky, the land of his adoption, may love him, is, if possible, loved where I live yet more. If idolatry had been Christian, or allowable even, he would have been our idol. But as it is, for a quarter of a century now, his bust, his portrait, or some medal, has been one of our household gods, gracing not alone the saloons and the halls of wealth, but the humblest room or workshop of almost every mechanic or laborer. Proud monuments of his policy as a statesman, as my colleague has justly said, are all about us; and we owe to him, in a good degree, our growth, our greatness, our prosperity and happiness as a people.

The great field of Henry Clay, Mr. Speaker, has been here, on the floor of this house, and in the other wing of the capitol. He had held other posts of higher nominal distinction, but they are all eclipsed by the brilliancy of his career as a congressman. What of glory

he has acquired, or what most endear him to his countrymen, have been won here, amid these pillars, under these domes of the capitol.

‘*Si quæris monumentum, circumspice.*’

The mind of Mr. Clay has been the governing mind of the country, more or less, ever since he has been on the stage of public action. In a minority or majority—more, perhaps, even in a minority than in a majority—he seems to have had some commission, divine as it were, to persuade, to convince, to govern other men. His patriotism, his grand conceptions, have created measures which the secret fascination of his manners in-doors, or his irresistible eloquence without, have enabled him almost always to frame into laws. Adverse administrations have yielded to him, or been borne down by him, or he has taken them captive as a leader, and carried the country and congress with him. This power he has wielded now for nearly half a century, with nothing but reason and eloquence to back him. And yet when he came here, years ago, he came from a then frontier state of this Union, heralded by no loud trumpet of fame, nay, quite unknown! unfortified even by any position, social or pecuniary;—to quote his own words, ‘my only heritage has been infancy, indigence, and ignorance.’

In these days, Mr. Speaker, when mere civil qualifications for high public places—when long civil training and practical statesmanship are held subordinate—a most discouraging prospect would be rising up before our young men, were it not for some such names as Lowndes, Crawford, Clinton, Gaston Calhoun, Clay, and the like, scattered along the pages of our history, as stars or constellations along a cloudless sky. They shine forth, and show us, that if the chief magistracy cannot be won by such qualifications, a memory among men can be—a hold upon posterity, as firm, as lustrous—nay, more imperishable. In the Capitolium of Rome there are long rows of marble slabs, on which are recorded the names of the Roman consuls; but the eye wanders over this wilderness of letters but to light up and kindle upon some Cato or Cicero. To win such fame, thus unsullied, as Mr. Clay has won, is worth any man’s ambition. And how was it won? By courting the shifting gales of popularity? No, never! By truckling to the schemes, the arts, and seductions of the demagogue? Never, never! His hardest battles as a public man—his greatest, most illustrious achievements—have been against, at first, an adverse public opinion. To gain an imperishable name, he has often braved the perishable popularity of the moment. That sort of courage which, in a public man, I deem the highest of all courage—that sort of courage most necessary under our form of government to guide as well as to save a state—Mr. Clay was possessed of more than any public man I ever knew. Physical courage, valuable, indispensable though it be, we share but with the brute; but moral courage, to dare to do right amid all temptations to do wrong,

is, as it seems to me, the very highest species, the noblest heroism, under institutions like ours. 'I had rather be right than be President,' was Mr. Clay's sublime reply when pressed to refrain from some measure that would mar his popularity. These lofty words were the clue of his whole character—the secret of his hold upon the heads as well as hearts of the American people; nay, the key of his immortality.

Another of the keys, Mr. Speaker, of his universal reputation was his intense nationality. When taunted but recently, almost within our hearing, as it were, on the floor of the senate by a southern senator, as being a southern man unfaithful to the south—his indignant but patriotic exclamation was, 'I know no *south*, no north, no east, no west.' The country, the *whole* country, loved, revered, adored such a man. The soil of Virginia may be his birth-place, the sod of Kentucky will cover his grave—what was mortal they claim—but the spirit, the soul, the genius of the mighty man, the immortal part, these belong to his country and to his God.

MR. FAULKNER, of Virginia, said: Representing, in part, the state which gave birth to that distinguished man whose death has just been announced upon this floor, and having for many years held toward him the most cordial relations of friendship, personal and political, I feel that I should fail to discharge an appropriate duty, if I permitted this occasion to pass by without some expression of the feeling which such an event is so well calculated to elicit. Sir, this intelligence does not fall upon our ears unexpectedly. For months the public mind has been prepared for the great national loss which we now deplore; and yet, as familiar as the daily and hourly reports have made us with his hopeless condition and gradual decline, and although

'Like a shadow thrown  
Softly and sweetly from a passing cloud,  
Death fell upon him,'

it is impossible that a light of such surpassing splendor should be, as it is now, for ever extinguished from our view, without producing a shock, deeply and painfully felt, to the utmost limits of this great republic. Sir, we all feel that a mighty intellect has passed from among us; but, happily for this country, happily for mankind, not until it had accomplished to some extent the exalted mission for which it had been sent upon this earth; not until it had reached the full maturity of its usefulness and power; not until it had shed a bright and radiant lustre over our national renown; not until time had enabled it to bequeath the rich treasures of its thought and experience for the guidance and instruction of the present and of succeeding generations.

Sir, it is difficult,—it is impossible,—within the limit allowed for remarks upon occasions of this kind, to do justice to a great historical character like Henry Clay. He was one of that class of men

whom Scaliger designates as *homines centenarii*—men that appear upon the earth but once in a century. His fame is the growth of years, and it would require time to unfold the elements which have combined to impart to it so much of stability and grandeur. Volumes have already been written, and volumes will continue to be written, to record those eminent and distinguished public services which have placed him in the front rank of American statesmen and patriots. The highest talent, stimulated by a fervid and patriotic enthusiasm, has already and will continue to exhaust its powers to portray those striking and generous incidents of his life,—those shining and captivating qualities of his heart, which have made him one of the most beloved, as he was one of the most admired, of men; and yet the subject itself will remain as fresh and exhaustless as if hundreds of the best intellects of the land had not quaffed the inspiration of their genius from the ever-gushing and overflowing fountains of his fame. It could not be that a reputation so grand and colossal as that which attaches to the name of Henry Clay could rest for its base upon any single virtue, however striking; nor upon any single act, no matter how marked or distinguished. Such a reputation as he has left behind him, could only be the result of a long life of illustrious public service. And such in truth it was. For nearly half a century he has been a prominent actor in all the stirring and eventful scenes of American history, fashioning and moulding many of the most important measures of public policy by his bold and sagacious mind, and arresting others by his unconquerable energy and resistless force of eloquence. And however much the members of this body may differ in opinion as to the wisdom of many of his views of national domestic policy, there is not one upon this floor—no, sir, not one in this nation—who will deny to him frankness and directness as a public man; a genius for statesmanship of the highest order; extraordinary capacities for public usefulness, and an ardent and elevated patriotism, without stain and without reproach.

In referring to a career of public service so varied and extended as that of Mr. Clay, and to a character so rich in every great and manly virtue, it is only possible to glance at a few of the most prominent of those points of his personal history, which have given to him so distinguished a place in the affections of his countrymen.

In the whole character of Mr. Clay, in all that attached or belonged to it, you find nothing that is not essentially American. Born in the darkest period of our revolutionary struggle; reared from infancy to manhood among those great minds which gave the first impulse to that mighty movement, he early imbibed and sedulously cherished those great principles of civil and political liberty, which he so brilliantly illustrated in his subsequent life, and which has made his name a watchword of hope and consolation to the oppressed of all the earth. In his intellectual training he was the pure creation of our own republican soil. Few, if any, allusions are to be seen in his speeches or writings to ancient or modern literature, or to the

thoughts and ideas of other men. His country, its institutions, its policy, its interests, its destiny, form the exclusive topics of those eloquent harangues, which, while they are destitute of the elaborate finish, have all the ardor and intensity of thought, the earnestness of purpose, the cogency of reasoning, the vehemence of style, and the burning patriotism which mark the productions of the great Athenian orator.

One of the most distinguishing characteristics of Mr. Clay as a public man was his loyalty to truth and to the honest convictions of his own mind. He deceived no man: he would not permit his own heart to be deceived by any of those seductive influences which too often warp the judgment of men in public station. He never paused to consider how far any step which he was about to take would lead to his own personal advancement; he never calculated what he might lose or what he might gain by his advocacy of, or his opposition to, any particular measure. His single inquiry was: Is it right? Is it in accordance with the constitution of the land? Will it redound to the permanent welfare of the country? When satisfied upon these points, his determination was fixed; his purpose was immovable. 'I would rather be right than be President,' was the expression of his genuine feelings, and the principle by which he was controlled in his public career—a saying worthy of immortality, and proper to be inscribed upon the heart of every young man in this republic. And yet, sir, with all of that personal and moral intrepidity which so eminently marked the character of Mr. Clay; with his well-known inflexibility of purpose and unyielding resolution, such was the genuine sincerity of his patriotism, and such his thorough comprehension of those principles of compromise, upon which the whole structure of our government was founded, that no one was more prompt to relax the rigor of his policy the moment he perceived that it was calculated to disturb the harmony of the states, or to endanger in any degree the stability of the government. With him the love of this Union was a passion—an absorbing sentiment—which gave color to every act of his public life. It triumphed over party; it triumphed over policy; it subdued the natural fierceness and haughtiness of his temper, and brought him into the most kindly and cordial relations with those who, upon all other questions, were deeply and bitterly opposed to him. It has been asserted, sir, upon high medical authority, and doubtless with truth, that his life was in all probability shortened ten years by the arduous and extraordinary labors which he assumed at the memorable session of 1850. If so, he has added the crowning glory of the MARTYR to the spotless fame of the PATRIOT; and we may well hope that a great national pacification, purchased at such a sacrifice, will long continue to cement the bonds of this now happy and prosperous Union.

Mr. Clay possessed, in an eminent degree, the qualities of a great popular leader: and history, I will assume to say, affords no example in any republic, ancient or modern, of any individual that so fear-

lessly carried out the convictions of his own judgment, and so sparingly flattered the prejudices of popular feeling, who, for so long a period, exercised the same controlling influence over the public mind. Earnest in whatever measure he sustained, fearless in attack,—dexterous in defence.—abounding in intellectual resources,—eloquent in debate,—of inflexible purpose, and with a ‘courage never to submit or yield,’ no man ever lived with higher qualifications to rally a desponding party, or to lead an embattled host to victory. That he never attained the highest post of honorable ambition in this country is not to be ascribed to any want of capacity as a popular leader, nor to the absence of those qualities which attract the fidelity and devotion of ‘troops’ of admiring friends. It was the fortune of Napoleon, at a critical period of his destiny, to be brought into collision with the star of Wellington; and it was the fortune of Henry Clay to have encountered, in his political orbit, another great and original mind, gifted with equal power for commanding success, and blessed with more fortunate elements, concurring at the time, of securing popular favor. The struggle was such as might have been anticipated from the collision of two such fierce and powerful rivals. For near a quarter of a century this great republic has been convulsed to its centre by the divisions which have sprung from their respective opinions, policy, and personal destinies; and even now, when they have both been removed to a higher and a better sphere of existence, and when every unkind feeling has been quenched in the triumphs of the grave, this country still feels, and for years will continue to feel, the influence of those agitations to which their powerful and impressive characters gave impulse.

But I must pause. If I were to attempt to present all the aspects in which the character of this illustrious man will challenge the applause of history, I should fatigue the house and violate the just limit allowed for such remarks.

I cannot, however, conclude, sir, without making some more special allusion to Mr. Clay, as a native of that state which I have the honor in part to represent upon this floor. We are all proud, and very properly proud, of the distinguished men to whom our respective states have given birth. It is a just and laudable emulation, and one, in a confederated government like ours, proper to be encouraged. And while men like Mr. Clay very rapidly rise above the confined limits of a state reputation, and acquire a national fame, in which all claim and all have an equal interest, still there is a propriety and fitness in preserving the relation between the individual and his state. Virginia has given birth to a large number of men who have by their distinguished talents and services impressed their names upon the hearts and memories of their countrymen; but certainly, since the colonial era, she has given birth to no man who, in the massive and gigantic proportions of his character, and in the splendor of his native endowments, can be compared to Henry Clay. At an early age, he emigrated from his native state, and found a

home in Kentucky. In a speech which he delivered in the senate of the United States, in February, 1842—and which I well remember—upon the occasion of his resigning his seat in that body, he expressed the wish that, when that event should occur which has now clothed this city in mourning and filled the nation with grief, his ‘earthly remains should be laid under the green sod of Kentucky, with those of her gallant and patriotic sons.’

Sir, however gratifying it might be to us that his remains should be transferred to his native soil, to there mingle with the ashes of Washington, Jefferson, Madison, Lee, and Henry, we cannot complain of the very natural preference which he has himself expressed. If Virginia did give him birth, Kentucky has nourished him in his manhood—has freely lavished upon him her highest honors—has shielded him from harm when the clouds of calumny and detraction gathered heavily and loweringly about him, and she has watched over his fame with the tenderness and zeal of a mother. Sir, it is not to be wondered that he should have expressed the wish he did, to be laid by the side of her gallant and patriotic sons. Happy Kentucky! Happy in having an adopted son so worthy of her highest honors. Happy, in the unshaken fidelity and loyalty with which, for near half a century, those honors have been so steadfastly and gracefully accorded to him.

Sir, whilst Virginia, in the exercise of her own proper judgment, has differed from Mr. Clay in some of his views of national policy, she has never, at any period of his public career, failed to regard him with pride, as one of her most distinguished sons; to honor the purity and the manliness of his character, and to award to him the high credit of an honest and sincere devotion to his country’s welfare. And now, sir, that death has arrested for ever the pulsations of that mighty heart, and sealed in eternal silence those eloquent lips upon whose accents thousands have so often hung in rapture, I shall stand justified in saying, that a wail of lamentation will be heard from her people—her whole people—reverberating through her mountains and valleys, as deep, as genuine, and as sincere as that which, I know, will swell the noble hearts and the heaving bosoms of the people of his own cherished and beloved Kentucky.

Sir, as I walked to the capitol this morning, every object which attracted my eye, admonished me that a nation’s benefactor had departed from amongst us. He is gone! Henry Clay, the idol of his friends, the ornament of the senate chamber, the pride of his country; he whose presence gathered crowds of his admiring fellow-men around him, as if he had been one descended from above, has passed for ever from our view.

‘His soul, enlarged from its vile bonds, has gone  
To that REFULGENT world, where it shall swim  
In liquid light, and float on seas of bliss.’

But the memory of his virtues and of his services will be gratefully

embalmed in the hearts of his countrymen, and generations yet unborn will be taught to lisp with reverence and enthusiasm the name of Henry Clay.

Mr. PARKER, of Indiana, said: Mr. Speaker, This is a solemn—a consecrated hour. And I would not detain the members of the house from indulging in the silence of their own feelings, so grateful to hearts chastened as ours. But I cannot restrain an expression from a bosom pained with its fullness.

When my young thoughts first took cognizance of the fact that I have a country, my eye was attracted by the magnificent proportions of Henry Clay. The idea absorbed me then, that he was, above all other men, the embodiment of my country's genius.

I have watched him; I have studied him; I have admired him—and, God forgive me! for he was but a man, 'of like passions with us'—I fear I have *idolized* him, until this hour. But he has gone from among men; and it is for us now to awake and apply ourselves, with renewed fervor and increased fidelity, to the welfare of the country HE loved so well and served so truly and so long—the glorious country yet saved to us! Yes, Henry Clay has fallen, at last!—as the ripe oak falls, in the stillness of the forest. But the verdant and gorgeous richness of his glories will only fade and wither from the earth, when his country's history shall have been forgotten. 'One generation passeth away and another generation cometh.' Thus it has been from the beginning, and thus it will be, until time shall be no longer.

Yesterday morning, at eleven o'clock, the spirit of Henry Clay—so long the pride and glory of his own country, and the admiration of all the world—was yet with us, though struggling to be free. Ere 'high noon' came, it had passed over 'the dark river,' through the gate, into the celestial city, inhabited by all the 'just men made perfect.' May not our rapt vision contemplate him there, this day, in sweet communion with the dear friends that have gone before him?—with Madison, and Jefferson, and Washington, and Henry, and Franklin—with the eloquent Tully, with the 'divine Plato,' with Aaron the Levite, who could 'speak well'—with all the great and good, since and before the flood! His princely tread has graced these aisles for the last time. These halls will wake no more to the magic music of his voice. Did that tall spirit, in its ethereal form, enter the courts of the upper sanctuary, bearing itself comparably with the spirits there, as was his walk among men? Did the mellifluous tones of his greeting there enrapture the hosts of heaven, comparably with his strains 'to stir men's blood' on earth? Then, may we not fancy, when it was announced to the inhabitants of that better country, 'He comes! he comes!' there was a rustling of angel-wings—a thrilling joy—*up there*, only to be witnessed once in an earthly age? Adieu!—a last adieu to thee, Henry Clay! The hearts of all thy countrymen are melted, on this day, because of the thought that



thou art gone. Could we have held the hand of the 'insatiate archer,' thou hadst not died; but thou wouldst have tarried with us, in the full grandeur of thy greatness, until we had no longer need of a country. But we thank our Heavenly Father that thou wast given to us; and that thou didst survive so long. We would cherish thy memory while we live, as our country's JEWEL—than which none is richer. And we will teach our children the lessons of matchless patriotism thou hast taught us; with the fond hope that our LIBERTY and our UNION may only expire with 'the last of earth.'

Mr. GENTRY said: Mr. Speaker, I do not rise to pronounce an eulogy on the life and character and public services of the illustrious orator and statesman whose death this nation deploras. Suitably to perform that task, a higher eloquence than I possess might essay in vain. The gushing tears of the nation, the deep grief which oppresses the hearts of more than twenty millions of people, constitute a more eloquent eulogium upon the life and character and patriot services of Henry Clay, than the power of language can express. In no part of our country is that character more admired, or those public services more appreciated, than in the state which I have the honor, in part, to represent. I claim for the people of that state a full participation in the general woe which the sad announcement of to-day will every where inspire.

Mr. BOWIE said: Mr. Speaker, I rise not to utter the measured phrases of premeditated woe, but to speak as my constituency would, if they stood around the grave now opening to receive the mortal remains, not of a statesman only, but of a beloved friend. If there is a state in this Union, other than Kentucky, which sends up a wail of more bitter and sincere sorrow than another, that state is Maryland.

In her midst, the departed statesman was a frequent and a welcome guest. At many a board, and many a fireside, his noble form was the light of the eyes, the idol of the heart. Throughout her borders, in cottage, hamlet, and city, his name is a household word, his thoughts are familiar sentences. Though not permitted to be the first at his cradle, Maryland would be the last at his tomb.

Through all the phases of political fortune, amid all the storms which darkened his career, Maryland cherished him in her inmost heart, as the most gifted, patriotic, and eloquent of men. To this hour, prayers ascend from many domestic altars, evening and morning, for his temporal comfort and eternal welfare. In the language of inspiration, Maryland would exclaim, 'There is a prince and a great man fallen, this day, in Israel.' Daughters of America! weep for him 'who hath clothed you in scarlet and fine linen.'—The husbandman at his plough, the artisan at the anvil, and the seaman on the mast, will pause and drop a tear when he hears Clay is no more.

The advocate of freedom in both hemispheres, he will be lamented alike on the shores of the Hellespont and the banks of the Mississippi

and Orinoco. The freed men of Liberia, learning and practising the art of self-government, and civilizing Africa, have lost in him a patron and protector, a father and a friend. America mourns the eclipse of a luminary, which enlightened and illuminated the continent; the United States, a counsellor of deepest wisdom and purest purpose; mankind, the advocate of human rights and constitutional liberty.

Mr. WALSH said: Mr. Speaker, The illustrious man whose death we this day mourn, was so long my political leader—so long almost the object of my personal idolatry—that I cannot allow that he shall go down to the grave, without a word at least of affectionate remembrance—without a tribute to a memory which will exact tribute as long as a heart shall be found to beat within the bosom of civilized man, and human agency shall be adequate in any *form* to give them an expression; and even, sir, if I had no heartfelt sigh to pour out here—if I had no tear for that coffin's lid, I should do injustice to those whose representative in part I am, if I did not in this *presence*, and at this time, raise the voice to swell the accents of the profoundest public sorrow.

The state of Maryland has always vied with Kentucky in love and adoration of his name. Her people have gathered around him with all the fervour of a first affection, and with more than its *duration*. Troops of friends have ever clustered about his pathway with a personal devotion which each man of them regarded as the highest individual honor—friends, sir, to whose firesides the tidings of his death will go with all the withering influences which are felt when household ties are severed.

I wish, sir, I could offer now a proper memorial for such a subject and such an affection. But as I strive to utter it, I feel the disheartening influence of the well-known truth, that in view of death all minds sink into triteness. It would seem, indeed, sir, that the great leveller of our race would vindicate his *title* to be so considered, by making all men think alike in regard to his visitation—'the thousand thoughts that begin and end in one'—the *desolation* here—the eternal hope *hereafter*—are influences felt alike by the lowest intellect and the loftiest genius.

Mr. Speaker, a statesman for more than fifty years in the councils of his country, whose peculiar charge it was to see that the republic suffered no detriment—a patriot for all times, all circumstances, and all emergencies—has passed away from the trials and triumphs of the world, and gone to his reward. Sad as are the emotions which such an event would ordinarily excite, their intensity is heightened by the matters so fresh within the memories of us all:

'Oh! think how to his latest day,  
When Death, just hovering, claimed his prey,  
With Palinurus' unalter'd mood,  
Firm at his dangerous post he stood;  
Each call for needful rest repell'd,  
With dying hand the rudder held;  
Then while on Freedom's thousand plains,  
One unpolluted church remains,

Whose peaceful bells ne'er sent around  
The bloody tocsin's maddening sound,  
But still, upon the hallow'd day,  
Convoke the swains to praise and pray,  
While peace and civil peace are dear,  
Greet his cold marble with a tear—  
He who preserved them—CLAY lies here.'

In a character, Mr. Speaker, so illustrious and beautiful, it is difficult to select any point for particular notice, from those which go to make up its noble proportions; but we may now, around his honored grave, call to grateful recollection that invincible spirit which no personal sorrow could sully, and no disaster could overcome. Be assured, sir, that he has in this regard left a legacy to the young men of the republic, almost as sacred and as dear as that liberty of which his life was a blessed illustration.

We can all remember, sir, when adverse political results disheartened his friends, and made them feel even as men without hope, that his own clarion voice was still heard in the purpose and the pursuit of right, as bold and as eloquent as when it first proclaimed the freedom of the seas, and its talismanic tones struck off the badges of bondage from the lands of the Incas, and the plains of Marathon.

Mr. Speaker, in the exultation of the statesman he did not forget the duties of the man. He was an affectionate adviser on all points wherein inexperienced youth might require counsel. He was a disinterested sympathizer in personal sorrows that called for consolation. He was ever upright and honorable in all the duties incident to his relations in life.

To an existence so lovely, Heaven in its mercy granted a fitting and appropriate close. It was the prayer, Mr. Speaker, of a distinguished citizen, who died some years since in the metropolis, even while his spirit was fluttering for its final flight, that he might depart gracefully. It may not be presumptuous to say, that what was in that instance the aspiration of a chivalric *gentleman*, was in this the realization of the dying *Christian*, in which was blended all that human dignity could require, with all that divine grace had conferred: in which the firmness of the man was only transcended by the fervor of the penitent.

A short period before his death he remarked to one by his bedside, 'that he was fearful he was becoming selfish, as his thoughts were entirely withdrawn from the world and centred upon eternity.' This, sir, was but the purification of his noble spirit from all the dross of earth—a happy illustration of what the religious muse has so sweetly sung:

'No sin to stain—no lure to stay  
The soul, as home she springs;  
Thy sunshine on her joyful way,  
Thy freedom in her wings.'

Mr. Speaker, the solemnities of this hour may soon be forgotten. We may come back from the new-made grave only still to show that we consider 'eternity the bubble, life and time the enduring substance.' We may not pause long enough by the brink to ask which of us revelers of to-day shall next be at rest. But be assured, sir, that upon the records of mortality will never be inscribed a name more illustrious than that of the statesman, patriot, and friend whom the nation mourns.

The question was then put on the adoption of the resolutions proposed by Mr. Breckenbridge, and they were unanimously adopted.

The Strong Staff Broken and the Beautiful Rod;

A SERMON,

DELIVERED IN THE SENATE CHAMBER, JULY 1, 1852, ON THE OCCASION  
OF THE FUNERAL OF THE HON HENRY CLAY.

“How is the strong staff broken, and the beautiful rod?”—JER. xlviii. 17.

BEFORE all hearts and minds in this august assemblage the vivid image of *one man* stands. To some aged eye he may come forth, from the dim past, as he appeared in the neighboring city of his native state, a lithe and ardent youth, full of promise, of ambition, and of hope. To another he may appear as in a distant state, in the courts of justice, erect, high-strung, bold, wearing the fresh forensic laurel on his young and open brow. Some may see him in the earlier, and some in the later, stages of his career, on this conspicuous theatre of his renown; and to the former he will start out on the back-ground of the past, as he appeared in the neighboring chamber, tall, elate, impassioned—with flashing eye, and suasive gesture, and clarion voice, an already acknowledged ‘Agamemnon, King of Men;’ and to others he will again stand in this chamber, ‘the strong staff’ of the bewildered and staggering state, and ‘the beautiful rod,’ rich with the blossoms of genius, and of patriotic love and hope, the life of youth still remaining to give animation, grace, and exhaustless vigor, to the wisdom, the experience, and the gravity of age. To others he may be present as he sat in the chamber of sickness, cheerful, majestic, gentle—his mind clear, his heart warm, his hope fixed on Heaven, peacefully preparing for his last great change. To the memory of the minister of God he appears as the penitent, humble, and peaceful Christian, who received him with the affection of a father, and joined with him in solemn sacrament and prayer, with the gentleness of a woman, and the humility of a child. ‘Out of the strong came forth sweetness.’ ‘How is the strong staff broken, and the beautiful rod!’

But not before this assembly only does the venerated image of the departed statesman, this day, distinctly stand. For more than a thousand miles—east, west, north, and south—it is known and remembered that, at this place and hour, a nation’s representatives assemble to do honour to him whose fame is now a nation’s heritage. A nation’s mighty heart throbs against this capitol, and beats through you. In many cities banners droop, bells toll, cannons boom, funeral draperies wave. In crowded streets and on sounding wharfs, upon steamboats and upon cars, in fields and in workshops, in homes, in schools, millions of men, women, and children have their thoughts fixed upon this scene, and say mournfully to each other, ‘This is the

hour in which, at the capitol, the nation's representatives are burying Henry Clay.' 'Burying' Henry Clay! Bury the records of your country's history—bury the hearts of living millions—bury the mountains, the rivers, the lakes, and the spreading lands from sea to sea, with which his name is inseparably associated, and even then you would not bury Henry Clay—for he lives in other lands, and speaks in other tongues, and to other times than our's.

A great mind, a great heart, a great orator, a great career, have been consigned to history. She will record his rare gifts of deep insight, keen discrimination, clear statement, rapid combination, plain, direct, and convincing logic. She will love to dwell on that large, generous, magnanimous, open, forgiving heart. She will linger, with fond delight, on the recorded and traditional stories of an eloquence that was so masterful and stirring, because it was but *himself*, struggling to come forth on the living words—because, though the words were brave and strong, and beautiful and melodious, it was felt that, behind them there was a *soul* braver, stronger, more beautiful, and more melodious, than language could express. She will point to a career of statesmanship which has, to a remarkable degree, stamped itself on the public policy of the country, and reached, in beneficent practical results, the fields, the looms, the commercial marts, and the quiet homes of all the land, where his name was, with the departed fathers, and is with the living children, and will be, with successive generations, an honored household word.

I feel, as a man, the grandeur of this career. But as an immortal, with this broken wreck of mortality before me, with this scene as the 'end-all' of human glory, I feel that no career is truly great but that of him who, whether he be illustrious or obscure, lives to the future in the present, and linking himself to the spiritual world, draws from God the life, the rule, the motive, and the reward of all his labor. So would that great spirit which has departed say to us, could he address us now. So did he realize, in the calm and meditative close of life. I feel that I but utter the lessons which, living, were his last and best convictions, and which, dead, would be, could he speak to us, his solemn admonitions, when I say that statesmanship is then only glorious, when it is *Christian*; and that man is then only safe, and true to his duty, and his soul, when the life which he lives in the flesh is the life of faith in the Son of God.

Great, indeed, is the privilege, and most honorable and useful is the career, of a Christian American statesman. He perceives that civil liberty came from the freedom wherewith Christ made its early martyrs and defenders free. He recognises it as one of the twelve manner of fruits on the Tree of Life, which, while its lower branches furnish the best nutriment of earth, hangs on its topmost boughs, which wave in Heaven, fruits that exhilarate the immortals. Recognising the state as God's institution, he will perceive that his own ministry is divine. Living consciously under the eye, and in the love and fear of God; redeemed by the blood of Jesus; sanctified

by His Spirit; loving His law; he will give himself, in private and in public, to the service of his Saviour. He will not admit that he may act on less lofty principles in public, than in private life; and that he must be careful of his moral influence in the small sphere of home and neighborhood, but need take no heed of it when it stretches over continents and crosses seas. He will know that his moral responsibility cannot be divided and distributed among others. When he is told that adherence to the strictest moral and religious principle is incompatible with a successful and eminent career, he will denounce the assertion as a libel on the venerated Fathers of the Republic—a libel on the honored living and the illustrious dead—a libel against a great and Christian nation—a libel against God himself, who has declared and made ‘godliness profitable for the life that now is.’ He will strive to make laws the transcripts of the character, and institutions illustrations of the providence of God. He will scan with admiration and awe the purposes of God in the future history of the world, in throwing open this wide continent, from sea to sea, as the abode of freedom, intelligence, plenty, prosperity, and peace; and feel that in giving his energies with a patriot’s love, to the welfare of his country, he is consecrating himself, with a Christian’s zeal, to the extension and establishment of the Redeemer’s kingdom. Compared with a career like this, which is equally open to those whose public sphere is large or small, how paltry are the trade of patriotism, the tricks of statesmanship, the rewards of successful baseness! This hour, this scene, the venerated dead, the country, the world, the present, the future, God, duty, Heaven, hell, speak trumpet-tongued to all in the service of their country, to *be-ware* how they lay polluted or unhallowed hands

‘Upon the ark  
Of her magnificent and awful cause!’

Such is the character of that statesmanship which alone would have met the full approval of the venerated dead. For the religion which always had a place in the convictions of his mind, had also, within a recent period, entered into his experience, and seated itself in his heart. Twenty years since he wrote—‘I am a member of no religious sect, and I am not a professor of religion. I regret that I am not. I wish that I was, and trust that I shall be. I have, and always have had, a profound regard for Christianity, the religion of my fathers, and for its rites, its usages, and observances.’ That feeling proved that the seed sown by pious parents was not dead, though stifled. A few years since, its dormant life was reawakened. He was baptized in the communion of the Protestant Episcopal Church; and during his sojourn in this city, he was in full communion with Trinity Parish.

It is since his withdrawal from the sittings of the senate, that I have been made particularly acquainted with his religious opinions, character, and feelings. From the commencement of his illness he

always expressed to me his persuasion that its termination would be fatal. From that period until his death, it was my privilege to hold frequent religious services and conversations with him in his room. He avowed to me his full faith in the great leading doctrines of the Gospel—the fall and sinfulness of man, the divinity of Christ, the reality and necessity of the Atonement, the need of being born again by the Spirit, and salvation through faith in a crucified Redeemer. His own personal hopes of salvation, he ever and distinctly based on the promises and the grace of Christ. Strikingly perceptible, on his naturally impetuous and impatient character, was the influence of grace in producing submission, and ‘a patient waiting for Christ,’ and for death. On one occasion he spoke to me of the pious example of one very near and dear to him, as that which led him deeply to feel, and earnestly to seek for himself, the reality and the blessedness of religion. On another occasion, he told me that he had been striving to form a conception of Heaven; and he enlarged upon the mercy of that provision by which our Saviour became a partaker of our humanity, that our hearts and hopes might fix themselves on him. On another occasion, when he was supposed to be very near his end, I expressed to him the hope that his mind and heart were at peace, and that he was able to rest with cheerful confidence on the promises, and in the merits of the Redeemer. He said, with much feeling, that he endeavored to, and trusted that he did repose his salvation upon Christ; that it was too late for him to look at Christianity in the light of speculation; that he had never doubted of its truth; and that he now wished to throw himself upon it as a practical and blessed remedy. Very soon after this, I administered to him the sacrament of the Lord’s Supper. Being extremely feeble, and desirous of having his mind undiverted, no persons were present, but his son and his servant. It was a scene long to be remembered. There, in that still chamber, at a week-day noon, the tides of life flowing all around us, three disciples of the Savior, the minister of God, the dying statesman, and his servant, a partaker of the like precious faith, commemorated their Saviour’s dying love. He joined in the blessed sacrament with great feeling and solemnity, now pressing his hands together, and now spreading them forth, as the words of the service expressed the feelings, desires, supplications, confessions, and thanksgivings, of his heart. His eyes were dim with grateful tears, his heart was full of peace and love! After this he rallied, and again I was permitted frequently to join with him in religious services, conversation, and prayer. He grew in grace and in the knowledge of our Lord and Saviour Jesus Christ. Among the books which, in connection with the Word of God, he read most, were ‘Jay’s Morning and Evening Exercises,’ the ‘Life of Dr. Chalmers,’ and ‘The Christian Philosopher Triumphant in Death.’ His hope continued to the end to be, though true and real, tremulous with humility rather than rapturous with assurance. When he felt most the weariness of his protracted sufferings, it sufficed to suggest

to him that his Heavenly Father doubtless knew, that after a life so long and stirring, and tempted, such a discipline of chastening and suffering was needful to make him more meet for the inheritance of the saints—and at once words of meek and patient acquiescence escaped his lips.

Exhausted nature at length gave way. On the last occasion, when I was permitted to offer a brief prayer at his bedside, his last words to me were that he had hope only in Christ, and that the prayer which I had offered for his pardoning love, and his sanctifying grace, included every thing which the dying need. On the evening previous to his departure, sitting for an hour in silence by his side, I could not but realize, when I heard him, in the slight wanderings of his mind to other days, and other scenes, murmuring the words, '*My mother! Mother! Mother!*' and saying '*My dear wife!*' as if she were present, and frequently uttering aloud, as if in response to some silent Litany of the soul, the simple prayer, 'Lord, have mercy upon me!'—I could not but realize then, and rejoice to think how near was the blessed reünion of his weary heart with the loved dead, and with her—Our dear Lord, gently smooth her passage to the tomb!—who must soon follow him to his rest—whose spirits even then seemed to visit, and to cheer his memory and his hope. Gently he breathed his soul away into the spirit world.

'How blest the righteous when they die!  
When holy souls retire to rest,  
How mildly beams the closing eye,  
How gently heaves the expiring breast!

'So fades the summer cloud away,  
So sinks the gale when storms are o'er,  
So gently shuts the eye of day,  
So dies the wave upon the shore!

Be it ours to follow him, in the same humble and submissive faith, to heaven. Could he speak to us the counsels of his latest human, and his present heavenly, experience, sure I am that he would not only admonish us to cling to the Saviour, in sickness and in death; but abjure us not to delay to act upon our first convictions, that we might give our best powers and fullest influence to God, and go to the grave with a hope, unshadowed by the long worldliness of the past, or by the films of fear and doubt resting over the future.

The strong staff is broken, and the beautiful rod is despoiled of its grace and bloom; but in the light of the eternal promises, and by the power of Christ's resurrection, we joyfully anticipate the prospect of seeing that broken staff erect, and that beautiful rod clothed with celestial grace, and blossoming with undying life and blessedness in the Paradise of God.



# SPEECHES, &c.

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## ON DOMESTIC MANUFACTURES.

IN THE SENATE OF THE UNITED STATES, APRIL 6, 1810.

[ This is the first speech on record, of Mr. Clay's efforts during his congressional career. He had been previously elected to fill a vacancy in the United States senate, for a single session, in 1806, during which, in 1807, he delivered an able speech on *internal improvement*, which we regret has not been preserved. In 1809, the legislature of Kentucky again elected him a United States senator, and in the following remarks, he avowed himself in favor of the policy of encouraging *domestic manufactures*, which policy he had before advocated in the legislature of his own state. His early support of these two branches of national policy, which he afterwards called 'the *American System*,' is thus shown by his two first speeches in congress, and his name and influence have become identified with the cause, of which he has always stood forth the distinguished champion. ]

MR. PRESIDENT,

The local interest of the quarter of the country, which I have the honor to represent, will apologize for the trouble I may give you on this occasion. My colleague has proposed an amendment to the bill before you, instructing the secretary of the navy, to provide supplies of cordage, sail-cloth, hemp, &c. and to give a preference to those of American growth and manufacture. It has been moved by the gentleman from Massachusetts (Mr. Lloyd) to strike out this part of the amendment; and, in the course of the discussion which has arisen, remarks have been made on the general policy of promoting manufactures. The propriety of this policy is, perhaps, not very intimately connected with the subject before us; but it is, nevertheless, within the legitimate and admissible scope of debate. Under this impression I offer my sentiments.

In inculcating the advantages of domestic manufactures, it never entered the head, I presume, of any one, to change the habits of the nation from an agricultural to a manufacturing community

No ne, I am persuaded, ever thought of converting the ploughshare and the sickle into the spindle and the shuttle. And yet this is the delusive and erroneous view too often taken of the subject. The opponents of the manufacturing system transport themselves to the establishments of Manchester and Birmingham, and, dwelling on the indigence, vice, and wretchedness prevailing there, by pushing it to an *extreme*, argue that its introduction into this country will necessarily be attended by the same mischievous and dreadful consequences. But what is the fact? That England is the manufacturer of a great part of the world; and that, even there, the numbers thus employed bear an inconsiderable proportion to the whole mass of population. Were we to become the manufacturers of other nations, effects of the same kind might result. But if we *limit* our efforts, by our own wants, the evils apprehended would be found to be chimerical. The invention and improvement of machinery, for which the present age is so remarkable, dispensing in a great degree with manual labor; and the employment of those persons, who, if we were engaged in the pursuit of agriculture alone, would be either unproductive, or exposed to indolence and immorality; will enable us to supply our wants without withdrawing our attention from agriculture—that first and greatest source of national wealth and happiness. A judicious American farmer, in the household way, manufactures whatever is requisite for his family. He squanders but little in the gewgaws of Europe. He presents in epitome, what the nation ought to be *in extenso*. Their manufactories should bear the same proportion, and effect the same object in relation to the whole community, which the part of his household employed in domestic manufacturing, bears to the whole family. It is certainly desirable, that the exports of the country should continue to be the surplus production of tillage, and not become those of manufacturing establishments. But it is important to diminish our imports; to furnish ourselves with clothing, made by our own industry; and to cease to be dependent, for the very coats we wear, upon a foreign and perhaps inimical country. The nation that imports its clothing from abroad is but little less dependent than if it imported its bread.

The fallacious course of reasoning urged against domestic manufactures, namely, the distress and servitude produced by those of England, would equally indicate the propriety of abandoning agriculture itself. Were you to cast your eyes upon the miserable peasantry of Poland, and revert to the days of feudal vassalage, you might thence draw numerous arguments, of the kind now under consideration, against the pursuits of the husbandman! What would become of commerce, the favorite theme of some gentlemen, if assailed with this sort of weapon? The fraud, perjury, cupidity, and corruption, with which it is unhappily too often attended, would at once produce its overthrow. In short,

sir, take the black side of the picture, and every human occupation will be found pregnant with fatal objections.

The opposition to manufacturing institutions recalls to my recollection the case of a gentleman, of whom I have heard. He had been in the habit of supplying his table from a neighboring cook, and confectioner's shop, and proposed to his wife a reform, in this particular. She revolted at the idea. The sight of a scullion was dreadful, and her delicate nerves could not bear the clattering of kitchen furniture. The gentleman persisted in his design; his table was thenceforth cheaper and better supplied, and his neighbor, the confectioner, lost one of his best customers. In like manner dame Commerce will oppose domestic manufactures. She is a flirting, flippant, noisy jade, and if we are governed by her fantasies, we shall never put off the muslins of India and the cloths of Europe. But I trust that the yeomanry of the country, the true and genuine landlords of this tenement, called the United States, disregarding her freaks, will persevere in reform, until the whole national family is furnished by itself with the clothing necessary for its own use.

It is a subject no less of curiosity than of interest, to trace the prejudices in favor of foreign fabrics. In our colonial condition, we were in a complete state of dependence on the parent country, as it respected manufactures, as well as commerce. For many years after the war, such was the partiality for her productions, in this country, that a gentleman's head could not withstand the influence of solar heat, unless covered with a London hat; his feet could not bear the pebbles, or frost, unless protected by London shoes; and the comfort or ornament of his person was only consulted when his coat was cut out by the shears of a tailor 'just from London.' At length, however, the wonderful *discovery* has been made, that it is not absolutely beyond the reach of American skill and ingenuity, to provide these articles, combining with equal elegance greater durability. And I entertain no doubt, that, in a short time, the no less important fact will be developed, that the domestic manufactories of the United States, fostered by government, and aided by household exertions, are fully competent to supply us with at least every necessary article of clothing. I therefore, sir, *for one* (to use the fashionable cant of the day), am in favor of encouraging them, not to the extent to which they are carried in England, but to such an extent as will redeem us entirely from all dependence on foreign countries. There is a pleasure — a pride (if I may be allowed the expression, and I pity those who cannot feel the sentiment,) — in being clad in the productions of our own families. Others may prefer the cloths of Leeds and of London, but give me those of Humphreysville.

Aid may be given to native institutions in the form of bounties and of protecting duties. But against bounties it is urged, that you tax the *whole* for the benefit of a *part* only, of the community;

and in opposition to duties it is alleged, that you make the interest of one part, the consumer, bend to the interest of another part, the manufacturer. The sufficiency of the answer is not always admitted, that the sacrifice is merely temporary, being ultimately compensated by the greater abundance and superiority of the article produced by the stimulus. But, of all practicable forms of encouragement, it might have been expected, that the one under consideration would escape opposition, if every thing proposed in congress were not doomed to experience it. What is it? The bill contains two provisions—one prospective, anticipating the appropriation for clothing for the army, and the amendment proposes extending it to naval supplies, for the year 1811—and the other, directing a preference to be given to home manufactures, and productions, whenever it can be done *without material detriment to the public service*. The object of the first is, to authorize contracts to be made beforehand, with manufacturers, and by making advances to them, under proper security, to enable them to supply the articles wanted, in sufficient quantity. When it is recollected that they are frequently men of limited capitals, it will be acknowledged that this kind of assistance, bestowed with prudence, will be productive of the best results. It is, in fact, only pursuing a principle long acted upon, of advancing to contractors with government, on account of the magnitude of their engagements. The appropriation contemplated to be made for the year 1811, may be restricted to such a sum as, whether we have peace or war, we must necessarily expend. The discretion is proposed to be vested in officers of high confidence, who will be responsible for its abuse, and who are enjoined to see that the public service receives no *material detriment*. It is stated, that hemp is now very high, and that contracts, made under existing circumstances, will be injurious to government. But the amendment creates no obligation upon the secretary of the navy, to go into market at this precise moment. In fact, by enlarging his sphere of action, it admits of his taking advantage of a favorable fluctuation, and getting a supply below the accustomed price, if such a fall should occur prior to the usual annual appropriation.

I consider the amendment, under consideration, of the first importance, in point of principle. It is evident, that whatever doubt may be entertained, as to the general policy of the manufacturing system, none can exist, as to the propriety of our being able to furnish ourselves with articles of the first necessity, in time of war. Our maritime operations ought not, in such a state, to depend upon the casualties of foreign supply. It is not necessary that they should. With very little encouragement from government, I believe we shall not want a pound of Russia hemp. The increase of the article in Kentucky has been rapidly great. Ten years ago there were but two rope manufactories in the state. Now

there are about twenty, and between ten and fifteen of cotton bagging; and the erection of new ones keeps pace with the annual augmentation of the quantity of hemp. Indeed, the western country, alone, is not only adequate to the supply of whatever of this article is requisite for our own consumption, but is capable of affording a surplus for foreign markets. The amendment proposed possesses the double recommendation of encouraging, at the same time, both the manufacture and the growth of hemp. For by increasing the demand for the wrought article, you also increase the demand for the raw material, and consequently present new incentives to its cultivator.

The three great subjects that claim the attention of the national legislature, are the interests of agriculture, commerce, and manufactures. We have had before us, a proposition to afford a manly protection to the rights of commerce, and how has it been treated? Rejected! You have been solicited to promote agriculture, by increasing the facilities of internal communication, through the means of canals and roads, and what has been done? Postponed! We are now called upon to give a trifling support to our domestic manufactures, and shall we close the circle of congressional inefficiency, by adding this also to the catalogue?

## ON THE LINE OF THE PERDIDO.

IN THE SENATE OF THE UNITED STATES, DECEMBER 25, 1810.

[The *Perdido* is the name of a river and bay, which form the boundary line between the present state of Alabama and Florida. It will be recollected, that Florida was a Spanish colony, previous to its cession to the United States by Spain, in 1819. It was discovered by Juan Ponce de Leon, a Spanish navigator, in 1512, and by him it was called Florida. The French made an attempt to colonize the territory in 1562, but their settlement was broken up by the Spaniards, who founded, in 1565, the city of St. Augustine, in East Florida. Pensacola, in West Florida, was founded in 1699. Though often invaded by the French and English, Florida remained part of Spanish America until 1763, when it was ceded to Great Britain; but, by the definitive treaty of 1783, it was receded by Great Britain to Spain. When Florida was a colony of Spain, and Louisiana of France, or from 1699 to 1763, the Perdido river was a common boundary, but, by the treaty of 1763, Louisiana having been ceded by France to Spain, the Spaniards in 1769, for their own convenience, incorporated that part of Louisiana, between the Mississippi and Perdido rivers, with Florida. This act caused a controversy between Spain and the United States; the latter having purchased Louisiana of France, in 1803, to which power it had been ceded by Spain, in 1800. President Madison, in 1810, took possession of the territory in dispute, for which act he was assailed by the opposition members in the senate, particularly by Mr. Horsey, of Delaware; to whom Mr. Clay replied, in defence of the administration, as follows.]

MR. PRESIDENT,

It would have gratified me if some other gentleman had undertaken to reply to the ingenious argument, which you have just heard. (Speech of Mr. Horsey.) But not perceiving any one disposed to do so, a sense of duty obliges me, though very unwilling, to claim your indulgence, whilst I offer my sentiments on this subject, so interesting to the union at large, but especially to the western portion of it. Allow me, sir, to express my admiration at the more than Aristidean justice, which, in a question of territorial title between the United States and a foreign nation, induces certain gentlemen to espouse the pretensions of the foreign nation. Doubtless, in any future negotiations, she will have too much magnanimity to avail herself of these spontaneous concessions in her favor, made on the floor of the senate of the United States.

It was to have been expected, that, in a question like the present, gentlemen, even on the same side, would have different views, and although arriving at a common conclusion, would do so by various

arguments. And hence the honorable gentleman from Vermont, entertains doubt with regard to our title against Spain, whilst he feels entirely satisfied of it against France. Believing, as I do, that our title against both powers is indisputable, under the treaty of St. Ildefonso, between Spain and France, and the treaty between the French republic and the United States, I shall not inquire into the treachery, by which the king of Spain is alleged to have lost his crown; nor shall I stop to discuss the question involved in the overthrow of the Spanish monarchy, and how far the power of Spain ought to be considered as merged in that of France. I shall leave the honorable gentleman from Delaware to mourn over the fortunes of the fallen Charles. I have no commiseration for princes. My sympathies are reserved for the great mass of mankind, and I own that the people of Spain have them most sincerely.

I will adopt the course suggested by the nature of the subject, and pursued by other gentlemen, of examining into our title to the country lying between the Mississippi and the Rio Perdido, (which, to avoid circumlocution, I will call West Florida, although it is not the whole of it,) and the propriety of the recent measures taken for the occupation of that territory. Our title, then, depends, first, upon the limits of the province or colony of Louisiana, and, secondly, upon a just exposition of the treaties before mentioned.

On this occasion it is only necessary to fix the eastern boundary. In order to ascertain this, it will be proper to take a cursory view of the settlement of the country, because the basis of European title to colonies in America, is prior discovery, or prior occupancy. In 1682, La Salle migrated from Canada, then owned by France, descended the Mississippi, and named the country which it waters, Louisiana. About 1698, D'Iberville discovered, by sea, the mouth of the Mississippi, established a colony at the Isle Dauphine, or Massacre, which lies at the mouth of the bay of Mobile, and one at the mouth of the river Mobile, and was appointed, by France, governor of the country. In the year 1717, the famous West India Company sent inhabitants to the Isle Dauphine, and found some of those who had been settled there under the auspices of D'Iberville. About the same period, Baloxi, near the Pascagoula, was settled. In 1719, the city of New Orleans was laid off, and the seat of government of Louisiana was established there; and in 1736 the French erected a fort on Tombigbee. These facts prove that France had the actual possession of the country as far east as the Mobile, at least. But the great instrument which ascertains, beyond all doubt, that the country in question is comprehended within the limits of Louisiana, is one of the most authentic and solemn character which the archives of a nation can furnish; I mean the patent granted in 1712, by Louis XIV, to Crozat. [Here Mr. C. read such parts of the patent as were applicable to

the subject.\*] According to this document, in describing the province or colony of Louisiana, it is declared to be bounded by Carolina on the east, and Old and New Mexico on the west. Under this high record evidence, it might be insisted that we have a fair claim to East as well as West Florida, against France, at least, unless she has, by some convention, or other obligatory act, restricted the eastern limit of the province. It has, indeed, been asserted, that, by a treaty between France and Spain, concluded in the year 1719, the Perdido was expressly stipulated to be the boundary between their respective provinces of Florida on the east, and Louisiana on the west; but as I have been unable to find any such treaty, I am induced to doubt its existence.

About the same period, to wit, towards the close of the seventeenth century, when France settled the Isle Dauphine, and the Mobile, Spain erected a fort at Pensacola. But Spain never pushed her actual settlements, or conquests, farther west than the bay of Pensacola, whilst those of the French were bounded on the east by the Mobile. Between those two points, a space of about thirteen or fourteen leagues, neither nation had the exclusive possession. The Rio Perdido, forming the bay of the same name,

\* Extract from the Grant to Crozat, dated at

Fontainebleau, September 14, 1712.

Louis, By the grace of God, &c.

'The care we have always had to procure the welfare and advantage of our subjects, having induced us, &c. to seek for all possible opportunities of enlarging and extending the trade of our American colonies, we did, in the year 1683, give our orders to undertake a discovery of the countries and lands which are situated in the northern part of America, between New France and New Mexico; and the Sieur de la Salle, to whom we committed that enterprise, having had success, enough to confirm a belief that a communication might be settled from New France to the Gulf of Mexico, by means of large rivers, this obliged us, immediately after the peace of Ryswic, to give orders for establishing a colony there, and maintaining a garrison, which has kept and preserved the possession we had taken in the very year 1683. of the lands, coasts, and islands, which are situated in the Gulf of Mexico between Carolina on the east, and old and new Mexico on the west. But a new war having broke out in Europe shortly after, there was no possibility, till now, of reaping from that colony the advantages that might have been expected from thence, &c. And, whereas, upon the information we have received concerning the disposition and situation of the said countries, known at present by the name of the Province of Louisiana, we are of opinion, that there may be established therein considerable commerce, &c., we have resolved to grant the commerce of the country of Louisiana to the Sieur Anthony Crozat, &c. For these reasons, &c. we, by these presents signed by our hand, have appointed and do appoint the said Sieur Crozat, to carry on a trade in all the lands possessed by us, and bounded by New Mexico and by the lands of the English of Carolina, all the establishments, ports, havens, rivers, and principally the port and haven of the Isle Dauphine, heretofore called Massaere; the river of St. Louis, heretofore called Mississippi, from the edge of the sea as far as the Illinois, together with the river St. Philip, heretofore called the Missouri, and of St. Jerome, heretofore called Onabache, with all the countries, territories, and lakes within land, and the rivers which fall directly or indirectly into that part of the river St. Louis.

'The Articles —'. Our pleasure is, that all the aforesaid lands, countries, streams, rivers, and islands be, and remain comprised under the name of the government of Louisiana, which shall be dependent upon the general government of New France, to which it is subordinate; and further, that all the lands which we possess from the Illinois, be united, &c to the general government of New France, and become part thereof, &c.



discharges itself into the Gulf of Mexico, between the Mobile and Pensacola, and, being a natural and the most notorious object between them, presented itself as a suitable boundary between the possessions of the two nations. It accordingly appears very early to have been adopted as the boundary, by tacit if not expressed consent. The ancient charts and historians, therefore, of the country, so represent it. Dupratz, one of the most accurate historians of the time, in point of fact and detail, whose work was published as early as 1758, describes the coast as being bounded on the east by the Rio Perdido. In truth, sir, no European nation whatever, except France, ever occupied any portion of West Florida, prior to her cession of it to England, in 1762. The gentlemen on the other side do not, indeed, strongly controvert, if they do not expressly admit, that Louisiana, as held by the French anterior to her cessions of it in 1762, extended to the Perdido. The only observation made by the gentleman from Delaware to the contrary, to wit, that the island of New Orleans, being particularly mentioned, could not, for that reason, constitute a part of Louisiana, is susceptible of a very satisfactory answer. That island was excepted out of the grant to England, and was the only part of the province east of the river that was so excepted. It formed in itself one of the most prominent and important objects of the cession to Spain originally, and was transferred to her with the portion of the province west of the Mississippi. It might with equal propriety be urged that St. Augustine is not in East Florida, because St. Augustine is expressly mentioned by Spain in her cession of that province to England. From this view of the subject, I think it results that the province of Louisiana comprised West Florida, previous to the year 1762.

What was done with it at this epoch? By a secret convention, of the third of November, of that year, France ceded the country lying west of the Mississippi, and the island of New Orleans, to Spain; and by a contemporaneous act, the articles preliminary to the definitive treaty of 1763, she transferred West Florida to England. Thus, at the same instant of time, she alienated the whole province. Posterior to this grant, Great Britain, having also acquired from Spain her possessions east of the Mississippi, erected the country into two provinces, East and West Florida. In this state of things it continued until the peace of 1783, when Great Britain, in consequence of the events of the war, surrendered the country to Spain, who, for the *first* time, came into actual possession of West Florida. Well, sir, how does she dispose of it? She reannexes it to the residue of Louisiana—extends the jurisdiction of that government to it, and subjects the governors, or commandants, of the districts of Baton Rouge, Feliciana, Mobile, and Pensacola, to the authority of the governor of Louisiana, residing at New Orleans; while the governor of East Florida is

placed wholly without his control, and is made amenable directly to the governor of the Havannah. Indeed, sir, I have been credibly informed, that all the concessions, or grants of land, made in West Florida, under the authority of Spain, run in the name of the *government of Louisiana*. You cannot have forgotten that, about the period when we took possession of New Orleans, under the treaty of cession from France, the whole country resounded with the nefarious speculations, which were alleged to be making in that city with the connivance, if not actual participation, of the Spanish authorities, by the procurement of surreptitious grants of land, particularly in the district of Feliciana. West Florida, then, not only as France had held it, but as it was in the hands of Spain, made a part of the province of Louisiana; as much so as the jurisdiction or district of Baton Rouge constituted a part of West Florida.

What, then, is the true construction of the treaties of St. Ildefonso, and of April, 1803, from whence our title is derived? If an ambiguity exist in a grant, the interpretation most favorable to the grantee is preferred. It was the duty of the grantor to have expressed himself in plain and intelligible terms. This is the doctrine, not of Coke only, (whose dicta I admit have nothing to do with the question,) but of the code of universal law. The doctrine is entitled to augmented force, when a clause only of the instrument is exhibited, in which clause the ambiguity lurks, and the residue of the instrument is kept back by the grantor. The entire convention of 1762, by which France transferred Louisiana to Spain, is concealed, and the whole of the treaty of St. Ildefonso, except a solitary clause. We are thus deprived of the aid which a full view of both of those instruments would afford. But we have no occasion to resort to any rules of construction, however reasonable in themselves, to establish our title. A competent knowledge of the facts connected with the case, and a candid appeal to the treaties, are alone sufficient to manifest our right. The negotiators of the treaty of 1803, having signed, with the same ceremony, two copies, one in English and the other in the French language, it has been contended, that in the English version the term 'cede' has been erroneously used instead of 'retrocede,' which is the expression in the French copy. And it is argued, that we are bound by the phraseology of the French copy, because it is declared that the treaty was agreed to in that language. It would not be very unfair to inquire, if this is not like the common case in private life, where individuals enter into a contract of which each party retains a copy, duly executed. In such case, neither has the preference. We might as well say to France, we will cling by the English copy, as she could insist upon an adherence to the French copy; and if she urged ignorance on the part of Mr. Marbois, her negotiator, of our language, we might with equal propriety plead ignorance, on the

part of our negotiators, of her language. As this, however, is a disputable point, I do not avail myself of it; gentlemen shall have the full benefit of the expressions in the French copy. According to this, then, in reciting the treaty of St. Ildefonso, it is declared by Spain, in 1800, that she retrocedes to France, the colony or province of Louisiana, with the same extent which it then had in the hands of Spain, and which it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other states. This latter member of the description has been sufficiently explained by my colleague.

It is said, that since France, in 1762, ceded to Spain only Louisiana west of the Mississippi, and the Island of New Orleans, the retrocession comprehended no more — that the retrocession *ex vi termini* was commensurate with and limited by the direct cession from France to Spain. If this were true, then the description, such as Spain held it, that is, in 1800, comprising West Florida, and such as France possessed it, that is, in 1762, prior to the several cessions, comprising also West Florida, would be totally inoperative. But the definition of the term retrocession contended for by the other side is denied. It does not exclude the instrumentality of a third party. It means restoration, or reconveyance of a thing originally ceded, and so the gentleman from Delaware acknowledged. I admit that the thing restored, must have come to the restoring party from the party to whom it is retroceded; whether directly or indirectly is wholly immaterial. In its passage, it may have come through a dozen hands. The retroceding party must claim *under* and in virtue of the right originally possessed by the party to whom the retrocession takes place. Allow me to put a case. You own an estate called Louisiana. You convey one moiety of it to the gentleman from Delaware, and the other to me; he conveys his moiety to me, and I thus become entitled to the whole. By a suitable instrument, I reconvey, or retrocede the estate called Louisiana to you as I now hold it, and as you held it; what passes to you? The whole estate or my moiety only? Let me indulge another supposition — that the gentleman from Delaware, after he received from you his moiety, bestowed a new denomination upon it and called it West Florida; would that circumstance vary the operation of my act of retrocession to you? The case supposed, is, in truth, the real one between the United States and Spain. France, in 1762, transfers Louisiana, west of the Mississippi, to Spain, and at the same time conveys the eastern portion of it, exclusive of New Orleans, to Great Britain. Twenty-one years after, that is, in 1783, Great Britain cedes her part to Spain, who thus becomes possessed of the entire province; one portion by direct cession from France, and the residue by indirect cession. Spain, then, held the whole of Louisiana *under* France, and in virtue of the title of France. The whole moved or passed

from France to her. When, therefore, in this state of things, she says, in the treaty of St. Idefonso, that she retrocedes the province to France, can a doubt exist that she parts with, and gives back to France the entire colony? To preclude the possibility of such a doubt, she adds, that she restores it, not in a mutilated condition, but in that precise condition in which France had and she herself possessed it.

Having thus shown, as I conceive, a clear right in the United States to West Florida, I proceed to inquire, if the proclamation of the president directing the occupation of property, which is thus fairly acquired by solemn treaty, be an unauthorized measure of war and of legislation, as has been contended?

The act of October, 1803, contains two sections, by one of which the president is authorized to occupy the territories ceded to us by France in the April preceding. The other empowers the president to establish a provisional government there. The first section is unlimited in its duration; the other is restricted to the expiration of the then session of congress. The act, therefore, of March, 1804, declaring that the previous act of October should continue in force until the first of October, 1804, is applicable to the second and not the first section, and was intended to continue the provisional government of the president. By the act of twenty-fourth February, 1804, for laying duties on goods imported into the ceded territories, the president is empowered *whenever he deems it expedient* to erect the bay and river Mobile, &c. into a separate district, and to establish therein a port of entry and delivery. By this same act the Orleans territory is laid off, and its boundaries are so defined, as to comprehend West Florida. By other acts the president is authorized to remove by force, under certain circumstances, persons settling on, or taking possession of lands ceded to the United States.

These laws furnish a legislative construction of the treaty, corresponding with that given by the executive, and they indisputably vest in this branch of the general government the power to take possession of the country, whenever it might be proper in his discretion. The president has not, therefore, violated the constitution and usurped the war-making power, but he would have violated that provision which requires him to see that the laws are faithfully executed, if he had longer forborne to act. It is urged, that he has assumed powers belonging to congress, in undertaking to annex the portion of West Florida, between the Mississippi and the Perdido, to the Orleans territory. But congress, as has been shown, has already made this annexation, the limits of the Orleans territory, as prescribed by congress, comprehending the country in question. The president, by his proclamation, has not made law, but has merely declared to the people of West Florida, what the law is. This is the office of a proclamation, and it was highly

proper that the people of that territory should be thus notified. By the act of occupying the country, the government *de facto*, whether of Spain, or the revolutionists, ceased to exist; and the laws of the Orleans territory, applicable to the country, by the operation and force of law, attached to it. But this was a state of things which the people might not know, and which every dictate of justice and humanity, therefore, required should be proclaimed. I consider the bill before us merely in the light of a declaratory law.

Never could a more propitious moment present itself, for the exercise of the discretionary power placed in the president; and, had he failed to embrace it, he would have been criminally inattentive to the dearest interests of this country. It cannot be too often repeated, that if Cuba on the one hand, and Florida on the other, are in the possession of a foreign maritime power, the immense extent of country belonging to the United States, and watered by streams discharging themselves into the Gulf of Mexico—that is, one third, nay, more than two thirds of the United States, comprehending Louisiana, are placed at the mercy of that power. The possession of Florida is a guarantee absolutely necessary to the enjoyment of the navigation of those streams. The gentleman from Delaware anticipates the most direful consequences, from the occupation of the country. He supposes a sally from a Spanish garrison upon the American forces, and asks what is to be done? We attempt a peaceful possession of the country to which we are fairly entitled. If the wrongful occupants, under the authority of Spain, assail our troops, I trust they will retrieve the lost honor of the nation, in the case of the Chesapeake. Suppose an attack upon any portion of the American army, within the acknowledged limits of the United States, by a Spanish force? In such event, there would exist but a single honorable and manly course. The gentleman conceives it ungenerous, that we should at this moment, when Spain is encompassed and pressed, on all sides, by the immense power of her enemy, occupy West Florida. Shall we sit by, passive spectators, and witness the interesting transactions of that country—transactions which tend, in the most imminent degree, to jeopardize our rights, without attempting to interfere? Are you prepared to see a foreign power seize what belongs to us? I have heard, in the most credible manner, that, about the period when the president took his measures in relation to that country, agents of a foreign power were intriguing with the people there, to induce them to come under his dominion; but whether this be the fact or not, it cannot be doubted, that, if you neglect the present auspicious moment, if you reject the proffered boon, some other nation, profiting by your errors, will seize the occasion to get a fatal footing in your southern frontier. I have no hesitation in saying, that if a parent country will not or cannot maintain its authority, in a colony adjacent to us, and there exists in it a state

of misrule and disorder, menacing our peace; and if, moreover, such colony, by passing into the hands of any other power, would become dangerous to the integrity of the union, and manifestly tend to the subversion of our laws; we have a right, upon the eternal principles of self-preservation, to lay hold upon it. This principle alone, independent of any title, would warrant our occupation of West Florida. But it is not necessary to resort to it—our title being, in my judgment, incontestably good. We are told of the vengeance of resuscitated Spain. If Spain, under any modification of her government, choose to make war upon us, for the act under consideration, the nation, I have no doubt, will be willing to embark in such a contest. But the gentleman reminds us that Great Britain, the ally of Spain, may be obliged, by her connection with that country, to take part with her against us, and to consider this measure of the president as justifying an appeal to arms. Sir, is the time never to arrive, when we may manage our own affairs without the fear of insulting his Britannic majesty? Is the rod of British power to be for ever suspended over our heads? Does congress put on an embargo to shelter our rightful commerce against the piratical depredations committed upon it on the ocean? We are immediately warned of the indignation of offended England. Is a law of non-intercourse proposed? The whole navy of the haughty mistress of the seas, is made to thunder in our ears. Does the president refuse to continue a correspondence with a minister, who violates the decorum belonging to his diplomatic character, by giving and deliberately repeating an affront to the whole nation? We are instantly menaced with the chastisement which English pride will not fail to inflict. Whether we assert our rights by sea, or attempt their maintenance by land—whithersoever we turn ourselves, this phantom incessantly pursues us. Already has it had too much influence on the councils of the nation. It contributed to the repeal of the embargo—that dishonorable repeal, which has so much tarnished the character of our government. Mr. President, I have before said on this floor, and now take occasion to remark, that I most sincerely desire peace and amity with England; that I even prefer an adjustment of all differences with her, before one with any other nation. But if she persists in a denial of justice to us, or if she avails herself of the occupation of West Florida, to commence war upon us, I trust and hope that all hearts will unite, in a bold and vigorous vindication of our rights. I do not believe, however, in the prediction, that war will be the effect of the measure in question.

It is asked, why, some years ago, when the interruption of the right of deposit took place at New Orleans, the government did not declare war against Spain; and how it has happened, that there has been this long acquiescence in the Spanish possession of West Florida. The answer is obvious. It consists in the genius

of the nation, which is prone to peace; in that desire to arrange, by friendly negotiation, our disputes with all nations, which has constantly influenced the present and preceding administration; and in the jealousy of armies, with which we have been inspired by the melancholy experience of free estates. But a new state of things has arisen: negotiation has become hopeless. The power with whom it was to be conducted, if not annihilated, is in a situation that precludes it; and the subject matter of it is in danger of being snatched for ever from our power. Longer delay would be construed into a dereliction of our right, and would amount to treachery to ourselves. May I ask, in my turn, why certain gentlemen, now so fearful of war, were so urgent for it with Spain, when she withheld the right of deposit? and still later, when in 1805 or 6, this very subject of the actual limits of Louisiana, was before congress? I will not say, because I do not know that I am authorized to say, *that the motive is to be found* in the change of relation, between Spain and other European powers, since those periods.

Does the honorable gentleman from Delaware really believe, that he finds in St. Domingo a case parallel with that of West Florida? and that our government, having interdicted an illicit commerce with the former, ought not to have interposed in relation to the latter? It is scarcely necessary to consume your time by remarking, that we had no pretensions to that island; that it did not menace our repose, nor did the safety of the United States require that they should occupy it. It became, therefore, our duty to attend to the just remonstrance of France, against American citizens' supplying the rebels with the means of resisting her power.

I am not, sir, in favour of cherishing the passion of conquest. But I must be permitted, in conclusion, to indulge the hope of seeing, ere long, the *new* United States (if you will allow me the expression) embracing, not only the old thirteen States, but the entire country east of the Mississippi, including East Florida, and some of the territories of the north of us also.

# ON RENEWING THE CHARTER OF THE FIRST BANK OF THE UNITED STATES.

IN THE SENATE OF THE UNITED STATES, 1811

[The Bank of the United States, which was incorporated by an act of congress, during the administration of general Washington, in 1791, having applied to congress for a renewal of its charter, which was to expire, by limitation, in 1811; the question came up first for decision in the senate. The renewal was advocated by the federal members, and by Mr. Crawford, of Georgia, Mr. Pope, the colleague of Mr. Clay, also by a few other democratic senators; and the bill was finally defeated, by the casting vote of the vice president (George Clinton). Mr. Clay, having been instructed by the legislature of Kentucky to oppose the renewal of the charter, acted in obedience to those instructions, notwithstanding the opposite course of his colleague. His argument against the bill, shows that he then believed the bank charter unconstitutional—an opinion which subsequent reflection and examination induced him to reverse, some years afterwards. In this change of opinion, he was sustained by the example of Mr. Madison, who signed the charter of the bank, incorporated in 1816, and other eminent statesmen. This being the only subject of great importance on which Mr. Clay has been known to have changed his views of national policy, during his long public career, the following speech will be read with much interest.]

MR. PRESIDENT,

When the subject involved in the motion now under consideration was depending before the other branch of the legislature, a disposition to acquiesce in their decision was evinced. For although the committee who reported this bill, had been raised many weeks prior to the determination of that house, on the proposition to recharter the bank, except the occasional reference to it of memorials and petitions, we scarcely ever heard of it. The rejection, it is true, of a measure brought before either branch of congress, does not absolutely preclude the other from taking up the same proposition; but the economy of our time, and a just deference for the opinion of others, would seem to recommend a delicate and cautious exercise of this power. As this subject, at the memorable period when the charter was granted, called forth the best talents of the nation, as it has, on various occasions, undergone the most thorough investigation, and as we can hardly expect that it is susceptible of receiving any further elucidation, it was to be hoped that we should have been spared useless debate. This was the more desirable, because there are, I conceive, much superior claims upon us, for every hour of the small portion of the



session yet remaining to us. Under the operation of these motives, I had resolved to give a silent vote, until I felt myself bound, by the defying manner of the arguments advanced in support of the renewal, to obey the paramount duties I owe my country and its constitution; to make one effort, however feeble, to avert the passage of what appears to me a most unjustifiable law. After my honorable friend from Virginia (Mr. Giles) had instructed and amused us, with the very able and ingenious argument, which he delivered on yesterday, I should have still forborne to trespass on the senate, but for the extraordinary character of his speech. He discussed both sides of the question, with great ability and eloquence, and certainly demonstrated, to the satisfaction of all who heard him, both that it was constitutional and unconstitutional, highly proper and improper, to prolong the charter of the bank. The honorable gentleman appeared to me in the predicament in which the celebrated orator of Virginia, Patrick Henry, is said to have been once placed. Engaged in a most extensive and lucrative practice of the law, he mistook, in one instance, the side of the cause in which he was retained, and addressed the court and jury in a very masterly and convincing speech, in behalf of his antagonist. His distracted client came up to him, whilst he was thus employed, and, interrupting him, bitterly exclaimed, 'you have undone me! You have ruined me!' 'Never mind, give yourself no concern,' said the adroit advocate; and, turning to the court and jury, continued his argument, by observing, 'may it please your honors, and you, gentlemen of the jury, I have been stating to you what I presume my adversary may urge on his side. I will now show you how fallacious his reasonings, and groundless his pretensions, are.' The skilful orator proceeded, satisfactorily refuted every argument he had advanced, and gained his cause!—a success with which I trust the exertion of my honorable friend will on this occasion be crowned.

It has been said, by the honorable gentleman from Georgia (Mr. Crawford), that this has been made a party question; although the law incorporating the bank was passed prior to the formation of parties, and when congress was not biassed by party prejudices. (Mr. Crawford explained. He did not mean, that it had been made a party question in the senate. His allusion was elsewhere.) I do not think it altogether fair, to refer to the discussions in the house of representatives, as gentlemen belonging to that body have no opportunity of defending themselves here. It is true that this law was not the effect, but it is no less true that it was one of the causes, of the political divisions in this country. And if, during the agitation of the present question, the renewal has, on one side, been opposed on party principles, let me ask if, on the other, it has not been advocated on similar principles. Where is the Macedonian phalanx, the opposition, in congress? I believe, sir, I

shall not incur the charge of presumptuous prophecy, when I predict we shall not pick up from its ranks one single straggler! And if, on this occasion, my worthy friend from Georgia has gone over into the camp of the enemy, is it kind in him to look back upon his former friends, and rebuke them for the fidelity with which they adhere to their old principles?

I shall not stop to examine how far a representative is bound by the instructions of his constituents. That is a question between the giver and receiver of the instructions. But I must be permitted to express my surprise at the pointed difference which has been made between the opinions and instructions of state legislatures, and the opinions and details of the deputations with which we have been surrounded from Philadelphia. Whilst the resolutions of those legislatures — known, legitimate, constitutional, and deliberative bodies — have been thrown into the back-ground, and their interference regarded as officious; these delegations from self-created societies, composed of nobody knows whom, have been received by the committee, with the utmost complaisance. Their communications have been treasured up with the greatest diligence. Never did the Delphic priests collect with more holy care the frantic expressions of the agitated Pythia, or expound them with more solemnity to the astonished Grecians, than has the committee gathered the opinions and testimonies of these deputies, and, through the gentleman from Massachusetts, pompously detailed them to the senate! Philadelphia has her immediate representatives, capable of expressing her wishes, upon the floor of the other house. If it be improper for states to obtrude upon congress their sentiments, it is much more highly so, for the unauthorized deputies of fortuitous congregations.

The first singular feature that attracts attention in this bill, is the new and unconstitutional veto which it establishes. The constitution has required only, that after bills have passed the house of representatives and the senate, they shall be presented to the president, for his approval or rejection; and his determination is to be made known in ten days. But this bill provides, that when all the constitutional sanctions are obtained, and when, according to the usual routine of legislation, it ought to be considered as a law, it is to be submitted to a new branch of the legislature, consisting of the president and twenty-four directors of the bank of the United States, holding their sessions in Philadelphia; and if they please to approve it, why then is it to become a law! And three months (the term allowed by our law of May last, to one of the great belligerents, for revoking his edicts, after the other shall have repealed his) are granted them, to decide whether an act of congress shall be the law of the land or not! — an act which is said to be indispensably necessary to our salvation, and without the passage of which, universal distress and bankruptcy are to pervade the

country. Remember, sir, that the honorable gentleman from Georgia, has contended that this charter is no contract. Does it, then, become the representatives of the nation, to leave the nation at the mercy of a corporation? Ought the impending calamities to be left to the hazard of a contingent remedy?

This vagrant power to erect a bank, after having wandered throughout the whole constitution in quest of some congenial spot to fasten upon, has been at length located by the gentleman from Georgia on that provision which authorizes congress to lay and collect taxes, &c. In 1791, the power is referred to one part of the instrument; in 1811, to another. Sometimes it is alleged to be deducible from the power to regulate commerce. Hard pressed here, it disappears, and shows itself under the grant to coin money. The sagacious secretary of the treasury, in 1791, pursued the wisest course; he has taken shelter behind general high sounding and imposing terms. He has declared, in the preamble to the act establishing the bank, that it will be very *conducive* to the successful *conducting* of the national *finances*; will *tend* to give *facility* to the obtaining of loans, and will be *productive* of considerable advantage to *trade* and *industry* in general. No allusion is made to the collection of taxes. What is the nature of this government? It is emphatically federal, vested with an aggregate of specified powers for general purposes, conceded by existing sovereignties, who have themselves retained what is not so conceded. It is said that there are cases in which it must act on implied powers. This is not controverted, but the implication must be necessary, and obviously flow from the enumerated power with which it is allied. The power to charter companies is not specified in the grant, and I contend is of a nature not transferable by mere implication. It is one of the most exalted attributes of sovereignty. In the exercise of this gigantic power we have seen an East India Company created, which has carried dismay, desolation, and death, throughout one of the largest portions of the habitable world—a company which is, in itself, a sovereignty, which has subverted empires and set up new dynasties, and has not only made war, but war against its legitimate sovereign! Under the influence of this power, we have seen arise a South Sea Company, and a Mississippi Company, that distracted and convulsed all Europe, and menaced a total overthrow of all credit and confidence, and universal bankruptcy. Is it to be imagined that a power so vast would have been left by the wisdom of the constitution to doubtful inference? It has been alleged that there are many instances, in the constitution, where powers in their nature incidental, and which would have necessarily been vested along with the principal, are nevertheless expressly enumerated; and the power ‘to make rules and regulations for the government of the land and naval forces,’ which it is said is incidental to the power to raise armies and provide a navy, is given

as an example. What does this prove? How extremely cautious the convention were to leave as little as possible to implication. In all cases where incidental powers are acted upon, the principal and incidental ought to be congenial with each other, and partake of a common nature. The incidental power ought to be strictly subordinate and limited to the end proposed to be attained by the specified power. In other words, under the name of accomplishing one object which is specified, the power implied ought not to be made to embrace other objects, which are not specified in the constitution. If, then, you could establish a bank, to collect and distribute the revenue, it ought to be expressly restricted to the purpose of such collection and distribution. It is mockery, worse than usurpation, to establish it for a lawful object, and then to extend it to other objects which are not lawful. In deducing the power to create corporations, such as I have described it, from the power to collect taxes, the relation and condition of principal and incident are prostrated and destroyed. The accessory is exalted above the principal. As well might it be said, that the great luminary of day is an accessory, a satellite, to the humblest star that twinkles forth its feeble light in the firmament of heaven!

Suppose the constitution had been silent as to an individual department of this government, could you, under the power to lay and collect taxes, establish a judiciary? I presume not; but if you could derive the power by mere implication, could you vest it with any other authority than to enforce the collection of the revenue? A bank is made for the ostensible purpose of aiding in the collection of the revenue, and whilst it is engaged in this, the most inferior and subordinate of all its functions, it is made to diffuse itself throughout society, and to influence all the great operations of credit, circulation, and commerce. Like the Virginia justice, you tell the man whose turkey had been stolen, that your books of precedent furnish no form for his case, but that you will grant him a precept to search for a cow, and when looking for that he may possibly find his turkey! You say to this corporation, we cannot authorize you to discount, to emit paper, to regulate commerce, &c. No! Our book has no precedents of that kind. But then we can authorize you to collect the revenue, and, whilst occupied with that, you may do whatever else you please!

What is a corporation, such as the bill contemplates? It is a splendid association of favored individuals, taken from the mass of society, and invested with exemptions and surrounded by immunities and privileges. The honorable gentleman from Massachusetts (Mr. Lloyd) has said, that the original law, establishing the bank, was justly liable to the objection of vesting in that institution an exclusive privilege, the faith of the government being pledged, that no other bank should be authorized during its existence. This objection, he supposes, is obviated by the bill under consideration;

but all corporations enjoy exclusive privileges; that is, the corporations have privileges which no others possess; if you create fifty corporations instead of one, you have only fifty privileged bodies instead of one. I contend, that the states have the exclusive power, to regulate contracts, to declare the capacities and incapacities to contract, and to provide as to the extent of responsibility of debtors to their creditors. If congress have the power to erect an artificial body, and say it shall be endowed with the attributes of an individual; if you can bestow on this object of your own creation the ability to contract, may you not, in contravention of state rights, confer upon slaves, infants, and females the ability to contract? And if you have the power to say, that an association of individuals shall be responsible for their debts only in a certain limited degree, what is to prevent an extension of a similar exemption to individuals? Where is the limitation upon this power to set up corporations. You establish one in the heart of a state, the basis of whose capital is money. You may erect others whose capital shall consist of land, slaves, and personal estates, and thus the whole property within the jurisdiction of a state might be absorbed by these political bodies. The existing bank contends that it is beyond the power of a state to tax it, and if this pretension be well founded, it is in the power of congress, by chartering companies, to dry up all the sources of state revenue. Georgia has undertaken, it is true, to levy a tax on the branch within her jurisdiction, but this law, now under a course of litigation, is considered as invalid. The United States own a great deal of land in the state of Ohio; can this government, for the purpose of creating an ability to purchase it, charter a company? Aliens are forbidden, I believe, in that state, to hold real estate; could you, in order to multiply purchasers, confer upon them the capacity to hold land, in derogation of the local law? I imagine this will be hardly insisted upon; and yet there exists a more obvious connection between the undoubted power, which is possessed by this government, to sell its land, and the means of executing that power by increasing the demand in the market, than there is between this bank and the collection of a tax. This government has the power to levy taxes, to raise armies, provide a navy, make war, regulate commerce, coin money, &c. &c. It would not be difficult to show as intimate a connection between a corporation, established for any purpose whatever, and some one or other of those great powers, as there is between the revenue and the bank of the United States.

Let us inquire into the actual participation of this bank in the collection of the revenue. Prior to the passage of the act of 1800, requiring the collectors of those ports of entry, at which the principal bank, or any of its offices, are situated, to deposit with them the custom-house bonds, it had not the smallest agency in the collection of the duties. During almost one moiety of the

period to which the existence of this institution was limited, it was nowise instrumental in the collection of that revenue, to which it is now become indispensable! The collection, previous to 1800, was made entirely by the collectors; and even at present, where there is one port of entry, at which this bank is employed, there are eight or ten at which the collection is made as it was before 1800. And, sir, what *does* this bank or its branches, where resort is had to it? It does not adjust with the merchant the amount of duty, nor take his bond; nor, if the bond is not paid, coerce the payment by distress or otherwise. In fact, it has no active agency whatever in the collection. Its operation is merely passive; that is, if the obligor, after his bond is placed in the bank, discharges it, all is very well. Such is the mighty aid afforded by this tax-gatherer, without which the government cannot get along! Again, it is not pretended that the very limited assistance which this institution does in truth render, extends to any other than a single species of tax, that is, duties. In the collection of the excise, the direct and other internal taxes, no aid was derived from any bank. It is true, in the collection of those taxes, the former did not obtain the same indulgence which the merchant receives in paying duties. But what obliges congress to give credit at all? Could it not demand prompt payment of the duties? And, in fact, does it not so demand in many instances? Whether credit is given or not is a matter merely of discretion. If it be a facility to mercantile operations (as I presume it is) it ought to be granted. But I deny the right to engraft upon it a bank, which you would not otherwise have the power to erect. You cannot *create the necessity* of a bank, and then plead *that necessity* for its establishment. In the administration of the finances, the bank acts simply as a payer and receiver. The secretary of the treasury has money in New York, and wants it in Charleston; the bank will furnish him with a check, or bill, to make the remittance, which any merchant would do just as well.

I will now proceed to show by fact, actual experience, not theoretic reasoning, but by the records of the treasury themselves, that the operations of that department may be as well conducted without as with this bank. The delusion has consisted in the use of certain high-sounding phrases, dexterously used on the occasion; 'the collection of the revenue,' 'the administration of the finance,' 'the conducting of the fiscal affairs of the government,' the usual language of the advocates of the bank, extort express assent, or awe into acquiescence, without inquiry or examination into its necessity. About the commencement of this year there appears, by the report of the secretary of the treasury, of the seventh of January, to have been a little upwards of two million and four hundred thousand dollars in the treasury of the United States; and more than one third of this whole sum was in the vaults of local

banks. In several instances, where opportunities existed of selecting the bank, a preference has been given to the state bank, or at least a portion of the deposits has been made with it. In New York, for example, there were deposited with the Manhattan bank one hundred and eighty-eight thousand and six hundred and seventy dollars, although a branch bank is in that city. In this district, one hundred and fifteen thousand and eighty dollars were deposited with the bank of Columbia, although here also is a branch bank, and yet the state banks are utterly unsafe to be trusted! If the money, after the bonds are collected, is thus placed with these banks, I presume there can be no difficulty in placing the bonds themselves there, if they must be deposited with some bank for collection, which I deny.

Again, one of the most important and complicated branches of the treasury department, is the management of our landed system. The sales have, in some years, amounted to upwards of half a million of dollars, and are generally made upon credit, and yet no bank whatever is made use of to facilitate the collection. After it is made, the amount, in some instances, has been deposited with banks, and, according to the secretary's report, which I have before adverted to, the amount so deposited, was, in January, upwards of three hundred thousand dollars, not one cent of which was in the vaults of the bank of the United States, or in any of its branches, but in the bank of Pennsylvania, its branch at Pittsburgh, the Marietta bank, and the Kentucky bank. Upon the point of responsibility, I cannot subscribe to the opinion of the secretary of the treasury, if it is meant that the ability to pay the amount of any deposits which the government may make, under any exigency, is greater than that of the state banks; that the *accountability* of a ramified institution, whose affairs are managed by a single head, responsible for all its members, is more simple than that of a number of independent and unconnected establishments, I shall not deny; but, with regard to safety, I am strongly inclined to think it is on the side of the local banks. The corruption or misconduct of the parent, or any of its branches, may bankrupt or destroy the whole system, and the loss of the government in that event, will be of the deposits made with each; whereas, in the failure of one state bank, the loss will be confined to the deposit in the vault of that bank. It is said to have been a part of Burr's plan to seize on the branch bank, at New Orleans. At that period large mules, imported from La Vera Cruz, are alleged to have been deposited with it, and if the traitor had accomplished the design, the bank of the United States, if not actually bankrupt, might have been constrained to stop payment.

It is urged by the gentleman from Massachusetts (Mr. Lloyd), that as this nation advances in commerce, wealth, and population, new energies will be unfolded, new wants and exigencies will arise,

and hence he infers that powers must be implied from the constitution. But, sir, the question is, shall we stretch the instrument to embrace cases not fairly within its scope, or shall we resort to that remedy, by amendment, which the constitution prescribes?

Gentlemen contend, that the construction which they give to the constitution has been acquiesced in by all parties and under all administrations; and they rely particularly on an act which passed in 1804, for extending a branch to New Orleans; and another act of 1807, for punishing those who should forge or utter forged paper of the bank. With regard to the first law, passed, no doubt, upon the recommendation of the treasury department, I would remark, that it was the extension of a branch to a territory over which congress possesses the power of legislation almost uncontrolled, and where, without any constitutional impediment, charters of incorporation may be granted. As to the other act, it was passed no less for the benefit of the community than the bank; to protect the ignorant and unwary from counterfeit paper, purporting to have been emitted by the bank. When gentlemen are claiming the advantage supposed to be deducible from acquiescence, let me inquire, what they would have had those to do, who believed the establishment of a bank an encroachment upon state rights. Were they to have resisted, and how? By force? Upon the change of parties in 1800, it must be well recollected, that the greatest calamities were predicted as a consequence of that event. Intentions were ascribed to the new occupants of power, of violating the public faith, and prostrating national credit. Under such circumstances, that they should act with great circumspection was quite natural. They saw in full operation a bank, chartered by a congress who had as much right to judge of their constitutional powers as their successors. Had they revoked the law which gave it existence, the institution would, in all probability, have continued to transact business notwithstanding. The judiciary would have been appealed to, and, from the known opinions and predilections of the judges then composing it, they would have pronounced the act of incorporation, as in the nature of a contract, beyond the repealing power of any succeeding legislature. And, sir, what a scene of confusion would such a state of things have presented; an act of congress, which was law in the statute book, and a nullity on the judicial records! was it not the wisest to wait the natural dissolution of the corporation rather than accelerate that event by a repealing law involving so many delicate considerations?

When gentlemen attempt to carry this measure upon the ground of acquiescence or precedent, do they forget that we are not in Westminster Hall? In courts of justice, the utility of uniform decision exacts of the judge a conformity to the adjudication of his predecessor. In the interpretation and administration of the law,



this practice is wise and proper, and without it, every thing depending upon the caprice of the judge, we should have no security for our dearest rights. It is far otherwise when applied to the source of legislation. Here no rule exists but the constitution, and to legislate upon the ground, merely, that our predecessors thought themselves authorized, under similar circumstances, to legislate, is to sanctify error and perpetuate usurpation. But if we are to be subjected to the trammels of precedent, I claim, on the other hand, the benefit of the restrictions under which the intelligent judge cautiously receives them. It is an established rule, that to give to a previous adjudication any effect, the mind of the judge who pronounced it must have been awakened to the subject, and it must have been a deliberate opinion formed after full argument. In technical language, it must not have been *sub silentio*. Now the acts of 1804 and 1807, relied upon as pledges for the rechartering of this company, passed not only without any discussions whatever of the constitutional power of congress to establish a bank, but, I venture to say, without a single member having had his attention drawn to this question. I had the honor of a seat in the senate when the latter law passed, probably voted for it, and I declare, with the utmost sincerity, that I never once thought of that point, and I appeal confidently to every honorable member who was then present, to say if that was not his situation.

This doctrine of precedents, applied to the legislature, appears to me to be fraught with the most mischievous consequences. The great advantage of our system of government over all others, is, that we have a *written* constitution defining its limits, and prescribing its authorities; and that however for a time faction may convulse the nation, and passion and party prejudice sway its functionaries, the season of reflection will recur, when, calmly retracing their deeds, all aberrations from fundamental principle will be corrected. But once substitute *practice* for principle; the exposition of the constitution for the text of the constitution, and in vain shall we look for the instrument in the instrument itself! It will be as diffused and intangible as the pretended constitution of England; and must be sought for in the statute book, in the fugitive journals of congress, and in the reports of the secretary of the treasury! What would be our condition, if we were to take the interpretations given to that sacred book, which is, or ought to be, the criterion of our faith, for the book itself? We should find the holy bible buried beneath the interpretations, glosses, and comments of councils, synods, and learned divines, which have produced swarms of intolerant and furious sects, partaking less of the mildness and meekness of their origin, than of a vindictive spirit of hostility towards each other! They ought to afford us a solemn warning to make that constitution, which we have sworn to support, our invariable guide.

I conceive, then, sir, that we were not empowered by the constitution, nor bound by any practice under it, to renew the charter of this bank, and I might here rest the argument. But as there are strong objections to the renewal on the score of expediency, and as the distresses which will attend the dissolution of the bank have been greatly exaggerated, I will ask for your indulgence for a few moments longer. That some temporary inconvenience will arise, I shall not deny; but most groundlessly have the recent failures in New York been attributed to the discontinuance of this bank. As well might you ascribe to that cause the failures of Amsterdam and Hamburg, of London and Liverpool. The embarrassments of commerce, the sequestrations in France, the Danish captures; in fine, the belligerent edicts are the obvious sources of these failures. Their immediate cause is the return of bills upon London, drawn upon the faith of unproductive or unprofitable shipments. Yes, sir, the protests of the notaries of London, not those of New York, have occasioned these bankruptcies.

The power of a nation is said to consist in the sword and the purse. Perhaps, at last, all power is resolvable into that of the purse, for with it you may command almost every thing else. The specie circulation of the United States is estimated by some calculators at ten millions of dollars, and if it be no more, one moiety is in the vaults of this bank. May not the time arrive, when the concentration of such a vast portion of the circulating medium of the country in the hands of any corporation, will be dangerous to our liberties? By whom is this immense power wielded? By a body, that, in derogation of the great principle of all our institutions, responsibility to the people, is amenable only to a few stockholders, and they chiefly foreigners. Suppose an attempt to subvert this government; would not the traitor first aim, by force or corruption, to acquire the treasure of this company? Look at it in another aspect. Seven tenths of its capital are in the hands of foreigners, and these foreigners chiefly English subjects. We are possibly on the eve of a rupture with that nation. Should such an event occur, do you apprehend that the English premier would experience any difficulty in obtaining the entire control of this institution? Republics, above all other governments, ought most seriously to guard against foreign influence. All history proves, that the internal dissensions excited by foreign intrigue have produced the downfall of almost every free government that has hitherto existed; and yet, gentlemen contend that we are benefited by the possession of this foreign capital! If we could have its use, without its attending abuse, I should be gratified also. But it is in vain to expect the one without the other. Wealth is power, and, under whatsoever form it exists, its proprietor, whether he lives on this or the other side of the Atlantic.

will have a proportionate influence. It is argued, that our possession of this English capital gives us a great influence over the British government. If this reasoning be sound, we had better revoke the interdiction as to aliens holding land, and invite foreigners to engross the whole property, real and personal, of the country. We had better, at once, exchange the condition of independent proprietors for that of stewards. We should then be able to govern foreign nations, according to the reasoning of the gentlemen on the other side. But let us put aside this theory and appeal to the decisions of experience. Go to the other side of the Atlantic and see what has been achieved for us there, by Englishmen holding seven tenths of the capital of this bank. Has it released from galling and ignominious bondage one solitary American seaman, bleeding under British oppression? Did it prevent the unmanly attack upon the Chesapeake? Did it arrest the promulgation, or has it abrogated the orders in council—those orders which have given birth to a new era in commerce? In spite of all its boasted effect, are not the two nations brought to the very brink of war? Are we quite sure, that, on this side of the water, it has had no effect favorable to British interests. It has often been stated, and although I do not know that it is susceptible of strict proof, I believe it to be a fact, that this bank exercised its influence in support of Jay's treaty; and may it not have contributed to blunt the public sentiment, or paralyse the efforts of this nation against British aggression.

The duke of Northumberland is said to be the most considerable stockholder in the bank of the United States. A late lord chancellor of England, besides other noblemen, was a large stockholder. Suppose the prince of Essling, the duke of Cadore, and other French dignitaries, owned seven eighths of the capital of this bank, should we witness the same exertions (I allude not to any made in the senate) to recharter it? So far from it, would not the danger of French influence be resounded throughout the nation?

I shall, therefore, give my most hearty assent to the motion for striking out the first section of the bill.

## ON THE AUGMENTATION OF MILITARY FORCE.

IN THE UNITED STATES HOUSE OF REPRESENTATIVES,  
DECEMBER 31, 1811.

[In our biographical sketch, we have mentioned, that Mr. Clay, having left the senate of the United States in 1811, was the same year elected to the house of representatives, where he took his seat, and was chosen speaker of that body on the opening of the session. This took place at an eventful period in our national history. The numerous and aggravated wrongs which the nation had sustained and endured for years, both from France and England, but more especially from the latter, had aroused the attention of the whole country. The celebrated orders in council, the impressment of our seamen, and the right of searching our vessels, claimed and exercised by Great Britain, had prepared the people to expect that some decisive steps would be taken by their representatives in congress. In accordance with public sentiment, president Madison transmitted, November fourth, 1811, a message to congress, recommending appropriate measures for the vindication of our national honor, and the redress of our violated rights. The political parties, however, into which the people were divided, differed widely as to the course to be pursued in our foreign relations. The opposition to the administration numbered many eminent men, among whom the most talented and troublesome was John Randolph, of Virginia; his intellectual powers at this juncture being in full force and vigor. The committee on foreign relations proposed an immediate increase of the military force, and accordingly a bill passed, to raise thirteen additional regiments for the public service. It was the consideration of this measure, which induced Mr. Clay to address the house, when in committee of the whole, as follows.]

Mr. Clay (the speaker) said, that when the subject of this bill was before the house in the abstract form of a resolution, proposed by the committee of foreign relations, it was the pleasure of the house to discuss it whilst he was in the chair. He did not complain of this course of proceeding; for he did not at any time wish the house, from considerations personal to him, to depart from that mode of transacting the public business which they thought best. He merely adverted to the circumstance as an apology for the trouble he was about to give the committee. He was at all times disposed to take his share of responsibility, and under this impression, he felt that he owed it to his constituents and to himself, before the committee rose, to submit to their attention a few observations.

He saw with regret a diversity of opinion amongst those who had the happiness generally to act together, in relation to the quantum of force proposed to be raised. For his part, he thought it was too great for peace, and he feared too small for war. He

had been in favor of the number recommended by the senate, and he would ask gentlemen, who had preferred fifteen thousand, to take a candid and dispassionate view of the subject. It was admitted, on all hands, that it was a force to be raised for the purposes of war, and to be kept up and used only in the event of war. It was further conceded, that its principal destination would be the provinces of our enemy. By the bill which had been passed, to complete the peace establishment, we had authorized the collection of a force of about six thousand men, exclusive of those now in service, which, with the twenty-five thousand provided for by this bill, will give an aggregate of new troops of thirty-one thousand men. Experience in military affairs, has shown, that when any given number of men is authorized to be raised, you must, in counting upon the effective men which it will produce, deduct one fourth or one third for desertion, sickness, and other incidents to which raw troops are peculiarly exposed. In measures relating to war, it is wisest, if you err at all, to err on the side of the largest force, and you will consequently put down your thirty-one thousand men at not more than an effective force in the field of about twenty-one thousand. This, with the four thousand now in service, will amount to twenty-five thousand effective men. The secretary of war has stated, in his report, that, for the single purpose of manning your forts and garrisons on the sea-board, twelve thousand and six hundred men are necessary. Although the whole of that number will not be taken from the twenty-five thousand, a portion of it, probably, will be. We are told, that in Canada, there are between seven and eight thousand regular troops. If it is invaded, the whole of that force will be concentrated in Quebec, and would you attempt that almost impregnable fortress, with less than double the force of the besieged? Gentlemen who calculate upon volunteers as a substitute for regulars, ought not to deceive themselves. No man appreciated higher than he did the spirit of the country. But, although volunteers were admirably adapted to the first operations of the war, to the making of a first impression, he doubted their fitness for a regular siege, or for the manning and garrisoning of forts. He understood it was a rule in military affairs, never to leave in the rear a place of any strength undefended. Canada is invaded; the upper part falls, and you proceed to Quebec. It is true there would be no European army behind to be apprehended: but the people of the country might rise; and he warned gentlemen who imagined that the affections of the Canadians were with us, against trusting too confidently on such a calculation, the basis of which was treason. He concluded, therefore, that a portion of the invading army would be distributed in the upper country, after its conquest, amongst the places susceptible of military strength and defence. The army, considerably reduced, sets itself down before Quebec. Suppose it falls. Here again will be required a

number of men to hold and defend it. And if the war be prosecuted still further, and the lower country and Halifax be assailed, he conceived it obvious, that the whole force of twenty-five thousand men would not be too great.

The difference between those who were for fifteen thousand, and those who were for twenty-five thousand men, appeared to him to resolve itself into the question, merely, of a short or protracted war; a war of vigor, or a war of languor and imbecility. If a competent force be raised in the first instance, the war on the continent will be speedily terminated. He was aware that it might still rage on the ocean. But where the nation could act with unquestionable success, he was in favor of the display of an energy correspondent to the feelings and spirit of the country. Suppose one third of the force he had mentioned (twenty-five thousand men) could reduce the country, say in three years, and that the whole could accomplish the same object in one year; taking into view the greater hazard of the repulsion and defeat of the small force, and every other consideration, do not wisdom and true economy equally decide in favor of the larger force, and thus prevent failure in consequence of inadequate means? He begged gentlemen to recollect the immense extent of the United States; our vast maritime frontier, vulnerable in almost all its parts to predatory incursions, and he was persuaded, they would see that a regular force, of twenty-five thousand men, was not much too great during a period of war, if all designs of invading the provinces of the enemy were abandoned.

Mr. Clay proceeded next to examine the nature of the force contemplated by the bill. It was a regular army, enlisted for a limited time, raised for the sole purpose of war, and to be disbanded on the return of peace. Against this army, all our republican jealousies and apprehensions are attempted to be excited. He was not the advocate of standing armies; but the standing armies which excite most his fears, are those which are kept up in time of peace. He confessed, he did not perceive any real source of danger in a military force of twenty-five thousand men in the United States, provided only for a state of war, even supposing it to be corrupted, and its arms turned, by the ambition of its leaders, against the freedom of the country. He saw abundant security against the success of any such treasonable attempt. The diffusion of political information amongst the great body of the people, constituted a powerful safeguard. The American character has been much abused by Europeans, whose tourists, whether on horse or foot, in verse and prose, have united in depreciating it. It is true, that we do not exhibit as many signal instances of scientific acquirement in this country as are furnished in the old world; but he believed it undeniable, that the great mass of the people possessed more intelligence than any other people on the globe. Such a people, consisting of upwards of seven millions, affording

a physical power of about a million of men, capable of bearing arms, and ardently devoted to liberty, could not be subdued by an army of twenty-five thousand men. The wide extent of country over which we are spread, was another security. In other countries, France and England, for example, the fall of Paris or London, is the fall of the nation. Here are no such dangerous aggregations of people. New York, and Philadelphia, and Boston, and every city on the Atlantic, might be subdued by an usurper, and he would have made but a small advance in the accomplishment of his purpose. He would add a still more improbable supposition, that the country east of the Allegany, was to submit to the ambition of some daring chief, and he insisted that the liberty of the union would be still unconquered. It would find successful support from the west. We are not only in the situation just described, but a great portion of the militia — nearly the whole, he understood, of that of Massachusetts — have arms in their hands; and he trusted in God, that that great object would be persevered in, until every man in the nation could proudly shoulder the musket, which was to defend his country and himself. A people having, besides the benefit of one general government, other local governments in full operation, capable of exerting and commanding great portions of the physical power, all of which must be prostrated before our constitution is subverted. Such a people have nothing to fear from a petty contemptible force of twenty-five thousand regulars.

Mr. Clay proceeded, more particularly, to inquire into the object of the force. That object he understood distinctly to be war, and war with Great Britain. It had been supposed, by some gentlemen, improper to discuss publicly so delicate a question. He did not feel the impropriety. It was a subject in its nature incapable of concealment. Even in countries where the powers of government were conducted by a single ruler, it was almost impossible for that ruler to conceal his intentions when he meditates war. The assembling of armies, the strengthening of posts; all the movements preparatory to war, and which it is impossible to disguise, unfolded the intentions of the sovereign. Does Russia or France intend war, the intention is almost invariably known before the war is commenced. If congress were to pass a law, with closed doors, for raising an army for the purpose of war, its enlistment and organization, which could not be done in secret, would indicate the use to which it was to be applied; and we cannot suppose England would be so blind, as not to see that she was aimed at. Nor could she, did she apprehend, injure us more by thus knowing our purposes, than if she were kept in ignorance of them. She may, indeed, anticipate us, and commence the war. But that is what she is in fact doing, and she can add but little to the injury which she is inflicting. If she choose to declare war in form, let her do so, the responsibility will be with her

What are we to gain by the war? has been emphatically asked. In reply, he would ask, what are we not to lose by peace? Commerce, character, a nation's best treasure, honor! If pecuniary considerations alone are to govern, there is sufficient motive for the war. Our revenue is reduced, by the operation of the belligerent edicts, to about six millions of dollars, according to the secretary of the treasury's report. The year preceding the embargo it was sixteen. Take away the orders in council, it will again mount up to sixteen millions. By continuing, therefore, in peace, (if the mongrel state in which we are deserve that denomination,) we lose annually in revenue alone ten millions of dollars. Gentlemen will say, repeal the law of non-importation. He contended, that, if the United States were capable of that perfidy, the revenue would not be restored to its former state, the orders in council continuing. Without an export trade, which those orders prevent, inevitable ruin would ensue, if we imported as freely as we did prior to the embargo. A nation that carries on an import trade, without an export trade to support it, must, in the end, be as certainly bankrupt, as the individual would be, who incurred an annual expenditure without an income.

He had no disposition to magnify or dwell upon the catalogue of injuries we had received from England. He could not, however, overlook the impressment of our seamen—an aggression upon which he never reflected, without feelings of indignation, which would not allow him appropriate language to describe its enormity. Not content with seizing upon all our property which falls within her rapacious grasp, the personal rights of our countrymen—rights which forever ought to be sacred—are trampled upon and violated. The orders in council were pretended to have been reluctantly adopted, as a measure of retaliation. The French decrees, their alleged basis, are revoked. England resorts to the expedient of denying the fact of the revocation, and Sir William Scott, in the celebrated case of Fox and others, suspends judgment that proof may be adduced to it. At the same moment, when the British ministry, through that judge, is thus affecting to controvert that fact, and to place the release of our property upon its establishment, instructions are prepared for Mr. Foster, to meet at Washington the very revocation which they were contesting. And how does he meet it? By fulfilling the engagement solemnly made to rescind the orders? No, sir; but by demanding that we shall secure the introduction, into the continent, of British manufactures!

England is said to be fighting for the world, and shall we, it is asked, attempt to weaken her exertions? If, indeed, the aim of the French emperor be universal dominion, (and he was willing to allow it to the argument,) how much nobler a cause is presented to British valor! But how is her philanthropic purpose to be



achieved? By a scrupulous observance of the rights of others, by respecting that code of public law which she professes to vindicate, and by abstaining from self-aggrandizement. Then would she command the sympathies of the world. What are we required to do by those who would engage our feelings and wishes in her behalf? To bear the actual cuffs of her arrogance, that we may escape a chimerical French subjugation! We are invited, conjured, to drink the potion of British poison, actually presented to our lips, that we may avoid the imperial dose prepared by perturbed imaginations. We are called upon to submit to debasement, dishonor, and disgrace; to bow the neck to royal insolence, as a course of preparation for manly resistance to gallic invasion! What nation, what individual, was ever taught, in the schools of ignominious submission, these patriotic lessons of freedom and independence? Let those who contend for this humiliating doctrine, read its refutation in the history of the very man against whose insatiable thirst of dominion we are warned. The experience of desolated Spain, for the last fifteen years, is worth volumes. Did she find her repose and safety in subserviency to the will of that man? Had she boldly stood forth and repelled the first attempt to dictate to her councils, her monarch would not be now a miserable captive in Marseilles. Let us come home to our own history; it was not by submission that our fathers achieved our independence. The patriotic wisdom that placed you, Mr. Chairman, under that canopy, penetrated the designs of a corrupt ministry, and nobly fronted encroachment on its first appearance. It saw, beyond the petty taxes with which it commenced, a long train of oppressive measures, terminating in the total annihilation of liberty, and, contemptible as they were, it did not hesitate to resist them. Take the experience of the last four or five years, which he was sorry to say exhibited, in appearance, at least, a different kind of spirit. He did not wish to view the past, further than to guide us for the future. We were but yesterday contending for the indirect trade; the right to export to Europe the coffee and sugar of the West Indies. To-day we are asserting our claim to the direct trade; the right to export our cotton, tobacco, and other domestic produce, to market. Yield this point, and to-morrow intercourse between New York and New Orleans, between the planters on James river and Richmond, will be interdicted. For, sir, the career of encroachment is never arrested by submission. It will advance while there remains a single privilege on which it can operate. Gentlemen say, that this government is unfit for any war, but a war of invasion. What, is it not equivalent to invasion, if the mouths of our harbors and outlets are blocked up, and we are denied egress from our own waters? Or, when the burglar is at our door, shall we bravely sally forth and repel his felonious entrance, or meanly skulk within the cells of the castle?

He contended, that the real cause of British aggression was, not to distress an enemy, but to destroy a rival. A comparative view of our commerce with that of England and the continent, would satisfy any one of the truth of this remark. Prior to the embargo, the balance of trade between this country and England was between eleven and fifteen millions of dollars in favor of England. Our consumption of her manufactures was annually increasing, and had risen to nearly fifty millions of dollars. We exported to her what she most wanted, provisions and raw materials for her manufactures, and received in return what she was most desirous to sell. Our exports to France, Holland, Spain, and Italy, taking an average of the years 1802, 1803, and 1804, amounted to about twelve million dollars of domestic, and about eighteen million dollars of foreign produce. Our imports from the same countries, amounted to about twenty-five million dollars. The foreign produce exported, consisted chiefly of luxuries, from the West Indies. It is apparent that this trade, the balance of which was in favor, not of France, but of the United States, was not of very vital consequence to the enemy of England. Would she, therefore, for the sole purpose of depriving her adversary of this commerce, relinquish her valuable trade with this country, exhibiting the essential balance in her favor; nay, more, hazard the peace of the country? No, sir; you must look for an explanation of her conduct in the jealousies of a rival. She sickens at your prosperity, and beholds, in your growth—your sails spread on every ocean, and your numerous seamen—the foundations of a power which, at no very distant day, is to make her tremble for her naval superiority. He had omitted before to notice the loss of our seamen, if we continued in our present situation. What would become of the one hundred thousand (for he understood there was about that number) in the American service? Would they not leave us and seek employment abroad, perhaps in the very country that injures us?

It is said, that the effect of the war at home, will be a change of those who administer the government, who will be replaced by others that will make a disgraceful peace. He did not believe it. Not a man in the nation could really doubt the sincerity with which those in power have sought, by all honorable and pacific means, to protect the interests of the country. When the people saw exercised towards both belligerents the utmost impartiality; witnessed the same equal terms tendered to both; and beheld the government successively embracing an accommodation with each, in exactly the same spirit of amity, he was fully persuaded, now that war was the only alternative left to us, by the injustice of one of the powers, that the support and confidence of the people would remain undiminished. He was one, however, who was prepared (and he would not believe that he was more so than any other

member of the committee) to march on in the road of his duty, at all hazards. What! shall it be said, that our *amor patriæ* is located at these desks; that we pusillanimously cling to our seats here, rather than boldly vindicate the most inestimable rights of the country? Whilst the heroic Daviess, and his gallant associates, exposed to all the dangers of treacherous savage warfare, are sacrificing themselves for the good of their country, shall we shrink from our duty?

He concluded, by hoping that his remarks had tended to prove that the quantum of the force required was not too great, that in its nature it was free from the objections urged against it, and that the object of its application was one imperiously called for by the present peculiar crisis.

## ON THE INCREASE OF THE NAVY.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 22, 1812.

[THE bill making provisions for the general repair and increase of the Navy, followed the preceding measure for augmenting the army. During Mr. Jefferson's administration, the Navy had been unpopular with the democratic party, and the policy of reducing that branch of the national force had been pursued, in opposition to the former course, adopted by the administration of John Adams. Many of the democratic supporters of Mr. Madison's administration, still adhered to the policy of Mr. Jefferson; while Mr. Clay, Mr. Cheves, and other members of that party, saw the importance of sustaining the navy, in prospect of war. Among the arguments in opposition to the bill, now introduced, it was insisted that the fitting out of naval armaments would require a pecuniary expenditure which the people were not prepared to meet. The bill contained a section, providing for new frigates, leaving a blank for the number. Mr. Cheves (of South Carolina) moved to fill the blank with *ten*. Mr. Rhea (of Tennessee) moved to strike out this section of the bill. In committee of the whole, a warm debate ensued. Mr. Clay, in the following speech sustained the proposition of Mr. Cheves, and the motion to strike out was rejected by a vote of fifty-two to forty-seven. An appropriation was made, and the Navy fitted out with despatch. The result is known by the naval victories, which, in less than two years, crowned this right arm of the nation with glory, and gave it an enduring popularity with the people.]

MR. CLAY (the speaker) rose to present his views on the bill before the committee. He said, as he did not precisely agree in opinion with any gentleman who had spoken, he should take the liberty of detaining the committee a few moments, while he offered to their attention some observations. He was highly gratified with the temper and ability with which the discussion had hitherto been conducted. It was honorable to the house, and, he trusted, would continue to be manifested on many future occasions.

On this interesting topic a diversity of opinion has existed, almost ever since the adoption of the present government. On the one hand, there appeared to him to have been attempts made to precipitate the nation into all the evils of naval extravagance, which had been productive of so much mischief in other countries; and, on the other, strongly feeling this mischief, there has existed an unreasonable prejudice against providing such a competent naval protection, for our commercial and maritime rights, as is demanded by their importance, and as the increased resources of the country amply justify.

The attention of congress has been invited to this subject by the president, in his message, delivered at the opening of the session. Indeed, had it been wholly neglected by the chief magistrate, from the critical situation of the country, and the nature of the rights proposed to be vindicated, it must have pressed itself upon our attention. But, said Mr. Clay, the president, in his message, observes: 'your attention will, of course, be drawn to such provisions on the subject of our naval force, as may be required for the service to which it is best adapted. I submit to congress the seasonableness, also, of an authority to augment the stock of such materials as are imperishable in their nature, or may not, at once, be attainable?' The president, by this recommendation, clearly intimates an opinion, that the naval force of this country is capable of producing effect; and the propriety of laying up imperishable materials, was no doubt suggested for the purpose of making additions to the navy, as convenience and exigences might direct.

It appeared to Mr. Clay a little extraordinary, that so much, as it seemed to him, unreasonable jealousy, should exist against the naval establishment. If, said he, we look back to the period of the formation of the constitution, it will be found that no such jealousy was then excited. In placing the physical force of the nation at the disposal of congress, the convention manifested much greater apprehension of abuse in the power given to raise armies, than in that to provide a navy. In reference to the navy, congress is put under no restrictions; but with respect to the army, that description of force which has been so often employed to subvert the liberties of mankind, they are subjected to limitations designed to prevent the abuse of this dangerous power. But it was not his intention to detain the committee, by a discussion on the comparative utility and safety of these two kinds of force. He would, however, be indulged in saying, that he thought gentlemen had wholly failed in maintaining the position they had assumed, that the fall of maritime powers was attributable to their navies. They have told you, indeed, that Carthage, Genoa, Venice, and other nations, had navies, and, notwithstanding, were finally destroyed. But have they shown, by a train of argument, that their overthrow was, in any degree, attributable to their maritime greatness? Have they attempted, even, to show that there exists in the nature of this power a necessary tendency to destroy the nation using it? Assertion is substituted for argument; inferences not authorized by historical facts are arbitrarily drawn; things wholly unconnected with each other are associated together; a very logical mode of reasoning, it must be admitted! In the same way he could demonstrate how idle and absurd our attachments are to freedom itself. He might say, for example, that Greece and Rome had forms of free government, and that they no longer exist; and,

deducing their fall from their devotion to liberty, the conclusion, in favor of despotism, would very satisfactorily follow! He demanded what there is in the nature and construction of maritime power, to excite the fears that have been indulged? Do gentlemen really apprehend, that a body of seamen will abandon their proper element, and, placing themselves under an aspiring chief, will erect a throne to his ambition? Will they deign to listen to the voice of history, and learn how chimerical are their apprehensions?

But the source of alarm is in ourselves. Gentlemen fear, that if we provide a marine, it will produce collisions with foreign nations; plunge us into war, and ultimately overturn the constitution of the country. Sir, if you wish to avoid foreign collision, you had better abandon the ocean; surrender all your commerce; give up all your prosperity. It is the thing protected, not the instrument of protection, that involves you in war. Commerce engenders collision, collision war, and war, the argument supposes, leads to despotism. Would the counsels of that statesman be deemed wise, who would recommend that the nation should be unarmed; that the art of war, the martial spirit, and martial exercises, should be prohibited; who should declare, in the language of Othello, that the nation must bid farewell to the neighing steed, and the shrill trumpet, the spirit-stirring drum, the ear-piercing fife, and all the pride, pomp, and circumstance of glorious war; and that the great body of the people should be taught, that national happiness was to be found in perpetual peace alone? No, sir. And yet, every argument in favor of a power of protection on land, applies, in some degree, to a power of protection on the sea. Undoubtedly a commerce void of naval protection is more exposed to rapacity than a guarded commerce; and if we wish to invite the continuance of the old, or the enactment of new edicts, let us refrain from all exertion upon that element where we must operate, and where, in the end, they must be resisted.

For his part (Mr. Clay said) he did not allow himself to be alarmed by those apprehensions of maritime power, which appeared to agitate other gentlemen. In the nature of our government he beheld abundant security against abuse. He would be unwilling to tax the land to support the rights of the sea, and was for drawing from the sea itself, the resources with which its violated freedom should at all times be vindicated. Whilst this principle is adhered to, there will be no danger of running into the folly and extravagance which so much alarms gentlemen; and whenever it is abandoned — whenever congress shall lay burdensome taxes, to augment the navy beyond what may be authorized by the increased wealth, and demanded by the exigences, of the country, the people will interpose, and, removing their unworthy representatives, apply the appropriate corrective. Mr. Clay, then, could

not see any just ground of dread in the nature of naval power. It was, on the contrary, free from the evils attendant upon standing armies. And the genius of our institutions—the great representative principle, in the practical enjoyment of which we are so eminently distinguished—afforded the best guarantee against the ambition and wasteful extravagance of government. What maritime strength is it expedient to provide for the United States? In considering this subject, three different degrees of naval power present themselves. In the first place, such a force as would be capable of contending with that which any other nation is able to bring on the ocean—a force that, boldly scouring every sea, would challenge to combat the fleets of other powers, however great. He admitted it was impossible at this time, perhaps it never would be desirable, for this country to establish so extensive a navy. Indeed, he should consider it as madness in the extreme in this government to attempt to provide a navy able to cope with the fleets of Great Britain, wherever they might be met.

The next species of naval power to which he would advert, is that which, without adventuring into distant seas, and keeping generally in our own harbors, and on our coasts, would be competent to beat off any squadron which might be attempted to be permanently stationed in our waters. His friends from South Carolina (Messrs. Cheves and Lowndes) had satisfactorily shown, that, to effect this object, a force equivalent only to one third of that which the maintenance of such a squadron must require, would be sufficient; that if, for example, England should determine to station permanently upon our coast a squadron of twelve ships of the line, it would require for this service thirty-six ships of the line; one third in port, repairing, one third on the passage, and one third on the station. But that is a force which it has been shown that even England, with her boasted navy, could not spare for the American service, whilst she is engaged in the present contest. Mr. Clay said, that he was desirous of seeing such a force as he had described; that is, twelve ships of the line and fifteen or twenty frigates, provided for the United States; but he admitted that it was unattainable in the present situation of the finances of the country. He contended, however, that it was such as congress ought to set about providing; and he hoped, in less than ten years, to see it actually established. He was far from surveying the vast maritime power of Great Britain, with the desponding eye with which other gentlemen beheld it. He could not allow himself to be discouraged at a prospect of even her thousand ships. This country only required resolution, and a proper exertion of its immense resources, to command respect, and to vindicate every essential right. When we consider our remoteness from Europe, the expense, difficulty, and perils, to which any squadron would be exposed, while stationed off our coasts, he entertained no doubt

that the force to which he referred, would insure the command of our own seas. Such a force would avail itself of our extensive sea-board and numerous harbors, every where affording asylums to which it could safely retire from a superior fleet, or from which it could issue, for the purpose of annoyance. To the opinion of his colleague (Mr. M'Kee), who appeared to think that it was in vain for us to make any struggle on the ocean, he would oppose the sentiments of his distinguished connection, the heroic Daviess, who fell in the battle of Tippecanoe. [Here Mr. Clay read certain parts of a work, written by colonel Daviess, in which the author attempts to show, that, as the aggressions upon our commerce were not committed by fleets, but by single vessels, they could, in the same manner, be best retaliated; that the force of about twenty or thirty frigates, would be capable of inflicting great injury on English commerce, by picking up stragglers, cutting off convoys, and seizing upon every moment of supineness; and that such a force, with our seaports and harbors well fortified, and aided by privateers, would be really formidable, and would annoy the British navy and commerce, just as the French army was assailed in Egypt, the Persian army in Scythia, and the Roman army in Parthia.]

The third description of force, worthy of consideration, is, that which would be able to prevent any single vessel, of whatever metal, from endangering our whole coasting trade, blocking up our harbors, and laying under contribution our cities — a force competent to punish the insolence of the commander of any single ship, and to preserve in our own jurisdiction, the inviolability of our peace and our laws. A force of this kind is entirely within the compass of our means, at this time. Is there a reflecting man in the nation, who would not charge congress with a culpable neglect of its duty, if, for the want of such a force, a single ship were to bombard one of our cities! Would not every honorable member of the committee inflict on himself the bitterest reproaches, if, by failing to make an inconsiderable addition to our little gallant navy, a single British vessel should place New York under contribution! Yes, sir, when the city is in flames, its wretched inhabitants begin to repent of their neglect, in not providing engines and water-buckets. If, said Mr. Clay, we are not able to meet the wolves of the forest, shall we put up with the barking impudence of every petty cur that trips across our way? Because we cannot guard against every possible danger, shall we provide against none? He hoped not. He had hardly expected that the instructing but humiliating lesson, was so soon to be forgotten, which was taught us in the murder of Pierce, the attack on the Chesapeake, and the insult offered in the very harbor of Charleston, which the brave old fellow who commanded the fort in vain endeavored to chastise. It was a rule with Mr. Clay, when acting



either in a public or private character, to attempt nothing more than what there existed a prospect of accomplishing. He was therefore not in favor of entering into any mad projects on this subject, but for deliberately and resolutely pursuing what he believed to be within the power of government. Gentlemen refer to the period of 1798, and we are reminded of the principles maintained by the opposition at that time. He had no doubt of the correctness of that opposition. The naval schemes of that day were premature, not warranted by the resources of the country, and were contemplated for an unnecessary war, into which the nation was about to be plunged. He always admired and approved the zeal and ability with which that opposition was conducted, by the distinguished gentleman now at the head of the treasury. But the state of things is totally altered. What was folly in 1798, may be wisdom now. At that time, we had a revenue only of about six millions. Our revenue now, upon a supposition that commerce is restored, is about sixteen millions. The population of the country, too, is greatly increased, nearly doubled, and the wealth of the nation is perhaps tripled. Whilst our ability to construct a navy is thus enhanced, the necessary maritime protection is proportionably augmented. Independent of the extension of our commerce, since the year 1798, we have had an addition of more than five hundred miles to our coast, from the bay of Perdido to the mouth of the Sabine—a weak and defenceless accession, requiring, more than any other part of our maritime frontier, the protecting arm of government.

The groundless imputation, that those who were friendly to a navy, were espousing a principle inimical to freedom, should not terrify him. He was not ashamed when in such company as the illustrious author of the notes on Virginia, whose opinion on the subject of a navy, contained in that work, contributed to the formation of his own. But the principle of a navy, Mr. Clay contended, was no longer open to controversy. It was decided when Mr. Jefferson came into power. With all the prejudices against a navy, which are alleged by some to have been then brought into the administration, with many honest prejudices, he admitted, the rash attempt was not made to destroy the establishment. It was reduced to only what was supposed to be within the financial capacity of the country. If, ten years ago, when all those prejudices were to be combatted, even in time of peace, it was deemed proper, by the then administration, to retain in service ten frigates, he put it to the candor of gentlemen to say, if now, when we are on the eve of a war, and taking into view the actual growth of the country, and the acquisition of our coast on the Gulf of Mexico, we ought not to add to the establishment.

Mr. Clay said, he had hitherto alluded more particularly to the exposed situation of certain parts of the Atlantic frontier. Whilst

he felt the deepest solicitude for the safety of New York, and other cities on the coast, he would be pardoned by the committee, for referring to the interests of that section of the union from which he came. If, said he, there be a point more than any other in the United States, demanding the aid of naval protection, that point is the mouth of the Mississippi. What is the population of the western country, dependent on this single outlet for its surplus productions? Kentucky, according to the last enumeration, has four hundred and six thousand five hundred and eleven; Tennessee, two hundred and sixty-one thousand seven hundred and twenty-seven; and Ohio, two hundred and thirty thousand seven hundred and sixty. And when the population of the western parts of Virginia, and Pennsylvania, and the territories which are drained by the Mississippi or its waters, is added, it will form an aggregate equal to about one fifth of the whole population of the United States, resting all their commercial hopes upon this solitary vent! The bulky articles of which their surplus productions consist, can be transported in no other way. They will not bear the expense of a carriage up the Ohio and Tennessee, and across the mountains, and the circuitous voyage of the lakes is out of the question. Whilst most other states have the option of numerous outlets, so that, if one be closed, resort can be had to others, this vast population has no alternative. Close the mouth of the Mississippi, and their export trade is annihilated. He called the attention of his western friends, especially his worthy Kentucky friends, (from whom he felt himself, with regret, constrained to differ on this occasion,) to the state of the public feeling in that quarter, whilst the navigation of the Mississippi was withheld by Spain; and to the still more recent period, when the right of depot was violated. The whole country was in commotion, and, at the nod of government, would have fallen on Baton Rouge and New Orleans, and punished the treachery of a perfidious government. Abandon all idea of protecting, by maritime force, the mouth of the Mississippi, and we shall have the recurrence of many similar scenes. We shall hold the inestimable right of the navigation of that river, by the most precarious tenure. The whole commerce of the Mississippi—a commerce that is destined to be the richest that was ever borne by a single stream—is placed at the mercy of a single ship, lying off the Balize! Again; the convulsions of the new world, still more, perhaps, than those of Europe, challenge our attention. Whether the ancient dynasty of Spain is still to be upheld or subverted, is extremely uncertain, if the bonds connecting the parent country with her colonies, are not for ever broken. What is to become of Cuba? Will it assert independence, or remain the province of some European power? In either case, the whole trade of the western country, which must pass almost within gunshot of the Moro Castle, is exposed to danger. It was not, however,

of Cuba he was afraid. He wished her independent. But suppose England gets possession of that valuable island. With Cuba on the south, and Halifax on the north—and the consequent means of favoring or annoying commerce, of particular sections of the country—he asked, if the most sanguine amongst us would not tremble for the integrity of the union? If, along with Cuba, Great Britain should acquire East Florida, she will have the absolute command of the Gulf of Mexico. Can gentlemen, particularly gentlemen from the western country, contemplate such possible, nay, probable, events, without desiring to see at least the commencement of such a naval establishment as would effectually protect the Mississippi? He entreated them to turn their attention to the defenceless situation of the Orleans Territory, and to the nature of its population. It is known, that, whilst under the Spanish government, they experienced the benefit of naval security. Satisfy them, that, under the government of the United States, they will enjoy less protection, and you disclose the most fatal secret.

The general government receives annually, for the public lands, about six hundred thousand dollars. One of the sources whence the western people raise this sum, is the exportation of the surplus productions of that country. Shut up the Mississippi, and this source is, in a great measure, dried up. But suppose this government to look upon the occlusion of the Mississippi, without making an effort on that element, where alone it could be made successfully, to remove the blockading force, and, at the same time, to be vigorously pressing payment for the public lands; he shuddered at the consequences. Deep-rooted as he knew the affections of the western people to be to the union, (and he would not admit their patriotism to be surpassed by any other quarter of the country,) if such a state of things were to last any considerable time, he should seriously apprehend a withdrawal of their confidence. Nor, sir, could we derive any apology for the failure to afford this protection, from the want of the materials for naval architecture. On the contrary, all the articles entering into the construction of a navy—iron, hemp, timber, pitch—abound in the greatest quantities on the waters of the Mississippi. Kentucky alone, he had no doubt, raised hemp enough the last year for the whole consumption of the United States.

If, as he conceived, gentlemen had been unsuccessful in showing that the downfall of maritime nations was ascribable to their navies, they have been more fortunate in showing, by the instances to which they had referred, that, without a marine, no foreign commerce could exist to any extent. It is the appropriate, the natural (if the term may be allowed) connection of foreign commerce. The shepherd and his faithful dog, are not more necessary to guard the flocks, that browse and gambol on the neighboring mountain. He considered the prosperity of foreign commerce indissolubly

allied to marine power. Neglect to provide the one, and you must abandon the other. Suppose the expected war with England is commenced, you enter and subjugate Canada, and she still refuses to do you justice; what other possible mode will remain to operate on the enemy, but upon that element where alone you can then come in contact with him? And if you do not prepare to protect there your own commerce, and to assail his, will he not sweep from the ocean every vessel bearing your flag, and destroy even the coasting trade? But, from the arguments of gentlemen, it would seem to be questioned, if foreign commerce is worth the kind of protection insisted upon. What is this foreign commerce, that has suddenly become so inconsiderable? It has, with very trifling aid from other sources, defrayed the expenses of government, ever since the adoption of the present constitution; maintained an expensive and successful war with the Indians; a war with the Barbary powers; a quasi war with France; sustained the charges of suppressing two insurrections, and extinguishing upwards of forty-six millions of the public debt. In revenue, it has, since the year 1789, yielded one hundred and ninety-one millions of dollars. During the first four years after the commencement of the present government, the revenue averaged only about two millions annually; during a subsequent period, of four years, it rose to an average of fifteen millions, annually, or became equivalent to a capital of two hundred and fifty millions of dollars, at an interest of six per centum per annum. And if our commerce is reëstablished, it will, in the course of time, net a sum for which we are scarcely furnished with figures, in arithmetic. Taking the average of the last nine years, (comprehending, of course, the season of the embargo,) our exports average upwards of thirty-seven millions of dollars, which is equivalent to a capital of more than six hundred millions of dollars, at six per centum interest; all of which must be lost in the event of a destruction of foreign commerce. In the abandonment of that commerce, is also involved the sacrifice of our brave tars, who have engaged in the pursuit, from which they derive subsistence and support, under the confidence that government would afford them that just protection which is due to all. They will be driven into foreign employment, for it is vain to expect that they will renounce their habits of life.

The spirit of commercial enterprise, so strongly depicted by the gentleman from New York (Mr. Mitchel), is diffused throughout the country. It is a passion as unconquerable as any with which nature has endowed us. You may attempt, indeed, to regulate, but you cannot destroy it. It exhibits itself as well on the waters of the western country, as on the waters and shores of the Atlantic. Mr. Clay had heard of a vessel, built at Pittsburg, having crossed the Atlantic and entered an European port (he believed that of Leghorn). The master of the vessel laid his papers before the

proper custom-house officer, which, of course, stated the place of her departure. The officer boldly denied the existence of any such American port as Pittsburg, and threatened a seizure of the vessel, as being furnished with forged papers. The affrighted master procured a map of the United States, and, pointing out the Gulf of Mexico, took the officer to the mouth of the Mississippi, traced the course of the Mississippi more than a thousand miles, to the mouth of the Ohio, and conducting him still a thousand miles higher, to the junction of the Allegany and Monongahela,---there, he exclaimed, stands Pittsburg, the port from which I sailed! The custom-house officer, prior to the production of this evidence, would have as soon believed that the vessel had performed a voyage from the moon.

In delivering the sentiments he had expressed, Mr. Clay considered himself as conforming to a sacred constitutional duty. When the power to provide a navy was confided to congress, it must have been the intention of the convention to submit only to the discretion of that body, the period when that power should be exercised. That period had, in his opinion, arrived, at least for making a respectable beginning. And whilst he thus discharged what he conceived to be his duty, he derived great pleasure from the reflection, that he was supporting a measure calculated to impart additional strength to our happy union. Diversified as are the interests of its various parts, how admirably do they harmonize and blend together! We have only to make a proper use of the bounties spread before us, to render us prosperous and powerful. Such a navy as he had contended for, will form a new bond of connection between the states, concentrating their hopes, their interests, and their affections.

## ON THE NEW ARMY BILL.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 3, 1813.

[ On the eighteenth of June, 1812, war was declared by congress against Great Britain, and the next session of congress commenced in November, 1812, when the president, in his annual message to the two houses, gave a sketch of the events which had transpired during the recess. The military operations on the frontier had resulted, at first, in a series of unexpected and disgraceful disasters to our arms. Amidst all discouragements, Mr. Clay was the leader, and the life and soul of the administration party in the house. His early biographer says of him: 'he moved in majesty, for he moved in strength. No difficulties could weary or withstand his energies. Like the Carthaginian chief in the passage of the Alps, he kept his place in front of his comrades, putting aside, with a giant effort, every obstacle that opposed his progress, applauding the foremost of his followers, and rousing those who lingered, by words of encouragement or reproach, till he succeeded in putting them upon a moral eminence, from which they could look down upon the region where their prowess was to meet with its long expected reward.'

Among the first measures proposed at this session of congress, to raise the spirit of the nation, and retrieve the fortunes of war, made gloomy by the disasters upon the frontier, was a bill to increase the army, by raising twenty additional regiments. In support of this bill, and on the merits of the war, as well as in reply to the arguments of the opposition members, Mr. Clay addressed the committee of the whole house, in the following speech. ]

Mr. CLAY (the speaker) said he was gratified yesterday by the recommitment of this bill to a committee of the whole house, from two considerations; one, since it afforded him a slight relaxation from a most fatiguing situation; and the other, because it furnished him with an opportunity of presenting to the committee his sentiments, upon the important topics which had been mingled in the debate. He regretted, however, that the necessity under which the chairman had been placed, of putting the question,\* precluded the opportunity he had wished to enjoy, of rendering more acceptable to the committee any thing he might have to offer on the interesting points, on which it was his duty to touch. Unprepared, however, as he was, to speak on this day, of which he was the more sensible from the ill state of his health, he would solicit the attention of the committee for a few moments.

I was a little astonished, I confess, said Mr. Clay, when I found this bill permitted to pass silently through the committee of the

\* The chairman had risen to put the question, which would have cut Mr. Clay off from the opportunity of speaking, by carrying the bill to the house.—*Editor*

whole, and not selected until the moment when the question was to be put for its third reading, as the subject on which gentlemen in the opposition chose to lay before the house their views of the interesting attitude in which the nation stands. It did appear to me, that the loan bill, which will soon come before us, would have afforded a much more proper occasion, it being more essential, as providing the ways and means for the prosecution of the war. But the gentlemen had the right of selection, and having exercised it, no matter how improperly, I am gratified, whatever I may think of the character of some part of the debate, at the latitude in which, for once, they have been indulged. I claim only, in return, of gentlemen on the other side of the house, and of the committee, a like indulgence in expressing my sentiments, with the same unrestrained freedom. Perhaps, in the course of the remarks, which I may feel myself called upon to make, gentlemen may apprehend, that they assume too harsh an aspect; but I have only now to say, that I shall speak of parties, measures, and things, as they strike my moral sense, protesting against the imputation of any intention, on my part, to wound the feelings of any *gentlemen*.

Considering the situation in which this country is now placed— a state of actual war with one of the most powerful nations on the earth—it may not be useless to take a view of the past, and of the various parties which have at different times appeared in this country, and to attend to the manner by which we have been driven from a peaceful posture, to our present warlike attitude. Such an inquiry may assist in guiding us to that result, an honorable peace, which must be the sincere desire of every friend to America. The course of that opposition, by which the administration of the government had been unremittingly impeded for the last twelve years, was singular, and, I believe, unexampled in the history of any country. It has been alike the duty and the interest of the administration to preserve peace. It was their duty, because it is necessary to the growth of an infant people, to their genius, and to their habits. It was their interest, because a change of the condition of the nation, brings along with it a danger of the loss of the affections of the people. The administration has not been forgetful of these solemn obligations. No art has been left unessayed, no experiment, promising a favorable result, left untried, to maintain the peaceful relations of the country. When, some six or seven years ago, the affairs of the nation assumed a threatening aspect, a partial non-importation was adopted. As they grew more alarming, an embargo was imposed. It would have accomplished its purpose, but it was sacrificed upon the altar of conciliation. Vain and fruitless attempt to propitiate! Then came along non-intercourse; and a general non-importation followed in the train. In the mean time, any indications of a return to the public law and the path of justice, on the part of either belligerent, are seized upon

with avidity by the administration. The arrangement with Mr. Erskine is concluded. It is first applauded, and then censured by the opposition. No matter with what unfeigned sincerity, with what real effort, the administration cultivates peace, the opposition insists, that it alone is culpable for every breach that is made between the two countries. Because the president thought proper, in accepting the proffered reparation for the attack on a national vessel, to intimate, that it would have better comported with the justice of the king (and who does not think so?) to punish the offending officer, the opposition, entering into the royal feelings, sees, in that imaginary insult, abundant cause for rejecting Mr. Erskine's arrangement. On another occasion, you cannot have forgotten the hypocritical ingenuity which they displayed, to divest Mr. Jackson's correspondence of a premeditated insult to this country. If gentlemen would only reserve for their own government, half the sensibility which is indulged for that of Great Britain, they would find much less to condemn. Restriction after restriction has been tried; negotiation has been resorted to, until further negotiation would have been disgraceful. Whilst these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war—the proud—the spirited—the sole repository of the nation's honor—the men of exclusive vigor and energy. The administration, on the contrary, is weak, feeble, and pusillanimous—'incapable of being kicked into a war.' The maxim, 'not a cent for tribute, millions for defence,' is loudly proclaimed. Is the administration for negotiation? The opposition is tired, sick, disgusted with negotiation. They want to draw the sword, and avenge the nation's wrongs. When, however, foreign nations, perhaps emboldened by the very opposition here made, refuse to listen to the amicable appeals, which have been repeated and reiterated by the administration, to their justice and to their interest—when, in fact, war with one of them has become identified with our independence and our sovereignty, and to abstain from it was no longer possible, behold the opposition veering round and becoming the friends of peace and commerce. They tell you of the calamities of war, its tragical events, the squandering away of your resources, the waste of the public treasure, and the spilling of innocent blood. 'Gorgons, hydras, and chimeras dire.' They tell you, that honor is an illusion! Now, we see them exhibiting the terrific forms of the roaring king of the forest. Now, the meekness and humility of the lamb! They are for war and no restrictions, when the administration is for peace. They are for peace and restrictions, when the administration is for war. You find them, sir, tacking with every gale, displaying the colors of every party, and of all nations, steady only in one unalterable purpose—to steer, if possible, into the haven of power.

During all this time, the parasites of opposition do not fail, by



cunning sarcasm, or sly innuendo, to throw out the idea of French influence, which is known to be false, which ought to be met in one manner only, and that is by the lie direct. The administration of this country devoted to foreign influence! The administration of this country subservient to France! Great God! what a charge! how is it so influenced? By what ligament, on what basis, on what possible foundation does it rest? Is it similarity of language? No! we speak different tongues, we speak the English language. On the resemblance of our laws? No! the sources of our jurisprudence spring from another and a different country. On commercial intercourse? No! we have comparatively none with France. Is it from the correspondence in the genius of the two governments? No! here alone is the liberty of man secure from the inexorable despotism, which, every where else, tramples it under foot. Where, then, is the ground of such an influence? But, sir, I am insulting you by arguing on such a subject. Yet, preposterous and ridiculous as the insinuation is, it is propagated with so much industry, that there are persons found foolish and credulous enough to believe it. You will, no doubt, think it incredible, (but I have nevertheless been told it is a fact,) that an honorable member of this house, now in my eye, recently lost his election by the circulation of a silly story in his district, that he was the first cousin of the emperor Napoleon. The proof of the charge rested on the statement of facts, which was undoubtedly true. The gentleman in question, it was alleged, had married a connection of the lady of the President of the United States, who was the intimate friend of Thomas Jefferson, late President of the United States, who some years ago, was in the habit of wearing red French breeches. Now, taking these premises as established, you, Mr. Chairman, are too good a logician not to see that the conclusion necessarily follows!

Throughout the period he had been speaking of, the opposition has been distinguished, amidst all its veerings and changes, by another inflexible feature — the application to Bonaparte of every vile and opprobrious epithet our language, copious as it is in terms of vituperation, affords. He has been compared to every hideous monster, and beast, from that mentioned in the Revelations, down to the most insignificant quadruped. He has been called the scourge of mankind, the destroyer of Europe, the great robber, the infidel, the modern Attila, and heaven knows by what other names. Really, gentlemen remind me of an obscure lady, in a city not very far off, who also took it into her head, in conversation with an accomplished French gentleman, to talk of the affairs of Europe. She, too, spoke of the destruction of the balance of power; stormed and raged about the insatiable ambition of the emperor; called him the curse of mankind, the destroyer of Europe. The Frenchman listened to her with perfect patience,

and when she had ceased, said to her, with ineffable politeness, 'madame, it would give my master, the emperor, infinite pain, if he knew how hardly you thought of him.' Sir, gentlemen appear to me to forget, that they stand on American soil; that they are not in the British house of commons, but in the chamber of the house of representatives of the United States; that we have nothing to do with the affairs of Europe, the partition of territory and sovereignty there, except so far as these things affect the interests of our own country. Gentlemen transform themselves into the Burkes, Chathams, and Pitts, of another country, and forgetting, from honest zeal, the interests of America, engage with European sensibility in the discussion of European interests. If gentlemen ask me, whether I do not view with regret and horror the concentration of such vast power in the hands of Bonaparte, I reply, that I do. I regret to see the emperor of China holding such immense sway over the fortunes of millions of our species. I regret to see Great Britain possessing so uncontrolled a command over all the waters of our globe. If I had the ability to distribute among the nations of Europe their several portions of power and of sovereignty, I would say, that Holland should be resuscitated, and given the weight she enjoyed in the days of her De Witts. I would confine France within her natural boundaries, the Alps, Pyrenees, and the Rhine, and make her a secondary naval power only. I would abridge the British maritime power, raise Prussia and Austria to their original condition, and preserve the integrity of the empire of Russia. But these are speculations. I look at the political transactions of Europe, with the single exception of their possible bearing upon us, as I do at the history of other countries, or other times. I do not survey them with half the interest that I do the movements in South America. Our political relation with them is much less important than it is supposed to be. I have no fears of French or English subjugation. If we are united we are too powerful for the mightiest nation in Europe, or all Europe combined. If we are separated and torn asunder, we shall become an easy prey to the weakest of them. In the latter dreadful contingency, our country will not be worth preserving.

Next to the notice which the opposition has found itself called upon to bestow upon the French emperor, a distinguished citizen of Virginia, formerly president of the United States, has never for a moment failed to receive their kindest and most respectful attention. An honorable gentleman from Massachusetts, (Mr. Quincy,) of whom I am sorry to say, it becomes necessary for me, in the course of my remarks, to take some notice, has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. No, sir, in 1801, he snatched from the rude hand of usurpation the violated constitu-

tion of his country, and *that* is his crime. He preserved that instrument, in form, and substance, and spirit, a precious inheritance for generations to come, and for *this* he can never be forgiven. How vain and impotent is party rage, directed against such a man! He is not more elevated by his lofty residence, upon the summit of his own favorite mountain, than he is lifted, by the serenity of his mind, and the consciousness of a well-spent life, above the malignant passions and bitter feelings of the day. No! his own beloved Monticello is not more moved by the storms that beat against its sides, than is this illustrious man, by the howlings of the whole British pack, set loose from the Essex kennel! When the gentleman to whom I have been compelled to allude, shall have mingled his dust with that of his abused ancestors, when he shall have been consigned to oblivion, or, if he lives at all, shall live only in the treasonable annals of a certain junto, the name of Jefferson will be hailed with gratitude, his memory honored and cherished as the second founder of the liberties of the people, and the period of his administration will be looked back to, as one of the happiest and brightest epochs of American history\*—an oasis in the midst of a sandy desert. But I beg the gentleman's pardon; he has indeed secured to himself a more imperishable fame than I had supposed; I think it was about four years ago that he submitted to the house of representatives, an initiative proposition for an impeachment of Mr. Jefferson. The house condescended to consider it. The gentleman debated it with his usual *temper, moderation, and urbanity*. The house decided upon it in the most solemn manner, and, although the gentleman had some how obtained a second, the final vote stood, one for, and one hundred and seventeen against the proposition!

In one respect there is a remarkable difference between the administration and the opposition; it is in a sacred regard for personal liberty. When out of power, my political friends condemned the surrender of Jonathan Robbins; they opposed the violation of the freedom of the press, in the sedition law; they opposed the more insidious attack upon the freedom of the person, under the imposing garb of an alien law. The party now in opposition, then in power, advocated the sacrifice of the unhappy Robbins, and passed those two laws. True to our principles, we are now struggling for the liberty of our seamen against foreign oppression. True to theirs, they oppose a war undertaken for this object. They have indeed lately affected a tender solicitude for the liberties of the people, and talk of the danger of standing armies, and the burden of taxes. But it must be evident to you, Mr. Chairman, that they speak in a foreign idiom. Their brogue evinces that it is not their vernacular tongue. What! the opposition, who, in 1798

\* This prediction is already beginning to be realized.—*Editor*

and 1799, could raise a useless army to fight an enemy three thousand miles distant from us, alarmed at the existence of one raised for a known and specified object—the attack of the adjoining provinces of the enemy. What! the gentleman from Massachusetts, who assisted by his vote to raise the army of twenty-five thousand, alarmed at the danger of our liberties from this very army!

But, sir, I must speak of another subject, which I never think of but with feelings of the deepest awe. The gentleman from Massachusetts, in imitation of some of his predecessors of 1799, has entertained us with a picture of cabinet plots, presidential plots, and all sorts of plots, which have been engendered by the diseased state of the gentleman's imagination. I wish, sir, that another plot, of a much more serious and alarming character—a plot that aims at the dismemberment of our union—had only the same imaginary existence. But no man, who has paid any attention to the tone of certain prints, and to transactions in a particular quarter of the union, for several years past, can doubt the existence of such a plot. It was far, very far from my intention to charge the opposition with such a design. No, I believe them generally incapable of it. But I cannot say as much for some, who have been unworthily associated with them in the quarter of the union to which I have referred. The gentleman cannot have forgotten his own sentiment, uttered even on the floor of this house, 'peaceably if we can, forcibly if we must,' nearly at the very time Henry's mission to Boston was undertaken. The flagitiousness of that embassy had been attempted to be concealed, by directing the public attention to the price which, the gentleman says, was given for the disclosure. As if any price could change the atrociousness of the attempt on the part of Great Britain, or could extenuate, in the slightest degree, the offence of those citizens, who entertained and deliberated upon a proposition so infamous and unnatural! There was a most remarkable coincidence between some of the things which that man states, and certain events in the quarter alluded to. In the contingency of war with Great Britain, it will be recollected, that the neutrality and eventual separation of that section of the union was to be brought about. How, sir, has it happened, since the declaration of war, that British officers in Canada have asserted to American officers, that this very neutrality would take place? That they have so asserted can be established beyond controversy. The project is not brought forward openly, with a direct avowal of the intention. No, the stock of good sense and patriotism in that portion of the country is too great to be undisguisedly encountered. It is assailed from the masked batteries of friendship, of peace and commerce, on the one side, and by the groundless imputation of opposite propensities, on the other. The affections of the people, there, are gradually to be undermined.

The project is suggested or withdrawn; the diabolical *dramatis personæ*, in this criminal tragedy, make their appearance or exit, as the audience, to whom they address themselves, applaud, or condemn. I was astonished, sir, in reading lately a letter, or pretended letter, published in a prominent print in that quarter, and written, not in the fervor of party zeal, but coolly and dispassionately, to find that the writer affected to reason about a separation, and attempted to demonstrate its advantages to the different portions of the union; deploring the existence now of what he terms prejudices against it, but hoping for the arrival of the period when they shall be eradicated. But, sir, I will quit this unpleasant subject; I will turn from one, whom no sense of decency or propriety could restrain from soiling the carpet on which he treads,\* to gentlemen, who have not forgotten what is due to themselves, to the place in which we are assembled, or to those by whom they are opposed. The gentlemen from North Carolina (Mr. Pearson), from Connecticut (Mr. Pitkin), and from New York (Mr. Bleeker), have, with their usual decorum, contended that the war would not have been declared, had it not been for the duplicity of France, in withholding an authentic instrument, repealing the decrees of Berlin and Milan; that upon the exhibition of such an instrument, the revocation of the orders in council took place; that this main cause of the war, but for which it would not have been declared, being removed, the administration ought to seek for the restoration of peace; and that, upon its sincerely doing so, terms compatible with the honor and interest of this country might be obtained. It is my purpose, said Mr. Clay, to examine, first, into the circumstances under which the war was declared; secondly, into the causes of continuing it; and, lastly, into the means which have been taken, or ought to be taken, to procure peace; but, sir, I am really so exhausted, that, little as I am in the habit of asking of the house an indulgence of this kind, I feel I must trespass on their goodness.

[Here Mr. Clay sat down. Mr. Newton moved, that the committee rise, report progress, and ask leave to sit again, which was done. On the next day he proceeded.]

I am sensible, Mr. Chairman, that some part of the debate, to which this bill has given rise, has been attended by circumstances much to be regretted, not usual in this house, and of which it is to be hoped, there will be no repetition. The gentleman from Boston had so absolved himself from every rule of decorum and propriety, had so outraged all decency, that I have found it impossible to suppress the feelings excited on the occasion. His colleague, whom I have the honor to follow, (Mr. Wheaton,) whatever else he might

\* It is due to Mr. Clay to observe, that one of the most offensive expressions used by Mr. Quincy, an expression which produced disgust on all sides of the house, has been omitted in that gentleman's reported speech, which in other respects has been much softened. — *Editor.*

not have proved, in his very learned, ingenious, and original exposition of the powers of this government—an exposition in which he has sought, where nobody before him has, and nobody after him will look, for a grant of our powers, I mean the preamble to the constitution—has clearly shown, to the satisfaction of all who heard him, that the power of defensive war is conferred. I claim the benefit of a similar principle, in behalf of my political friends, against the gentlemen from Boston. I demand only the exercise of the right of repulsion. No one is more anxious than I am to preserve the dignity and the freedom of debate; no member is more responsible for its abuse, and, if, on this occasion, its just limits have been violated, let him, who has been the unprovoked aggressor, appropriate to himself, exclusively, the consequences.

I omitted yesterday, sir, when speaking of a delicate and painful subject, to notice a powerful engine which the conspirators against the integrity of the union employ, to effect their nefarious purposes; I mean southern influence. The true friend to his country, knowing that our constitution was the work of compromise, in which interests apparently conflicting were attempted to be reconciled, aims to extinguish or allay prejudices. But this patriotic exertion does not suit the views of those, who are urged on by diabolical ambition. They find it convenient, to imagine the existence of certain improper influences, and to propagate with their utmost industry a belief of them. Hence the idea of southern preponderance, Virginia influence, the yoking of the respectable yeomanry of the north with negro slaves to the car of southern nabobs. If Virginia really cherished a reprehensible ambition, an aim to monopolize the chief magistracy of the country, how was such a purpose to be accomplished? Virginia, alone, cannot elect a president, whose elevation depends upon a plurality of electoral votes, and a consequent concurrence of many states. Would Vermont, disinterested Pennsylvania, the Carolinas, independent Georgia, Kentucky, Tennessee, Ohio, Louisiana, all consent to become the tools of inordinate ambition? But the present incumbent was designated to the office before his predecessor had retired. How? By public sentiment; public sentiment, which grew out of his known virtues, his illustrious services, and his distinguished abilities. Would the gentleman crush this public sentiment?—is he prepared to admit, that he would arrest the progress of opinion?

The war was declared, because Great Britain arrogated to herself the pretension of regulating our foreign trade, under the delusive name of retaliatory orders in council—a pretension by which she undertook to proclaim to American enterprise, 'thus far shalt thou go, and no further'—orders which she refused to revoke, after the alleged cause of their enactment had ceased; because she persisted in the practice of impressing American seamen; because she had instigated the Indians to commit hostili-

ties against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. The war in fact was announced, on our part, to meet the war which she was waging on her part. So undeniable were the causes of the war, so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this house, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. It is true, they wrapped themselves up in sullen silence, pretending they did not choose to debate such a question in secret session. Whilst speaking of the proceedings on that occasion, I beg to be permitted to advert to another fact which transpired; an important fact, material for the nation to know, and which I have often regretted had not been spread upon our journals. My honorable colleague (Mr. M'Kee) moved, in committee of the whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom, seven belonged to this side of the house, and three only to the other! It is said, that we were inveigled into the war by the perfidy of France; and that, had she furnished the document in time, which was first published in England, in May last, it would have been prevented. I will concede to gentlemen, every thing they ask about the injustice of France towards this country. I wish to God, that our ability was equal to our disposition, to make her feel the sense that we entertain of that injustice. The manner of the publication of the paper in question, was, undoubtedly, extremely exceptionable. But I maintain, that, had it made its appearance earlier, it would not have had the effect supposed; and the proof lies in the unequivocal declarations of the British government. I will trouble you, sir, with going no further back than to the letters of the British minister, addressed to the secretary of state, just before the expiration of his diplomatic functions. It will be recollected by the committee, that he exhibited to this government a despatch, from lord Castlereagh, in which the principle was distinctly avowed, that, to produce the effect of a repeal of the orders in council, the French decrees must be absolutely and entirely revoked as to all the world, and not as to America alone. A copy of that despatch was demanded of him, and he very awkwardly evaded it. But on the tenth of June, after the bill declaring war had actually passed this house, and was pending before the senate, (and which, I have no doubt, was known to him,) in a letter to Mr. Monroe, he says: 'I have no hesitation, sir, in saying, that Great Britain, as the case has hitherto stood, never did, nor never *could*, engage, without the greatest injustice to herself and her allies, as well as to other neutral nations, to repeal her orders as affecting America alone, leaving them in force against other states, upon condition that France would

except, singly and specially, America from the operation of her decrees.' On the fourteenth of the same month, the bill still pending before the senate, he repeats: 'I will now say, that I feel entirely authorized to assure you, that if you can, at any time, produce a *full and unconditional* repeal of the French decrees, as you have a right to demand it, in your character of a neutral nation, and that it be disengaged from any question concerning our maritime rights, we shall be ready to meet you with a revocation of the orders in council. Previously to your producing *such* an instrument, which I am sorry to see you regard as unnecessary, you cannot expect of us to give up our orders in council.' Thus, sir, you see, that the British government would not be content with a repeal of the French decrees, as to us only. But the French paper in question was such a repeal. It could not, therefore, satisfy the British government. It could not, therefore, have induced that government, had it been earlier promulgated, to repeal the orders in council. It could not, therefore, have averted the war. The withholding of it did not occasion the war, and the promulgation of it would not have prevented the war. But gentlemen have contended, that, in point of fact, it did produce a repeal of the orders in council. This I deny. After it made its appearance in England, it was declared by one of the British ministry, in parliament, not to be satisfactory. And all the world knows, that the repeal of the orders in council resulted from the inquiry, reluctantly acceded to by the ministry, into the effect upon their manufacturing establishments, of our non-importation law, or to the warlike attitude assumed by this government, or to both. But it is said, that the orders in council are withdrawn, no matter from what cause; and that having been the sole motive for declaring the war, the relations of peace ought to be restored. This brings me to the examination of the grounds for continuing the present hostilities between this country and Great Britain.

I am far from acknowledging, that, had the orders in council been repealed, as they have been, before the war was declared, the declaration of hostilities would of course have been prevented. In a body so numerous as this is, from which the declaration emanated, it is impossible to say, with any degree of certainty, what would have been the effect of such a repeal. Each member must answer for himself. As to myself, I have no hesitation in saying, that I have always considered the impressment of American seamen as much the most serious aggression. But, sir, how have those orders at last been repealed? Great Britain, it is true, has intimated a willingness to suspend their practical operation, but she still arrogates to herself the right to revive them upon certain contingences, of which she constitutes herself the sole judge. She waives the temporary use of the rod, but she suspends it *in terrorem* over our heads. Supposing it to be conceded to



gentlemen, that such a repeal of the orders in council as took place on the twenty-third of June last, exceptionable as it is, being known before the war was proclaimed, would have prevented it; does it follow that it ought to induce us to lay down our arms, without the redress of any other injury of which we complain? Does it follow, in all cases, that that which would in the first instance have prevented would also terminate the war? By no means. It requires a strong and powerful effort in a nation, prone to peace as this is, to burst through its habits, and encounter the difficulties and privations of war. Such a nation ought but seldom to embark in a belligerent contest; but when it does, it should be for obvious and essential rights alone, and should firmly resolve to extort, at all hazards, their recognition. The war of the revolution is an example of a war begun for one object and prosecuted for another. It was waged, in its commencement, against the right asserted by the parent country to tax the colonies. Then, no one thought of absolute independence. The idea of independence was repelled. But the British government would have relinquished the principle of taxation. The founders of our liberties saw, however, that there was no security short of independence, and they achieved that independence. When nations are engaged in war, those rights in controversy, which are not acknowledged by the treaty of peace, are abandoned. And who is prepared to say, that American seamen shall be surrendered as victims to the British principle of impressment? And, sir, what is this principle? She contends, that she has a right to the services of her own subjects; and that, in the exercise of this right, she may lawfully impress them, even although she finds them in American vessels, upon the high seas, without her jurisdiction. Now I deny that she has any right, beyond her jurisdiction, to come on board our vessels, upon the high seas, for any other purpose, than in the pursuit of enemies, or their goods, or goods contraband of war. But she further contends, that her subjects cannot renounce their allegiance to her, and contract a new obligation to other sovereigns. I do not mean to go into the general question of the right of expatriation. If, as is contended, all nations deny it, all nations at the same time admit and practice the right of naturalization. Great Britain herself does this. Great Britain, in the very case of foreign seamen, imposes, perhaps, fewer restraints upon naturalization than any other nation. Then, if subjects cannot break their original allegiance, they may, according to universal usage, contract a new allegiance. What is the effect of this double obligation? Undoubtedly, that the sovereign, having possession of the subject, would have the right to the services of the subject. If he return within the jurisdiction of his primitive sovereign he may resume his right to his services, of which the subject, by his own act, could not divest himself. But his primitive sovereign can have no right to go in quest of him,

out of his own jurisdiction, into the jurisdiction of another sovereign, or upon the high seas, where there exists either no jurisdiction, or it is possessed by the nation owning the ship navigating them. But, sir, this discussion is altogether useless. It is not to the British principle, objectionable as it is, that we are alone to look; it is to her practice; no matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is in vain to set up the plea of necessity, and to allege that she cannot exist, without the impressment of HER seamen. The naked truth is, she comes, by her press-gangs, on board of our vessels, seizes our native as well as naturalized seamen, and drags them into her service. It is the case, then, of the assertion of an erroneous principle, and of a practice not conformable to the asserted principle—a principle, which, if it were theoretically right, must be for ever practically wrong—a practice which can obtain countenance from no principle whatever, and to submit to which, on our part, would betray the most abject degradation. We are told, by gentlemen in the opposition, that government has not done all that was incumbent on it to do, to avoid just cause of complaint on the part of Great Britain; that, in particular, the certificates of protection, authorized by the act of 1796, are fraudulently used. Sir, government has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave—‘let the bearer, Mungo, pass and repass without molestation.’ What do they imply? That Great Britain has a right to seize all who are not provided with them. From their very nature, they must be liable to abuse on both sides. If Great Britain desires a mark, by which she can know her own subjects, let her give them an ear mark. The colors that float from the mast-head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule, that all who sail under the flag (not being enemies) are protected by the flag. It is impossible, that this country should ever abandon the gallant tars, who have won for us such splendid trophies. Let me suppose that the genius of Columbia should visit one of them in his oppressor’s prison, and attempt to reconcile him to his forlorn and wretched condition. She would say to him, in the language of gentlemen on the other side, ‘Great Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her, by peaceable means, to release you; but I cannot, my son, fight for you.’ If he did not consider this mere mockery, the poor tar would address her judgment, and say, ‘you owe me, my country, protection; I owe you, in return, obedience. I am no British subject, I am a native of old Massachusetts, where lived my aged father, my wife, my children. I have faithfully discharged my duty

Will you refuse to do yours?' Appealing to her passions, he would continue: 'I lost this eye in fighting under Truxton, with the Insurgente; I got this scar before Tripoli; I broke this leg on board the Constitution, when the Guerriere struck.' If she remained still unmoved, he would break out, in the accents of mingled distress and despair,

Hard, hard is my fate! once I freedom enjoyed,  
Was as happy as happy could be!  
Oh! how hard is my fate, how galling these chains!\*

I will not imagine the dreadful catastrophe to which he would be driven, by an abandonment of him to his oppressor. It will not be, it cannot be, that his country will refuse him protection.

It is said, that Great Britain has been always willing to make a satisfactory arrangement of the subject of impressment; and that Mr. King had nearly concluded one, prior to his departure from that country. Let us hear what that minister says, upon his return to America. In his letter, dated at New York, in July, 1803, after giving an account of his attempt to form an arrangement for the protection of our seamen, and his interviews to this end with lords Hawkesbury and St. Vincent; and stating, that, when he had supposed the terms of a convention were agreed upon, a new pretension was set up, (the *mare clausum*,) he concludes: 'I regret to have been unable to put this business on a satisfactory footing, knowing, as I do, its very great importance to both parties; but I flatter myself that I have not misjudged the interests of our own country, in refusing to sanction a principle, that might be productive of more extensive evils than those it was our aim to prevent.' The sequel of his negotiation on this affair, is more fully given in the recent conversation between Mr. Russell and lord Castlereagh, communicated to congress during its present session. Lord Castlereagh says to Mr. Russell:

'Indeed, there has evidently been much misapprehension on this subject; an erroneous belief entertained, that an arrangement, in regard to it, has been nearer an accomplishment than the facts will warrant. Even our friends in congress, I mean those who are opposed to going to war with us, have been so confident in this mistake, that they have ascribed the failure of such an arrangement solely to the misconduct of the American government. This error probably originated with Mr. King; for, being much esteemed here, and always well received by the persons in power, he seems to have misconstrued their readiness to listen to his representations, and their warm professions of a disposition to remove the com-

\* It is impossible to describe the pathetic effect produced by this part of the speech. The day was chilling cold; so much so, that Mr. Clay has been heard to declare, that it was the only time he ever spoke, when he was unable to keep himself warm by the exercise of speaking; yet there were few eyes that did not testify to the sensibility excited.—*Editor*

plaints of America, in relation to impressment, into a supposed conviction, on their part, of the propriety of adopting the plan which he had proposed. But lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrangement on the subject to be attended with formidable if not insurmountable obstacles. This is obvious, from a letter which his lordship addressed to sir William Scott, at the time.' Here lord Castlereagh read a letter, contained in the records before him, in which lord St. Vincent states to sir William Scott, the zeal with which Mr. King had assailed him, on this subject of impressment; confesses his own perplexity, and total incompetency to discover any practical project, for the safe discontinuance of that practice, and asks for counsel and advice. 'Thus you see,' proceeded lord Castlereagh, 'that the confidence of Mr. King, on this subject, was entirely unfounded.'

Thus it is apparent, that at no time has the enemy been willing to place this subject on a satisfactory footing. I will speak hereafter of the overtures made by the administration since the war.

The honorable gentleman from New York (Mr. Bleeker), in the very sensible speech with which he favored the committee, made one observation, which did not comport with his usual liberal and enlarged views. It was, that those who are most interested against the practice of impressment, did not desire a continuance of the war, on account of it; whilst those (the southern and western members) who had no interest in it, were the zealous advocates of American seamen. It was a provincial sentiment, unworthy of that gentleman. It was one which, in a change of condition, he would not express, because I know he could not feel it. Does not that gentleman feel for the unhappy victims of the tomahawk, in the western wilds, although his quarter of the union may be exempted from similar barbarities? I am sure he does. If there be a description of rights, which, more than any other, should unite all parties in all quarters of the union, it is unquestionably the rights of the person. No matter what his vocation; whether he seeks subsistence amidst the dangers of the deep, or draws them from the bowels of the earth, or from the humblest occupations of mechanic life; whenever the sacred rights of an American freeman are assailed, all hearts ought to unite, and every arm should be braced, to vindicate his cause.

The gentleman from Delaware sees in Canada no object worthy of conquest. According to him, it is a cold, sterile, and inhospitable region. And yet, such are the allurements which it offers, that the same gentleman apprehends that, if it be annexed to the United States, already too much weakened by an extension of territory, the people of New England will rush over the line and depopulate that section of the union! That gentleman considers it honest to

hold Canada as a kind of hostage, to regard it as a sort of bond, for the good behavior of the enemy. But he will not enforce the bond. The actual conquest of that country would, according to him, make no impression upon the enemy; and yet the very apprehension only, of such a conquest, would at all times have a powerful operation upon him! Other gentlemen consider the invasion of that country as wicked and unjustifiable. Its inhabitants are represented as harmless and unoffending; as connected with those of the bordering states by a thousand tender ties, interchanging acts of kindness, and all the offices of good neighborhood. Canada, said Mr. Clay, innocent! Canada unoffending! Is it not in Canada, that the tomahawk of the savage has been moulded into its death-like form? Has it not been from Canadian magazines, Malden and others, that those supplies have been issued, which nourish and continue the Indian hostilities—supplies which have enabled the savage hordes to butcher the garrison of Chicago, and to commit other horrible excesses and murders? Was it not by the joint coöperation of Canadians and Indians, that a remote American fort, Michilimackinac, was assailed and reduced, while in ignorance of a state of war? But, sir, how soon have the opposition changed their tone! When the administration was striving, by the operation of peaceful measures, to bring Great Britain back to a sense of justice, they were for old-fashioned war. And, now they have got old-fashioned war, their sensibilities are cruelly shocked, and all their sympathies lavished upon the harmless inhabitants of the adjoining provinces. What does a state of war present? The united energies of one people arrayed against the combined energies of another; a conflict in which each party aims to inflict all the injury it can, by sea and land, upon the territories, property, and citizens of the other; subject only to the rules of mitigated war, practiced by civilized nations. The gentleman would not touch the continental provinces of the enemy, nor, I presume, for the same reason, her possessions in the West Indies. The same humane spirit would spare the seamen and soldiers of the enemy. The sacred person of his majesty must not be attacked; for the learned gentlemen, on the other side, are quite familiar with the maxim, that the king can do no wrong. Indeed, sir, I know of no person on whom we may make war, upon the principles of the honorable gentlemen, but Mr. Stephen, the celebrated author of the orders in council, or the board of admiralty, who authorize and regulate the practice of impressment!

The disasters of the war admonish us, we are told, of the necessity of terminating the contest. If our achievements by land have been less splendid than those of our intrepid seamen by water, it is not because the American soldier is less brave. On the one element, organization, discipline, and a thorough knowledge of their duties, exist, on the part of the officers and their men. On

the other, almost every thing is yet to be acquired. We have, however, the consolation, that our country abounds with the richest materials, and that in no instance, when engaged in action, have our arms been tarnished. At Brownstown and at Queenstown, the valor of veterans was displayed, and acts of the noblest heroism were performed. It is true, that the disgrace of Detroit remains to be wiped off. That is a subject on which I cannot trust my feelings; it is not fitting I should speak. But this much I will say, it was an event which no human foresight could have anticipated, and for which the administration cannot be justly censured. It was the parent of all the misfortunes we have experienced on land. But for it, the Indian war would have been, in a great measure, prevented or terminated; the ascendancy on lake Erie acquired, and the war pushed on, perhaps, to Montreal. With the exception of that event, the war, even upon the land, has been attended by a series of the most brilliant exploits, which, whatever interest they may inspire on this side of the mountains, have given the greatest pleasure on the other. The expedition, under the command of governor Edwards and colonel Russell, to lake Pioria, on the Illinois, was completely successful. So was that of captain Craig, who, it is said, ascended that river still higher. General Hopkins destroyed the prophet's town. We have just received intelligence of the gallant enterprise of colonel Campbell. In short, sir, the Indian towns have been swept from the mouth to the source of the Wabash; and a hostile country has been penetrated far beyond the most daring incursions of any campaign, during the former Indian war: Never was more cool, deliberate bravery displayed, than that by Newman's party, from Georgia. And the capture of the Detroit, and the destruction of the Caledonia, (whether placed to a maritime or land account,) for judgment, skill, and courage, on the part of lieutenant Elliot, have never been surpassed.

It is alleged, that the elections in England are in favor of the ministry, and that those in this country are against the war. If, in such a cause, (saying nothing of the impurity of their elections,) the people of that country have rallied round their government, it affords a salutary lesson to the people here; who, at all hazards, ought to support theirs, struggling as it is to maintain our just rights. But the people here have not been false to themselves; a great majority approve the war, as is evinced by the recent reëlection of the chief magistrate. Suppose it were even true, that an entire section of the union were opposed to the war; that section being a minority, is the will of the majority to be relinquished? In that section the real strength of the opposition had been greatly exaggerated. Vermont has, by two successive expressions of her opinion, approved the declaration of war. In New Hampshire, parties are so nearly equiposed, that out of thirty or thirty-five thousand votes those who approved and are for supporting it, lost

the election by only one thousand or one thousand five hundred. In Massachusetts alone have they obtained any considerable accession. If we come to New York, we shall find that other and local causes have influenced her elections.

What cause, Mr. Chairman, which existed for declaring the war, has been removed? We sought indemnity for the past, and security for the future. The orders in council are suspended, not revoked; no compensation for spoliations; Indian hostilities, which were before secretly instigated, are now openly encouraged; and the practice of impressment unremittingly persevered in and insisted upon. Yet the administration has given the strongest demonstrations of its love of peace. On the twenty-ninth of June, less than ten days after the declaration of war, the secretary of state writes to Mr. Russell, authorizing him to agree to an armistice, upon two conditions only, and what are they? That the orders in council should be repealed, and the practice of impressing American seamen cease, those already impressed being released. The proposition was for nothing more than a *real* truce; that the war should in fact cease on *both* sides. Again, on the twenty-seventh of July, one month later, anticipating a possible objection to these terms, reasonable as they are, Mr. Monroe empowers Mr. Russell to stipulate in general terms for an armistice, having only an informal understanding on these points. In return, the enemy is offered a prohibition of the employment of his seamen in our service, thus removing entirely all pretext for the practice of impressment. The very proposition which the gentleman from Connecticut (Mr. Pitkin) contends ought to be made, has been made. How are these pacific advances met by the other party? Rejected, as absolutely inadmissible; cavils are indulged about the inadequacy of Mr. Russell's powers, and the want of an act of congress is intimated. And yet the constant usage of nations, I believe, is, where the legislation of one party is necessary to carry into effect a given stipulation, to leave it to the contracting party to provide the requisite laws. If he fail to do so, it is a breach of good faith, and becomes the subject of subsequent remonstrance by the injured party. When Mr. Russell renews the overture, in what was intended as a more agreeable form to the British government, lord Castlereagh is not content with a simple rejection, but clothes it in the language of insult. Afterwards, in conversation with Mr. Russell, the moderation of our government is misinterpreted, and made the occasion of a sneer, that we are tired of the war. The proposition of admiral Warren is submitted in a spirit not more pacific. He is instructed, he tells us, to propose, that the government of the United States shall instantly recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever, against the territories of his majesty, or the persons or property of his

subjects. That small affair being settled, he is further authorized to arrange as to the revocation of the laws which interdict the commerce and ships of war of his majesty from the harbors and waters of the United States. This messenger of peace comes with one qualified concession in his pocket, not made to the justice of our demands, and is fully empowered to receive our homage, a contrite retraction of all our measures adopted against his master! And, in default, he does not fail to assure us, the orders in council are to be forthwith revived. The administration, still anxious to terminate the war, suppresses the indignation which such a proposal ought to have created, and, in its answer, concludes by informing admiral Warren, 'that if there be no objection to an accommodation of the difference relating to impressment, in the mode proposed, other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding, *without the armistice*, to an immediate discussion and arrangement of an article on that subject.' Thus it has left the door of negotiation unclosed, and it remains to be seen, if the enemy will accept the invitation tendered to him. The honorable gentleman from North Carolina (Mr. Pearson) supposes, that if congress would pass a law, prohibiting the employment of British seamen in our service, upon condition of a like prohibition on their part, and repeal the act of non-importation, peace would immediately follow. Sir, I have no doubt, if such a law were to pass, with all the requisite solemnities, and the repeal to take place, lord Castlereagh would laugh at our simplicity. No, sir, the administration has erred in the steps which it has taken to restore peace, but its error has been, not in doing too little, but in betraying too great a solicitude for that event. An honorable peace is attainable only by an efficient war. My plan would be, to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or at Halifax. We are told, that England is a proud and lofty nation, which, disdain- ing to wait for danger, meets it half way. Haughty as she is, we once triumphed over her, and, if we do not listen to the counsels of timidity and despair, we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success, but if we fail, let us fail like men, lash ourselves to our gallant tars, and expire together in one common struggle, fighting for **FREE TRADE AND SEAMEN'S RIGHTS**.



## ON HIS RETURN FROM GHENT.

AT LEXINGTON, KENTUCKY, OCTOBER 7, 1815

[In the following brief speech, delivered at a public dinner, given to him by his fellow-citizens of Lexington, Kentucky, after his return from the negotiation of a treaty of peace, at Ghent, Mr. Clay takes a summary view of the results of the war with Great Britain, and the benefits which the United States, as a nation, had gained by that contest with a gigantic foe, triumphant at last in all her European wars. His allusions to the discussions at Ghent, and the proud and dignified attitude assumed and maintained by our commissioners, on that occasion, will be read with interest, while his views of the bright prospects opened to our country by the peace, have been verified by subsequent national prosperity, particularly when the measures of public policy advocated and recommended by Mr. Clay have been adopted.

The sixth toast was:

'Our able negotiators at Ghent Their talents for diplomacy, have kept pace with the valor of our arms, in 'demonstrating' to the enemy, that these states will be free.

This toast was received with loud and repeated cheering. After it had subsided Mr. Clay addressed the assembly as follows.]

I FEEL myself called on, by the sentiment just expressed, to return my thanks, in behalf of my colleagues and myself. I do not, and am quite sure they do not, feel, that, in the service alluded to, they are at all entitled to the compliment which has been paid them. We could not do otherwise than reject the demand made by the other party; and if our labors finally terminated in an honorable peace, it was owing to causes on this side of the Atlantic, and not to any exertion of ours. Whatever diversity of opinion may have existed as to the declaration of the war, there are some points on which all may look back with proud satisfaction. The first relates to the time of the conclusion of the peace. Had it been made immediately after the treaty of Paris, we should have retired humiliated from the contest, believing that we had escaped the severe chastisement with which we were threatened, and that we owed to the generosity and magnanimity of the enemy, what we were incapable of commanding by our arms. That magnanimity would have been the theme of every tongue, and of every press, abroad and at home. We should have retired, unconscious of our own strength, and unconscious of the utter inability of the enemy, with his whole undivided force, to make any serious impression upon us. Our military character, then in the lowest state of degradation, would

have been unretrieved. Fortunately for us, Great Britain chose to try the issue of the last campaign. And the issue of the last campaign has demonstrated, in the repulse before Baltimore, the retreat from Plattsburgh, the hard-fought action on the Niagara frontier, and in that most glorious day, the eighth of January, that we have always possessed the finest elements of military composition, and that a proper use of them, only, was necessary, to insure for the army and militia a fame as imperishable as that which the navy had previously acquired.

Another point which appears to me to afford the highest consolation is, that we fought the most powerful nation, perhaps, in existence, single-handed and alone, without any sort of alliance. More than thirty years has Great Britain been maturing her physical means, which she had rendered as efficacious as possible, by skill, by discipline, and by actual service. Proudly boasting of the conquest of Europe, she vainly flattered herself with the easy conquest of America also. Her veterans were put to flight or defeated, while all Europe—I mean the governments of Europe—was gazing with cold indifference, or sentiments of positive hatred of us, upon the arduous contest. Hereafter no monarch can assert claims of gratitude upon us, for assistance rendered in the hour of danger.

There is another view of which the subject of the war is fairly susceptible. From the moment that Great Britain came forward at Ghent with her extravagant demands, the war totally changed its character. It became, as it were, a new war. It was no longer an American war, prosecuted for redress of British aggressions upon American rights, but became a British war, prosecuted for objects of British ambition, to be accompanied by American sacrifices. And what were those demands? Here, in the immediate neighborhood of a sister state and territories, which were to be made in part the victims, they must have been felt, and their enormity justly appreciated. They consisted of the erection of a barrier between Canada and the United States, to be formed by cutting off from Ohio and some of the territories a country more extensive than Great Britain, containing thousands of freemen, who were to be abandoned to their fate, and creating a new power, totally unknown upon the continent of America; of the dismantling of our fortresses, and naval power on the lakes, with the surrender of the military occupation of those waters to the enemy, and of an *arrondissement* for two British provinces. These demands, boldly asserted, and one of them declared to be a *sine qua non*, were finally relinquished. Taking this view of the subject, if there be loss of reputation by either party, in the terms of peace, who has sustained it?

The effects of the war are highly satisfactory. Abroad, our character, which at the time of its declaration was in the lowest state of degradation, is raised to the highest point of elevation. It

is impossible for any American to visit Europe, without being sensible of this agreeable change, in the personal attentions which he receives, in the praises which are bestowed on our past exertions, and the predictions which are made as to our future prospects. At home, a government, which, at its formation, was apprehended by its best friends, and pronounced by its enemies to be incapable of standing the shock, is found to answer all the purposes of its institution. In spite of the errors which have been committed (and errors have undoubtedly been committed), aided by the spirit and patriotism of the people, it is demonstrated to be as competent to the objects of effective war, as it has been before proved to be to the concerns of a season of peace. Government has thus acquired strength and confidence. Our prospects for the future, are of the brightest kind. With every reason to count on the permanence of peace, it remains only for the government to determine upon military and naval establishments adapted to the growth and extension of our country and its rising importance, keeping in view a gradual but not burdensome increase of the navy; to provide for the payment of the interest, and the redemption of the public debt, and for the current expenses of government. For all these objects, the existing sources of the revenue promise not only to be abundantly sufficient, but will probably leave ample scope to the exercise of the judgment of congress, in selecting for repeal, modification, or abolition, those which may be found most oppressive, inconvenient, or unproductive.

[The eighteenth and last toast was, 'our guest, HENRY CLAY. We welcome his return to that country, whose rights and interests he has so ably maintained, at home and abroad.']

My friends, I must again thank you for your kind and affectionate attention. My reception has been more like that of a brother, than a common friend or acquaintance, and I am utterly incapable of finding words to express my gratitude. My situation is like that of a Swedish gentleman, at a dinner given in England, by the Society of Friends of Foreigners in Distress. A toast having been given complimentary to his country, it was expected, as is usual on such occasions, that he would rise and address the company. The gentleman, not understanding the English language, rose under great embarrassment, and said, 'sir, I wish you to consider me *A Foreigner in Distress.*' I wish you, gentlemen, to consider me a *Friend* in distress.

## ON THE UNITED STATES BANK QUESTION.

ADDRESS TO HIS CONSTITUENTS AT LEXINGTON, JUNE 3, 1816

[MR. CLAY here explains to the electors of the congressional district of Kentucky which he represented, the grounds of his change of opinion on the subject of a national bank. We have seen, by his speech delivered in the senate of the United States, in 1811, that he had opposed the renewal of the charter of the first bank of the United States, and now, in 1816, he had advocated the bill brought in by Mr. Calhoun, of South Carolina, for incorporating a similar institution, which bill passed both houses of congress, and received the signature of president Madison.\* A perusal of the following address will, it is, believed, satisfy all candid persons of the sincerity and patriotism of Mr. Clay, on both occasions. As one of his biographers remarks, 'there is no other instance, in the whole history of his life, where he has changed his opinions, on an important subject. His ingenuoussness is evinced by his having changed *once*, but his firmness by his having done *so but once*. And what was it that wrought this single revolution in his sentiments? A mighty event, whose consequences could be learned only from experience—the occurrence of a war with Great Britain, which changed, not only his views of the policy of a bank, but those of almost every other leading politician in the country.']

ON one subject, that of the bank of the United States, to which at the late session of congress he gave his humble support, Mr. Clay felt particularly anxious to explain the grounds on which he had acted. This explanation, if not due to his own character, the state, and the district to which he belonged, had a right to demand. It would have been unnecessary, if his observations, addressed to the house of representatives, pending the measure, had been published; but they were not published, and why they were not published he was unadvised.

When he was a member of the senate of the United States, he was induced to oppose the renewal of the charter to the old bank of the United States by three general considerations. The first was, that he was instructed to oppose it by the legislature of the state. What were the reasons that operated with the legislature, in giving the instruction, he did not know. He has understood from members of that body, at the time it was given, that a clause, declaring that congress had no power to grant the charter, was stricken out; from which it might be inferred, either that the legis-

\*This speech was never published

lature did not believe a bank to be unconstitutional, or that it had formed no opinion on that point. This inference derives additional strength from the fact, that, although the two late senators from this state, as well as the present senators, voted for a national bank, the legislature, which must have been well apprized that such a measure was in contemplation, did not again interpose, either to protest against the measure itself, or to censure the conduct of those senators. From this silence on the part of a body which has ever fixed a watchful eye upon the proceedings of the general government, he had a right to believe, that the legislature of Kentucky saw, without dissatisfaction, the proposal to establish a national bank; and that its opposition to the former one was upon grounds of expediency, applicable to that corporation alone, or no longer existing. But when, at the last session, the question came up as to the establishment of a national bank, being a member of the house of representatives, the point of inquiry with him, was, not so much what was the opinion of the legislature, although undoubtedly the opinion of a body so respectable would have great weight with him under any circumstances, as, what were the sentiments of his immediate constituents. These he believed to be in favor of such an institution, from the following circumstances. In the first place, his predecessor (Mr. Hawkins) voted for a national bank, without the slightest murmur of discontent. Secondly, during the last fall, when he was in his district, he conversed freely with many of his constituents upon that subject, then the most common topic of conversation, and all, without a single exception, as far as he recollected, agreed that it was a desirable if not the only efficient remedy for the alarming evils in the currency of the country. And, lastly, during the session, he received many letters from his constituents, prior to the passage of the bill, all of which concurred, he believed without a solitary exception, in advising the measure. So far then from being instructed by his district to oppose the bank, he had what was perhaps tantamount to an instruction to support it—the acquiescence of his constituents in the vote of their former representative, and the communications, oral and written, of the opinions of many of them in favor of a bank.

The next consideration which induced him to oppose the renewal of the old charter, was, that he believed the corporation had, during a portion of the period of its existence, abused its powers, and had sought to subserve the views of a political party. Instances of its oppression, for that purpose, were asserted to have occurred at Philadelphia and at Charleston; and, although denied in congress by the friends of the institution, during the discussions on the application for the renewal of the charter, they were, in his judgment, satisfactorily made out. This oppression, indeed, was admitted in the house of representatives, in the debate on the present bank, by a distinguished member of that party which had

so warmly espoused the renewal of the old charter. It may be said, what security is there, that the new bank will not imitate this example of oppression? He answered, the fate of the old bank, warning all similar institutions to shun politics, with which they ought not to have any concern; the existence of abundant competition, arising from the great multiplication of banks; and the precautions which are to be found in the details of the present bill.

A third consideration upon which he acted in 1811, was, that as the power to create a corporation, such as was proposed to be continued, was not specifically granted in the constitution, and did not then appear to him to be necessary to carry into effect any of the powers which were specifically granted, congress was not authorized to continue the bank. The constitution, he said, contained powers delegated and prohibitory, powers expressed and constructive. It vests in congress all powers *necessary* to give effect to the enumerated powers — all that may be necessary to put into motion and activity the machine of government which it constructs. The powers that may be so necessary are deducible by construction. They are not defined in the constitution. They are, from their nature, indefinable. When the question is in relation to one of these powers, the point of inquiry should be, is its exertion necessary to carry into effect any of the enumerated powers and objects of the general government? With regard to the *degree* of necessity, various rules have been, at different times, laid down; but, perhaps, at last, there is no other than a sound and honest judgment exercised, under the checks and control which belong to the constitution and to the people.

The constructive powers being auxiliary to the specifically granted powers, and depending for their sanction and existence upon a necessity to give effect to the latter, which necessity is to be sought for and ascertained by a sound and honest discretion, it is manifest that this necessity may not be perceived, at one time, under one state of things, when it is perceived at another time, under a different state of things. The constitution, it is true, never changes; it is always the same; but the force of circumstances and the lights of experience may evolve to the fallible persons charged with its administration, the fitness and necessity of a particular exercise of constructive power to-day, which they did not see at a former period.

Mr. Clay proceeded to remark, that when the application was made to renew the old charter of the bank of the United States, such an institution did not appear to him to be so necessary to the fulfilment of any of the objects specifically enumerated in the constitution, as to justify congress in assuming, by construction, a power to establish it. It was supported mainly upon the ground that it was indispensable to the treasury operations. But the local institutions in the several states were at that time in **prosperous**

existence, confided in by the community, having a confidence in each other, and maintaining an intercourse and connection the most intimate. Many of them were actually employed by the treasury to aid that department, in a part of its fiscal arrangements; and they appeared to him to be fully capable of affording to it all the facility that it ought to desire in all of them. They superseded, in his judgment, the necessity of a national institution. But how stood the case in 1816, when he was called upon again to examine the power of the general government to incorporate a national bank? A total change of circumstances was presented; events of the utmost magnitude had intervened.

A general suspension of specie payments had taken place, and this had led to a train of consequences of the most alarming nature. He beheld, dispersed over the immense extent of the United States, about three hundred banking institutions, enjoying in different degrees the confidence of the public, shaken as to them all, under no direct control of the general government, and subject to no actual responsibility to the state authorities. These institutions were emitting the actual currency of the United States; a currency consisting of a paper, on which they neither paid interest nor principal, whilst it was exchanged for the paper of the community, on which both were paid. He saw these institutions in fact exercising what had been considered, at all times and in all countries, one of the highest attributes of sovereignty, the regulation of the current medium of the country. They were no longer competent to assist the treasury in either of the great operations of collection, deposit, or distribution, of the public revenues. In fact, the paper which they emitted, and which the treasury, from the force of events, found itself constrained to receive, was constantly obstructing the operations of that department. For it would accumulate where it was not wanted, and could not be used where it was wanted for the purposes of government, without a ruinous and arbitrary brokerage. Every man who paid or received from the government, paid or received as much less than he ought to have done as was the difference between the medium in which the payment was effected and specie. Taxes were no longer uniform. In New England, where specie payments have not been suspended, the people were called upon to pay larger contributions than where they were suspended. In Kentucky as much more was paid by the people in their taxes than was paid, for example, in the state of Ohio, as Kentucky paper was worth more than Ohio paper.

It appeared to Mr. Clay, that, in this condition of things, the general government could depend no longer upon these local institutions, multiplied and multiplying daily; coming into existence by the breath of eighteen state sovereignties, some of which by a single act of volition had created twenty or thirty at a time. Even if the resumption of specie payments could have been

anticipated, the general government remaining passive, it did not seem to him that the general government ought longer to depend upon these local institutions exclusively for aid in its operations. But he did not believe it could be justly so anticipated. It was not the interest of all of them that the renewal of specie payments should take place, and yet, without concert between all or most of them it could not be effected. With regard to those disposed to return to a regular state of things, great difficulties might arise, as to the time of its commencement.

Considering, then, that the state of the currency was such that no thinking man could contemplate it without the most serious alarm; that it threatened general distress, if it did not ultimately lead to convulsion and subversion of the government; it appeared to him to be the duty of congress to apply a remedy, if a remedy could be devised. A national bank, with other auxiliary measures, was proposed as that remedy. Mr. Clay said, he determined to examine the question with as little prejudice as possible arising from his former opinion. He knew that the safest course to him, if he pursued a cold, calculating prudence, was to adhere to that opinion, right or wrong. He was perfectly aware, that if he changed, or seemed to change it, he should expose himself to some censure. But, looking at the subject with the light shed upon it by events happening since the commencement of the war, he could no longer doubt. A bank appeared to him not only necessary, but indispensably necessary, in connection with another measure, to remedy the evils of which all were but too sensible. He preferred to the suggestions of the pride of consistency, the evident interests of the community, and determined to throw himself upon their candor and justice. That which appeared to him in 1811, under the state of things then existing, not to be necessary to the general government, seemed now to be necessary, under the present state of things. Had he then foreseen what now exists, and no objection had lain against the renewal of the charter other than that derived from the constitution, he should have voted for the renewal.

Other provisions of the constitution, but little noticed, if noticed at all, on the discussions in congress in 1811, would seem to urge that body to exert all its powers to restore to a sound state the money of the country. That instrument confers upon congress the power to coin money, and to regulate the value of foreign coins; and the states are prohibited to coin money, to emit bills of credit, or to make any thing but gold and silver coin a tender in payment of debts. The plain inference is, that the subject of the general currency was intended to be submitted exclusively to the general government. In point of fact, however, the regulation of the general currency is in the hands of the state governments, or, which is the same thing, of the banks created by them. Their paper has every quality of money, except that of being made a



tender, and even this is imparted to it by some states, in the law by which a creditor must receive it, or submit to a ruinous suspension of the payment of his debt. It was incumbent upon congress to recover the control which it had lost over the general currency. The remedy called for, was one of caution and moderation, but of firmness. Whether a remedy directly acting upon the banks and their paper thrown into circulation, was in the power of the general government or not, neither congress nor the community were prepared for the application of such a remedy. An indirect remedy, of a milder character, seemed to be furnished by a national bank. Going into operation, with the powerful aid of the treasury of the United States, he believed it would be highly instrumental in the renewal of specie payments. Coupled with the other measure adopted by congress for that object, he believed the remedy effectual. The local banks must follow the example which the national bank would set them, of redeeming their notes by the payment of specie, or their notes will be discredited and put down.

If the constitution, then, warranted the establishment of a bank, other considerations, besides those already mentioned, strongly urged it. The want of a general medium is every where felt. Exchange varies continually, not only between different parts of the union, but between different parts of the same city. If the paper of a national bank were not redeemed in specie, it would be much better than the current paper, since, although its value in comparison with specie might fluctuate, it would afford an uniform standard.

If political power be incidental to banking corporations, there ought, perhaps, to be in the general government some counterpoise to that which is exerted by the states. Such a counterpoise might not indeed be so necessary, if the states exercised the power to incorporate banks equally, or in proportion to their respective populations. But that is not the case. A single state has a banking capital equivalent, or nearly so, to one-fifth of the whole banking capital of the United States. Four states combined, have the major part of the banking capital of the United States. In the event of any convulsion, in which the distribution of banking institutions might be important, it may be urged, that the mischief would not be alleviated by the creation of a national bank, since its location must be within one of the states. But in this respect the location of the bank is extremely favorable, being in one of the middle states, not likely from its position, as well as its loyalty, to concur in any scheme for subverting the government. And a sufficient security against such contingency is to be found in the distribution of branches in different states, acting and reacting upon the parent institution, and upon each other.

## ON THE DIRECT TAX,

### AND THE STATE OF THE NATION AFTER THE CLOSE OF THE WAR WITH GREAT BRITAIN.

IN THE HOUSE OF REPRESENTATIVES, JANUARY, 1816

[In this speech, which was made in committee of the whole, on a proposition to lay a direct tax for the purpose of providing for the interest on the public debt, and for other objects, as expressed in the report of the committee of ways and means, Mr. Clay enters into a general view of the state of public affairs, as they existed at the conclusion of the war with Great Britain. His defence of the policy of the war, and of the treaty of peace concluded by himself and the other commissioners at Ghent, will be found interesting and valuable, as a portion of our national history. On the present occasion, it will be observed, Mr. Clay first boldly avows his sympathies for the cause of the patriots of South America; thus shadowing forth, at this early period, the feelings which prompted him, in 1818, to propose, in a definite form, the recognition of their independence. This speech concludes with a masterly, although rapid, sketch of the true policy of the country, in which are seen the outlines of the *American system*, a subject always prominent in the thoughts of this statesman.]

MR. CLAY (speaker) said, the course had been pursued, ever since he had had the honor of a seat on this floor, to select some subject during the early part of the session, on which, by a general understanding, gentlemen were allowed to indulge themselves in remarks on the existing state of public affairs. The practice was a very good one, he said, and there could be no occasion more proper than that of a proposition to lay a direct tax.

Those who have for fifteen years past administered the affairs of this government, have conducted this nation to an honorable point of elevation, at which they may justly pause, challenge a retrospect, and invite attention to the bright field of prosperity which lies before us.

The great objects of the committee of finance, in the report under consideration, are, in the first place, to provide for the payment of the public debts, and in the second, to provide for the support of the government, and the payment of such expenses as should be authorized by congress. The greater part of the debt, Mr. Clay admitted, had grown out of the late war; yet a considerable portion of it consisted of that contracted in the former war for

independence, and a portion of it, perhaps, of that which arose out of the wars with Tripoli and Algiers. Gentlemen had, on this occasion, therefore, fairly a right to examine into the course of administration heretofore, to demonstrate the impolicy of those wars, and the injudiciousness of the public expenditures generally. In the cursory view which he should take of this subject, he must be allowed to say, he should pay no particular attention to what had passed before, in debate. An honorable colleague (Mr. Harlin) who spoke the other day, like another gentleman who preceded him in debate, had taken occasion to refer to his (Mr. Clay's) late absence from this country on public business; but, Mr. Clay said, he trusted, among the fruits of that absence were a greater respect for the institutions which distinguish this happy country, a greater confidence in them, and an increased disposition to cling to them. Yes, sir; I was in the neighborhood of the battle of Waterloo, and some lessons I did derive from it; but they were lessons which satisfied me, that national independence was only to be maintained by national resistance against foreign encroachments; by cherishing the interests of the people, and giving to the whole physical power of the country an interest in the preservation of the nation. I have been taught that lesson; that we should never lose sight of the possibility, that a combination of despots, of men unfriendly to liberty, propagating what in their opinion constitutes the principle of legitimacy, might reach our happy land, and subject us to that tyranny and degradation which seems to be one of their objects in another country. The result of my reflections is, the determination to aid with my vote in providing my country with all the means to protect its liberties, and guard them even from serious menace. Motives of delicacy, which the committee would be able to understand and appreciate, prevented him from noticing some of his colleague's (Mr. Hardin's) remarks; but he would take the occasion to give him one admonition—that, when he next favored the house with an exhibition of his talent for wit—with a display of those elegant implements, for his possession of which, the gentleman from Virginia had so handsomely complimented him—that he would recollect that it is *bought*, and not *borrowed* wit, which the adage recommends as best. With regard to the late war with Great Britain, history, in deciding upon the justice and policy of that war, will determine the question according to the state of things which existed when that war was declared. I gave a vote for the declaration of war. I exerted all the little influence and talents I could command to make the war. The war was made; it is terminated; and I declare with perfect sincerity, if it had been permitted me to lift the veil of futurity, and to have foreseen the precise series of events which has occurred, my vote would have been unchanged. The policy of the war, as it regarded our state of preparation, must be determined with reference to the state of

things at the time that war was declared. He need not take up the time of the house, in demonstrating that we had cause sufficient for war. We had been insulted and outraged, and spoiled upon by almost all Europe — by Great Britain, by France, Spain, Denmark, Naples, and, to cap the climax, by the little, contemptible power of Algiers. We had submitted too long and too much. We had become the scorn of foreign powers, and the contempt of our own citizens. The question of the policy of declaring war at the particular time when it was commenced, is best determined by applying to the enemy himself; and what said *he!* — that of all the circumstances attending its declaration, none was so aggravating as that we should have selected the moment which of all others was most inconvenient to him; when he was struggling for self-existence in a last effort against the gigantic power of France. The question of the state of preparation for war at any time is a relative question — relative to our own means, the condition of the other power, and the state of the world at the time of declaring it. We could not expect, for instance, that a war against Algiers would require the same means or extent of preparation, as a war against Great Britain; and if it was to be waged against one of the primary powers of Europe, at peace with all the rest of the world, and therefore all her force at command, it could not be commenced with so little preparation, as if her whole force were employed in another quarter. It is not necessary again to repel the stale, ridiculous, false story of French influence, originating in Great Britain, and echoed here. I now contend, as I have always done, that we had a right to take advantage of the condition of the world, at the time war was declared. If Great Britain were engaged in war, we had a right to act on the knowledge of the fact, that her means of annoyance, as to us, were diminished; and we had a right to obtain all the collateral aid we could, from the operations of other powers against her, without entering into those connections which are forbidden by the genius of our government. But it was rather like disturbing the ashes of the dead, now to discuss the questions of the justice or expediency of the war. They were questions long since settled, and on which the public opinion was decisively made up, in favor of the administration.

He proceeded to examine the conditions of the peace and the fruits of the war — questions of more recent date, and more immediately applicable to the present discussion. The terms of the peace must be determined by the same rule that was applicable to the declaration of war — that rule which was furnished by the state of the world at the time the peace was made; and, even if it were true, that all the sanguine expectations which might have been formed at the time of the declaration of war, were not realized by the terms of the subsequent peace, it did not follow that the war was improperly declared, or the peace dishonorable, unless the

condition of the parties, in relation to other powers, remained substantially the same, throughout the struggle, and at the time of the termination of the war, as it was at the commencement of it. At the termination of the war, France was annihilated—blotted out of the map of Europe; the vast power wielded by Bonaparte existed no longer. Let it be admitted, that statesmen, in laying their course, are to look at probable events; that their conduct is to be examined, with reference to the course of events, which in all human probability might have been anticipated; and is there a man in this house, in existence, who can say, that on the eighteenth day of June, 1812, when the war was declared, it would have been anticipated, that Great Britain, by the circumstance of a general peace, resulting from the overthrow of a power whose baselements were supposed to be deeper laid, more ramified, and more extended, than those of any power ever were before, would be placed in the attitude in which she stood in December, 1814? Would any one say, that this government could have anticipated such a state of things, and ought to have been governed in its conduct accordingly? Great Britain, Russia, Germany, did not expect—not a power in Europe believed—as late even as January, 1814, that, in the ensuing March, Bonaparte would abdicate, and the restoration of the Bourbons would follow. What, then, was the actual condition of Europe, when peace was concluded? A perfect tranquillity reigned throughout; for, as late as the first of March, the idea of Napoleon's reappearing in France, was as little entertained as that of a man's coming from the moon to take upon himself the government of the country. In December, 1814, a profound and apparently a permanent peace existed; Great Britain was left to dispose of the vast force, the accumulation of twenty-five years, the work of an immense system of finance and protracted war; she was at liberty to employ that undivided force against this country. Under such circumstances, it did not follow, according to the rules laid down, either that the war ought not to have been made, or that peace on such terms ought not to have been concluded.

What, then, were the terms of the peace? The regular opposition in this country, the gentlemen on the other side of the house, had not come out to challenge an investigation of the terms of the peace, although they had several times given a sidewise at the treaty, on occasions with which it had no necessary connection. It had been sometimes said, that we had gained nothing by the war, that the fisheries were lost, &c. How, he asked, did this question of the fisheries really stand? By the first part of the third article of the treaty of 1783, the right was recognized in the people of the United States to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulf of St. Lawrence, and at all other places in the sea, where the inhabitants

of both countries used at any time to fish. This right was a necessary incident to our sovereignty, although it is denied to some of the powers of Europe. It was not contested at Ghent; it has never been drawn in question by Great Britain. But by the same third article it was further stipulated, that the inhabitants of the United States shall have 'liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks, of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.' The British commissioners, assuming that these liberties had expired by the war between the two countries, at an early period of the negotiation, declared that they would not be revived without an equivalent. Whether the treaty of 1783 does not form an exception to the general rule, according to which treaties are vacated by a war breaking out between the parties, is a question on which he did not mean to express an opinion. The first article of that treaty, by which the king of Great Britain acknowledges the sovereignty of the United States, certainly was not abrogated by the war; that all the other parts of the same instrument, which define the limits, privileges, and liberties attaching to that sovereignty, were equally unaffected by the war, might be contended for with at least much plausibility. If we determined to offer them the equivalent required, the question was, what should it be? When the British commissioners demanded, in their *projet*, a renewal to Great Britain of the right to the navigation of the Mississippi, secured by the treaty of 1783, a bare majority of the American commissioners offered to renew it, upon the condition that the liberties in question were renewed to us. He was not one of that majority. He would not trouble the committee with his reasons for being opposed to the offer. A majority of his colleagues, actuated he believed by the best motives, made, however, the offer, and it was refused by the British commissioners.

If the British interpretation of the treaty of 1783 be correct, we have lost the liberties in question. What the value of them really is, he had not been able to meet with any two gentlemen who agreed. The great value of the whole mass of our fishery interests, as connected with our navigation and trade, was sufficiently demonstrated by the tonnage employed; but of what was the relative importance of these liberties, there was great contrariety of

statements. They were liberties to be exercised within a foreign jurisdiction, and some of them were liable to be destroyed by the contingency of settlement. He did not believe, that much importance attached to such liberties. And, supposing them to be lost, we are, perhaps, sufficiently indemnified by the redemption of the British mortgage upon the navigation of the Mississippi. This great stream, on that supposition, is placed where it ought to be, in the same independent condition with the Hudson, or any other river in the United States.

If, on the contrary, the opposite construction of the treaty of 1783 be the true one, these liberties remain to us, and the right to the navigation of the Mississippi, as secured to Great Britain by that instrument, continues with her.

But he was surprised to hear a gentleman from the western country (Mr. Hardin) exclaim, that we had gained nothing by the war. Great Britain acquired, by the treaty negotiated by Mr. Jay, the right to trade with the Indians within our territories. It was a right upon which she placed great value, and from the pursuit of which she did not desist without great reluctance. It had been exercised by her agents in a manner to excite the greatest sensibility in the western country. This right was clearly lost by the war; for, whatever may be the true opinion as to the treaty of 1783, there can be no doubt that the stipulations of that of 1794 no longer exist.

It had been said, that the great object, in the continuation of the war, had been to secure our mariners against impressment, and that peace was made without accomplishing it. With regard to the opposition, he presumed that they would not urge any such argument. For, if their opinion was to be inferred (though he hoped in this case it was not) from that of an influential and distinguished member of the opposition, we had reason to believe that they did not think the British doctrines wrong on this subject. He alluded to a letter said to be written by a gentleman of great consideration, residing in an adjoining state, to a member of this house, in which the writer states, that he conceives the British claim to be right, and expresses his hope that the president, however he might kick at it, would be compelled to swallow the bitter pill. If the peace had really given up the American doctrine, it would have been, according to that opinion, merely yielding to the force of the British right. In that view of the subject, the error of the administration would have been in contending for too much in behalf of this country; for he presumed there was no doubt, that, whether right or wrong, it would be an important principle gained to secure our seamen against British impressment. And he trusted in God that all future administrations would rather err on the side of contending for too much than too little for America.

But he was willing to admit, that the conduct of the administra-

tion ought to be tried by their own opinions, and not those of the opposition. One of the great causes of the war, and of its continuance, was the practice of impressment exercised by Great Britain, and if this claim has been admitted, by necessary implication or express stipulation, the administration has abandoned the rights of our seamen. It was with utter astonishment that he heard, that it had been contended in this country, that because our right of exemption from the practice had not been expressly secured in the treaty, it was therefore given up! It was impossible that such an argument could be advanced on the floor. No member who regarded his reputation would have dared advance such an argument here.

Had the war terminated, the practice continuing, he admitted that such might be a fair inference; and on some former occasion he had laid down the principle, which he thought correct, that if the United States did not make peace with Great Britain, the war in Europe continuing, and therefore she continuing the exercise of the practice, without any stipulation to secure us against its effects, the plain inference would be, that we had surrendered the right. But what is the fact? At the time of the conclusion of the treaty of peace, Great Britain had ceased the practice of impressment; she was not only at peace with all the powers of Europe, but there was every prospect of a permanent and durable peace. The treaty being silent on the subject of impressment, the only plain rational result was, that neither party had conceded its rights, but they were left totally unaffected by it. He recollected to have heard, in the British house of commons, whilst he was in Europe, the very reverse of the doctrine advanced here on this subject. The British ministry were charged by a member of the opposition with having surrendered their right of impressment, and the same course of reasoning was employed to prove it, as he understood was employed in this country to prove our acquiescence in that practice. The argument was this: the war was made on the professed ground of resistance of the practice of impressment; the peace having been made without a recognition of the right of America, the treaty being silent on the subject, the inference was, that the British authorities had surrendered the right — that they had failed to secure it, and, having done so, had in effect yielded it. The member of the opposition in England was just as wrong as any member of the house would be, who should contend that the right of impressment is surrendered to the British government. The fact was, neither party had surrendered its rights; things remain as though the war had never been made — both parties are in possession of all the rights they had anterior to the war. Lest it might be deduced that his sentiments on the subject of impressment had undergone a change, he took the opportunity to say, that, although he desired to preserve peace between Great Britain and the United



States, and to maintain between them that good understanding calculated to promote the interest of each, yet, whenever Great Britain should give satisfactory evidence of her design to apply her doctrine of impressment as heretofore, he was, for one, ready to take up arms again to oppose her. The fact was, that the two nations had been placed in a state of hostility as to a practice growing out of the war in Europe. The war ceasing between Great Britain and the rest of Europe, left England and America engaged in a contest on an aggression which had also practically ceased. The question had then presented itself, whether the United States should be kept in war, to gain an abandonment of what had become a mere abstract principle; or, looking at the results, and relying on the good sense and sound discretion of both countries, we should not recommend the termination of the war. When no practical evil could result from the suspension of hostilities, and there was no more than a possibility of the removal of the practice of impressment, I, as one of the mission, consented with sincere pleasure to the peace, satisfied that we gave up no right, sacrificed no honor, compromised no important principle. He said, then, applying the rule of the actual state of things, as that by which to judge of the peace, there was nothing in the conditions or terms of the peace that was dishonorable, nothing for reproach, nothing for regret.

Gentlemen have complained, that we had lost the islands in the bay of Passamaquoddy. Have they examined into that question, and do they know the grounds on which it stands? Prior to the war we occupied Moose Island, the British Grand Menan. Each party claimed both islands; America, because they are within the limits of the United States, as defined by the treaty of 1783; and Great Britain, because, as she alleges, they were in the exception contained in the second article of that treaty as to islands within the limits of the province of Nova Scotia. All the information which he had received concurred in representing Grand Menan as the most valuable island. Does the treaty, in stipulating for an amicable and equitable mode of settling this controversy, yield one foot of the territory of the United States? If our title to Moose Island is drawn in question, that of Great Britain to Grand Menan is equally so. If we may lose the one, she may the other. The treaty, it was true, contained a provision that the party in possession, at the time of its ratification, may hold on until the question of right is decided. The committee would observe, that this stipulation, as to possession, was not limited to the moment of the signature, but looked to the period of the ratification of the treaty. The American commissioners had thought they might safely rely on the valor of Massachusetts, or the arms of the United States, to drive the invader from our soil; and had also hoped that we might obtain possession of Grand Menan. It

is true, they have been disappointed in the successful application of the force of that state and of that of the union. But it is not true that we have parted with the right. It is fair to presume that Great Britain will, with good faith, coöperate in carrying the stipulations into effect; and she has, in fact, already promptly proceeded to the appointment of commissioners under the treaty.

What have we gained by the war? He had shown we had lost nothing in rights, territory, or honor; nothing for which we ought to have contended, according to the principles of the gentlemen on the other side, or according to our own. Have we gained nothing by the war? Let any man look at the degraded condition of this country before the war — the scorn of the universe, the contempt of ourselves — and tell me, if we have gained nothing by the war? What is our present situation? Respectability and character abroad; security and confidence at home. If we have not obtained, in the opinion of some, the full measure of retribution, our character and constitution are placed on a solid basis, never to be shaken. The glory acquired by our gallant tars, by our Jacksons and our Browns on the land, is that nothing? True, we have had our vicissitudes — that there were humiliating events which the patriot could not review without deep regret. But the great account, when it came to be balanced, thank God, would be found vastly in our favor. Is there a man, he asked, who would have obliterated from the proud pages of our history the brilliant achievements of Jackson, Brown, Scott, and the host of heroes on land and sea whom he would not enumerate? Is there a man who could not desire a participation in the national glory acquired by the war? — yes, national glory; which, however the expression may be condemned by some, must be cherished by every genuine patriot. What do I mean by national glory? Glory such as Hull, of the Constitution, Jackson, Lawrence, Perry, have acquired. And are gentlemen insensible to their deeds? to the value of them, in animating the country in the hour of peril hereafter? Did the battle of Thermopylæ preserve Greece but once? Whilst the Mississippi continues to bear the tributes of the Iron mountains and the Alleghany to her Delta and to the Gulf of Mexico, the eighth of January shall be remembered, and the glory of that day shall stimulate future patriots, and nerve the arms of unborn freemen, in driving the presumptuous invader from our country's soil! Gentlemen may boast of their insensibility to feelings inspired by the contemplation of such events. But he would ask, does the recollection of Bunker's hill, of Saratoga, of York-town, afford them no pleasure? Every act of noble sacrifice to the country — every instance of patriotic devotion to her cause — has its beneficial influence. A nation's character is the sum of its splendid deeds. They constitute one common patrimony — the nation's inheritance. They awe foreign powers. They arouse and animate our **own**

people. Do gentlemen derive no pleasure from the recent transactions in the Mediterranean? Can they regard unmoved the honorable issue of a war, in support of our national rights, declared, prosecuted, and terminated by a treaty in which the enemy submitted to a *carte blanche*, in the short period of forty days? The days of chivalry are not gone. They have been revived in the person of commodore Decatur, who, in releasing from infidel bondage Christian captives—the subjects of a foreign power—and restoring them to their country and their friends, has placed himself beside the most renowned knights of former times. I love true glory. It is this sentiment which ought to be cherished; and in spite of cavils and sneers and attempts to put it down, it will finally conduct this nation to that height to which God and nature have destined it. Three wars, those who at present administer this government may say, and say with proud satisfaction, they have safely conducted us through. Two with powers, which, though otherwise contemptible, have laid almost all Europe under tribute—a tribute from which we are exonerated. The third, with one of the most gigantic powers that the world ever saw. These struggles have not been without their sacrifices, nor without their lessons. They have created, or rather greatly increased, the public debt. They have taught, that, to preserve the character we have established, preparation for war is necessary.

The public debt exists. However contracted, the faith of the nation is pledged for its redemption. It can only be paid by providing an excess of revenue beyond expenditure, or by retrenchment. Did gentlemen contend that the results of the report were inaccurate—that the proceeds of the revenue would be greater, or the public expenses less, than the estimate? On these subjects, he believed it would be presumption in him, when the defence of the report was in such able hands (Mr. Lowndes's), to attempt its vindication. Leaving the task to that gentleman, he should assume, for the present, its accuracy. He would lay down a general rule, from which there ought never to be a departure, without absolute necessity—that the expenses of the year ought to be met by the revenue of the year. If in time of war it were impossible to observe this rule, we ought, in time of peace, to provide for as speedy a discharge of the debt contracted in the preceding war as possible. This can only be done by an effective sinking fund, based upon an excess of revenue beyond expenditure, and a protraction of the period of peace. If in England the sinking fund had not fulfilled what was promised, it was because of a failure to provide such a revenue, and because the interests of peace in that country had been too few and too short. From the revolution to 1812, a period of one hundred and twenty-four years, there had been sixty-three years of war, and only sixty-one of peace; and there had been contracted £638,129,577 of debt, and

discharged only £39,594,305. The national debt at the peace of Utrecht amounted to £52,681,076, and during the peace which followed, being twenty-seven years, from 1714 to 1740, there was discharged only £7,231,503. When the operations of our sinking fund were contrasted with those of Great Britain, they would be found to present the most gratifying results. Our public debt, existing on the first day of January, 1802, amounted to \$78,754,568 70; and on the first of January, 1815, we had extinguished \$33,873,463 98. Thus in thirteen years, one half the period of peace that followed the treaty of Utrecht, we had discharged more public debt than Great Britain did during that period. In twenty-six years she did not pay much more than a seventh of her debt. In thirteen years we paid more than a third of ours. If, then, a public debt, contracted in a manner, he trusted, satisfactory to the country, imposed upon us a duty to provide for its payment; if we were encouraged, by past experience, to persevere in the application of an effective sinking fund, he would again repeat, that the only alternatives were the adoption of a system of taxation producing the revenue estimated by the committee of ways and means, or by great retrenchment of the public expenses.

In what respect can a reduction of the public expenses be effected? Gentlemen who assailed the report on this ground have, by the indefinite nature of the attack, great advantage on their side. Instead of contenting themselves with crying out retrenchment! retrenchment! a theme always plausible, an object always proper, when the public interest will admit of it, let them point the attention of the house to some specified subject. If they really think a reduction of the army and navy, or either of them, be proper, let them lay a resolution upon the table to that effect. They had generally, it was true, singled out, in discussing this report, (and he had no objection to meet them in this way, though he thought the other the fairest course,) the military establishment. He was glad that the navy had fought itself into favor, and that no one appeared disposed to move its reduction or to oppose its gradual augmentation. But the 'standing army' is the great object of gentlemen's apprehensions. And those who can bravely set at defiance hobgoblins, the creatures of their own fertile imaginations, are trembling for the liberties of the people, endangered by a standing army of ten thousand men. Those who can courageously vote against taxes, are alarmed for the safety of the constitution and the country, at such a force scattered over our extensive territory! This could not have been expected, at least in the honorable gentleman (Mr. Ross), who, if he had been storming a fort, could not have displayed more cool, collected courage than he did, when he declared, that he would show to Pennsylvania, that she had one faithful representative, bold and independent enough to vote against a tax!

He had happened, very incidentally, the other day, and in a manner which he had supposed could not attract particular attention, to state, that the general condition of the world admonished us to shape our measures with a view to the possible conflicts into which we might be drawn; and he said, he did not know when he should cease to witness the attacks made upon him in consequence of that general remark; when he should cease to hear the cry of 'standing army,' 'national glory,' &c. &c. From the tenor of gentlemen's observations, it would seem as if, for the first time in the history of this government, it was now proposed, that a certain regular force should constitute a portion of the public defence. But from the administration of general Washington, down to this time, a regular force, a standing army (if gentlemen please), had existed, and the only question about it, at any time, had been, what should be the amount. Gentlemen themselves, who most loudly decry this establishment, did not propose an entire disbandment of it; and the question, ever with them, is, not whether a regular force be necessary, but whether a regular force of this or that amount be called for by the actual state of our affairs.

The question is not, on any side of the house, as to the nature, but the quantum of the force. He maintained the position, that, if there was the most profound peace that ever existed; if we had no fears from any quarter whatever; if all the world was in a state of the most profound and absolute repose; a regular force of ten thousand men was not too great for the purposes of this government. We knew too much, he said, of the vicissitudes of human affairs, and the uncertainty of all our calculations, not to know, that, even in the most profound tranquillity, some tempest may suddenly arise, and bring us into a state requiring the exertion of military force, which cannot be created in a moment, but requires time for its collection, organization, and discipline. When gentlemen talked of the force which was deemed sufficient some twenty years ago, what did they mean? That this force was not to be progressive? That the full grown man ought to wear the clothes and habits of his infancy? That the establishment maintained by this government, when its population amounted to four or five millions only, should be the standard by which our measures should be regulated, in all subsequent states of the country? If gentlemen meant this, as it seemed to him they did, he and they should not agree. He contended, that establishments ought to be commensurate with the actual state of the country, should grow with its growth, and keep pace with its progress. Look at that map (said he, pointing to the large map of the United States, which hangs in the hall of representatives)—at the vast extent of that country which stretches from the Lake of the Woods, in the northwest, to the Bay of Fundy, in the east. Look at the vast extent of our maritime coast; recollect we have Indians and powerful nations conter-

minous on the whole frontier; and that we know not at what moment the savage enemy, or Great Britain herself, may seek to make war with us. Ought the force of the country to be graduated by the scale of our exposure, or are we to be uninfluenced by the increase of our liability to war? Have we forgotten that the power of France, as a counterpoise to that of Great Britain, is annihilated — gone, never to rise again, I believe, under the weak, unhappy, and imbecile race who now sway her destinies? Any individual must, I think, come to the same conclusion with myself, who takes these considerations into view, and reflects on our growth, the state of our defence, the situation of the nations of the world, and above all, of that nation with whom we are most likely to come into collision — for it is in vain to conceal it; this country must have many a hard and desperate tug with Great Britain, let the two governments be administered how and by whom they may. That man must be blind to the indications of the future, who cannot see that we are destined to have war after war with Great Britain, until, if one of the two nations be not crushed, all grounds of collision shall have ceased between us. I repeat, if the condition of France were that of perfect repose, instead of that of a volcano, ready to burst out again with a desolating eruption; if with Spain our differences were settled; if the dreadful war raging in South America were terminated; if the marines of all the powers of Europe were resuscitated as they stood prior to the revolution of France; if there was universal repose, and profound tranquillity among all the nations of the earth; considering the actual growth of our country, in my judgment, the force of ten thousand men would not be too great for its exigences. Do gentlemen ask, if I rely on the regular force entirely for the defence of the country? I answer, it is for garrisoning and keeping in order our fortifications, for the preservation of the national arms, for something like a safe depository of military science and skill, to which we may recur in time of danger, that I desire to maintain an adequate regular force. I know, that in the hour of peril, our great reliance must be on the whole physical force of the country, and that no detachment of it can be exclusively depended on. History proves that no nation, not destitute of the military art, whose people were united in its defence, ever was conquered. It is true, that in countries where standing armies have been entirely relied on, the armies have been subdued, and the subjugation of the nation has been the consequence of it; but no example is to be found of a united people being conquered, who possessed an adequate degree of military knowledge. Look at the Grecian republics, struggling successfully against the overwhelming force of Persia; look more recently at Spain. I have great confidence in the militia, and I would go with my honorable colleague (Mr. M'Kee), whose views I know are honest, hand in hand, in arming, disciplining, and

rendering effective, the militia; I am for providing the nation with every possible means of resistance. I ask my honorable colleague, after I have gone thus far with him, to go a step further with me, and let us retain the force we now have for the purposes I have already described. I ask gentlemen who propose to reduce the army, if they have examined in detail the number and extent of the posts and garrisons on our maritime and interior frontier? If they have not gone through this process of reasoning, how shall we arrive at the result that we can reduce the army with safety? There is not one of our forts adequately garrisoned at this moment; and there is nearly one fourth of them that have not one solitary man. I said the other day, that I would rather vote for the augmentation than the reduction of the army. When returning to my country from its foreign service, and looking at this question, it appeared to me that the maximum was twenty thousand, the minimum ten thousand of the force we ought to retain. And I again say, that rather than reduce I would vote to increase the present force.

A standing army had been deemed necessary, from the commencement of the government to the present time. The question was only as to the quantum of force; and not whether it should exist. No man who regards his political reputation, would place himself before the people, on a proposition for its absolute disbandment. He admitted a question as to quantum might be carried so far as to rise into a question of principle. If we were to propose to retain an army of thirty, or forty, or fifty thousand men, then truly the question would present itself, whether our rights were not in some danger from such a standing army; whether reliance was to be placed altogether on a standing army, or on that natural safe defence which, according to the habits of the country and the principles of our government, is considered the bulwark of our liberties. But, between five and ten thousand men, or any number under ten thousand, it could not be a question of principle; for, unless gentlemen were afraid of spectres, it was utterly impossible that any danger could be apprehended from ten thousand men, dispersed on a frontier of many thousand miles; here twenty or thirty, there an hundred; and the largest amount, at Detroit, not exceeding a thin regiment. And yet, brave gentlemen — gentlemen who are not alarmed at hobgoblins — who can intrepidly vote *even against taxes* — are alarmed by a force of this extent! What, he asked, was the amount of the army in the time of Mr. Jefferson — a time, the orthodoxy of which had been so ostentatiously proclaimed? It was true, when that gentleman came into power, it was with a determination to retrench, as far as practicable. Under the full influence of these notions, in 1802, the bold step of wholly disbanding the army, never was thought of. The military peace establishment was then fixed at about four thousand men.

But, before Mr. Jefferson went out of power, what was done—that is, in April, 1803? In addition to the then existing peace establishment, eight regiments, amounting to between five and six thousand men, were authorized, making a total force precisely equal to the present peace establishment. It was true, that all this force had never been actually enlisted and embodied; that the recruiting service had been suspended; and that at the commencement of the war we had far from this number; and we have not now actually ten thousand men—being at least two thousand deficient of that number. He adverted to what had been said, on this and other occasions, of Mr. Jefferson's not having seized the favorable moment for war, which was afforded by the attack on the Chesapeake. He had always entertained the opinion, he said, that Mr. Jefferson on that occasion took the correct, manly, and frank course, in saying to the British government, your officers have done this; it is an enormous aggression; do you approve the act; do you make it your cause, or not? That government did not sanction the act; it disclaimed it, and promptly too; and although they for a long time withheld the due redress, it was ultimately tendered. If Mr. Jefferson had used his power to carry the country into a war at that period, it might have been supported by public opinion, during the moment of fever, but it would soon abate, and the people would begin to ask, why this war had been made without understanding whether the British government avowed the conduct of its officers, and so forth. If the threatening aspect of our relations with England had entered into the consideration which had caused the increase of the army at that time, there were considerations equally strong at this time, with our augmented population, for retaining our present force. If, however, there were no threatenings from any quarter; if the relative force of European nations, and the general balance of power existing before the French revolution were restored; if South America had not made the attempt, in which he trusted in God she would succeed, to achieve her independence; if our affairs with Spain were settled, he would repeat, that ten thousand men would not be too great a force for the necessities of the country, and with a view to future emergencies.

He had taken the liberty, the other day, to make some observations which he might now repeat as furnishing auxiliary considerations for adopting a course of prudence and precaution. He had then said, that our affairs with Spain were not settled; that the Spanish minister was reported to have made some inadmissible demands of our government. The fact turned out as he had presented it. It appeared that what was then rumor, was now fact; and Spain had taken the ground, not only that there must be a discussion of our title to that part of Louisiana, formerly called West Florida, (which it might be doubted whether it ought to take place,) but had required that we must surrender the territory first,



and discuss the right to it afterwards. Besides this unsettled state of our relations with Spain, he said, there were other rumors, and he wished to God we had the same means of ascertaining their correctness, as we had found of ascertaining the truth of the rumor just noticed; it was rumored that the Spanish province of Florida had been ceded, with all her pretensions, to Great Britain. Would gentlemen tell him, then, that this was a time when any statesman would pursue the hazardous policy of disarming entirely, of quietly smoking our pipes by our firesides, regardless of impending danger? It might be a palatable doctrine to some, but he was persuaded was condemned by the rules of conduct in private life, by those maxims of sound precaution by which individuals would regulate their private affairs. He did not here mean to take up the question in relation to South America. Still, it was impossible not to see, that, in the progress of things, we might be called on to decide the question, whether we would or would not lend them our aid. This opinion he boldly declared, and he entertained it, not in any pursuit of vain glory, but from a deliberate conviction of its being conformable to the best interests of the country; that, having a proper understanding with foreign powers—that understanding which prudence and a just precaution recommended—it would undoubtedly be good policy to take part with the patriots of South America. He believed it could be shown, that, on the strictest principles of public law, we have a right to take part with them, that it is our interest to take part with them, and that our interposition in their favor would be effectual. But he confessed, with infinite regret, that he saw a supineness on this interesting subject, throughout our country, which left him almost without hope, that what he believed the correct policy of the country would be pursued. He considered the release of any part of America from the dominions of the old world, as adding to the general security of the new. He could not contemplate the exertions of the people of South America, without wishing that they might triumph, and nobly triumph. He believed the cause of humanity would be promoted by the interposition of any foreign power which should terminate the contest between the friends and enemies of independence in that quarter, for a more bloody and cruel war never had been carried on since the days of Adam, than that which is now raging in South America; in which not the least regard is paid to the laws of war, to the rights of capitulation, to the rights of prisoners, nor even to the rights of kindred. I do not offer these views, expecting to influence the opinions of others; they are opinions of my own. But, on the question of general policy, whether or not we shall interfere in the war in South America, it may turn out that, whether we will or will not choose to interfere in their behalf, we shall be drawn into the contest in the course of its progress. Among other demands by the minister of Spain, is

the exclusion of the flag of Buenos Ayres, and other parts of South America, from our ports. Our government has taken a ground on this subject, of which I think no gentleman can disapprove — that all parties shall be admitted and hospitably treated in our ports, provided they conform to our laws whilst among us. What course Spain may take on this subject, it was impossible now to say. Although I would not urge this as an argument for increasing our force, I would place it among those considerations which ought to have weight with every enlightened mind, in determining upon the propriety of its reduction. It is asserted that Great Britain has strengthened, and is strengthening herself in the provinces adjoining us. Is this a moment when in prudence we ought to disarm? No, sir. Preserve your existing force. It would be extreme indiscretion to lessen it.

Mr. Clay here made some observations, to show that a reduction of the army to from four to five thousand men, as had been suggested, would not occasion such a diminution of expense as to authorize the rejection of the report, or any essential alteration in the amount of revenue, which the system proposes to raise from internal taxes, and his colleague (Mr. M'Kee) appeared equally hostile to all of them. Having, however, shown that we cannot in safety reduce the army, he would leave the details of the report in the abler hands of the honorable chairman (Mr. Lowndes), who, he had no doubt, could demonstrate, that with all the retrenchments which had been recommended, the government would be bankrupt in less than three years, if most of these taxes were not continued. He would now hasten to that conclusion, at which the committee could not regret more than he did, that he had not long since arrived.

As to the attitude in which this country should be placed, the duty of congress could not be mistaken. My policy is to preserve the present force, naval and military; to provide for the augmentation of the navy; and, if the danger of war should increase, to increase the army also. Arm the militia, and give it the most effective character of which it is susceptible. Provide in the most ample manner, and place in proper depots, all the munitions and instruments of war. Fortify and strengthen the weak and vulnerable points indicated by experience. Construct military roads and canals, particularly from the Miami of the Ohio to the Miami of Erie; from the Sciota to the bay of Sandusky; from the Hudson to Ontario; that the facilities of transportation may exist, of the men and means of the country, to points where they may be wanted. I would employ on this subject a part of the army, which should also be employed on our line of frontier, territorial and maritime, in strengthening the works of defence. I would provide steam batteries for the Mississippi, for Borgne and Ponchartrain, and for the Chesapeake, and for any part of the north or east, where they might be

beneficially employed. In short, I would act seriously, effectively act, on the principle, that in peace we ought to prepare for war; for I repeat, again and again, that, in spite of all the prudence exerted by the government, and the forbearance of others, the hour of trial will come. These halcyon days of peace, this calm will yield to the storm of war, and when that comes, I am for being prepared to breast it. Has not the government been reproached for the want of preparation at the commencement of the late war? And yet the same gentlemen who utter these reproaches, instead of taking counsel from experience, would leave the country in an unprepared condition.

He would as earnestly commence the great work, too long delayed, of internal improvement. He desired to see a chain of turnpike roads and canals, from Passamaquoddy to New Orleans; and other similar roads intersecting the mountains, to facilitate intercourse between all parts of the country, and to bind and connect us together. He would also effectually protect our manufactories. We had given, at least, an implied pledge to do so, by the course of administration. He would afford them protection, not so much for the sake of the manufacturers themselves, as for the general interest. We should thus have our wants supplied, when foreign resources are cut off, and we should also lay the basis of a system of taxation, to be resorted to when the revenue from imports is stopped by war. Such, Mr. Chairman, is a rapid sketch of the policy which it seems to me it becomes us to pursue. It is for you now to decide, whether we shall draw wisdom from the past, or, neglecting the lessons of recent experience, we shall go on headlong without foresight, meriting and receiving the reproaches of the community. I trust, sir, notwithstanding the unpromising appearances sometimes presenting themselves, during the present session, we shall yet do our duty. I appeal to the friends around me, with whom I have been associated for years in public life; who nobly, manfully vindicated the national character by a war, waged by a young people, unskilled in arms, single-handed, against a veteran power—a war which the nation has emerged from, covered with laurels; let us now do something to ameliorate the internal condition of the country; let us show that objects of domestic, no less than those of foreign policy, receive our attention; let us fulfil the just expectations of the public, whose eyes are anxiously directed towards this session of congress; let us, by a liberal and enlightened policy, entitle ourselves, upon our return home, to that best of all rewards, the grateful exclamation, 'well done, thou good and faithful servant.'

## ON THE BILL FOR ENFORCING NEUTRALITY.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 24, 1817

[PRESIDENT MADISON, in a message dated December 26, 1816, had apprized congress, that the existing laws did not enable him to preserve the peace of the United States with foreign powers. The subject having been referred to the committee on foreign relations, that committee, through their chairman, Mr. Forsyth, of Georgia, reported a bill for enforcing neutrality. This bill was debated in committee of the whole, on the 24th of January, 1817, by Messrs. Forsyth, Smith, of Maryland, Grosvenor, of New York, Randolph, of Virginia, Sharp, of Kentucky, Sheffey, of Virginia, Hopkinson, of Pennsylvania, and Clay (speaker). In the brief remarks of Mr. Clay it will be observed, that he renews the expression of his sympathies with the people of South America in their struggle for independence; and, considering the bill under discussion as intended to discountenance that revolution, he avowed his opposition to it.]

Mr. CLAY (speaker). As long as the government abstained from taking any part in the contest now carrying on in the southern part of this continent, it was unquestionably its duty to maintain a strict neutrality. On that point there was and could be no difference of opinion. It ought not, however, to be overlooked, that the two parties stood with this government on unequal ground. One of them had an accredited minister here, to watch over its interests, and to remonstrate against any acts of which it might complain; whilst the other, being wholly unrepresented, had no organ through which to communicate its grievances. This inequality of condition in the contending parties, imposed upon us the duty of great circumspection and prudence in what we might do.

Whenever a war exists, whether between two independent states or between parts of a common empire, he knew of but two relations in which other powers could stand towards the belligerents; the one was that of neutrality, and the other that of a belligerent.

Being then in a state of neutrality respecting the contest, and bound to maintain it, the question was, whether the provisions of the bill were necessary to the performance of that duty? It will be recollected that we have an existing law, directed against armaments, such as are described in the bill. That law was passed in 1794. It was intended to preserve our neutrality in the contest between France and her enemies. The circumstances under which it was passed, must be yet fresh in our recollection. The French

revolution had excited a universal enthusiasm in the cause of liberty. The flame reached this country, and spread with electric rapidity throughout the continent. There was not a state, county, city, or village, exempted from it. An ardent disposition to enter into the conflict, on the side of France, was every where felt. General Washington thought it the interest of this country to remain neutral, and the law of 1794 was enacted, to restrain our citizens from taking part in the contest. If that law had been effectual to preserve the neutrality of this country, during the stormy period of the French revolution, we ought to pause before we assent to the adoption of new penalties and provisions. If the law did not reach the case (which he understood to be doubtful from some judicial decisions), he was willing to legislate so far as to make it comprehend it. Further than that, as at present advised, he was not willing to go.

But the present bill not only went further, but, in his judgment, contained provisions not demanded of us by our neutral duties. It contained two principles not embraced by the law of 1794. The first was, the requisition of a bond from the owners of armed vessels, that persons, to whom they might sell these vessels, should not use them in the contest. The second was, the power vested in the collectors to seize and detain, under certain circumstances, any such vessels. Now, with regard to the first provision, it is not denied that an armed vessel may be lawfully sold by an American citizen to a foreign subject, other than a subject of Spain. But on what ground is it possible, then, to maintain, that it is the duty of the American citizen to become responsible for the subsequent use which may be made of such vessel by the foreign subject? We are bound to take care that our own citizens do not violate our neutrality, but we are under no such obligation as it respects the subjects of foreign powers. It is the business of those foreign powers to guard the conduct of their own subjects. If it be true, as he had heard it asserted, that Fell's Point exhibits an activity in hostile preparation, not surpassed during the late war, we had enough to do with our own citizens. It was not incumbent upon us, as a neutral power, to provide, after a legal sale had been made of an armed vessel to a foreign subject, against any illegal use of the vessel.

Gentlemen have contended, that this bill ought to be considered as intended merely to enforce our own laws; as a municipal regulation, having no relation to the war now existing. It was impossible to deceive ourselves, as to the true character of the measure. Bestow on it what denomination you please, disguise it as you may, it is a law, and will be understood by the whole world as a law, to discountenance any aid being given to the South American colonies in a state of revolution against the parent country. With respect to the nature of that struggle, he had not now, for the first time, to express his opinion and his wishes. An honorable gentle-

man from Virginia (Mr. Sheffey) had said, the people of South America were incapable, from the ignorance and superstition which prevail among them, of achieving independence or enjoying liberty. And to what cause is that ignorance and superstition owing? Was it not to the vices of their government? to the tyranny and oppression, hierarchical and political, under which they groaned? If Spain succeeded in riveting their chains upon them, would not that ignorance and superstition be perpetuated? In the event of that success, he feared the time would never arrive, when the good wishes of the honorable gentleman from Virginia would be conciliated in behalf of that oppressed and suffering people. For his part, he wished their independence. It was the first step towards improving their condition. Let them have free government, if they be capable of enjoying it; but let them have, at all events, independence. Yes, from the inmost recesses of my soul, I wish them independence. I may be accused of an imprudent utterance of my feelings, on this occasion. I care not; when the independence, the happiness, the liberty of a whole people is at stake, and that people our neighbors, our brethren, occupying a portion of the same continent, imitating our example, and participating of the same sympathies with ourselves, I will boldly avow my feelings and my wishes in their behalf, even at the hazard of such an imputation.

But, notwithstanding the feelings which he cherished on this subject, Mr. Clay admitted that it became us not to exhibit the spectacle of a people at war and a government at peace. We ought to perform our neutral duties, whilst we are neutral, without regard to the unredressed injuries inflicted upon us by old Spain, on the one hand, or to the glorious object of the struggle of the South American patriots on the other. We ought to render strict justice, and no more. If the bill on the table was limited to that object, he would vote for it. But he thought it went further; that it assumed obligations which we were not bound to incur, and, thinking so, he could not, in its present shape, give to it his assent

# ON COMMERCIAL RESTRICTIONS WITH FOREIGN NATIONS.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 30, 1817.

[ ON the fifth of February, 1816, Mr. Cyrus King, of Massachusetts, presented for consideration a resolution, instructing the committee on foreign relations to inquire into the expediency of excluding from the ports of the United States all foreign vessels, owned in, coming from, bound to, or touching at any of his Britannic majesty's possessions in the West Indies, and in the continent of North America, from which the vessels of the United States are excluded; and of prohibiting or increasing the duties on the importation in foreign vessels, of any articles, the growth, produce, or manufacture of such possessions. This resolution underwent much discussion, but was finally laid upon the table, and the subject not again introduced during the same session. But on the twenty-seventh of January, 1817, there was introduced 'a bill to prohibit all commercial intercourse with ports or places, into or with which, the vessels of the United States are not ordinarily permitted to enter, or trade.' On the thirtieth of January, this bill was called up and debated in committee of the whole. Among the speakers on the subject, were Messrs. Cyrus King, of Massachusetts, Smith, of Maryland, Wilde, of Georgia, Randolph, of Virginia, Lowndes, of South Carolina, Hopkinson, of Pennsylvania, and Clay (speaker).

The whole subject was finally again laid on the table. The following are Mr. Clay's remarks in this debate. ]

MR. CLAY (speaker) said, that in one sentiment expressed by the gentleman from Georgia he most heartily concurred; that the measure contemplated by the bill, or by the proposed substitute, was the most important, as respected at least our foreign relations, that had come before congress at this session, or would probably be brought before it for some years; a measure, which, whatever fate attended it, ought to attract the attention of honorable members of this house, and to which, he hoped, before the final question on it, they would give the most mature consideration.

The importance of the question by no means depended simply on the value of the trade between this country and the colonies of Great Britain. But considering the question as it related merely to that trade, when the fact was stated, that it consisted of six millions of dollars imports, and of course a like amount of exports, it must be admitted, the question was one of deep import, compared to any which at present presented itself to the attention of congress. But, as was stated in the president's message, it was not solely important on account of the effect of the colonial system

on that trade, but the fact was, that the exclusion from a participation in that navigation, essentially affected the trade between this country and the British European possessions, and, by the operation of the system, deprived us, in a great measure, of the benefits of the convention of commerce with Great Britain, which provided for the establishment of a perfect reciprocity of commerce between the United States and the British European possessions. Even if gentlemen were not disposed to do something to obtain for the navigation of this country a participation in the colonial trade, they ought to go so far as to place them on an equal footing as regarded the European trade. Some measure ought to be devised, by which the navigation of Great Britain should be prevented from enjoying peculiar advantages over us, in a trade wherein reciprocity had been solemnly promised by the convention, to which he had alluded.

Let us, then, inquire into the character of the evil proposed to be remedied, and of the remedy that is offered. What is the evil? Great Britain says, that the whole commerce between her colonies and the United States shall be carried on in British ships, absolutely excluding American ships from any participation in it. The most natural course of the exchange of commodities between nations might be thus defined; that each nation should carry its own products to market; that we should carry of our produce what we do not want, but they do, to British ports; and that they should bring what they do not want, but we do, to our ports. With this course, however, Great Britain was not satisfied. The next and perhaps the most equal and best mode of providing for the free and fair interchange of commodities, was, to open the trade equally and reciprocally to both parties, to let each carry the commodities of both countries, in a fair competition. Great Britain was not, however, disposed to do this. She not only prohibited the carriage of her colonial commodities in our vessels; not only entirely engrossed the export trade from her colonies, but refused to allow us any participation, by conventional regulation or otherwise, in the trade to the colonies. The effect was, to deprive us of the advantages, in the augmentation of our commerce and increase of our seamen, which would result from the carriage of our own produce, to the amount of six millions of dollars annually.

With regard to the importance of encouraging our navigation, he said, he need not resort to argument. The question of the importance of a navy, to maintain and defend our rights, which had been some years ago a question of a theoretical nature, was no longer so; it was now a question of practical experience. All felt its importance, and all acknowledged the expediency of cherishing, by all means in our power, that important branch of national defence.

Gentlemen alarmed themselves by the apprehension, that the other party would view as inimical any regulations countervailing



her colonial policy, and that the issue of this conflict of commercial regulations would be war. He believed in no such result. If an exclusion of the navigation and shipping of Great Britain from our ports be a measure of a hostile character, said Mr. Clay, Great Britain has set us the example; for she excludes our navigation and shipping from an extensive range of her ports. He considered this rather as a diplomatic than a hostile measure; but, if it were otherwise, she had set the example, which she could not complain if we followed.

But, said he, let us look to the fact. What would be the light in which Great Britain would view any such regulations as are proposed by the bill? The convention of London contains an express stipulation on the subject; and I will observe to gentlemen, that the clause which exempts the colonial trade from the second article of the convention, was introduced with the express view of retaining in our hands the right to countervail the British regulations in this respect. It was so understood by the framers of that convention. But we have later evidence than that which is furnished by the terms of the convention. The president, in his message at the opening of the session, says, that it is ascertained, 'that the British government declines all negotiation on this subject; *with a disavowal*, however, of any disposition to view in an unfriendly light, whatever *countervailing regulations* the United States may oppose to the regulations of which they complain.' Thus, then, we have evidence, both from the nature of the case, and from the express declarations of the British government, that it will not, because it cannot, view in an unfriendly light any regulations which this government may find it expedient to adopt, to countervail their policy. Mr. Clay said, he did not think that the adoption of this policy on the part of Great Britain, ought to excite any hostile feeling towards her. She was not singular in this respect. Every country that has colonies in the West Indies, and which is not too weak to defend them, endeavored, he said, to appropriate to itself all the advantages of the trade with those colonies; and it would be found that the relaxation of the rigor of that system by one nation or another, was precisely graduated by the degree of ability to maintain their colonies in peace, and defend them in war. There was nothing in the regulations of Great Britain, which could be offensive, or possibly lead to war. They might be complained of as selfish or unfriendly, they certainly were the former. But Great Britain had a perfect right to set the example before us; and the question was, whether the total exclusion of our ships from the colonial ports of Britain, was such a measure as we ought to fold our arms and submit to, without an effort to obtain some part of the trade which she had attempted to appropriate exclusively to herself?

Gentlemen had properly said, that this was a question which ought to be well weighed before decided. Whatever we do, it

ought to be with a determination to adhere firmly to it. For, depend upon it, Great Britain will never lightly relax her policy.

The policy of Great Britain was deeply laid in selfish considerations; a policy which she had never relaxed, except in periods of war, when it became her interest to do so, from the commencement of her colonies to this time. The measure which we address to her interest, to induce her to relax from the rigor of her colonial policy, should be a measure framed with ample deliberation, which, when we adopt with resolution, we will maintain with fortitude. For, the first conclusion of the British government would undoubtedly be, that the American government would be incapable of maintaining its regulations for any length of time; and that government, in the expectation of a retraction of the measure, would persevere in its policy as long as it could.

The question which presents itself, then, is, whether we will adopt measures to induce a relaxation so desirable to our interest?

What ought to be done, if any thing is? There were two propositions before the house, and the question now was, on substituting high duties for the prohibitory system. He preferred the prohibition; and if any gentleman would candidly compare the merits of the two proposed remedies, he would find that the whole value of the remedy, by the imposition of duties, was derived from its approximation to prohibition.

Suppose the measure of prohibition be adopted, what would be its effect? In the opinion of Mr. Clay, a mere change in the direction of the trade. St. Domingo would be opened to us, St. Thomas, Vera Cruz, and possibly St. Bartholomews, and other islands and ports. But, if not one port should be open, the necessity Great Britain would be under, to obtain supplies for her colonies, would dictate the expediency of opening some port at which an interchange of commodities could take place. If this operation took place, all that is proposed to be effected by the bill is accomplished, by the participation of our navigation in the transportation of the articles thus exchanged. Our ships will have obtained an employment, in carrying our products to that entrepot, and bringing return cargoes, of the same amount they would have now, if American, instead of British ships, wholly engrossed the trade. There might, in the case supposed, be some little increase in the cost of the articles, but so inconsiderable, as not to amount to any offset to the great advantages accruing to this country, from the employment of its tonnage.

The present moment Mr. Clay considered as particularly propitious to the adoption of this regulation; because, as regarded the great direct trade between the United States and British ports in Europe, that was regulated and unalterable for nearly three years. It stood on the footing of convention; and we should not, by any regulation adopted in regard to the colonial trade, put to hazard the advantages in the other, at least until that convention expired.

Regarding this regulation in another view, he anticipated beneficial effects from it. In consequence of the weakness of some of the powers of Europe in their maritime force, they had found it convenient to open ports to us, which were formerly shut, and we could thence draw our supplies, thus effecting a mere change in the channel of supply with the advantage of the employment of our own navigation, as already stated. South America, besides, would be open to us, and we could there obtain a large portion of the commodities we import from the West Indies, except, perhaps, the article of rum. Whether that could be obtained there or not, he did not know. Sugar might be obtained, in quantity, from Louisiana, where the product of that article increased every year. Georgia, and a portion of South Carolina, too, had turned their attention to that object; and the effect of this measure would be, to encourage the cultivation of that article. With respect to the article of spirits, if its importation were totally cut off, he thought it would be a benefit. He believed, he said, that America was the only country that imported as great a quantity of spirituous liquors; every other country he was acquainted with, used more of its own manufacture.

I think that the suffering of the navigating interest, to which the attention of congress is attracted, is one which calls loudly on this body to do something to alleviate it. It is attributable greatly to the colonial system of Great Britain, though no doubt also greatly to the state of peace, and the consequent resumption of their navigation by the powers of Europe, who, during war, suspended a great proportion of it. Taking care of the interests of the nation, and guarding our commerce against the effect of foreign regulations, it becomes us to act on this subject. He should, he said, cheerfully give his assent, therefore, to the bill before the house; and should vote for it, but with reluctance, if the amendment proposed by Mr. Forsyth should succeed.

The great question was, the *modus operandi* of this bill, to use a favorite expression of a member of another body. Operating on the sympathy as well as the direct interest of the parent country, it would induce her to relax her system. Great Britain would find a greater interest in securing the amount of six millions of trade, necessary to support and cherish her colonies, than she would gain merely on the transportation of the articles of which that trade consists. That was the question on which the British people would be called on to decide; and he believed the effect of this measure would be such as to induce them to decide in favor of admitting us, on a footing of reciprocity, into the West India trade. If the British government did not take this course, it would have to wink at the formation of entrepôts, by which the object proposed by the bill would be substantially accomplished.

## ON INTERNAL IMPROVEMENT.

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 4, 1817.

[THE house resolved itself into a committee of the whole on the bill to set apart, and pledge, as a fund for internal improvement, the bonus and United States share of the dividends of the national bank. The discussion was commenced by Mr. Calhoun of South Carolina, who advocated the constitutionality, importance, and expediency of a system of internal improvements, under the authority of the general government. The same views were expressed by Mr. Clay (speaker), Mr. Gold, of New York, Mr. Sheffey, of Virginia, and others. The bill finally passed both houses (but was vetoed by president Madison, on constitutional grounds, on the third of March, 1817). In the brief remarks of Mr. Clay on this occasion, which are subjoined, he expresses the same sentiments as will be found more at length in his subsequent speeches on this subject.]

MR. CLAY (speaker) observed, that it was not his intention to enter into the general discussion of the subject; he wished only to say, that he had long thought that there were no two subjects which could engage the attention of the national legislature, more worthy of its deliberate consideration, than those of internal improvements and domestic manufactures.

As to the constitutional point which had been made, he had not a doubt on his mind; but it was not necessary, in his judgment, to embarrass the passage of the bill with the argument of that point at this time. It was a sufficient answer to say, that the power was not now to be exercised. It was proposed merely to designate the fund, and, from time to time, as the proceeds of it came in, to invest them in the funded debt of the United States. It would thus be accumulating; and congress could, at some future day, examine into the constitutionality of the question, and if it has the power, it would exercise it; if it has not, the constitution, there could be very little doubt, would be so amended as to confer it. It was quite obvious, however, that congress might so direct the application of the fund, as not to interfere with the jurisdiction of the several states, and thus avoid the difficulty which had been started. It might distribute it among those objects of private enterprise which called for national patronage in the form of subscriptions to the capital stock of incorporated companies, such as that of the Delaware and Chesapeake canal, and other similar institutions. Perhaps

that might be the best way to employ the fund; but, he repeated this was not the time to go into this inquiry.

With regard to the general importance of the proposition; the effect of internal improvements in cementing the union; in facilitating internal trade; in augmenting the wealth and the population of the country; he would not consume the time of the committee in discussing those interesting topics, after the able manner in which they had been treated by his friend from South Carolina. In reply to those who thought that internal improvements had better be left to the several states, he would ask, he would put it to the candor of every one, if there were not various objects in which many states were interested, and which, requiring therefore their joint coöperation, would, if not taken up by the general government, be neglected, either for the want of resources, or from the difficulty of regulating their respective contributions. Such was the case with the improvement of the navigation of the Ohio at the rapids; the canal from the Hudson to the lakes; the great turnpike road, parallel with the coast from Maine to Louisiana. These, and similar objects were stamped with a national character; and they required the wisdom and the resources of the nation to accomplish them. No particular state felt an individual interest, sufficient to execute improvements of such magnitude. They must be patronised, efficaciously patronised, by the general government, or they never would be accomplished.

The practical effect of turnpike roads in correcting the evil, if it be one, of the great expansion of our republic, and in conquering space itself, as was expressed by the gentleman from South Carolina, is about to be demonstrated by the great turnpike road from Cumberland to Wheeling. That road is partially executed, and will probably be completed in about three years. In the mean time, Maryland is extending a line of turnpike roads from Baltimore to Cumberland, which is also partially finished, and will be completed in the same period. Three years from the present time, we shall have a continued line of turnpike roads from Baltimore to Ohio. The ordinary time requisite to travel from Wheeling to Baltimore, prior to the erection of these roads, was eight days. When the roads are completed, the same journey may be performed in three days. The distance, in effect, between those two points, will be diminished in the proportion of five eighths, or, in other words, they will be brought five days nearer to each other. Similar results will follow wherever this species of improvement is effected.

Mr. Clay owned that he felt anxiously desirous for the success of this measure. He was anxious, from its intrinsic merits; from his sincere conviction of its tendency greatly to promote the welfare of our common country. He was anxious from other,

perhaps more selfish, considerations. He wished the fourteenth congress to have the merit of laying the foundations of this great work. He wished this congress, who, in his opinion, had so many other just grounds for the national approbation, notwithstanding the obloquy which had attended a single unfortunate measure, to add this new claim to the public gratitude.

# ON THE WAR BETWEEN SPAIN AND HER COLONIES.

IN THE HOUSE OF REPRESENTATIVES, DECEMBER 3, 1817.

[THE president's message being under consideration in committee of the whole, Mr. Taylor moved a series of resolutions, embracing references of various parts of the message.

The first resolution having been read for consideration, Mr. Clay (speaker) moved to amend the same by adding to the end thereof the following words:

'And that the said committee be instructed to inquire, whether any, and, if any, what provisions of law are necessary to insure, to the American colonies of Spain, a just observance of the duties incident to the neutral relation in which the United States stand, in the existing war between them and Spain.']

MR. CLAY said, that his presenting, at so early a period of the session, this subject to the consideration of the house, was in consequence of certain proceedings which he had seen represented in the public prints as having taken place before certain of our courts of justice. Two or three cases bearing on this subject had come to his knowledge, which he wished to state to the house. The first had occurred at Philadelphia, before the circuit court of the United States held in that city. The circumstances of the case, for which, however, he did not pretend to vouch, having received them through the channel already indicated, were these; if they were incorrectly stated, he was happy that a gentleman had taken his seat this morning from that city, who would be able to correct him: that nine or ten British disbanded officers had formed in Europe the resolution to unite themselves with the Spanish patriots in the contest existing between them and Spain; that, to carry into effect this intention, they had sailed from Europe, and in their transit to South America had touched at the port of Philadelphia; that during their residence in Philadelphia, wearing perhaps the arms and habiliments of military men, making no disguise of their intention to participate in the struggle, they took passage in a vessel bound to some port in South America; that a knowledge of this fact having come to the ears of the public authorities, or, perhaps, at the instigation of some agent of the Spanish government, a prosecution was commenced against these officers, who,

from their inability to procure bail, were confined in prison. If, said Mr. Clay, the circumstances attending this transaction be correctly stated, it becomes an imperious duty in the house to institute the inquiry contemplated by the amendment which I have proposed. That this was an extraordinary case, was demonstrated by the fact of the general sensation which it had excited on the subject, in the place where it had occurred. Filled, as that respectable and populous city is, with men who differ widely on political topics, and entertaining various views of public affairs, but one sentiment prevailed on this subject, which was favorable to the persons thus arraigned. With regard to the conduct of the court on this occasion, he would say nothing. The respect which, whilst he had a seat on this floor, he should always show to every branch of the government, the respect he entertained for the honorable judge who had presided, forbade him from pronouncing the decision of that court to have been unwarranted by law. But he felt himself perfectly sustained in saying, that if the proceeding was warranted by the existing law, it was the imperious duty of congress to alter the law in this respect. For what, he asked, was the neutral obligation which one nation owed to another engaged in war? The essence of it is this; that the belligerent means of the neutral shall not be employed in the war in favor of either of the parties. That is the whole of the obligation of a third party in a war between two others; it certainly does not require of one nation to restrain the belligerent means of other nations. If those nations choose to permit their means to be employed in behalf of either party, it is their business to look to it, and not ours. Let the conduct of the persons prosecuted be regarded in the most unfavorable light; let it be considered as the passage of troops through our country, and there was nothing in our neutral obligations forbidding it. The passage of troops through a neutral country, according to his impressions, was a question depending on the particular interest, quiet, or repose, of the country traversed, and might be granted or refused at its discretion, without in any degree affecting the obligations of the neutral to either of the parties engaged in the controversy. But, surely, this was not a case of the passage of troops the persons apprehended not being in sufficient number, nor organized or equipped in such manner, as, under any construction, to constitute a military corps. On this case he would detain the house no longer, he said; for he was satisfied they could not but agree with him, if the law justified the proceeding that had taken place, that law ought to be immediately amended. Other cases had occurred, in which it appeared to him it became the congress to interpose its authority. Persons sailing under the flag of the provinces had been arraigned in our courts, and tried for piracy; in one case, after having been arraigned, tried, and acquitted of piracy, the same individuals, on the instigation of a Spanish officer or agent, had been again arraigned for the same



offence. The gentleman from Massachusetts would correct him if he was wrong, for the case had occurred in the town of Boston. We admit the flag of these colonies into our ports; we profess to be neutral; but if our laws pronounce, that the moment the property and persons under that flag enter our ports, they shall be seized, the one claimed by the Spanish minister or consul as the property of Spain, and the other prosecuted as pirates, that law ought to be altered, if we mean to perform our neutral professions. I have brought the subject before this house thus promptly, because I trust that *in this house* the cause will find justice; that, however treated elsewhere, on this floor will be found a guardian interest attending to our performance of the just obligations of neutrality. Hitherto, he said, whatever might have been our intentions, our acts had been all on the other side. From the proclamation of 1815, issued to terminate an expedition supposed to be organizing in Louisiana, an expedition only in the mind of Chevalier de Onis, down to the late act — whether the measure was a proper one or not, he did not say; his confidence in the executive led him to suppose it was adopted on sufficient grounds — down to the order for suppressing, as it was called, the establishments at Amelia Island and Galveston — all the acts of the government had been on one side; they all bore against the colonies, against the cause in which the patriots of South America were arduously engaged. It became us, he said, to look to the other side, honestly intending neutrality, as he believed we did. Let us recollect the condition of the patriots; no minister here to spur on our government, as was said in an interesting, and, it appeared to him, a very candid work, recently published in this country, respecting the progress of the South American revolution; no minister here to be rewarded by noble honors, in consequence of the influence he is supposed to possess with the American government. No; their unfortunate case was what ours had been, in the years 1778 and 1779; their ministers, like our Franklins and Jays at that day, were skulking about Europe, imploring inexorable legitimacy for one kind look — some aid to terminate a war afflicting to humanity. Nay, their situation was worse than ours; for we had one great and magnanimous ally to recognize us, but no nation had stepped forward to acknowledge any of these provinces. Such disparity between the parties, demanded a just attention to the interests of the party which was unrepresented; and if the facts which he had mentioned, and others which had come to his knowledge, were correct, they loudly demanded the interposition of congress. He trusted the house would give the subject their attention, and shew that here, in this place, the obligations of neutrality would be strictly regarded in respect to South America.

[Mr. Sergeant, of Philadelphia, said the statement made by Mr. Clay was substantially correct, and, after a few other remarks by the same gentleman, the amendment moved by Mr. Clay was agreed to, without opposition.]

## ON INTERNAL IMPROVEMENT.

IN THE HOUSE OF REPRESENTATIVES, MARCH 13, 1818.

[THE bill making appropriations for purposes of internal improvement, which passed congress in 1817, having been vetoed by president Madison, on the last day of his term, March third, 1817; his successor, Mr. Monroe, in his first message to congress, declared his sentiments on the subject, concurring with Mr. Madison in the opinion that the power of making internal improvements was not vested in congress. Three national executives having decided against the constitutionality of the power, a great effort was made by the friends of the system, to obtain a contrary and favorable expression by congress. A resolution was offered in the house of representatives, declaring that congress had power, under the constitution, to appropriate money for the construction of military roads, post roads, and canals. On this interesting occasion, the resolution being under discussion in committee of the whole, Mr. Clay made the following speech, in vindication of the constitutionality of internal improvements by the national government, in which views he was sustained by the house, in the adoption of the resolution, by a vote of ninety to seventy-five. This triumph in the face of a new and popular administration, may be considered one of the most splendid events in parliamentary history.]

I HAVE been anxious to catch the eye of the chairman for a few moments, to reply to some of the observations which have fallen from various gentlemen. I am aware that, in doing this, I risk the loss of what is of the utmost value — the kind favor of the house, wearied as its patience is, by this prolonged debate. But when I feel what a deep interest the union at large, and particularly that quarter of it whence I come, has, in the decision of the present question, I cannot omit any opportunity of earnestly urging upon the house the propriety of retaining the important power which this question involves. It will be recollected, that if unfortunately there should be a majority both against the abstract proposition asserting the power, and against its practical execution, the power is gone for ever — the question is put at rest, so long as the constitution remains as it is; and with respect to any amendment, in this particular, I confess I utterly despair. It will be borne in mind, that the bill which passed congress on this subject, at the last session, was rejected by the late president of the United States; that at the commencement of the present session, the president communicated his clear opinion, after every effort to come to a different conclusion, that congress does not possess the power contended for, and called upon us to take up the subject, in the

shape of an amendment to the constitution; and, moreover, that the predecessor of the present and late presidents, has also intimated his opinion, that congress does not possess the power. With the great weight and authority of the opinions of these distinguished men against the power, and with the fact, solemnly entered upon the record, that this house, after a deliberate review of the ground taken by it at the last session, has decided against the existence of it, (if such, fatally, shall be the decision,) the power, I repeat, is gone—gone for ever, unless restored by an amendment of the constitution. With regard to the practicability of obtaining such an amendment, I think it altogether out of the question. Two different descriptions of persons, entertaining sentiments directly opposed, will unite and defeat such an amendment; one embracing those who believe that the constitution, fairly interpreted, already conveys the power; and the other, those who think that congress has not and ought not to have it. As a large portion of congress, and probably a majority, believes the power to exist, it must be evident, if I am right in supposing that any considerable number of that majority would vote against an amendment which they do not believe necessary, that any attempt to amend would fail. Considering, as I do, the existence of the power as of the first importance, not merely to the preservation of the union of the states, paramount as that consideration ever should be over all others, but to the prosperity of every great interest of the country, agriculture, manufactures, commerce, in peace and in war, it becomes us solemnly, and deliberately, and anxiously, to examine the constitution, and not to surrender it, if fairly to be collected from a just interpretation of that instrument.

With regard to the alarm sought to be created, as to the nature of the power, by bringing up the old theme of 'state rights,' I would observe, that if the illustrious persons just referred to are against us in the construction of the constitution, they are on our side as to the harmless and beneficial character of the power. For it is not to be conceived, that each of them would have recommended an amendment to the constitution, if they believed that the possession of such a power, by the general government, would be detrimental, much less dangerous, to the independence and liberties of the states. What real ground is there for this alarm? Gentlemen have not condescended to show how the subversion of the rights of the states is to follow from the exercise of the power of internal improvements by the general government. We contend for the power to make roads and canals, to distribute the intelligence, force, and productions of the country, through all its parts, and for such jurisdiction only over them, as is necessary to their preservation from wanton injury and from gradual decay. Suppose such a power is sustained and in full operation; imagine it to extend to every canal made, or proposed to be made, and to

every post-road; how inconsiderable and insignificant is the power in a political point of view, limited as it is, with regard to place and to purpose, when contrasted with the great mass of powers retained by the state sovereignties! What a small subtraction from the mass! Even upon these roads and canals, the state governments, according to our principles, will still exercise jurisdiction over every possible case arising upon them, whether of crime or of contract, or any other human transaction, except only what immediately affects their existence and preservation. Thus defined, thus limited, and stripped of all factitious causes of alarm, I will appeal to the candor of gentlemen to say, if the power really presents any thing frightful in it? With respect to post-roads, our adversaries admit the right of way in the general government. There have been, however, on this question, some instances of conflict, but they have passed away without any serious difficulty. Connecticut, if I have been rightly informed, disputed, at one period, the right of passage of the mail on the Sabbath. The general government persisted in the exercise of the right, and Connecticut herself, and every body else, have acquiesced in it.

The gentleman from Virginia (Mr. H. Nelson) has contended, that I do not adhere, in the principles of construction which I apply to the constitution, to the republican doctrines of 1798, of which that gentleman would have us believe he is the constant disciple. Let me call the attention of the committee to the celebrated state paper to which we both refer for our principles in this respect — a paper which, although I have not seen it for sixteen years, (until the gentleman had the politeness to furnish me with it during this debate,) made such an impression on my mind, that I shall never forget the satisfaction with which I perused it. I find that I have used, without having been aware of it, when I formerly addressed the committee, almost the same identical language employed by Mr. Madison in that paper. It will be recollected, that I claimed no right to exercise any power under the constitution, unless such power was expressly granted, or necessary and proper to carry into effect some granted power. I have not sought to derive power from the clause which authorizes congress to appropriate money. I have been contented with endeavoring to show, that according to the doctrines of 1798, and according to the most rigid interpretation which any one will put upon the instrument, it is expressly given in one case, and fairly deducible in others.

[Here Mr. Clay read sundry passages from Mr. Madison's report to the Virginia legislature, in an answer to the resolutions of several states, concerning the alien and sedition laws, showing that there were no powers in the general government but what were granted; and that, whenever a power was claimed to be exercised by it, such power must be shown to be granted, or to be necessary and proper to carry into effect one of the specified powers.]

It will be remarked, that Mr. Madison, in his reasoning on the constitution, has not employed the language fashionable during this debate; he has not said, that an implied power must be *absolutely* necessary to carry into effect the specified power, to which it is appurtenant, to enable the general government to exercise it. No! This was a modern interpretation of the constitution. Mr. Madison has employed the language of the instrument itself, and has only contended that the implied power must be necessary and proper to carry into effect the specified power. He has only insisted, that when congress applied its sound judgment to the constitution in relation to implied powers, it should be clearly seen that they were necessary and proper to effectuate the specified powers. These are my principles; but they are not those of the gentleman from Virginia and his friends on this occasion. They contend for a degree of necessity absolute and indispensable; that by no possibility can the power be otherwise executed.

That there are two classes of powers in the constitution, I believe has never been controverted by an American politician. We cannot foresee and provide specifically for all contingences. Man and his language are both imperfect. Hence the existence of construction, and of constructive powers. Hence also the rule, that a grant of the end is a grant of the means. If you amend the constitution a thousand times, the same imperfection of our nature and our language will attend our new works. There are two dangers to which we are exposed. The one is, that the general government may relapse into the debility which existed in the old confederation, and finally dissolve from the want of cohesion. The denial to it of powers plainly conferred, or clearly necessary and proper to execute the conferred powers, may produce this effect. And I think, with great deference to the gentleman on the other side, this is the danger to which their principles directly tend. The other danger, that of consolidation, is, by the assumption of powers not granted nor incident to granted powers, or the assumption of powers which have been withheld or expressly prohibited. This was the danger of the period of 1798-9. For instance, that, in direct contradiction to a prohibitory clause of the constitution, a seditious act was passed; and an alien law was also passed, in equal violation of the spirit, if not of the express provisions, of the constitution. It was by such measures that the federal party, (if parties might be named,) throwing off the veil, furnished to their adversaries the most effectual ground of opposition. If they had not passed those acts, I think it highly probable that the current of power would have continued to flow in the same channel; and the change of parties in 1801, so auspicious to the best interests of the country, as I believe, would never have occurred.

I beg the committee — I entreat the true friends of the confederated union of these states — to examine this doctrine of state rights.

and see to what abusive, if not dangerous consequences, it may lead; to what extent it has been carried, and how it has varied by the same state at different times. In alluding to the state of Massachusetts, I assure the gentlemen from that state, and particularly the honorable chairman of the committee to whom the claim of Massachusetts has been referred, that I have no intention to create any prejudice against that claim. I hope that when the subject is taken up it will be candidly and dispassionately considered, and that a decision will be made on it consistent with the rights of the union, and of the state of Massachusetts. The high character, amiable disposition, and urbanity of the gentleman to whom I have alluded, (Mr. Mason, of Massachusetts,) will, if I had been otherwise inclined, prevent me from endeavoring to make impressions unfavorable to the claim, whose justice that gentleman stands pledged to manifest. But in the period of 1798-9, what was the doctrine promulgated by Massachusetts? It was, that the states, in their sovereign capacity, had no right to examine into the constitutionality or expediency of the measures of the general government.

[Mr. Clay here quoted several passages from the answer of the state of Massachusetts to the Virginia and Kentucky resolutions, concerning the alien and sedition laws, to prove his position.]

We see here an express disclaimer, on the part of Massachusetts, of any right to decide on the constitutionality or expediency of the acts of the general government. But what was the doctrine which the same state, in 1813, thought proper to proclaim to the world, and that, too, when the union was menaced on all sides? She not only claimed but exercised the right which, in 1799, she had so solemnly disavowed. She claimed the right to judge of the propriety of the call made by the general government for her militia, and she refused the militia called for. There is so much plausibility in the reasoning employed by that state in support of her modern doctrine of state rights, that, were it not for the unpopularity of the stand she took in the late war, or had it been in other times, and under other circumstances, she would very probably have escaped a great portion of that odium which has so justly fallen to her lot. The constitution gives to congress power to provide for calling out the militia to execute the laws of the union, to suppress insurrections, and to repel invasions; and in no other cases. The militia was called out by the general government, during the late war, to repel invasions. Massachusetts said, as you have no right to the militia, but in certain contingences, she was competent to decide whether those contingences had or had not occurred. And, having examined the facts, what then? She said, all was peace and quietness in Massachusetts — no non-execution of the laws: no insurrection at home; no invasion from abroad,

nor any immediate danger of invasion. And, in truth, I believe there was no actual invasion for nearly two years after the requisition. Under these circumstances, were it not for the supposed motive of her conduct, would not the case which Massachusetts made out have looked extremely plausible? I hope it is not necessary for me to say, that it is very far from my intention to convey any thing like approbation of the conduct of Massachusetts. No! My doctrine is, that the states, as states, have no right to oppose the execution of the powers which the general government asserts. Any state has undoubtedly the right to express its opinion, in the form of resolution or otherwise, and to proceed, by constitutional means, to redress any real or imaginary grievance; but it has no right to withhold its military aid, when called upon by the high authorities of the general government, much less to obstruct the execution of a law regularly passed. To suppose the existence of such an alarming right, is to suppose, if not disunion itself, such a state of disorder and confusion as must inevitably lead to it.

Greatly as I venerate the state which gave me birth, and much as I respect the judges of its supreme court, several of whom are my personal friends, I am obliged to think that some of the doctrines which that state has recently held concerning state rights, are fraught with much danger. If those doctrines had been asserted during the late war, a large share of the public disapprobation which has been given to Massachusetts would have fallen to Virginia. What are these doctrines? The courts of Virginia assert, that they have a right to determine on the constitutionality of any law or treaty of the United States, and to expound them according to their own views, even if they should vary from the decision of the supreme court of the United States. They assert more — that from their decision there can be no appeal to the supreme court of the United States; and that there exists in congress no power to frame a law, obliging the court of the state, in the last resort, to submit its decision to the supervision of the supreme court of the United States; or, if I do not misunderstand the doctrine, to withdraw from the state tribunal, controversies involving the laws of the United States, and to place them before the federal judiciary. I am a friend, a true friend, to state rights; but not in all cases as they are asserted. The states have their appointed orbit; so has the union; and each should be confined within its fair, legitimate, and constitutional sphere. We should equally avoid that subtle process of argument which dissipates into air the powers of this government, and that spirit of encroachment which would snatch from the state, powers not delegated to the general government. We shall thus escape both the dangers I have noticed -- that of relapsing into the alarming weakness of the confederation, which is described as a mere rope of sand; and also that other, perhaps not the greatest danger, consolidation. No man deprecates more

than I do, the idea of consolidation; yet, between separation and consolidation, painful as would be the alternative, I would greatly prefer the latter.

I will now proceed to endeavor to discover the real difference, in the interpretation of the constitution, between the gentlemen on the other side and myself. It is agreed, that there is no power in the general government but that which is expressly granted, or which is impliable from an express grant. The difference, then, must be in the application of this rule. The gentleman from Virginia, who has favored the house with so able an argument on the subject, has conceded, though somewhat reluctantly, the existence of incidental powers, but he contended that they must have a direct and necessary relation to some specified power. Granted. But who is to judge of this relation? And what rule can you prescribe, different from that which the constitution has required, that it should be necessary and proper? Whatever may be the rule, in whatever language you may choose to express it, there must be a certain degree of discretion left to the agent who is to apply it. But gentlemen are alarmed at this discretion—that law of tyrants, on which they contend there is no limitation. It should be observed, in the first place, that the gentlemen are brought, by the very course of reasoning which they themselves employ, by all the rules which they would lay down for the constitution, to cases where discretion must exist. But is there no limitation, no security against the abuse of it? Yes, there is such security in the fact of our being members of the same society, equally affected ourselves by the laws we promulgate. There is the further security in the oath which is taken to support the constitution, and which will tend to restrain congress from deriving powers which are not proper and necessary. There is the yet further security, that, at the end of every two years, the members must be amenable to the people for the manner in which their trusts have been performed. And there remains also that further, though awful security, the last resort of society, which I contend belongs alike to the people and to the states in their sovereign capacity, to be exercised in extreme cases, and when oppression becomes intolerable, the right of resistance. Take the gentleman's own doctrine, (Mr. Barbour,) the most restricted which has been asserted, and what other securities have we against the abuse of power, than those which I have enumerated? Say that there must be an absolute necessity to justify the exercise of an implied power, who is to define that absolute necessity, and then to apply it? Who is to be the judge? Where is the security against transcending that limit? The rule the gentleman contends for has no greater security than that insisted upon by us. It equally leads to the same discretion, a sound discretion, exercised under all the responsibility of a solemn oath, of a regard to our fair fame, of a knowledge that we are ourselves the subjects of those laws which



we pass, and, lastly, of the right of resisting insupportable tyranny. And, by way of illustration, if the sedition act had not been condemned by the indignant voice of the community, the right of resistance would have accrued. If congress assumed the power to control the right of speech, and to assail, by penal statutes, the greatest of all the bulwarks of liberty, the freedom of the press, and there were no other means to arrest their progress, but that to which I have referred, lamentable as would be the appeal, such a monstrous abuse of power, I contend, would authorize a recurrence to that right.

If, then, the gentlemen on the other side and myself differ so little in our general principles, as I think I have shown, I will proceed, for a few moments, to look at the constitution a little more in detail. I have contended, that the power to construct post-roads is expressly granted in the power to establish post-roads. If it be, there is an end of the controversy; but if not, the next inquiry is, whether that power may be fairly deduced, by implication, from any of the special grants of power. To show that the power is expressly granted, I might safely appeal to the arguments already used, to prove that the word *establish*, in this case, can mean only one thing—the right of making. Several gentlemen have contended, that the word has a different sense; and one has resorted to the preamble of the constitution, to show that the phrase ‘to establish justice,’ there used, does not convey the power of creation. If the word ‘establish’ is there to be taken in the sense which gentlemen claim for it, that of adoption or designation, congress could have a choice only of systems of justice preëxisting. Will any gentleman contend, that we are obliged to take the Justinian code, the Napoleon code, the code of civil, or the code of common or canon law? Establishment means in the preamble, as in other cases, construction, formation, creation. Let me ask, in all cases of crime, which are merely *malum prohibitum*, if you do not resort to construction, to creating, when you make the offence? By your laws denouncing certain acts as criminal offences, laws which the good of society requires you to pass, and to adapt to our peculiar condition, you do construct and create a system of rules, to be administered by the judiciary. But gentlemen say, that the word cannot mean *make*; that you would not say, for example, to establish a ship, to establish a chair. In the application of this, as of all other terms, you must be guided by the nature of the subject; and if it cannot properly be used in all cases, it does not follow that it cannot be in any. And when we take into consideration, that, under the old articles of confederation, congress had over the subject of post-roads just as much power as gentlemen allow to the existing government, that it was the general scope and spirit of the new constitution to enlarge the powers of the general government, and that, in fact, in this very clause, the power to

establish post-offices, which was alone possessed by the former government, I think that I may safely consider the argument, on this part of the subject, as successfully maintained. With respect to military roads, the concession that they may be made when called for by the emergency, is admitting that the constitution conveys the power. And we may safely appeal to the judgment of the candid and enlightened, to decide between the wisdom of these two constructions, of which one requires you to wait for the exercise of your power until the arrival of an emergency, which may not allow you to exert it, and the other, without denying you the power, if you can exercise it during the emergency, claims the right of providing beforehand against the emergency.

One member has stated what appeared to him a conclusive argument against the power to cut canals, that he had understood that a proposition, made in the convention to insert such a power, was rejected. To this argument more than one sufficient answer can be made. In the first place, the fact itself has been denied, and I have never yet seen any evidence of it. But, suppose that the proposition had been made and overruled, unless the motives of the refusal to insert it are known, gentlemen are not authorized to draw the inference that it was from hostility to the power, or from a desire to withhold it from congress. May not one of the objections be, that the power was fairly to be inferred from some of the specific grants of power, and that it was therefore not necessary to insert the proposition; that to adopt it, indeed, might lead to weaken or bring into doubt other incidental powers not enumerated? A member from New York, (Mr. Storrs,) whose absence I regret on this occasion, not only on account of the great aid which might have been expected from him, but from the cause of that absence, has informed me, that, in the convention of that state, one of the objections to the constitution by the anti-federalists was, that it was understood to convey to the general government the power to cut canals. How often, in the course of the proceedings of this house, do we reject amendments, upon the sole ground that they are not necessary, the principle of the amendment being already contained in the proposition.

I refer to the Federalist, for one moment, to show that the only notice taken of that clause of the constitution which relates to post-roads, is favorable to my construction. The power, that book says, must always be a harmless one. I have endeavored to show, not only that it is perfectly harmless, but that every exercise of it must be necessarily beneficial. Nothing which tends to facilitate intercourse among the states, says the Federalist, can be unworthy of the public care. What intercourse? Even if restricted on the narrowest theory of gentlemen on the other side, to the intercourse of intelligence, they deny that to us, since they will not admit that we have the power to repair or improve the way, the right of which

they yield us. In a more liberal and enlarged sense of the word, it will comprehend all those various means of accomplishing the object, which are calculated to render us a homogeneous people — one in feeling, in interest, and affection; as we are one in our political relation.

Is there not a direct and intimate relation between the power to make war, and military roads and canals? It is in vain that the convention have confided to the general government the tremendous power of declaring war; have imposed upon it the duty to employ the whole physical means of the nation to render the war, whatever may be its character, successful and glorious; if the power is withheld of transporting and distributing those means. Let us appeal to facts, which are sometimes worth volumes of theory. We have recently had a war raging on all the four quarters of the union. The only circumstance which gave me pain at the close of that war, the detention of Moose Island, would not have occurred, if we had possessed military roads. Why did not the union, why did not Massachusetts, make a struggle to reconquer the island? Not for the want of men; not for the want of patriotism, I hope; but from the want of physical ability to march a force sufficient to dislodge the enemy. On the northwestern frontier, millions of money, and some of the most precious blood of the state from which I have the honor to come, was wastefully expended for the want of such roads. My honorable friend from Ohio (General Harrison), who commanded the army in that quarter, could furnish a volume of evidence on this subject. What now paralyses our arms on the southern frontier, and occasioned the recent massacre of fifty of our brave soldiers? What, but the want of proper means for the communication of intelligence, and for the transportation of our resources from point to point? Whether we refer to our own experience, or that of other countries, we cannot fail to perceive the great value of military roads. Those great masters of the world, the Romans, how did they sustain their power so many centuries, diffusing law and liberty, and intelligence, all around them? They made permanent military roads; and among the objects of interest which Europe now presents are the remains of those Roman roads, which are shown to the curious inquirer. If there were no other monument remaining of the sagacity and of the illustrious deeds of the unfortunate captive of St. Helena, the internal improvements which he made, the road from Ham-burgh to Basle, would perpetuate his memory to future ages. In making these allusions, let me not be misunderstood. I do not desire to see military roads established for the purpose of conquest, but of defence; and as a part of that preparation which should be made in a season of peace for a season of war. I do not wish to see this country ever in that complete state of preparation for war, for which some contend; that is, that we should constantly have a

large standing army, well disciplined, and always ready to act. I want to see the bill reported by my friend from Ohio, or some other, embracing an effective militia system, passed into a law; and a chain of roads and canals, by the aid of which our physical means can be promptly transported to any required point. These, connected with a small military establishment to keep up our forts and garrisons, constitute the kind of preparation for war, which, it appears to me, this country ought to make. No man, who has paid the least attention to the operations of modern war, can have failed to remark, how essential good roads and canals are to the success of those operations. How often have battles been won by celerity and rapidity of movement! It is one of the most essential circumstances in war. But, without good roads, it is impossible. Members will recall to their recollection the fact, that, in the senate, several years ago, an honorable friend of mine (Mr. Bayard), whose premature death I shall ever deplore, who was an ornament to the councils of his country, and who, when abroad, was the able and fearless advocate of her rights, did, in supporting a subscription which he proposed the United States bank should make to the stock of the Delaware and Chesapeake canal company, earnestly recommend the measure as connected with our operations in war. I listened to my friend with some incredulity, and thought he pushed his argument too far. I had, soon after, a practical evidence of its justness. For, in travelling from Philadelphia, in the fall of 1813, I saw transporting, by government, from Elk river to the Delaware, large quantities of massy timbers for the construction of the Guerriere or the Franklin, or both; and, judging from the number of wagons and horses, and the number of days employed, I believe the additional expense of that single operation would have gone very far to complete that canal, whose cause was espoused with so much eloquence in the senate, and with so much effect, too; bills having passed that body more than once to give aid, in some shape or other, to that canal. With notorious facts like this, is it not obvious, that a line of military canals is not only necessary and proper, but almost indispensable to the war-making power?

One of the rules of construction which has been laid down, I acknowledge my incapacity to comprehend. Gentlemen say, that the power in question is a substantive power; and that no substantive power can be derived by implication. What is their definition of a substantive power? Will they favor us with the principle of discrimination between powers which, being substantive, are not grantable but by express grant, and those which, not being substantive, may be conveyed by implication? Although I do not perceive why this power is more entitled than many implied powers, to the denomination of substantive, suppose that be yielded, how do gentlemen prove that it may not be conveyed by implication? If the positions were maintained, which have not yet been proved,

that the power is substantive, and that no substantive power can be implied, yet I trust it has been satisfactorily shown that there is an express grant.

My honorable friend from Virginia, (Mr. Nelson,) has denied the operation of executive influence on his mind; and has informed the committee, that from that quarter he has nothing to expect, to hope, or to fear. I did not impute to my honorable friend any such motive; I knew his independence of character and of mind too well to do so. But I entreat him to reflect, if he does not expose himself to such an imputation by those less friendly disposed towards him than myself. Let us look a little at facts. The president recommends the establishment of a bank. If ever there were a stretch of implied powers conveyed by the constitution, it has been thought that the grant of the charter of the national bank was one. But the president recommends it. Where was then my honorable friend, the friend of state rights, who so pathetically calls upon us to repent, in sackcloth and ashes, our meditated violation of the constitution; and who kindly expresses his hope, that we shall be made to feel the public indignation? Where was he at that awful epoch? Where was that eloquent tongue, which we have now heard with so much pleasure? Silent! Silent as the grave!

[Mr. Nelson said, across the house, that he had voted against the bank bill when first recommended.]

Alas! my honorable friend had not the heart to withstand a second recommendation from the president; but, when it came, yielded, no doubt most reluctantly, to the executive wishes, and voted for the bank. At the last session of congress, Mr. Madison recommended, (and I will presently make some remarks on that subject,) an exercise of all the existing powers of the general government, to establish a comprehensive system of internal improvements. Where was my honorable friend on that occasion? Not silent as the grave, but he gave a negative vote, almost as silent. No effort was made on his part, great as he is when he exerts the powers of his well-stored mind, to save the commonwealth from that greatest of all calamities, a system of internal improvement. No; although a war with all the allies, he now thinks, would be less terrible than the adoption of this report, not one word then dropped from his lips against the measure.

[Mr. Nelson said he voted against the bill.]

That he whispered out an unwilling negative, I do not deny! but it was unsustained by that torrent of eloquence which he has poured out on the present occasion. But we have an executive message *now*, not quite as ambiguous in its terms, nor as oracular

in its meaning, as that of Mr. Madison appears to have been. No the president now says, that he has made great efforts to vanquish his objections to the power, and that he cannot but believe that it does not exist. Then my honorable friend rouses, thunders forth the danger in which the constitution is, and sounds the tocsin of alarm. Far from insinuating that he is at all biased by the executive wishes, I appeal to his candor to say, if there is not a remarkable coincidence between his zeal and exertions, and the opinions of the chief magistrate?

Now let us review those opinions, as communicated at different periods. It was the opinion of Mr. Jefferson, that, although there was no general power vested by the constitution in congress, to construct roads and canals, without the consent of the states, yet such a power might be exercised with their assent. Mr. Jefferson not only held this opinion in the abstract, but he practically executed it in the instance of the Cumberland road; and how? First, by a compact made with the state of Ohio, for the application of a specified fund, and then by compacts with Virginia, Pennsylvania, and Maryland, to apply the fund so set apart within their respective limits. If, however, I rightly understood my honorable friend the other day, he expressly denied (and in that I concur with him) that the power could be acquired by the mere consent of the state. Yet he defended the act of Mr. Jefferson, in the case referred to.

[Mr. Nelson expressed his dissent to this statement of his argument.]

It is far from my intention to misstate the gentleman. I certainly understood him to say, that, as the road was first stipulated for, in the compact with Ohio, it was competent afterwards to carry it through the states mentioned, with their assent. Now, if we have not the right to make a road in virtue of one compact made with a single state, can we obtain it by two contracts made with several states? The character of the fund cannot affect the question. It is totally immaterial whether it arises from the sales of the public lands, or from the general revenue. Suppose a contract made with Massachusetts, that a certain portion of the revenue, collected at the port of Boston, from foreign trade, should be expended in making roads and canals leading to that state, and that a subsequent compact should be made with Connecticut or New Hampshire, for the expenditure of the fund on these objects, within their limits. Can we acquire the power, in this manner, over internal improvements, if we do not possess it independently of such compacts? I conceive, clearly not. And I am entirely at a loss to comprehend how gentlemen, consistently with their own principles, can justify the erection of the Cumberland road. No man is prouder than I am of that noble monument of the provident care of the nation, and of the public spirit of its projectors;

and I trust that, in spite of all constitutional and other scruples, here or elsewhere, an appropriation will be made to complete that road. I confess, however, freely, that I am entirely unable to conceive of any principle on which that road can be supported, that would not uphold the general power contended for.

I will now examine the opinion of Mr. Madison. Of all the acts of that pure, virtuous, and illustrious statesman, whose administration has so powerfully tended to advance the glory, honor, and prosperity of this country, I most regret, for his sake and for the sake of the country, the rejection of the bill of the last session. I think it irreconcilable with Mr. Madison's own principles — those great, broad, and liberal principles, on which he so ably administered the government. And, sir, when I appeal to the members of the last congress, who are now in my hearing, I am authorized to say, with regard to the majority of them, that no circumstance, not even an earthquake, that should have swallowed up one half of this city, could have excited more surprise than when it was first communicated to this house, that Mr. Madison had rejected his own bill — I say his own bill, for his message at the opening of the session meant nothing, if it did not recommend such an exercise of power as was contained in that bill. My friend, who is near me, (Mr. Johnson, of Virginia,) the operations of whose vigorous and independent mind, depend upon his own internal perceptions, has expressed himself with becoming manliness, and thrown aside the authority of names, as having no bearing with him on the question. But their authority has been referred to, and will have influence with others. It is impossible, moreover, to disguise the fact, that the question is now a question between the executive on the one side, and the representatives of the people on the other. So it is understood in the country, and such is the fact. Mr. Madison enjoys, in his retreat at Montpelier, the repose and the honors due to his eminent and laborious services; and I would be among the last to disturb it. However painful it is to me to animadvert upon any of his opinions, I feel perfectly sure that the circumstance can only be viewed by him with an enlightened liberality. What are the opinions which have been expressed by Mr. Madison on this subject? I will not refer to all the messages wherein he has recommended internal improvements; but to that alone which he addressed to congress, at the commencement of the last session, which contains this passage:

'I particularly invite *again* the attention of congress to the expediency of exercising *their existing powers*, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to *effectuate a comprehensive system of roads and canals*, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.'

In the examination of this passage, two positions force themselves upon our attention. The first is, the assertion that there are existing powers in congress to effectuate a comprehensive system of roads and canals, the effect of which would be to draw the different parts of the country more closely together. And I would candidly admit, in the second place, that it was intimated, that, in the exercise of those existing powers, some defect might be discovered which would render an amendment of the constitution necessary. Nothing could be more clearly affirmed than the first position; but in the message of Mr. Madison returning the bill, passed in consequence of his recommendation, he has not specified a solitary case to which those existing powers are applicable; he has not told us what he meant by those existing powers; and the general scope of his reasoning, in that message, if well founded, proves that there are no existing powers whatever. It is apparent, that Mr. Madison himself has not examined some of those principal sources of the constitution from which, during this debate, the power has been derived. I deeply regret, and I know that Mr. Madison regretted, that the circumstances under which the bill was presented to him (the last day but one of a most busy session) deprived him of an opportunity of that thorough investigation of which no man is more capable. It is certain, that, taking his two messages at the same session together, they are perfectly irreconcilable. What, moreover, was the nature of that bill? It did not apply the money to any specific object of internal improvement, nor designate any particular mode in which it should be applied; but merely set apart and pledged the fund to the general purpose, subject to the future disposition of congress. If, then, there were any supposable case whatever, to which congress might apply money in the erection of a road, or cutting a canal, the bill did not violate the constitution. And it ought not to have been anticipated, that money constitutionally appropriated by one congress would be unconstitutionally expended by another.

I come now to the message of Mr. Monroe; and if, by the communication of his opinion to congress, he intended to prevent discussion, he has most wofully failed. I know that, according to a most venerable and excellent usage, the opinion, neither of the president nor of the senate, upon any proposition depending in this house, ought to be adverted to. Even in the parliament of Great Britain, a member who would refer to the opinion of the sovereign, in such a case, would be instantly called to order; but under the extraordinary circumstances of the president having, with, I have no doubt, the best motives, volunteered his opinion on this head, and inverted the order of legislation by beginning where it should end, I am compelled, most reluctantly, to refer to that opinion. I cannot but deprecate the practice of which the president has, in this instance, set the example to his successors. The constitutional



order of legislation supposes that every bill originating in one house, shall be there deliberately investigated, without influence from any other branch of the legislature; and then remitted to the other house for a like free and unbiassed consideration. Having passed both houses, it is to be laid before the president; signed if approved, and if disapproved, to be returned, with his objections, to the originating house. In this manner, entire freedom of thought and of action is secured, and the president finally sees the proposition in the most matured form which congress can give to it. The practical effect, to say no more, of forestalling the legislative opinion, and telling us what we may or may not do, will be to deprive the president himself of the opportunity of considering a proposition so matured, and us of the benefit of his reasoning applied specifically to such proposition. For the constitution further enjoins it upon him, to state his objections upon returning the bill. The originating house is then to reconsider it, and deliberately to weigh those objections; and it is further required, when the question is again taken, shall the bill pass, those objections notwithstanding? that the votes shall be solemnly spread, by ayes and noes, upon the record. Of this opportunity of thus recording our opinions, in matters of great public concern, we are deprived, if we submit to the innovation of the president. I will not press this part of the subject further. I repeat, again and again, that I have no doubt but that the president was actuated by the purest motives. I am compelled, however, in the exercise of that freedom of opinion which, so long as I exist, I will maintain, to say, that the proceeding is irregular and unconstitutional. Let us, however, examine the reasoning and opinion of the president.

‘A difference of opinion has existed from the first formation of our constitution to the present time, among our most enlightened and virtuous citizens, respecting the right of congress to establish a system of internal improvement. Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived, with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required, and the result is, a settled conviction in my mind, that congress does not possess the right. It is not contained in any of the specified powers granted to congress; nor can I consider it incidental to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I cannot resist the obligation which I feel, to suggest to congress the propriety of recommending to the states the adoption of an amendment to the constitution, which shall give the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of power. We may confidently rely, that, if it appears to their satisfaction that the power is necessary, it will always be granted.’

In this passage, the president has furnished us with no reasoning, no argument in support of his opinion — nothing addressed to the understanding. He gives us, indeed, an historical account of the operations of his own mind, and he asserts that he has made a

laborious effort to conquer his early impressions, but that the result is a settled conviction against the power, without a single reason. In his position, that the power must be specifically granted, or incident to a power so granted, it has been seen, that I have the honor to entirely concur with him; but, he says, the power is not among the specified powers. Has he taken into consideration the clause respecting post-roads, and told us how and why that does not convey the power? If he had acted within what I conceive to be his constitutional sphere of rejecting the bill, after it had passed both houses, he must have learned that great stress was placed on that clause, and we should have been enlightened by his comments upon it. As to his denial of the power, as an incident to any of the express grants, I would have thought that we might have safely appealed to the experience of the president, during the late war, when the country derived so much benefit from his judicious administration of the duties of the war department, whether roads and canals for military purposes were not essential to celerity and successful result in the operations of armies. This part of the message is all assertion, and contains no argument which I can comprehend, or which meet the points contended for during this debate. Allow me here to say, and I do it without the least disrespect to that branch of the government, on whose opinions and acts it has been rendered my painful duty to comment; let me say, in reference to any man, however elevated his station, even if he be endowed with the power and prerogatives of a sovereign, that his acts are worth infinitely more, and are more intelligible, than mere paper sentiments or declarations. And what have been the acts of the president? During his tour of the last summer, did he not order a road to be cut or repaired from near Plattsburgh to the St. Lawrence? My honorable friend will excuse me, if my comprehension is too dull to perceive the force of that argument, which seeks to draw a distinction between repairing an old and making a new road.

[ Mr. Nelson said, he had not drawn that distinction, having only stated the fact. ]

Certainly no such distinction is to be found in the constitution, or exists in reason. Grant, however, the power of reparation, and we will make it do. We will take the post-roads, sinuous as they are, and put them in a condition to enable the mails to pass, without those mortifying delays and disappointments, to which we, at least in the west, are so often liable. The president, then, ordered a road of considerable extent to be constructed or repaired, on his sole authority, in a time of profound peace, when no enemy threatened the country, and when, in relation to the power as to which alone that road could be useful in time of war, there exists the best understanding, and a prospect of lasting friendship, greater than at any other period. On his sole authority the president acted, and we are

already called upon by the chairman of the committee of ways and means to sanction the act by an appropriation. This measure has been taken, too, without the consent of the state of New York; and what is wonderful, when we consider the magnitude of the state rights which are said to be violated, without even a protest on the part of that state against it. On the contrary, I understand, from some of the military officers who are charged with the execution of the work, what is very extraordinary, that the people through whose quarter of the country the road passes, do not view it as a national calamity; that they would be very glad that the president would visit them often, and that he would order a road to be cut and improved, at the national expense, every time he should visit them. Other roads, in other parts of the union, have, it seems, been likewise ordered, or their execution, at the public expense, sanctioned by the executive, without the concurrence of congress. If the president has the power to cause these public improvements to be executed at his pleasure, whence is it derived? If any member will stand up in this place and say the president is clothed with this authority, and that it is denied to congress, let us hear from him; and let him point to the clause of the constitution which vests it in the executive and withholds it from the legislative branch.

There is no such clause; there is no such exclusive executive power. The power is derivable by the executive only from those provisions of the constitution which charge him with the duties of commanding the physical force of the country, and the employment of that force in war, and the preservation of the public tranquillity, and in the execution of the laws. But congress has paramount powers to the president. It alone can declare war, can raise armies, can provide for calling out the militia, in the specified instances, and can raise and appropriate the ways and means necessary to those objects. Or is it come to this, that there are to be two rules of construction for the constitution — one, an enlarged rule, for the executive, and another, a restricted rule, for the legislature? Is it already to be held, that, according to the genius and nature of our constitution, powers of this kind may be safely intrusted to the executive, but, when attempted to be exercised by the legislature, are so alarming and dangerous, that a war with all the allied powers would be less terrible, and that the nation should clothe itself straightway in sackcloth and ashes! No, sir; if the power belongs only by implication to the chief magistrate, it is placed both by implication and express grant in the hands of congress. I am so far from condemning the act of the president, to which I have referred, that I think it deserving of high approbation. That it was within the scope of his constitutional authority, I have no doubt; and I sincerely trust, that the secretary at war will, in time of peace, constantly employ in that way the military force. It will at the same time guard that force against the vices

incident to indolence and inaction, and correct the evil of subtracting from the mass of the labor of society, where labor is more valuable than in any other country, that portion of it which enters into the composition of the army. But I most solemnly protest against any exercise of powers of this kind by the president, which are denied to congress. And, if the opinions expressed by him, in his message, were communicated, or are to be used here, to influence the judgment of the house, their authority is more than counterbalanced by the authority of his deliberate acts.

Some principles drawn from political economists have been alluded to, and we are advised to leave things to themselves, upon the ground that, when the condition of society is ripe for internal improvements—that is, when capital can be so invested with a fair prospect of adequate remuneration, they will be executed by associations of individuals, unaided by government. With my friend from South Carolina (Mr. Lowndes) I concur in this as a general maxim; and I also concur with him that there are exceptions to it. The foreign policy which I think this country ought to adopt, presents one of those exceptions. It would perhaps be better for mankind, if, in the intercourse between nations, all would leave skill and industry to their unstimulated exertions. But this is not done; and if other powers will incite the industry of their subjects, and depress that of our citizens, in instances where they may come into competition, we must imitate their selfish example. Hence the necessity to protect our manufactures. In regard to internal improvements, it does not follow, that they will always be constructed whenever they will afford a competent dividend upon the capital invested. It may be true generally that, in old countries, where there is a great accumulation of surplus capital, and a consequent low rate of interest, they will be made. But, in a new country, the condition of society may be ripe for public works long before there is, in the hands of individuals, the necessary accumulation of capital to effect them; and, besides, there is generally, in such a country, not only a scarcity of capital, but such a multiplicity of profitable objects presenting themselves as to distract the judgment. Further; the aggregate benefit resulting to the whole society, from a public improvement, may be such as to amply justify the investment of capital in its execution, and yet that benefit may be so distributed among different and distant persons, that they can never be got to act in concert. The turnpike roads wanted to pass the Alleghany mountains, and the Delaware and Chesapeake canal, are objects of this description. Those who will be most benefited by these improvements, reside at a considerable distance from the sites of them; many of those persons never have seen and never will see them. How is it possible to regulate the contributions, or to present to individuals so situated a sufficiently lively picture of their real interests, to get them to make exertions

in effectuating the object, commensurate with their respective abilities? I think it very possible that the capitalist, who should invest his money in one of these objects, might not be reimbursed three per centum annually upon it; and yet society, in various forms, might actually reap fifteen or twenty per centum. The benefit resulting from a turnpike road, made by private associations, is divided between the capitalist who receives his tolls, the lands through which it passes, and which are augmented in their value, and the commodities whose value is enhanced by the diminished expense of transportation. A combination, upon any terms, much less a just combination, of all those interests, to effect the improvement, is impracticable. And if you await the arrival of the period when the tolls alone can produce a competent dividend, it is evident that you will have to suspend its execution long after the general interests of society would have authorized it.

Again, improvements, made by private associations, are generally made by local capital. But ages must elapse before there will be concentrated in certain places, where the interests of the whole community may call for improvements, sufficient capital to make them. The place of the improvement, too, is not always the most interested in its accomplishment. Other parts of the union — the whole line of the seaboard — are quite as much, if not more interested, in the Delaware and Chesapeake canal, as the small tract of country through which it is proposed to pass. The same observation will apply to turnpike roads passing through the Alleghany mountain. Sometimes the interest of the place of the improvement is adverse to the improvement and to the general interest. I would cite Louisville, at the rapids of the Ohio, as an example, whose interest will probably be more promoted by the continuance, than the removal of the obstruction. Of all the modes in which a government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort, and activity, and animation, on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways. Thus, if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened two dollars, the producer of the article would receive that two dollars more now than formerly.

But, putting aside all pecuniary considerations, there may be political motives sufficiently powerful alone to justify certain internal improvements. Does not our country present such? How are they to be effected, if things are left to themselves? I will not press the subject further. I am but too sensible how much I have abused the patience of the committee by trespassing so long upon its attention. The magnitude of the question, and the deep interest

I feel in its rightful decision, must be my apology. We are now making the last effort to establish our power, and I call on the friends of congress, of this house, or the true friends of state rights, (not charging others with intending to oppose them,) to rally round the constitution, and to support by their votes, on this occasion, the legitimate powers of the legislature. If we do nothing this session but pass an abstract resolution on the subject, I shall, under all circumstances, consider it a triumph for the best interests of the country, of which posterity will, if we do not, reap the benefit. I trust, that by the decision which shall be given, we shall assert, uphold, and maintain, the authority of congress, notwithstanding all that has been or may be said against it.

[The resolution of giving the power of congress, first, to appropriate money to the construction of military and post roads, make canals, and improve water-courses, was adopted: yeas ninety; nays seventy-five: secondly, to construct such roads: lost: yeas eighty-two; nays eighty-four: thirdly, to construct roads and canals for commercial purposes: lost: yeas seventy-one; nays ninety-five: fourthly, to construct canals for military purposes: lost: eighty-one to eighty-three.]

# ON THE EMANCIPATION OF SOUTH AMERICA.

IN THE HOUSE OF REPRESENTATIVES, MARCH 24, 1818.

[THE following is considered one of the most important speeches made by Mr. Clay, during his congressional career. It is here that he appears as an advocate for the cause of human liberty — ‘when, striving to usher the southern republics into the great family of nations, he stood up before his countrymen like an apostle, commissioned by Freedom, to welcome her new votaries to the reward of their labors and their sacrifices. The glory which he won by the discharge of that commission, is as imperishable as liberty itself. It will rise freshly above his grave, and grow greener with the lapse of centuries.’ At the sessions of congress, in 1816 and 1817, he had made allusions to the situation of the South American patriots, and expressed his warm sympathies in their behalf, as may be observed in preceding speeches, and he now proposes to recognize the independence of the United Provinces of La Plata or Buenos Ayres, as the first established republic of South America.

In the summer of 1817, the president of the United States (Mr. Monroe) appointed Messrs. Rodney, Graham, and Bland, commissioners to proceed to South America, for the purpose of ascertaining the condition of the country, the character of the people, and their ability for self-government. At the present session of congress, (March twenty-fourth, 1818,) the house being in committee of the whole, on the bill making appropriations for the support of government, which bill proposed thirty thousand dollars, for compensation to the commissioners above mentioned; this item being passed by for the time, Mr. Clay (speaker) moved to amend the bill, by adding, and ‘for one year’s salary and an outfit to a minister to the *United Provinces of Rio de La Plata*, the salary to commence, and the outfit to be paid, whenever the president shall deem it expedient to send a minister to the said United Provinces, a sum not exceeding eighteen thousand dollars.’

This motion he followed up by the subjoined argument, and on this occasion he differed with many of his political and personal friends in congress, as well as the president and heads of departments. The house rejected his proposition at this time, but in 1820, by recognizing its principles, and the independence of South America congress acknowledged his triumph.]

I RISE under feelings of deeper regret than I have ever experienced on any former occasion, inspired, principally, by the painful consideration, that I find myself, on the proposition which I meant to submit; differing from many highly esteemed friends, in and out of this house, for whose judgment I entertained the greatest respect. A knowledge of this circumstance has induced me to pause; to subject my own convictions to the severest scrutiny, and to revolve the question over and over again. But all my reflections have conducted me to the same clear result; and, much as I value those friends, great as my deference is for their opinions, I cannot hesitate, when reduced to the distressing alternative of conforming

my judgment to theirs, or pursuing the deliberate and mature dictates of my own mind. I enjoy some consolation, for the want of their coöperation, from the persuasion that, if I err on this occasion, I err on the side of the liberty and happiness of a large portion of the human family. Another, and, if possible, indeed a greater, source of the regret to which I refer, is the utter incompetency, which I unfeignedly feel, to do any thing like adequate justice to the great cause of American independence and freedom, whose interests I wish to promote by my humble exertions in this instance. Exhausted and worn down as I am, by the fatigue, confinement, and incessant application incident to the arduous duties of the honorable station I hold, during a four months' session, I shall need all that kind indulgence which has been so often extended to me by the house.

I beg, in the first place, to correct misconceptions, if any exist, in regard to my opinions. I am averse to war with Spain, or with any power. I would give no just cause of war to any power — not to Spain herself. I have seen enough of war, and of its calamities, even when successful. No country upon earth has more interest than this in cultivating peace and avoiding war, as long as it is possible honorably to avoid it. Gaining additional strength every day; our numbers doubling in periods of twenty-five years; with an income outstripping all our estimates, and so great, as, after a war in some respects disastrous, to furnish results which carry astonishment, if not dismay, into the bosom of states jealous of our rising importance; we have every motive for the love of peace. I cannot, however, approve, in all respects, of the manner in which our negotiations with Spain have been conducted. If ever a favorable time existed for the demand, on the part of an injured nation, of indemnity for past wrongs from the aggressor, such is the present time. Impoverished and exhausted at home, by the wars which have desolated the peninsula; with a foreign war, calling for infinitely more resources, in men and money, than she can possibly command, this is the auspicious period for insisting upon justice at her hands, in a firm and decided tone. Time is precisely what Spain now most wants. Yet what are we told by the president, in his message at the commencement of congress? That Spain had procrastinated, and we acquiesced in her procrastination. And the secretary of state, in a late communication with Mr Onís, after ably vindicating all our rights, tells the Spanish minister, with a good deal of *sang froid*, that we had patiently waited thirteen years for a redress of our injuries, and that it required no great effort to wait longer! I would have abstained from thus exposing our intentions. Avoiding the use of the language of menace, I would have required, in temperate and decided terms, indemnity for all our wrongs; for the spoliations of our commerce; for the interruption of the right of depot at New



Orleans, guarantied by treaty; for the insults repeatedly offered to our flag; for the Indian hostilities, which she was bound to prevent; for belligerent use made of her ports and territories, by our enemy, during the late war; and the instantaneous liberation of the free citizens of the United States, now imprisoned in her jails. Contemporaneous with that demand, without waiting for her final answer, and with a view to the favorable operation on her councils in regard to our own peculiar interests, as well as in justice to the cause itself, I would recognize any established government in Spanish America. I would have left Spain to draw her own inferences from these proceedings, as to the ultimate step which this country might adopt, if she longer withheld justice from us. And if she persevered in her iniquity, after we have conducted the negotiation in the manner I have endeavored to describe, I would then take up and decide the solemn question of peace or war, with the advantage of all the light shed upon it, by subsequent events, and the probable conduct of Europe.

Spain has undoubtedly given us abundant and just cause of war. But it is not every cause of war that should lead to war. War is one of those dreadful scourges, that so shakes the foundations of society, overturns or changes the character of governments, interrupts or destroys the pursuits of private happiness, brings, in short, misery and wretchedness in so many forms, and at last is, in its issue, so doubtful and hazardous, that nothing but dire necessity can justify an appeal to arms. If we are to have war with Spain, I have, however, no hesitation in saying, that no mode of bringing it about could be less fortunate than that of seizing, at this time, upon her adjoining province. There was a time, under certain circumstances, when we might have occupied East Florida with safety; had we then taken it, our posture in the negotiation with Spain would have been totally different from what it is. But we have permitted that time, not with my consent, to pass by unimproved. If we were now to seize upon Florida, after a great change in those circumstances, and after declaring our intention to acquiesce in the procrastination desired by Spain, in what light should we be viewed by foreign powers, particularly Great Britain? We have already been accused of inordinate ambition, and of seeking to aggrandize ourselves by an extension, on all sides, of our limits. Should we not, by such an act of violence, give color to the accusation? No, Mr. Chairman; if we are to be involved in a war with Spain, let us have the credit of disinterestedness. Let us put her yet more in the wrong. Let us command the respect which is never withheld from those who act a noble and generous part. I hope to communicate to the committee the conviction which I so strongly feel, that the adoption of the amendment which I intend to propose, would not hazard, in the slightest degree, the peace of the country. But if that peace is to be

endangered, I would infinitely rather it should be for our exerting the right appertaining to every state, of acknowledging the independence of another state, than for the seizure of a province, which, sooner or later, we must certainly acquire.

In contemplating the great struggle in which Spanish America is now engaged, our attention is first fixed by the immensity and character of the country which Spain seeks again to subjugate. Stretching on the Pacific ocean from about the fortieth degree of north latitude to about the fifty-fifth degree of south latitude, and extending from the mouth of the Rio del Norte, (exclusive of East Florida,) around the Gulf of Mexico, and along the South Atlantic to near Cape Horn; it is about five thousand miles in length, and in some places near three thousand in breadth. Within this vast region we behold the most sublime and interesting objects of creation; the loftiest mountains, the most majestic rivers in the world; the richest mines of the precious metals, and the choicest productions of the earth. We behold there a spectacle still more interesting and sublime—the glorious spectacle of eighteen millions of people, struggling to burst their chains and to be free. When we take a little nearer and more detailed view, we perceive that nature has, as it were, ordained that this people and this country shall ultimately constitute several different nations. Leaving the United States on the north, we come to New Spain, or the vice-royalty of Mexico on the south; passing by Guatemala, we reach the vice-royalty of New Grenada, the late captain-generalship of Venezuela, and Guiana, lying on the east side of the Andes. Stepping over the Brazils, we arrive at the united provinces of La Plata, and crossing the Andes, we find Chili on their west side, and, further north, the vice-royalty of Lima, or Peru. Each of these several parts is sufficient in itself, in point of limits, to constitute a powerful state; and, in point of population, that which has the smallest, contains enough to make it respectable. Throughout all the extent of that great portion of the world, which I have attempted thus hastily to describe, the spirit of revolt against the dominion of Spain has manifested itself. The revolution has been attended with various degrees of success in the several parts of Spanish America. In some it has been already crowned, as I shall endeavor to show, with complete success, and in all I am persuaded that independence has struck such deep root, that the power of Spain can never eradicate it. What are the causes of this great movement?

Three hundred years ago, upon the ruins of the thrones of Montezuma and the incas of Peru, Spain erected the most stupendous system of colonial despotism that the world has ever seen—the most vigorous, the most exclusive. The great principle and object of this system, has been, to render one of the largest portions of the world exclusively subservient, in all its faculties, to the

interests of an inconsiderable spot in Europe. To effectuate this aim of her policy, she locked up Spanish America from all the rest of the world, and prohibited, under the severest penalties, any foreigner from entering any part of it. To keep the natives themselves ignorant of each other, and of the strength and resources of the several parts of her American possessions, she next prohibited the inhabitants of one vice-royalty or government from visiting those of another; so that the inhabitants of Mexico, for example, were not allowed to enter the vice-royalty of New Granada. The agriculture of those vast regions was so regulated and restrained, as to prevent all collision with the agriculture of the peninsula. Where nature, by the character and composition of the soil, had commanded, the abominable system of Spain has forbidden, the growth of certain articles. Thus the olive and the vine, to which Spanish America is so well adapted, are prohibited, wherever their culture can interfere with the olive and the vine of the peninsula. The commerce of the country, in the direction and objects of the exports and imports, is also subjected to the narrow and selfish views of Spain, and fettered by the odious spirit of monopoly, existing in Cadiz. She has sought, by scattering discord among the several castes of her American population, and by a debasing course of education, to perpetuate her oppression. Whatever concerns public law, or the science of government, all writers upon political economy, or that tend to give vigor, and freedom, and expansion, to the intellect, are prohibited. Gentlemen would be astonished by the long list of distinguished authors, whom she proscribes, to be found in Depon's and other works. A main feature in her policy, is that which constantly elevates the European and depresses the American character. Out of upwards of seven hundred and fifty viceroys and captains general, whom she has appointed since the conquest of America, about eighteen only have been from the body of the American population. On all occasions, she seeks to raise and promote her European subjects, and to degrade and humiliate the Creoles. Wherever in America her sway extends, every thing seems to pine and wither beneath its baneful influence. The richest regions of the earth: man, his happiness and his education, all the fine faculties of his soul, are regulated, and modified, and moulded, to suit the execrable purposes of an inexorable despotism.

Such is a brief and imperfect picture of the state of things in Spanish America, in 1808, when the famous transactions of Bayonne occurred. The king of Spain and the Indies (for Spanish America has always constituted an integral part of the Spanish empire) abdicated his throne and became a voluntary captive. Even at this day, one does not know whether he should most condemn the baseness and perfidy of the one party, or despise the meanness and imbecility of the other. If the obligation of

obedience and allegiance existed on the part of the colonies to the king of Spain, it was founded on the duty of protection which he owed them. By disqualifying himself for the performance of this duty, they became released from that obligation. The monarchy was dissolved; and each integral part had a right to seek its own happiness, by the institution of any new government adapted to its wants. Joseph Bonaparte, the successor *de facto* of Ferdinand, recognized this right on the part of the colonies, and recommended them to establish their independence. Thus, upon the ground of strict right; upon the footing of a mere legal question, governed by forensic rules, the colonies, being absolved by the acts of the parent country from the duty of subjection to it, had an indisputable right to set up for themselves. But I take a broader and a bolder position. I maintain, that an oppressed people are authorized, whenever they can, to rise and break their fetters. This was the great principle of the English revolution. It was the great principle of our own. Vattel, if authority were wanting, expressly supports this right. We must pass sentence of condemnation upon the founders of our liberty, say that they were rebels, traitors, and that we are at this moment legislating without competent powers, before we can condemn the cause of Spanish America. Our revolution was mainly directed against the mere theory of tyranny. We had suffered comparatively but little; we had, in some respects, been kindly treated; but our intrepid and intelligent fathers saw, in the usurpation of the power to levy an inconsiderable tax, the long train of oppressive acts that were to follow. They rose; they breasted the storm; they achieved our freedom. Spanish America for centuries has been doomed to the practical effects of an odious tyranny. If we were justified, she is more than justified.

I am no propagandist. I would not seek to force upon other nations our principles and our liberty, if they do not want them. I would not disturb the repose even of a detestable despotism. But, if an abused and oppressed people will their freedom; if they seek to establish it; if, in truth, they have established it; we have a right, as a sovereign power, to notice the fact, and to act as circumstances and our interest require. I will say, in the language of the venerated father of my country, 'born in a land of liberty, my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly excited, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom.' Whenever I think of Spanish America, the image irresistibly forces itself upon my mind, of an elder brother, whose education has been neglected, whose person has been abused and maltreated, and who has been disinherited by the unkindness of an unnatural parent. And, when I contemplate the glorious struggle which that country is now making, I think I behold that brother rising, by the power and energy of his fine native genius, to the manly rank which nature, and nature's God, intended for him.

If Spanish America be entitled to success from the justness of her cause, we have no less reason to wish that success, from the horrible character which the royal arms have given to the war. More atrocities, than those which have been perpetrated during its existence, are not to be found, even in the annals of Spain herself. And history, reserving some of her blackest pages for the name of Morillo, is prepared to place him by the side of his great prototype, the infamous desolater of the Netherlands. He who has looked into the history of the conduct of this war, is constantly shocked at the revolting scenes which it portrays; at the refusal, on the part of the commanders of the royal forces, to treat, on any terms, with the other side; at the denial of quarters; at the butchery, in cold blood, of prisoners; at the violation of flags, in some cases, after being received with religious ceremonies; at the instigation of slaves to rise against their owners; and at acts of wanton and useless barbarity. Neither the weakness of the other sex, nor the imbecility of old age, nor the innocence of infants, nor the reverence due to the sacerdotal character, can stay the arm of royal vengeance. On this subject, I beg leave to trouble the committee, with reading a few passages from a most authentic document, the manifesto of the congress of the United Provinces of Rio del la Plata, published in October last. This is a paper of the highest authority; it is an appeal to the world; it asserts facts of notoriety in the face of the whole world. It is not to be credited, that the congress would come forward with a statement which was not true, when the means, if it were false, of exposing their fabrications, must be so abundant, and so easy to command. It is a document, in short, that stands upon the same footing of authority with our own papers, promulgated during the revolution by our congress. I will add, that many of the facts which it affirms, are corroborated by most respectable historical testimony, which is in my own possession.

<sup>4</sup>Memory shudders at the recital of the horrors that were committed by Goyeneche in Cochabamba. Would to heaven it were possible to blot from remembrance the name of that ungrateful and blood-thirsty American; who, on the day of his entry, ordered the virtuous governor and intendant, Antezana, to be shot; who, beholding from the balcony of his house that infamous murder, cried out with a ferocious voice to the soldiers, that they must not fire at the head, because he wanted it to be affixed to a pole; and who, after the head was taken off, ordered the cold corpse to be dragged through the streets; and, by a barbarous decree, placed the lives and fortunes of the citizens at the mercy of his unbridled soldiery, leaving them to exercise their licentious and brutal sway during several days! But those blind and cruelly capricious men (the Spaniards) rejected the mediation of England, and despatched rigorous orders to all the generals, to aggravate the war, and to punish us with more severity. The scaffolds were every where multiplied, and invention was racked to devise means for spreading murder, distress, and consternation.

<sup>4</sup>Thenceforth they made all possible efforts to spread division amongst us, to incite us to mutual extermination; they have slandered us with the most atrocious calumnies; accusing us of plotting the destruction of our holy religion, the abolition of all morality, and of introducing licentiousness of manners. They wage a religious war

against us, contriving a thousand artifices to disturb and alarm the consciences of the people, making the Spanish bishops issue decrees of ecclesiastical condemnation public excommunications, and disseminating, through the medium of some ignorant confessor, fanatical doctrines in the tribunal of penitence. By means of these religious discords, they have divided families against themselves; they have caused disaffection between parents and children; they have dissolved the tender ties which unite man and wife; they have spread rancor and implacable hatred between brothers most endeared, and they have presumed to throw all nature into discord.

'They have adopted the system of murdering men indiscriminately, to diminish our numbers; and, on their entry into towns, they have swept off all, even the market people, leading them to the open squares, and there shooting them one by one. The cities of Chuquisaca and Cochabamba have more than once been the theatres of these horrid slaughters.

'They have intermixed with their troops soldiers of ours, whom they had taken prisoners, carrying away the officers in chains, to garrisons where it is impossible to preserve health for a year; they have left others to die in their prisons, of hunger and misery, and others they have forced to hard labor on the public works. They have exultingly put to death our bearers of flags of truce, and have been guilty of the blackest atrocities to our chiefs, after they had surrendered, as well as to other principal characters, in disregard of the humanity with which we treated prisoners; as a proof of it, witness the deputy Mutes of Potosi, the captain-general Pumacagua, general Augulo, and his brother commandant Munecas, and other partisan chiefs, who were shot in cold blood after having been prisoners for several days.

'They took a brutal pleasure in cropping the ears of the natives of the town of Ville-Grande, and sending a basket full of them as presents to the head-quarters. They afterwards burnt that town, and set fire to thirty other populous towns of Peru, and, worse than the worst of savages, shutting the inhabitants up in the houses before setting them on fire, that they might be burnt alive.

'They have not only been cruel and unsparing in their mode of murder, but they have been void of all morality and public decency, causing aged ecclesiastics and women to be lashed to a gun, and publicly flogged, with the abomination of first having them stripped, and their nakedness exposed to shame, in the presence of their troops.

'They established an inquisitorial system in all these punishments; they have seized on peaceable inhabitants, and transported them across the sea, to be judged for suspected crimes, and they have put a great number of citizens to death every where, without accusation or the form of a trial.

'They have invented a crime of unexampled horror, in poisoning our water and provisions, when they were conquered by general Pineto at Lapaz; and, in return for the kindness with which we treated them, after they had surrendered at discretion, they had the barbarity to blow up the head-quarters, under which they had constructed a mine, and prepared a train, beforehand.

'He has branded us with the stigma of rebels, the moment he returned to Madrid; he refused to listen to our complaints, or to receive our supplications; and, as an act of extreme favor, he offered us pardon. He confirmed the viceroys, governors, and generals whom he found actually glutted with carnage. He declared us guilty of a high misdemeanor, for having dared to frame a constitution for our own government, free from the control of a deified, absolute, and tyrannical power, under which we had groaned three centuries; a measure that could be offensive only to a prince, an enemy to justice and beneficence, and consequently unworthy to rule over us.

'He then undertook, with the aid of his ministers, to equip large military armaments, to be directed against us. He caused numerous armies to be sent out, to consummate the work of devastation, fire, and plunder.

'He has sent his generals, with certain decrees of pardon, which they publish to deceive the ignorant, and induce them to facilitate their entrance into towns, whilst at the same time he has given them other secret instructions, authorizing them, as soon as they could get possession of a place, to hang, burn, confiscate, and sack; to encourage private assassinations, and to commit every species of injury in their power, against the deluded beings who had confided in his pretended pardon. It is in the name of Ferdinand of Bourbon, that the heads of patriot officers, prisoners, are fixed up in the highways, that they beat and stoned to death a commandant of light troops, and that, after having killed colonel Camugo, in the same manner, by the bands of the indecent Centeno, they cut off his head, and sent it as a present to general Pazueta, telling him it was a miracle of the virgin of the Carmelites'

In the establishment of the independence of Spanish America, the United States have the deepest interest. I have no hesitation in asserting my firm belief, that there is no question in the foreign policy of this country, which has ever arisen, or which I can conceive as ever occurring, in the decision of which we have had or can have so much at stake. This interest concerns our politics, our commerce, our navigation. There cannot be a doubt that Spanish America, once independent, whatever may be the form of the governments established in its several parts, these governments will be animated by an American feeling, and guided by an American policy. They will obey the laws of the system of the new world, of which they will compose a part, in contradistinction to that of Europe. Without the influence of that vortex in Europe, the balance of power between its several parts, the preservation of which has so often drenched Europe in blood, America is sufficiently remote to contemplate the new wars which are to afflict that quarter of the globe, as a calm if not a cold and indifferent spectator. In relation to those wars, the several parts of America will generally stand neutral. And as, during the period when they rage, it will be important that a liberal system of neutrality should be adopted and observed, all America will be interested in maintaining and enforcing such a system. The independence of Spanish America, then, is an interest of primary consideration. Next to that, and highly important in itself, is the consideration of the nature of their governments. That is a question, however, for themselves. They will, no doubt, adopt those kinds of governments which are best suited to their condition, best calculated for their happiness. Anxious as I am that they should be free governments, we have no right to prescribe for them. They are, and ought to be, the sole judges for themselves. I am strongly inclined to believe that they will in most, if not all parts of their country, establish free governments. We are their great example. Of us they constantly speak as of brothers, having a similar origin. They adopt our principles, copy our institutions, and, in many instances, employ the very language and sentiments of our revolutionary papers.

‘ Having, then, been thus impelled by the Spaniards and their king, we have calculated all the consequences. and have constituted ourselves independent, prepared to exercise the right of nature to defend ourselves against the ravages of tyranny, at the risk of our honor, our lives, and fortune. We have sworn to the only King we acknowledge, the supreme judge of the world, that we will not abandon the cause of justice; that we will not suffer the country which he has given us, to be buried in ruins, and inundated with blood, by the hands of the executioner,’ &c.

But it is sometimes said, that they are too ignorant and too superstitious to admit of the existence of free government. This charge of ignorance is often urged by persons themselves actually ignorant of the real condition of that people. I deny the alleged

fact of ignorance; I deny the inference from that fact, if it were true, that they want capacity for free government; and I refuse assent to the further conclusion, if the fact were true, and the inference just, that we are to be indifferent to their fate. All the writers of the most established authority, Depons, Humboldt, and others, concur in assigning to the people of Spanish America great quickness, genius, and particular aptitude for the acquisition of the exact sciences, and others which they have been allowed to cultivate. In astronomy, geology, mineralogy, chemistry, botany, and so forth, they are allowed to make distinguished proficiency. They justly boast of their Abzate, Velasques, and Gama, and other illustrious contributors to science. They have nine universities, and in the city of Mexico, it is affirmed by Humboldt, that there are more solid scientific establishments than in any city even of North America. I would refer to the message of the supreme director of La Plata, which I shall hereafter have occasion to use for another purpose, as a model of fine composition of a state paper, challenging a comparison with any, the most celebrated, that ever issued from the pens of Jefferson or Madison. Gentlemen will egregiously err, if they form their opinions of the present moral condition of Spanish America, from what it was under the debasing system of Spain. The eight years' revolution in which it has been engaged, has already produced a powerful effect. Education has been attended to, and genius developed.

'As soon as the project of the revolution arose on the shores of La Plata, genius and talent exhibited their influence; the capacity of the people became manifest, and the means of acquiring knowledge were soon made the favorite pursuit of the youth. As far as the wants or the inevitable interruption of affairs has allowed, every thing has been done to disseminate useful information. The liberty of the press has indeed met with some occasional checks; but in Buenos Ayres alone, as many periodical works weekly issue from the press as in Spain and Portugal put together.'

The fact is not therefore true, that the imputed ignorance exists; but, if it do, I repeat, I dispute the inference. It is the doctrine of thrones, that man is too ignorant to govern himself. Their partisans assert his incapacity, in reference to all nations; if they cannot command universal assent to the proposition, it is then demanded as to particular nations; and our pride and our presumption too often make converts of us. I contend, that it is to arraign the dispositions of Providence himself, to suppose that he has created beings incapable of governing themselves, and to be trampled on by kings. Self-government is the natural government of man, and for proof, I refer to the aborigines of our own land. Were I to speculate in hypotheses unfavorable to human liberty, my speculations should be founded rather upon the vices, refinements, or density of population. Crowded together in compact masses, even if they were philosophers, the contagion of the passions is communicated and caught, and the effect too often, I admit, is the



overthrow of liberty. Dispersed over such an immense space as that on which the people of Spanish America are spread, their physical, and I believe also their moral condition, both favor their liberty.

With regard to their superstition, they worship the same God with us. Their prayers are offered up in their temples to the same Redeemer, whose intercession we expect to save us. Nor is there any thing in the Catholic religion unfavorable to freedom. All religions united with government, are more or less inimical to liberty. All, separated from government, are compatible with liberty. If the people of Spanish America have not already gone as far in religious toleration as we have, the difference in their condition from ours should not be forgotten. Every thing is progressive; and, in time, I hope to see them imitating, in this respect, our example. But grant that the people of Spanish America are ignorant, and incompetent for free government, to whom is that ignorance to be ascribed? Is it not to the execrable system of Spain, which she seeks again to establish and to perpetuate? So far from chilling our hearts, it ought to increase our solicitude for our unfortunate brethren. It ought to animate us to desire the redemption of the minds and the bodies of unborn millions, from the brutifying effects of a system, whose tendency is to stifle the faculties of the soul, and to degrade man to the level of beasts. I would invoke the spirits of our departed fathers. Was it for yourselves only that you nobly fought? No, no! It was the chains that were forging for your posterity, that made you fly to arms, and, scattering the elements of these chains to the winds, you transmitted to us the rich inheritance of liberty.

The exports of Spanish America (exclusive of those of the islands) are estimated in the valuable little work of M. Torres, deserving to be better known, at about eighty-one millions of dollars. Of these, more than three fourths consist of the precious metals. The residue are cocoa, coffee, cochineal, sugar, and some other articles. No nation ever offered richer commodities in exchange. It is of no material consequence, that we produce but little that Spanish America wants. Commerce, as it actually exists in the hands of maritime states, is no longer confined to a mere barter, between any two states, of their respective productions. It renders tributary to its interests the commodities of all quarters of the world; so that a rich American cargo, or the contents of an American commercial warehouse, present you with whatever is rare or valuable, in every part of the globe. Commerce is not to be judged by its results in transactions with one nation only. Unfavorable balances existing with one state, are made up by contrary balances with other states, and its true value should be tested by the totality of its operations. Our greatest trade, that with Great Britain, judged by the amount of what we sell for her

consumption, and what we buy of her for ours, would be pronounced ruinous. But the unfavorable balance is covered by the profits of trade with other nations. We may safely trust to the daring enterprise of our merchants. The precious metals are in South America, and they will command the articles wanted in South America, which will purchase them. Our navigation will be benefited by the transportation, and our country will realize the mercantile profits. Already the item in our exports of American manufactures is respectable. They go chiefly to the West Indies and to Spanish America. This item is constantly augmenting. And I would again, as I have on another occasion, ask gentlemen to elevate themselves to the actual importance and greatness of our republic; to reflect, like true American statesmen, that we are not legislating for the present day only; and to contemplate this country in its march to true greatness, when millions and millions will be added to our population, and when the increased productive industry will furnish an infinite variety of fabrics for foreign consumption, in order to supply our own wants. The distribution of the precious metals has hitherto been principally made through the circuitous channel of Cadiz. No one can foresee all the effects which will result from a direct distribution of them from the mines which produce them. One of these effects will probably be, to give us the entire command of the Indian trade. The advantage we have on the map of the world over Europe, in that respect, is prodigious. Again, if England, persisting in her colonial monopoly, continues to occlude her ports in the West Indies to us, and we should, as I contend we ought, meet her system by a counter-vailing measure, Venezuela, New Granada, and other parts of Spanish America, would afford us all we get from the British West Indies. I confess that I despair, for the present, of adopting that salutary measure. It was proposed at the last session, and postponed. During the present session, it has been again proposed, and, I fear, will be again postponed. I see, and I own it with infinite regret, a tone and a feeling in the councils of the country, infinitely below that which belongs to the country. It is, perhaps, the moral consequence of the exertions of the late war. We are alarmed at dangers, we know not what; by spectres conjured up by our own vivid imaginations.

The West India bill is brought up. We shrug our shoulders, talk of restrictions, non-intercourse, embargo, commercial warfare, make long faces, and — postpone the bill. The time will however come, must come, when this country will not submit to a commerce with the British colonies, upon the terms which England alone prescribes. And, I repeat, when it arrives, Spanish America will afford us an ample substitute. Then, as to our navigation; gentlemen should recollect, that if reasoning from past experience were safe for the future, our great commercial rival will be in war a

greater number of years than she will be in peace. Whenever she shall be at war, and we are in peace, our navigation being free from the risks and insurance incident to war, we shall engross almost the whole transportation of the Spanish American commerce. For I do not believe that that country will ever have a considerable marine. Mexico, the most populous part of it, has but two ports, La Vera Cruz and Acapulca, and neither of them very good. Spanish America has not the elements to construct a marine. It wants, and must always want, hardy seamen. I do not believe, that, in the present improved state of navigation, any nation so far south will ever make a figure as a maritime power. If Carthage and Rome, in ancient times, and some other states of a later period, occasionally made great exertions on the water, it must be recollected that they were principally on a small theatre, and in a totally different state of the art of navigation, or when there was no competition from northern states.

I am aware that, in opposition to the interest, which I have been endeavoring to manifest, that this country has in the independence of Spanish America, it is contended that we shall find that country a great rival in agricultural productions. There is something so narrow, and selfish, and grovelling, in this argument, if founded in fact, something so unworthy the magnanimity of a great and a generous people, that I confess I have scarcely patience to notice it. But it is not true to any extent. Of the eighty odd millions of exports, only about one million and a half consist of an article which can come into competition with us, and that is cotton. The tobacco which Spain derives from her colonies, is chiefly produced in her islands. Bread stuffs can nowhere be raised and brought to market in any amount materially affecting us. The table-lands of Mexico, owing to their elevation, are, it is true, well adapted to the culture of grain; but the expense and difficulty of getting it to the Gulf of Mexico, and the action of the intense heat at La Vera Cruz, the only port of exportation, must always prevent Mexico from being an alarming competitor. Spanish America is capable of producing articles so much more valuable than those which we raise, that it is not probable they will abandon a more profitable for a less advantageous culture, to come into competition with us. The West India islands are well adapted to the raising of cotton; and yet the more valuable culture of coffee and sugar is constantly preferred. Again, Providence has so ordered it, that, with regard to countries producing articles apparently similar, there is some peculiarity, resulting from climate, or from some other cause, that gives to each an appropriate place in the general wants and consumption of mankind. The southern part of the continent, La Plata and Chili, is too remote to rival us.

The immense country watered by the Mississippi and its branches, has a peculiar interest, which I trust I shall be excused

for noticing. Having but the single vent of New Orleans for all the surplus produce of their industry, it is quite evident that they would have a greater security for enjoying the advantages of that outlet, if the independence of Mexico upon any European power were effected. Such a power, owning at the same time Cuba, the great key of the Gulf of Mexico, and all the shores of that gulf, with the exception of the portion between the Perdido and the Rio del Norte, must have a powerful command over our interests. Spain, it is true, is not a dangerous neighbor at present, but, in the vicissitudes of states, her power may be again resuscitated.

Having shown that the cause of the patriots is just, and that we have a great interest in its successful issue, I will next inquire what course of policy it becomes us to adopt. I have already declared it to be one of strict and impartial neutrality. It is not necessary for their interests, it is not expedient for our own, that we should take part in the war. All they demand of us is a just neutrality. It is compatible with this pacific policy, it is required by it, that we should recognize any established government, if there be any established government in Spanish America. Recognition alone, without aid, is no just cause of war. With aid, it is; not because of the recognition, but because of the aid; as aid, without recognition, is cause of war. The truth of these propositions I will maintain upon principle, by the practice of other states, and by the usage of our own. There is no common tribunal among nations, to pronounce upon the fact of the sovereignty of a new state. Each power does and must judge for itself. It is an attribute of sovereignty so to judge. A nation, in exerting this incontestable right, in pronouncing upon the independence, in fact, of a new state, takes no part in the war. It gives neither men, nor ships, nor money. It merely pronounces that, in so far as it may be necessary to institute any relations, or to support any intercourse, with the new power, that power is capable of maintaining those relations, and authorizing that intercourse. Martens and other publicists lay down these principles.

When the United Provinces formerly severed themselves from Spain, it was about eighty years before their independence was finally recognized by Spain. Before that recognition, the United Provinces had been received by all the rest of Europe, into the family of nations. It is true, that a war broke out between Philip and Elizabeth, but it proceeded from the aid which she determined to give, and did give, to Holland. In no instance, I believe, can it be shown, from authentic history, that Spain made war upon any power, on the sole ground that such power had acknowledged the independence of the United Provinces.

In the case of our own revolution, it was not until after France had given us aid, and had determined to enter into a treaty of alliance with us — a treaty by which she guaranteed our indepen-

dence -- that England declared war. Holland also was charged by England with favoring our cause, and deviating from the line of strict neutrality. And, when it was perceived that she was, moreover, about to enter into a treaty with us, England declared war. Even if it were shown that a proud, haughty, and powerful nation like England, had made war upon other provinces, on the ground of a mere recognition, the single example could not alter the public law, or shake the strength of a clear principle.

But what has been our uniform practice? We have constantly proceeded on the principle, that the government *de facto* is that we can alone notice. Whatever form of government any society of people adopts, whoever they acknowledge as their sovereign, we consider that government or that sovereign as the one to be acknowledged by us. We have invariably abstained from assuming a right to decide in favor of the sovereign *de jure*, and against the sovereign *de facto*. That is a question for the nation in which it arises to determine. And, so far as we are concerned, the sovereign *de facto* is the sovereign *de jure*. Our own revolution stands on the basis of the right of a people to change their rulers. I do not maintain that every immature revolution, every usurper, before his power is consolidated, is to be acknowledged by us; but that as soon as stability and order are maintained, no matter by whom, we always have considered, and ought to consider, the actual as the true government. General Washington, Mr. Jefferson, Mr. Madison, all, while they were respectively presidents, acted on these principles.

In the case of the French republic, general Washington did not wait until some of the crowned heads of Europe should set him the example of acknowledging it, but accredited a minister at once. And it is remarkable, that he was received before the government of the republic was considered as established. It will be found in Marshall's *Life of Washington*, that, when it was understood that a minister from the French republic was about to present himself, president Washington submitted a number of questions to his cabinet for their consideration and advice, one of which was, whether, upon the reception of the minister, he should be notified that America would suspend the execution of the treaties between the two countries, until France had an established government. General Washington did not stop to inquire whether the descendants of St. Louis were to be considered as the legitimate sovereigns of France, and if the revolution was to be regarded as unauthorized resistance to their sway. He saw France, in fact, under the government of those who had subverted the throne of the Bourbons, and he acknowledged the actual government. During Mr. Jefferson's and Mr. Madison's administrations, when the cortes of Spain and Joseph Bonaparte respectively contended for the crown, those enlightened statesmen said,

we will receive a minister from neither party; settle the question between yourselves, and we will acknowledge the party that prevails. We have nothing to do with your feuds; whoever all Spain acknowledges as her sovereign, is the only sovereign with whom we can maintain any relations. Mr. Jefferson, it is understood, considered whether he should not receive a minister from both parties, and finally decided against it, because of the inconveniences to this country, which might result from the double representation of another power. As soon as the French armies were expelled from the peninsula, Mr. Madison, still acting on the principle of the government *de facto*, received the present minister from Spain. During all the phases of the French government, republic, directory, consuls, consul for life, emperor, king, emperor again, king, our government has uniformly received the minister.

If, then, there be an established government in Spanish America, deserving to rank among the nations, we are morally and politically bound to acknowledge it, unless we renounce all the principles which ought to guide, and which hitherto have guided our councils. I shall now undertake to show, that the United Provinces of the Rio de la Plata possess such a government. Its limits, extending from the south Atlantic ocean to the Pacific, embrace a territory equal to that of the United States, certainly equal to it exclusive of Louisiana. Its population is about three millions, more than equal to ours at the commencement of our revolution. That population is a hardy, enterprising, and gallant population. The establishments of Montevideo and Buenos Ayres have, during different periods of their history, been attacked by the French, Dutch, Danes, Portuguese, English, and Spanish; and such is the martial character of the people, that, in every instance, the attack has been repulsed. In 1807, general Whitlocke, commanding a powerful English army, was admitted, under the guise of a friend, into Buenos Ayres, and, as soon as he was supposed to have demonstrated inimical designs, he was driven by the native and unaided force of Buenos Ayres from the country. Buenos Ayres has, during now nearly eight years, been, in point of fact, in the enjoyment of self-government. The capital, containing more than sixty thousand inhabitants, has never been once lost. As early as 1811, the regency of old Spain made war upon Buenos Ayres, and the consequence subsequently was, the capture of a Spanish army in Montevideo, equal to that of Burgoyne. This government has now, in excellent discipline, three well-appointed armies, with the most abundant material of war; the army of Chili, the army of Peru, and the army of Buenos Ayres. The first, under San Martin, has conquered Chili; the second is penetrating in a northwestern direction from Buenos Ayres, into the vice-royalty of Peru; and, according to the last accounts, had reduced the ancient seat of empire of the incas. The third remains at Buenos Ayres to

oppose any force which Spain may send against it. To show the condition of the country in July last, I again call the attention of the committee to the message of the supreme director, delivered to the congress of the United Provinces. It is a paper of the same authentic character with the speech of the king of England on opening his parliament, or the message of the president of the United States at the commencement of congress.

‘The army of this capital was organized at the same time with those of the Andes and of the interior; the regular force has been nearly doubled; the militia has made great progress in military discipline; our slave population has been formed into battalions, and taught the military art as far as is consistent with their condition. The capital is under no apprehension that an army of ten thousand men can shake its liberties, and should the peninsularians send against us thrice that number, ample provision has been made to receive them.

‘Our navy has been fostered in all its branches. The scarcity of means under which we labored until now, has not prevented us from undertaking very considerable operations, with respect to the national vessels; all of them have been repaired, and others have been purchased and armed, for the defence of our coasts and rivers; provisions have been made, should necessity require it, for arming many more, so that the enemy will not find himself secure from our reprisals, even upon the ocean.

‘Our military force, at every point which it occupies, seems to be animated with the same spirit; its tactics are uniform, and have undergone a rapid improvement from the science of experience, which it has borrowed from warlike nations.

‘Our arsenals have been replenished with arms, and a sufficient store of cannon and munitions of war have been provided, to maintain the contest for many years; and this, after having supplied articles of every description to those districts, which have not as yet come into the union, but whose connection with us has been only intercepted by reason of our past misfortunes.

‘Our legions daily receive considerable augmentations from new levies; all our preparations have been made, as though we were about to enter upon the contest anew. Until now, the vastness of our resources was unknown to us, and our enemies may contemplate, with deep mortification and despair, the present flourishing state of these provinces after so many devastations.

‘While thus occupied in providing for our safety within, and preparing for assaults from without, other objects of solid interest have not been neglected, and which hitherto were thought to oppose insurmountable obstacles.

‘Our system of finance had hitherto been on a footing entirely inadequate to the unfailling supply of our wants, and still more to the liquidation of the immense debt which had been contracted in former years. An unremitting application to this object has enabled me to create the means of satisfying the creditors of the state who had already abandoned their debts as lost, as well as to devise a fixed mode, by which the taxes may be made to fall equally and indirectly on the whole mass of our population. It is not the least merit of this operation, that it has been effected in despite of the writings by which it was attacked, and which are but little creditable to the intelligence and good intentions of their authors. At no other period have the public exigences been so punctually supplied, nor have more important works been undertaken.

‘The people, moreover, have been relieved from many burdens, which being partial, or confined to particular classes, had occasioned vexation and disgust. Other vexations, scarcely less grievous, will by degrees be also suppressed, avoiding as far as possible a recurrence to loans, which have drawn after them the most fatal consequences to states. Should we, however, be compelled to resort to such expedients, the lenders will not see themselves in danger of losing their advances.

‘Many undertakings have been set on foot for the advancement of the general prosperity. Such has been the reestablishing of the college, heretofore named San Carlos, but hereafter to be called the Union of the South, as a point designated for the dissemination of learning to the youth of every part of the state, on the most extensive scale, for the attainment of which object, the government is at the present moment engaged in putting in practice every possible diligence. It will not be long before these nurseries will flourish, in which the liberal and exact sciences will be

cultivated, in which the hearts of those young men will be formed, who are destined at some future day to add new splendor to our country.

'Such has been the establishment of a military depot on the frontier, with its spacious magazine, a necessary measure to guard us from future dangers, a work which does more honor to the prudent foresight of our country, as it was undertaken in the moment of its prosperous fortunes, a measure which must give more occasion for reflection to our enemies than they can impose upon us by their boastings.

'Fellow citizens, we owe our unhappy reverses and calamities to the depraving system of our ancient metropolis, which, in condemning us to the obscurity and opprobrium of the most degraded destiny, has sown with thorns the path that conducts us to liberty. Tell that metropolis that even she may glory in your works! Already have you cleared all the rocks, escaped every danger, and conducted these provinces to the flourishing condition in which we now behold them. Let the enemies of your name contemplate with despair the energies of your virtues, and let the nations acknowledge that you already appertain to their illustrious rank. Let us felicitate ourselves on the blessings we have already obtained, and let us show to the world that we have learned to profit by the experience of our past misfortunes.'

There is a spirit of bold confidence running through this fine state paper, which nothing but conscious strength could communicate. Their armies, their magazines, their finances, are on the most solid and respectable footing. And, amidst all the cares of war, and those incident to the consolidation of their new institutions, leisure is found to promote the interests of science, and the education of the rising generation. It is true, the first part of the message portrays scenes of difficulty and commotion, the usual attendants upon revolution. The very avowal of their troubles manifests, however, that they are subdued. And what state, passing through the agitation of a great revolution, is free from them? We had our Tories, our intrigues, our factions. More than once were the affections of the country, and the confidence of our councils, attempted to be shaken in the great father of our liberties. Not a Spanish bayonet remains within the immense extent of the territories of the La Plata, to contest the authority of the actual government. It is free, it is independent, it is sovereign. It manages the interests of the society that submits to its sway. It is capable of maintaining the relations between that society and other nations.

Are we not bound, then, upon our own principles, to acknowledge this new republic? If we do not, who will? Are we to expect that kings will set us the example of acknowledging the only republic on earth, except our own? We receive, promptly receive, a minister, from whatever king sends us one. From the great powers and the little powers, we accredit ministers. We do more: we hasten to reciprocate the compliment; and, anxious to manifest our gratitude for royal civility, we send for a minister (as in the case of Sweden and the Netherlands) of the lowest grade, one of the highest rank recognized by our laws. We are the natural head of the American family. I would not intermeddle in the affairs of Europe. We wisely keep aloof from their broils. I would not even intermeddle in those of other parts of America,



further than to exert the incontestable rights appertaining to us as a free, sovereign, and independent power; and I contend, that the accrediting of a minister from the new republic is such a right. We are bound to receive their minister, if we mean to be really neutral. If the royal belligerent is represented and heard at our government, the republican belligerent ought also to be heard. Otherwise, one party will be in the condition of the poor patriots, who were tried *ex-parte* the other day, in the supreme court, without counsel, without friends. Give Mr. Onís his *conge*, or receive the republican minister. Unless you do so, your neutrality is nominal.

I will next proceed to inquire into the consequences of a recognition of the new republic. Will it involve us in war with Spain? I have shown, I trust successfully shown, that there is no just cause of war to Spain. Being no cause of war, we have no right to expect that war will ensue. If Spain, without cause, will make war, she may make it whether we do or do not acknowledge the republic. But she will not, because she cannot, make war against us. I call the attention of the committee to a report of the minister of the Hacienda to the king of Spain, presented about eight months ago. A more beggarly account of empty boxes was never rendered. The picture of Mr. Dallas, sketched in his celebrated report during the last war, may be contemplated without emotion, after surveying that of Mr. Gary. The expenses of the current year required eight hundred and thirty million two hundred and sixty-seven thousand eight hundred and twenty-nine reals, and the deficit of the income is represented as two hundred and thirty-three million one hundred and forty thousand nine hundred and thirty-two reals. This, besides an immense mass of unliquidated debt, which the minister acknowledges the utter inability of the country to pay, although bound in honor to redeem it. He states, that the vassals of the king are totally unable to submit to any new taxes, and the country is without credit, so as to render anticipation by loans wholly impracticable. Mr. Gary appears to be a virtuous man, who exhibits frankly the naked truth; and yet such a minister acknowledges, that the decorum due to one single family, that of a monarch, does not admit, in this critical condition of his country, any reduction of the enormous sum of upwards of fifty-six millions of reals, set apart to defray the expenses of that family! He states that a foreign war would be the greatest of all calamities, and one which, being unable to provide for it, they ought to employ every possible means to avert. He proposed some inconsiderable contribution from the clergy, and the whole body was instantly in an uproar. Indeed, I have no doubt that, surrounded as Mr. Gary is by corruption, by intrigue, and folly, and imbecility, he will be compelled to retire, if he has not already been dismissed, from a post for which he has too much integrity. It has been now about four years since the restoration of Ferdinand; and if, during that

period, the whole energies of the monarchy have been directed, unsuccessfully, against the weakest and most vulnerable of all the American possessions, Venezuela, how is it possible for Spain to encounter the difficulties of a new war with this country? Morillo has been sent out with one of the finest armies that has ever left the shores of Europe—consisting of ten thousand men, chosen from all the veterans who have fought in the peninsula. It has subsequently been reinforced with about three thousand more. And yet, during the last summer, it was reduced, by the sword and the climate, to about four thousand effective men. And Venezuela, containing a population of only about one million, of which near two thirds are persons of color, remains unsubdued. The little island of Margaritta, whose population is less than twenty thousand inhabitants—a population fighting for liberty, with more than Roman valor—has compelled that army to retire upon the main. Spain, by the late accounts, appeared to be deliberating upon the necessity of resorting to that measure of conscription, for which Bonaparte has been so much abused. The effect of a war with this country would be, to insure success, beyond all doubt, to the cause of American independence. Those parts even, over which Spain has some prospect of maintaining her dominions, would probably be put in jeopardy. Such a war would be attended with the immediate and certain loss of Florida. Commanding the Gulf of Mexico, as we should be enabled to do by our navy, blockading the port of Havana, the port of La Vera Cruz, and the coast of Terra Firma, and throwing munitions of war into Mexico, Cuba would be menaced, Mexico emancipated, and Morillo's army, deprived of supplies, now drawn principally from this country through the Havana, compelled to surrender. The war, I verily believe, would be terminated in less than two years, supposing no other power to interpose.

Will the allies interfere? If, by the exertion of an unquestionable attribute of a sovereign power, we should give no just cause of war to Spain herself, how can it be pretended that we should furnish even a specious pretext to the allies for making war upon us? On what ground could they attempt to justify a rupture with us, for the exercise of a right which we hold in common with them, and with every other independent state? But we have a surer guarantee against their hostility, in their interests. That all the allies, who have any foreign commerce, have an interest in the independence of Spanish America, is perfectly evident. On what ground, I ask, is it likely, then, that they would support Spain, in opposition to their own decided interests? To crush the spirit of revolt, and prevent the progress of free principles? Nations, like individuals, do not sensibly feel, and seldom act upon dangers which are remote either in time or place. Of Spanish America, but little is known by the great body of the population of Europe.

Even in this country, the most astonishing ignorance prevails respecting it. Those European statesmen who are acquainted with the country, will reflect, that, tossed by a great revolution, it will most probably constitute four or five several nations, and that the ultimate modification of all their various governments is by no means absolutely certain. But I entertain no doubt that the principle of cohesion among the allies is gone. It was annihilated in the memorable battle of Waterloo. When the question was, whether one should engross all, a common danger united all. How long was it, even with a clear perception of that danger, before an effective coalition could be formed? How often did one power stand by, unmoved and indifferent to the fate of its neighbor, although the destruction of that neighbor removed the only barrier to an attack upon itself? No; the consummation of the cause of the allies was, and all history and all experience will prove it, the destruction of the alliance. The principle is totally changed. It is no longer a common struggle against the colossal power of Bonaparte, but it has become a common scramble for the spoils of his empire. There may, indeed, be one or two points on which a common interest still exists, such as the convenience of subsisting their armies on the vitals of poor suffering France. But as for action, for new enterprises, there is no principle of unity, there can be no accordance of interests, or of views, among them.

What is the condition in which Europe is left after all its efforts? It is divided into two great powers, one having the undisputed command of the land, the other of the water. Paris is transferred to St. Petersburg, and the navies of Europe are at the bottom of the sea, or concentrated in the ports of England. Russia—that huge land animal—awing by the dread of her vast power all continental Europe, is seeking to encompass the Porte; and, constituting herself the kraken of the ocean, is anxious to lave her enormous sides in the more genial waters of the Mediterranean. It is said, I know, that she has indicated a disposition to take part with Spain. No such thing. She has sold some old worm-eaten, decayed fir-built ships to Spain, but the crews which navigate them are to return from the port of delivery, and the *bonus* she is to get, I believe to be the island of Minorca, in conformity with the cardinal point of her policy. France is greatly interested in whatever would extend her commerce, and regenerate her marine, and consequently, more than any other power of Europe, England alone excepted, is concerned in the independence of Spanish America. I do not despair of France, so long as France has a legislative body collected from all its parts, the great repository of its wishes and its will. Already has that body manifested a spirit of considerable independence. And those who, conversant with French history, know what magnanimous stands have been made by the parliaments, bodies of limited extent, against the royal

prerogative, will be able to appreciate justly the moral force of such a legislative body. Whilst it exists, the true interests of France will be cherished and pursued on points of foreign policy, in opposition to the pride and interests of the Bourbon family, if the actual dynasty, impelled by this pride, should seek to subserve these interests.

England finds that, after all her exertions, she is every where despised on the continent; her maritime power viewed with jealousy; her commerce subjected to the most onerous restrictions; selfishness imputed to all her policy. All the accounts from France represent that every party, Bonapartists, Jacobins, royalists, moderates, ultras, all burn with indignation towards England, and pant for an opportunity to avenge themselves on the power to whom they ascribe all their disasters.

[Here Mr. Clay read a part of a letter which he had just received from an intelligent friend at Paris, and which composed only a small portion of the mass of evidence to the same effect, which had come under his notice.]

It is impossible, that with powers, between whom so much cordial dislike, so much incongruity exists, there can be any union or concert. Whilst the free principles of the French revolution remained, those principles which were so alarming to the stability of thrones, there never was any successful or cordial union; coalition after coalition, wanting the spirit of union, was swept away by the overwhelming power of France. It was not until those principles were abandoned, and Bonaparte had erected on their ruins his stupendous fabric of universal empire; nor, indeed, until after the frosts of heaven favored the cause of Europe, that an effective coalition was formed. No, the complaisance inspired in the allies from unexpected if not undeserved success, may keep them nominally together; but for all purposes of united and combined action, the alliance is gone; and I do not believe in the chimera of their crusading against the independence of a country, whose liberation would essentially promote all their respective interests.

But the question of the interposition of the allies, in the event of our recognizing the new republic, resolves itself into a question, whether England, in such event, would make war upon us; if it can be shown that England would not, it results, either that the other allies would not, or that, if they should, in which case England would most probably support the cause of America, it would be a war without the maritime ability to maintain it. I contend, that England is alike restrained by her honor and by her interests from waging war against us, and consequently against Spanish America, also, for an acknowledgment of the independence of the new state. England encouraged and fomented the revolt of the colonies as early as June, 1797. Sir Thomas Picton, governor of Trinidad, in virtue of orders from the British minister

of foreign affairs, issued a proclamation, in which he expressly assures the inhabitants of Terra Firma, that the British government will aid in establishing their independence.

‘ With regard to the hope you entertain of raising the spirits of those persons with whom you are in correspondence, towards encouraging the inhabitants to resist the oppressive authority of their government, I have little more to say than that they may be certain, that whenever they are in that disposition, they may receive at your hands all the succors to be expected from his Britannic majesty, be it with forces or with arms and ammunition to any extent; with the assurance that the views of his Britannic majesty go no further than to secure to them their independence,’ and so forth.

In the prosecution of the same object, Great Britain defrayed the expenses of the famous expedition of Miranda. England, in 1811, when she was in the most intimate relations with Spain, then struggling against the French power, assumed the attitude of a mediator between the colonies and the peninsula. The terms, on which she conceived her mediation could alone be effectual, were rejected by the cortes, at the lowest state of the Spanish power. Among these terms, England required for the colonies a perfect freedom of commerce, allowing only some degree of preference to Spain; that the appointments of viceroys and governors should be made indiscriminately from Spanish Americans and Spaniards; and that the interior government, and every branch of public administration, should be intrusted to the *cabildo*, or municipalities, and so forth. If Spain, when Spain was almost reduced to the island of St. Leon, then rejected those conditions, will she now consent to them, amounting, as they do, substantially, to the independence of Spanish America? If England, devoted as she was at that time to the cause of the peninsula, even then thought those terms due to the colonies, will she now, when no particular motive exists for cherishing the Spanish power, and after the ingratitude with which Spain has treated her, think that the colonies ought to submit to less favorable conditions? And would not England stand disgraced in the eyes of the whole world, if, after having abetted and excited a revolution, she should now attempt to reduce the colonies to unconditional submission, or should make war upon us for acknowledging that independence which she herself sought to establish?

No guarantee for the conduct of nations or individuals ought to be stronger than that which honor imposes; but for those who put no confidence in its obligations, I have an argument to urge of more conclusive force. It is founded upon the interests of England. Excluded almost as she is from the continent, the commerce of America, South and North, is worth to her more than the commerce of the residue of the world. That to all Spanish America has been alone estimated at fifteen millions sterling. Its aggregate value to Spanish America and the United States may be fairly

stated at upwards of one hundred thousand dollars. The effect of a war with the two countries would be, to divest England of this great interest, at a moment when she is anxiously engaged in repairing the ravages of the European war. Looking to the present moment only, and merely to the interests of commerce, England is concerned more than even this country, in the success of the cause of independence in Spanish America. The reduction of the Spanish power in America has been the constant and favorite aim of her policy for two centuries; she must blot out her whole history, reverse the maxims of all her illustrious statesmen, extinguish the spirit of commerce which animates, directs, and controls all her movements, before she can render herself accessory to the subjugation of Spanish America. No commercial advantages which Spain may offer by treaty, can possess the security for her trade, which independence would communicate. The one would be most probably of limited duration, and liable to violation from policy, from interest, or from caprice. The other would be as permanent as independence. That I do not mistake the views of the British cabinet, the recent proclamation of the prince regent I think proves. The committee will remark, that the document does not describe the patriots as rebels, or insurgents, but, using a term which I have no doubt has been well weighed, it declares the existence of a 'state of warfare.' And with regard to English subjects, who are in the armies of Spain, although they entered the service without restriction as to their military duties, it requires that they shall not take part against the colonies. The subjects of England freely supply the patriots with arms and ammunition, and an honorable friend of mine (Colonel Johnson) has just received a letter from one of the West India islands, stating the arrival there from England of the skeletons of three regiments, with many of the men to fill them, destined to aid the patriots. In the Quarterly Review of November last, a journal devoted to the ministry, and a work of the highest authority, as it respects their views, the policy of neutrality is declared and supported as the true policy of England; and that, even if the United States were to take part in the war; and Spain is expressly notified, that she cannot and must not expect aid from England.

'In arguing, therefore, for the advantage of a strict neutrality, we must enter an early protest against any imputations of hostility to the cause of genuine freedom, or of any passion for despotism and the inquisition. We are no more the panegyrists of legitimate authority in all times, circumstances, and situations, than we are advocates for revolution in the abstract,' and so forth. 'But it has been plausibly asserted, that, by abstaining from interference in the affairs of South America, we are surrendering to the United States all the advantages which might be secured to ourselves from this revolution; that we are assisting to increase the trade and power of a nation which alone can ever be the maritime rival of England. It appears to us extremely doubtful, whether any advantage, commercial or political, can be lost to England by a neutral conduct; it must be observed, that the United States themselves, have given every public proof of their intention to pursue the same line of policy. But

admitting that this conduct is nothing more than a decent pretext; or admitting, still further, that they will afford to the independents direct and open assistance, our view of the case would remain precisely the same,' and so forth. 'To persevere in force, unaided, is to miscalculate her (Spain's) own resources, even to infatuation. To expect the aid of an ally in such a cause would, if that ally were England, be to suppose this country as forgetful of its own past history as of its immediate interests and duties. Far better would it be for Spain, instead of calling for our aid, to profit by our experience; and to substitute, ere it be too late, for efforts like those by which the North American colonies were lost to this country, the conciliatory measures by which they might have been retained.'

In the case of the struggle between Spain and her colonies, England, for once, at least, has manifested a degree of wisdom highly deserving our imitation, but unfortunately the very reverse of her course has been pursued by us. She has so conducted, by operating upon the hopes of the two parties, as to keep on the best terms with both; to enjoy all the advantages of the rich commerce of both. We have, by a neutrality bill containing unprecedented features, and still more by a late executive measure, to say the least of it, of doubtful constitutional character, contrived to dissatisfy both parties. We have the confidence neither of Spain nor the colonies.

It remains for me to defend the proposition which I meant to submit, from an objection which I have heard intimated, that it interferes with the duties assigned to the executive branch. On this subject I feel the greatest solicitude; for no man, more than myself, respects the preservation of the independence of the several departments of government, in the constitutional orbits which are prescribed to them. It is my favorite maxim, that each, acting within its proper sphere, should move with its constitutional independence, and under its constitutional responsibility, without influence from any other. I am perfectly aware that the constitution of the United States—and I admit the proposition in its broadest sense—confides to the executive the reception and the deputation of ministers. But, in relation to the latter operation, congress has concurrent will, in the power of providing for the payment of their salaries. The instrument nowhere says or implies that the executive act of sending a minister to a foreign country, shall precede the legislative act which provides for the payment of his salary. And, in point of fact, our statutory code is full of examples of legislative action prior to executive action, both in relation to the deputation of agents abroad, and to the subject matter of treaties. Perhaps the act of sending a minister abroad, and the act of providing for the allowance of his salary, ought to be simultaneous; but if, in the order of precedence, there be more reason on the one side than on the other, I think it is in favor of the priority of the legislative act, as the safer depository of power. When a minister is sent abroad, although the legislature may be disposed to think his mission useless; although, if previously consulted, they would have said they would not consent to pay

such a minister; the duty is delicate and painful to refuse to pay the salary promised to him whom the executive has even unnecessarily sent abroad. I can illustrate my idea by the existing missions to Sweden and to the Netherlands. I have no hesitation in saying, that if we had not ministers of the first grade there, and if the legislature were asked, prior to sending them, whether it would consent to pay ministers of that grade, I would not, and I believe congress would not, consent to pay them.

If it be urged that, by avowing our willingness, in a legislative act, to pay a minister not yet sent, and whom the president may think it improper to send abroad, we operate upon the president by all the force of our opinion; it may be retorted, that when we are called upon to pay any minister, sent under similar circumstances, we are operated upon by all the force of the president's opinion. The true theory of our government, at least, supposes that each of the two departments, acting on its proper constitutional responsibility, will decide according to its best judgment, under all the circumstances of the case. If we make the previous appropriation, we act upon our constitutional responsibility, and the president afterwards will proceed upon his. And so if he makes the previous appointment. We have the right, after a minister is sent abroad, and we are called upon to pay him, and we ought, to deliberate upon the propriety of his mission; we may and ought to grant or withhold his salary. If this power of deliberation is conceded subsequently to the deputation of the minister, it must exist prior to that deputation. Whenever we deliberate, we deliberate under our constitutional responsibility. Pass the amendment I propose, and it will be passed under that responsibility. Then the president, when he deliberates on the propriety of the mission, will act under his constitutional responsibility. Each branch of government, moving in its proper sphere, will act with as much freedom from the influence of the other, as is practically attainable.

There is great reason, from the peculiar character of the American government, for a perfect understanding between the legislative and executive branches, in relation to the acknowledgment of a new power. Every where else the power of declaring war resides with the executive. Here it is deposited with the legislature. If, contrary to my opinion, there be even a risk that the acknowledgment of a new state may lead to war, it is advisable that the step should not be taken without a previous knowledge of the will of the war-making branch. I am disposed to give to the president all the confidence which he must derive from the unequivocal expression of our will. This expression I know may be given in the form of an abstract resolution, declaratory of that will; but I prefer at this time proposing an act of practical legislation. And if I have been so fortunate as to communicate to the committee, in any thing like that degree of strength in which I entertain them,



the convictions that the cause of the patriots is just; that the character of the war, as waged by Spain, should induce us to wish them success; that we have a great interest in that success; that this interest, as well as our neutral attitude, requires us to acknowledge any established government in Spanish America; that the United Provinces of the river Plate is such a government; that we may safely acknowledge its independence, without danger of war from Spain, from the allies, or from England; and that, without unconstitutional interference with the executive power, with peculiar fitness, we may express, in an act of appropriation, our sentiments, leaving him to the exercise of a just and responsible discretion; I hope the committee will adopt the proposition which I have now the honor of presenting to them, after a respectful tender of my acknowledgments for their attention and kindness, during, I fear, the tedious period I have been so unprofitably trespassing upon their patience.

## EMANCIPATION OF SOUTH AMERICA.

IN THE HOUSE OF REPRESENTATIVES, MARCH 28, 1818

[THE house having again resolved itself into a committee of the whole on the general appropriation bill, to which Mr. Clay had moved an amendment, which was still pending, to introduce an appropriation for a mission to Buenos Ayres (as stated in the last foregoing speech), Mr. Clay said, that as no other gentleman appeared disposed to address the chair, he would avail himself of this opportunity of making some remarks in reply to the opponents of his motion. The members who had spoken against the measure were Messrs. Lowndes, of South Carolina, Forsyth, of Georgia, Smith, of Maryland, Smyth and H. Nelson, of Virginia, and Poindexter, of Mississippi; while those who supported it were Messrs. Robertson, of Louisiana, Holmes, of Massachusetts. Floyd and Tucker, of Virginia, and R. M. Johnson, of Kentucky. The amendment was rejected by a vote of one hundred and fifteen to forty-five; a result which was reversed in 1820.]

THE first objection which I think it incumbent on me to notice is that of my friend from South Carolina (Mr. Lowndes), who opposed the form of the proposition, as being made on a general appropriation bill, on which he appeared to think nothing ought to be engrafted which was likely to give rise to a difference between the two branches of the legislature. If the gentleman himself had always acted on this principle, his objection would be entitled to more weight; but, the item in the appropriation bill next following this, and reported by the gentleman himself, is infinitely more objectionable — which is, an appropriation of thirty thousand dollars for defraying the expenses of three commissioners, appointed, or proposed to be paid, in an unconstitutional form. It cannot be expected that a general appropriation bill will ever pass without some disputable clauses, and in case of a difference between the two houses (a difference which we have no right to anticipate in this instance), which cannot be compromised as to any article, the obvious course is, to omit such article altogether, retaining all the others; and, in a case of this character, relative to brevet pay, which has occurred during the present session, such has been the ground the gentleman himself has taken in a conference with the senate, of which he is a manager.

The gentleman from South Carolina, has professed to concur with me in a great many of his general propositions; and neither

he nor any other gentleman has disagreed with me, that the mere recognition of the independence of the provinces is no cause of war with Spain, except the gentleman from Maryland (Mr. Smith), to whom I recommend, without intending disrespect to him, to confine himself to the operation of commerce, rather than undertake to expound questions of public law; for I can assure the gentleman, that, although he may make some figure, with his practical knowledge, in the one case, he will not in the other. No man, except the gentleman from Maryland, has had what I should call the hardihood to contend, that, on the ground of principle and mere public law, the exercise of the right of recognizing another power is cause of war. But though the gentleman from South Carolina admitted, that the recognition would be no cause of war, and that it was not likely to lead to a war with Spain, we find him, shortly after, getting into a war with Spain, how, I do not see, and by some means, which he did not deign to discover to us, getting us into a war with England also. Having satisfied himself, by this course of reasoning, the gentleman has discovered, that the finances of Spain are in a most favorable condition. On this part of the subject, it is not necessary for me to say any thing after what the committee has heard from the eloquent gentleman from Massachusetts (Mr. Holmes), whose voice, in a period infinitely more critical in our affairs than the present, has been heard with so much delight from the east in support of the rights and honor of the country. He has clearly shown, that there is no parallel between the state of Spain and of this country—the one of a country whose resources are completely impoverished and exhausted; the other of a country whose resources are almost untouched. But, I would ask of the gentleman from South Carolina, if he can conceive that a state, in the condition of Spain, whose minister of the treasury admits that the people have no longer the means of paying new taxes—a nation with an immense mass of floating debt, and totally without credit—can feel any anxiety to engage in a war with a nation like this, whose situation is, in every possible view, directly the reverse? I ask, if an annual revenue, equal only to five eighths of the annual expenditure, exhibits a financial ability to enter upon a new war, when, too, the situation of Spain is altogether unlike that of the United States and England, whose credit, resting upon a solid basis, enables them to supply, by loans, any deficit in the income?

Notwithstanding the diversity of sentiment which has been displayed during the debate, I am happy to find that, with one exception, every member has done justice to the struggle in the south, and admitted it to be entitled to the favor of the best feelings of the human heart. Even my honorable friend near me (Mr. Nelson) has made a speech on our side, and we should not have found out, if he had not told us, that he would vote against us.

Although his speech has been distinguished by his accustomed eloquence, I should be glad to agree on a cartel with the gentlemen on the other side of the house, to give them his speech for his vote. The gentleman says his heart is with us, that he ardently desires the independence of the south. Will he excuse me for telling him, that if he will give himself up to the honest feelings of his heart, he will have a much surer guide than by trusting to his head, to which, however, I am far from offering any disparagement?

But, sir, it seems that a division of the republican party is about to be made by the proposition. Who is to furnish, in this respect, the correct criterion—whose conduct is to be the standard of orthodoxy? What has been the great principle of the party to which the gentleman from Virginia refers, from the first existence of the government to the present day? An attachment to liberty, a devotion to the great cause of humanity, of freedom, of self-government, and of equal rights. If there is to be a division, as the gentleman says; if he is going to leave us, who are following the old track, he may, in his new connections, find a great variety of company, which, perhaps, may indemnify him for the loss of his old friends. What is the great principle that has distinguished parties in all ages, and under all governments—democrats and federalists, whigs and tories, plebeians and patricians? The one, distrustful of human nature, appreciates less the influence of reason and of good dispositions, and appeals more to physical force; the other party, confiding in human nature, relies much upon moral power, and applies to force as an auxiliary only to the operations of reason. All the modifications and denominations of political parties and sects may be traced to this fundamental distinction. It is that which separated the two great parties in this country. If there is to be a division in the republican party, I glory that I, at least, am found among those who are anxious for the advancement of human rights and of human liberty; and the honorable gentleman who spoke of appealing to the public sentiment, will find, when he does so, or I am much mistaken, that public sentiment is also on the side of public liberty and of human happiness.

But the gentleman from South Carolina has told us, that the constitution has wisely confided to the executive branch of the government, the administration of the foreign interests of the country. Has the honorable gentleman attempted to show, though his proposition be generally true, and will never be controverted by me, that we also have not our participation in the administration of the foreign concerns of the country, when we are called upon, in our legislative capacity, to defray the expenses of foreign missions, or to regulate commerce? I stated, when up before, and I have listened in vain for an answer to the argument, that no part of the constitution says which shall have the precedence, the act of making

the appropriation for paying a minister, or the act of sending one. I have contended, and now repeat, that either the acts of deputing and of paying a minister should be simultaneous, or, if either has the preference, the act of appropriating his pay should precede the sending of a minister. I challenge gentlemen to show me any thing in the constitution which directs that a minister shall be sent before his payment is provided for. I repeat, what I said the other day, that, by sending a minister abroad, during the recess, to nations between whom and us no such relations existed as to justify incurring the expense, the legislative opinion is forestalled, or unduly biased. I appeal to the practice of the government, and refer to various acts of congress for cases of appropriations, without the previous deputation of the agent abroad, and without the preliminary of a message from the president, asking for them.

[MR. CLAY here quoted the act, authorizing the establishment of certain consulates in the Mediterranean, and affixing salaries thereto, in consequence of which the president had subsequently appointed consuls, who had been receiving their salaries to this day.]

From these it appears that congress has constantly pursued the great principle of the theory of the constitution, for which I now contend — that each department of the government must act within its own sphere, independently, and on its own responsibility. It is a little extraordinary, indeed, after the doctrine which was maintained the other day, of a sweeping right in congress to appropriate money to any object, that it should now be contended that congress has no right to appropriate money to a particular object. The gentleman's (Mr. Lowndes's) doctrine is broad, comprehending every case; but, when proposed to be exemplified in any specific case, it does not apply. My theory of the constitution, on this particular subject, is, that congress has the right of appropriating money for foreign missions, the president the power to use it. The president having the power, I am willing to say to him, 'here is the money, which we alone have a right to appropriate, which will enable you to carry your power into effect, if it seems expedient to you.' Both being before him, the power and the means of executing it, the president would judge, on his own responsibility, whether or not it was expedient to exercise it. In this course, each department of the government would act independently, without influence from, and without interference with, the other. I have stated cases, from the statute-book, to show, that, in instances where no foreign agent has been appointed, but only a possibility of their being appointed, appropriations have been made for paying them. Even in the case of the subject matter of negotiation (a right much more important than that of sending an agent), an appropriation of money has preceded the negotiation of a treaty — thus, in the third volume of the new

edition of the laws, page twenty-seven, a case of an appropriation of twenty-five thousand eight hundred and eighty dollars to defray the expense of such treaties as the president of the United States might deem proper to make with certain Indian tribes. An act, which has been lately referred to, appropriating two millions for the purchase of Florida, is a case still more strongly in point, as contemplating a treaty, not with a savage, but a civilized power. In this case there may have been, though I believe there was not, an executive message, recommending the appropriation; but I take upon myself to assert, that, in almost all the cases I have quoted, there was no previous executive intimation that the appropriation of the money was necessary to the object; but congress has taken up the subject, and authorized these appropriations, without any official call from the executive to do so.

With regard to the general condition of the provinces now in revolt against the parent country, I will not take up much of the time of the house. Gentlemen are, however, much mistaken as to many of the points of their history, geography, commerce, and produce, which have been touched upon. Gentlemen have supposed there would be from those countries a considerable competition of the same products which we export. I venture to say, that, in regard to Mexico, there can be no such competition; that the table-lands are at such a distance from the seashore, and the difficulty of reaching it is so great, as to make the transportation to La Vera Cruz too expensive to be borne, and the heat so intense as to destroy the bread-stuffs as soon as they arrive. With respect to New Grenada, the gentleman from Maryland is entirely mistaken. It is the elevation of Mexico, principally, which enables it to produce bread-stuffs; but New Granada, lying nearly under the line, cannot produce them. The productions of New Granada for exportation are, the precious metals, (of which, of gold, particularly, a greater portion is to be found than in any of the provinces, except Mexico,) sugar, coffee, cocoa, and some other articles of a similar character. Of Venezuela, the principal productions are coffee, cocoa, indigo, and some sugar. Sugar is also produced in all the Guianas—French, Spanish, and Dutch. The interior of the provinces of La Plata may be productive of bread stuffs, but they are too remote to come into competition with us in the West India market, the voyages to the United States generally occupying from fifty to sixty days, and some times as long as ninety days. By deducting from that number the average passage from the United States to the West Indies, the length of the usual passage between Buenos Ayres and the West Indies will be found, and will show that, in the supply of the West India market with bread-stuffs, the provinces can never come seriously into competition with us. And in regard to Chili, productive as it may be, does the gentleman from Maryland suppose that vessels are going to double Cape

Horn and come into competition with us in the West Indies? It is impossible. But I feel a reluctance at pursuing the discussion of this part of the question; because I am sure these are considerations on which the house cannot act, being entirely unworthy of the subject. We may as well stop all our intercourse with England, with France, or with the Baltic, whose products are in many respects the same as ours, as to act on the present occasion, under the influence of any such considerations. It is too selfish, too mean a principle for this body to act on, to refuse its sympathy for the patriots of the south, because some little advantage of a commercial nature may be retained to us from their remaining in the present condition, which, however, I totally deny. Three fourths of the productions of the Spanish provinces are the precious metals, and the greater part of the residue not of the same character as the staple productions of our soil. But it seems that a pamphlet has recently been published on this subject to which gentlemen have referred. Now permit me to express a distrust of all pamphlets of this kind, unless we know their source. It may, for aught I know, if not composed at the instance of the Spanish minister, have been written by some merchant who has a privilege of trading to Lima under royal license; for such do exist, as I am informed, and some of them procured under the agency of a celebrated person by the name of Sarmiento, of whom perhaps the gentleman from Maryland (Mr. Smith) can give the house some information. To gentlemen thus privileged to trade with the Spanish provinces under royal authority, the effect of a recognition of the independence of the provinces would be, to deprive them of that monopoly. The reputed author of the pamphlet in question, if I understand correctly, is one who has been, if he is not now, deeply engaged in the trade, and I will venture to say, that many of his statements are incorrect. In relation to the trade of Mexico, I happen to possess the Royal Gazette of Mexico of 1804, showing what was the trade of that province in 1803; from which it appears that, without making allowance for the trade from the Philippine Islands to Acapulco, the imports into the port of Vera Cruz were in that year twenty-two millions in value, exclusive of contraband, the amount of which was very considerable. Among these articles were many which the United States could supply as well, if not on better terms, than they could be supplied from any other quarter; for example, brandy and spirits, paper, iron, implements for agriculture and the mines; wax, spices, naval stores, salt fish, butter, provisions; these articles amounting in the whole to one seventh part of the whole import trade to Mexico. With regard to the independence of that country, which gentlemen seemed to think improbable, I rejoice that I am able to congratulate the house, that we have this morning intelligence that *Mina* yet lives, and the patriot flag is still unfurled, and the cause

infinitely more prosperous than ever. This intelligence I am in hopes will prove true, notwithstanding the particular accounts of his death, which, there is so much of fabrication and falsehood in the Spanish practice, are not entitled to credit, unless corroborated by other information. Articles are manufactured in one province to produce effect on other provinces, and in this country; and I am, therefore, disposed to think, that the details respecting the capture and execution of Mina, are too minute to be true, and were made up to produce an effect here.

With regard to the general value of the trade of a country, it is to be determined by the quantum of its population, and its character, its productions, and the extent and character of the territory; and, applying these criteria to Spanish America, no nation offers higher inducements to commercial enterprise. Washed on the one side by the Pacific, on the other by the south Atlantic; standing between Africa and Europe on the one hand, and Asia on the other; lying along side of the United States; her commerce must, when free from the restraints of despotism, be immensely important; particularly when it is recollected how great a proportion of the precious metals it produces; for that nation which can command the precious metals, may be said to command almost the resources of the world. For one moment, imagine the mines of the south locked up from Great Britain for two years, what would be the effect on her paper system? Bankruptcy, explosion, revolution. Even if the supply which we get abroad of the precious metals was cut off for any length of time, I ask if the effect on our paper system would not be, not perhaps equally as fatal as to England, yet one of the greatest calamities which could befall this country. The revenue of Spain, in Mexico alone, was, in 1809, twenty millions of dollars, and in the other provinces in about the same proportion, taking into view their population, independent of the immense contributions annually paid to the clergy. When you look at the resources of the country, and the extent of its population, recollecting that it is double our own; that its consumption of foreign articles, under a free commerce would be proportionably great; that it yields a large revenue under the most abominable system, under which nearly three fourths of the population are unclad, and almost naked as from the hands of nature, because absolutely deprived of the means of clothing themselves, what may not be the condition of this country, under the operation of a different system, which would let industry develop its resources in all possible forms? Such a neighbor cannot but be a valuable acquisition in a commercial point of view.

Gentlemen have denied the fact of the existence of the independence of Buenos Ayres at as early a date as I have assigned to it. The gentleman from South Carolina, who is well informed on the subject, has not, I think, exhibited his usual



candor on this part of it. When the gentleman talked of the upper provinces being out of the possession of the patriots as late as 1815, he ought to have gone back and told the house what was the actual state of the fact, with which I am sure the gentleman is very well acquainted. In 1811, the government of Buenos Ayres had been in possession of every foot of the territory of the vice-royalty. The war has been raging from 1811 to 1814 in those interior provinces, bordering on Lima, which have been as often as three times conquered by the enemy, and as often recovered, and from which the enemy is now finally expelled. Is this at all remarkable during the progress of such a revolution? During the different periods of our war of independence, the British had possession of different parts of our country; as late as 1780, the whole of the southern states were in their possession; and at an earlier date they had possession of the great northern capitals. There is, in regard to Buenos Ayres, a distinguishing trait, which does not exist in the history of our revolution. That is, that from 1810 to the present day, the capital of the republic of La Plata has been invariably in the possession of the patriot government. Gentlemen must admit that when, in 1814, she captured at Montevideo an army as large as Burgoyne's captured at Saratoga, they were then in possession of independence. If they have been since 1810 in the enjoyment of self-government, it is, indeed, not very material under what name or under what form. The fact of their independence is all that is necessary to be established. In reply to the argument of the gentleman from South Carolina, derived from his having been unable to find out the number of the provinces, this arose from the circumstance that, thirty-six years ago, the vice-royalty had been a captain-generalship; that it extended then only to Tucuman, whilst of late and at present the government extends to Desaguadera, in about the sixteenth degree of south latitude. There are other reasons why there is some confusion in the number of the provinces, as stated by different writers; there is, in the first place, a territorial division of the country; then a judicial; and next a military division; and the provinces have been stated at ten, thirteen, or twenty, according to the denominations used. This, however, with the gentleman from South Carolina, I regard as a fact of no sort of consequence.

I will pass over the report lately made to the house by the department of state, respecting the state of South America, with only one remark — that it appears to me to exhibit evidence of an adroit and experienced diplomatist, negotiating, or rather conferring on a subject with a young and inexperienced minister, from a young and inexperienced republic. From the manner in which this report was communicated, after a call for information so long made, and after a lapse of two months from the last date in the correspondence on the subject, I was mortified at hearing the

report read. Why talk of the mode of recognition? Why make objections to the form of the commission? If the minister has not a formal power, why not tell him to send back for one? Why ask of him to enumerate the particular states whose independence he wished acknowledged? Suppose the French minister had asked of Franklin what number of states he represented? Thirteen, if you please, Franklin would have replied. But Mr. Franklin, will you tell me if Pennsylvania, whose capital is in possession of the British, be one of them? What would Dr. Franklin have said? It would have comported better with the frankness of the American character, and of American diplomacy, if the secretary, avoiding cavils about the form of the commission, had said to the minister of Buenos Ayres, 'at the present moment we do not intend to recognise you, or to receive or to send a minister to you.'

But among the charges which gentlemen have industriously brought together, the house has been told of factions prevailing in Buenos Ayres. Do not factions exist every where? Are they not to be found in the best regulated and most firmly established governments? Respecting the Carreras, public information is abused; they were supposed to have had improper views, designs hostile to the existing government, and it became necessary to deprive them of the power of doing mischief. And what is the fact respecting the alleged arrest of American citizens? Buenos Ayres has been organizing an army to attack Chili. Carrera arrives at the river La Plata with some North Americans; he had before defeated the revolution in Chili, by withholding his coöperation; the government of Buenos Ayres therefore said to him, we do not want your resources; our own army is operating; if you carry yours there, it may produce dissension, and cause the loss of liberty; you shall not go. On his opposing this course, what was done which has called forth the sympathy of gentlemen? He and those who attended him from this country were put in confinement, but only long enough to permit the operations of the Buenos Ayrean army to go on; they were then permitted to go, or made their escape to Montevideo, and afterwards where they pleased. With respect to the conduct of that government, I would only recall the attention of gentlemen to the orders which have lately emanated from it, for the regulation of privateers, which has displayed a solicitude to guard against irregularity, and to respect the rights of neutrals, not inferior to that ever shown by any government, which has on any occasion attempted to regulate this licentious mode of warfare.

The honorable gentleman from Georgia commenced his remarks the other day by an animadversion which he might well have spared, when he told us, that even the prayers of the chaplain of this house had been offered up in behalf of the patriots. And was it reprehensible, that an American chaplain, whose cheeks are

furrowed by age, and his head as white as snow, who has a thousand times, during our own revolution, implored the smiles of heaven on our exertions, should indulge in the pious and patriotic feelings flowing from his recollections of our own revolution? Ought he to be subject to animadversion for so doing, in a place where he cannot be heard? Ought he to be subject to animadversion for soliciting the favor of heaven on the same cause as that in which we fought the good fight, and conquered our independence? I trust not.

But the gentleman from Georgia, it appears, can see no parallel between our revolution and that of the Spanish provinces. Their revolution, in its commencement, did not aim at complete independence, neither did ours. Such is the loyalty of the Creole character, that, although groaning under three hundred years of tyranny and oppression, they have been unwilling to cast off their allegiance to that throne, which has been the throne of their ancestors. But, looking forward to a redress of wrongs, rather than a change of government, they gradually, and perhaps at first unintentionally, entered into a revolution. I have it from those who have been actively engaged in our revolution, from that venerable man (chancellor Wythe), whose memory I shall ever cherish with filial regard, that, a very short time before our declaration of independence, it would have been impossible to have got a majority of congress to declare it. Look at the language of our petitions of that day, carrying our loyalty to the foot of the throne, and avowing our anxiety to remain under the crown of our ancestors; independence was then not even remotely suggested as our object.

The present state of facts, and not what has passed and gone in South America, must be consulted. At the present moment, the patriots of the south are fighting for liberty and independence; for precisely what we fought. But their revolution, the gentleman told the house, was stained by scenes which had not occurred in ours. If so, it was because execrable outrages had been committed upon them by troops of the mother country, which were not upon us. Can it be believed, if the slaves had been let loose upon us in the south, as they have been let loose in Venezuela; if quarters had been refused; capitulations violated; that general Washington, at the head of the armies of the United States, would not have resorted to retribution? Retaliation is sometimes mercy, mercy to both parties. The only means by which the coward soul that indulges in such enormities can be reached, is to show to him that they will be visited by severe but just retribution. There are traits in the history of this revolution, which show what deep-root liberty has taken in South America. I will state an instance. The only hope of a wealthy and reputable family was charged, at the head of a small force, with the care of the magazine of the army. He saw that it was impossible to defend it. 'Go,' said he to his

corapanions in arms, 'I alone am sufficient for its defence.' The assailants approached; he applied a match and blew up the magazine, with himself, scattering death and destruction on his enemy. There is another instance of the intrepidity of a female of the patriot party. A lady in New Granada had given information to the patriot forces, of plans and instructions by which the capitol might be invaded. She was put upon the rack to divulge her accomplices. She bore the torture with the greatest fortitude, and died exclaiming, 'you shall not hear it from my mouth; I will die, and may those live who can free my country.'

But the house has been asked, and asked with a triumph worthy of a better cause, why recognise this republic? Where is the use of it? And is it possible that gentlemen can see no use in recognising this republic? For what did this republic fight? To be admitted into the family of nations. Tell the nations of the world, says Pucyrredon, in his speech, that we already belong to their illustrious rank. What would be the powerful consequences of a recognition of their claim? I ask my honorable friend before me (general Bloomfield), the highest sanction of whose judgment in favor of my proposition, I fondly anticipate, with what anxious solicitude, during our revolution, he and his glorious compatriots turned their eyes to Europe and asked to be recognised, I ask him, the patriot of '76, how the heart rebounded with joy, on the information that France had recognised us. The moral influence of such a recognition, on the patriot of the south, will be irresistible. He will derive assurance from it, of his not having fought in vain. In the constitution of our natures there is a point, to which adversity may pursue us, without perhaps any worse effect than that of exciting new energy to meet it. Having reached that point, if no gleam of comfort breaks through the gloom, we sink beneath the pressure, yielding reluctantly to our fate, and in hopeless despair lose all stimulus to exertion. And is there not reason to fear such a fate to the patriots of La Plata? Already enjoying independence for eight years, their ministers are yet spurned from the courts of Europe, and rejected by the government of a sister republic. Contrast this conduct of ours with our conduct in other respects. No matter whence the minister comes, be it from a despotic power, we receive him; and even now, the gentleman from Maryland, (Mr. Smith) would have us send a minister to Constantinople, to beg a passage through the Dardanelles to the Black Sea, that, I suppose, we might get some hemp and bread-stuffs there, of which we ourselves produce none; he, who can see no advantage to the country from opening to its commerce the measureless resources of South America, would send a minister to Constantinople for a little trade. Nay, I have seen a project in the newspapers, and I should not be surprised, after what we have already seen, at its being carried into effect, for sending a minister to the port. **Yes,**

sir, from Constantinople, or from the Brazils; from Turk or christian; from black or white; from the dey of Algiers or the bey of Tunis; from the devil himself, if he wore a crown, we should receive a minister. We even paid the expenses of the minister of his sublime highness, the bey of Tunis, and thought ourselves highly honored by his visit. But, let the minister come from a poor republic, like that of La Plata, and we turn our back on him. The brilliant costumes of the ministers of the royal governments are seen glistening in the circles of our drawing-rooms, and their splendid equipages rolling through the avenues of the metropolis; but the unaccredited minister of the republic, if he visit our president or secretary of state at all, must do it *incognito*, lest the eye of don Onis should be offended by so unseemly a sight! I hope the gentleman from South Carolina, who is so capable of estimating the effect of moral causes, will see some use in recognising the independence of La Plata. I appeal to the powerful effect of moral causes, manifested in the case of the French revolution, when, by their influence, that nation swept from about her the armies of the combined powers, by which she was environed, and rose up, the colossal power of Europe. There is an example of the effect of moral power. All the patriots ask, all they want at our hands, is, to be recognised as, what they have been for the last eight years, an independent power.

But, it seems, we dare not do this, lest we tread on sacred ground; and an honorable gentleman from Virginia (Mr. Smyth), who, when he has been a little longer in this house, will learn to respect its powers, calls it an usurpation on the part of this house. Has the gentleman weighed the terms which he employed? If I mistake not, the gentleman, in the debate respecting the power to make internal improvements, called that too an usurpation on the part of this house. That power, too, however, he admitted to belong to the executive, and traced it to an imperial source, informing us that Cæsar or somebody else, had exercised it. Sir, the gentleman has mistaken his position here; he is a military chieftain, and an admirable defender of executive authority, but he has yet to learn his horn-book as to the powers of this branch of the legislature. Usurpation is arrogating to yourself authority which is vested elsewhere. But what is it that I propose, to which this term has been applied? To appropriate money to pay a foreign minister his outfit and a year's salary. If that be an usurpation, we have been usurping power from the commencement of the government, to the present time. The chairman of the committee of ways and means has never reported an appropriation bill without some instance of this usurpation.

There are three modes under our constitution, in which a nation may be recognised; by the executive receiving a minister; **secondly**, by its sending one thither; and, **thirdly**, this house

unquestionably has the right to recognise, in the exercise of the constitutional power of congress to regulate foreign commerce. To receive a minister from a foreign power, is an admission that the party sending him is sovereign and independent. So the sending a minister, as ministers are never sent but to sovereign powers, is a recognition of the independence of the power to whom the minister is sent. Now, the honorable gentleman from South Carolina would prefer the expression of our opinion by a resolution, independent of the appropriation bill. If the gentleman will vote for it in that shape, I will readily gratify him; all that I want to do is, to convey to the president an expression of our willingness, that the government of Buenos Ayres should be recognised. Whether it shall be done by receiving a minister or sending one, is quite immaterial. It is urged, that there may be an impropriety in sending a minister, not being certain, after what has passed, that he will be received; but that is one of the questions submitted to the direction of the executive, which he will determine, upon a view of all the circumstances; and who, of course, will previously have an understanding, that our minister will be duly respected. If gentlemen desire to know what a minister from us is to do, I would have him congratulate the republic on the establishment of free government and on their liberation from the ancient dynasty of Spain; assure it of the interest we feel in its welfare, and of our readiness to concur in any arrangement which may be advantageous to our mutual interest. Have we not a minister at the Brazils, a nation lying along side of the provinces of La Plata; and, considering the number of slaves in it, by no means so formidable as the latter, and about equi-distant from us. In reference to the strength of the two powers, that of La Plata is much stronger, and the government of Brazil, trembling under the apprehension of the effect of the arms of La Plata, has gone further than any other power to recognise its independence, having entered into a military convention with the republic, by which each power guaranties the possessions of the other. And we have exchanged ministers with the Brazils. The one, however, is a *kingdom*, the other a *republic*; and if any gentleman can assign any other better reason why a minister should be sent to one and not to the other of these powers, I shall be glad to hear it disclosed, for I have not been able myself to discover it.

A gentleman yesterday told the house that the news from Buenos Ayres was unfavorable. Take it altogether, I believe it is not. But I put but little trust in such accounts. In our revolution, incredulity of reports and newspaper stories, propagated by the enemy, was so strengthened by experience, that at last, nothing was believed which was not attested by the signature of 'Charles Thomson.' I am somewhat similarly situated; I cannot believe these reports; I wish to see 'Charles Thomson' before I give

full credit to them. The vessel which has arrived at Baltimore -- and, by the way, by its valuable cargo of specie, hides, and tallow, gives evidence of a commerce worth pursuing -- brought some rumor of a difference between Artigas and the authorities of Buenos Ayres. With respect to the Banda Oriental, which is said to be occupied by Artigas, it constitutes but a very subordinate part of the territory of the United Provinces of La Plata; and it can be no more objection to recognising the nation, because that province is not included within its power, than it could have been to our recognition, because several states held out against the adoption of the constitution. Before I attach any confidence to a letter not signed 'Charles Thomson,' I must know who the man is who writes it, what are his sources of information, his character for veracity, and so forth, and of all those particulars, we are deprived of the information, in the case of the recent intelligence in the Baltimore papers, as extracted from private letters.

But we are charged, on the present occasion, with treading on sacred ground. Let me suppose, what I do not believe to be the case, that the president has expressed an opinion one way and we another. At so early a period of our government, because a particular individual fills the presidential chair -- an individual whom I highly respect, more perhaps than some of those who would be considered his exclusive friends -- is the odious doctrine to be preached here, that the chief magistrate can do no wrong? Is the doctrine of passive obedience and non-resistance, are the principles of the Stuarts, to be revived in this free government? Is an opinion to be suppressed and scouted, because it is in opposition to the opinion of the president? Sir, as long as I have a seat on this floor, I shall not hesitate to exert the independence which belongs to the representative character; I shall not hesitate to express my opinions, coincident or not with those of the executive. But I can show that this cry has been raised on the present occasion without reason. Suppose a case -- that the president had sent a minister to Buenos Ayres, and this house had been called on to make an appropriation for the payment of his salary. I ask of gentlemen, whether in that case they would not have voted an appropriation? And has not the house a right to deliberate on the propriety of doing so, as well before, as after a minister is sent? Will gentlemen please to point out the difference? I contend that *we* are the true friends of the executive; and that the title does not belong to those who have taken it. We wish to extend his influence, and give him patronage; to give him means, as he has now the power, to send another minister abroad. But, apart from this view of the question, as regards the executive power, this house has the incontestable right to recognise a foreign nation in the exercise of its power, to regulate commerce with foreign nations. Suppose, for example we pass an act to regulate trade between

the United States and Buenos Ayres, the existence of the nation would be thereby recognised, as we could not regulate trade with a nation which does not exist.

The gentleman from Maryland (Mr. Smith) and the gentleman from Virginia (Mr. Smyth), the great champions of executive power, and the opponent of legislative authority, have contended that recognition would be cause of war. These gentlemen are reduced to this dilemma. If it is cause of war, the executive ought not to have the right to produce a war upon the country, without consulting congress. If it is no cause of war, it is an act which there is no danger in performing. There is very little difference in principle, between vesting the executive with the power of declaring war, or with the power of necessarily leading the country into war, without consulting the authority to whom the power of making war is confided. But I deny that it is cause of war; but if it is, the sense of congress ought certainly in some way or other to be taken on it, before that step is taken. I know that some of the most distinguished statesmen in the country have taken the view of this subject, that the power to recognise the independence of any nation does not belong to the president; that it is a power too momentous and consequential in its character, to belong to the executive. My own opinion, I confess, is different, believing the power to belong to either the president or congress, and that it may, as most convenient, be exercised by either. If aid is to be given, to afford which will be cause of war, however, congress alone can give it.

This house, then, has the power to act on the subject, even though the president has expressed an opinion, which he has not, further than, as appears by the report of the secretary of state, to decide that in January last, it would not be proper to recognise them. But the president stands pledged to recognise the republic, if on the return of the commissioners whom he has deputed, they shall make report favorable to the stability of the government. Suppose the chairman of the committee of foreign relations had reported a provision for an appropriation of that description which I propose, should we not all have voted for it? And can any gentleman be so pliant, as, on the mere ground of an executive recommendation, to vote an appropriation without exercising his own faculties on the question; and yet, when there is no such suggestion, will not even so far act for himself as to determine whether a republic is so independent that we may fairly take the step of recognition of it? I hope that no such submission to the executive pleasure will characterize this house.

One more remark, and I have done. One gentleman told the house that the population of the Spanish provinces is eighteen millions; that we, with a population of two millions only, have conquered our independence; and that, if the southern provinces



willed it, they must be free. This population, I have already stated, consists of distinct nations, having but little, if any, intercourse, the largest of which is Mexico; and they are so separated by immense distances, that it is impossible there should be any coöperation between them. Besides, they have difficulties to encounter which we had not. They have a noblesse; they are divided into jealous castes, and a vast proportion of Indians; to which adding the great influence of the clergy, and it will be seen how widely different the circumstances of Spanish America are, from those under which the revolution in this country was brought to a successful termination. I have already shown how deep-rooted is the spirit of liberty in that country. I have instanced the little island of Margarita, against which the whole force of Spain has been in vain directed; containing a population of only sixteen thousand souls, but where every man, woman, and child, is a Grecian soldier, in defence of freedom. For many years the spirit of freedom has been struggling in Venezuela, and Spain has been unable to conquer it. Morillo, in an official despatch, transmitted to the minister of marine of his own country, avows that Angostura and all Guayana are in possession of the patriots, as well as all that country from which supplies can be drawn. According to the last accounts, Bolivar and other patriot commanders, are concentrating their forces, and are within one day's march of Morillo; and if they do not forsake the Fabian policy, which is the true course for them, the result will be, that even the weakest of the whole of the provinces of Spanish America, will establish their independence, and secure the enjoyment of those rights and blessings, which rightfully belong to them.

## ON THE SEMINOLE WAR.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 17, 1819.

[THE Seminoles were a tribe of Indians inhabiting Florida, and parts of the adjacent country. During the war between the United States and Great Britain, from 1812 to 1815, the Seminoles and Creek Indians made attacks upon our frontier settlements in the southwest, and in consequence, general Andrew Jackson, then a major-general of militia in Tennessee, was sent against them, at the head of a considerable force, by which, after a sanguinary contest, the Indians were subdued, and a treaty concluded with the Creek nation, in 1814. After the peace of 1815, the Seminoles, being sheltered in Florida, at that time a Spanish province, made frequent depredations upon the people of the United States. In December, 1817, the department of war ordered general Jackson, who in 1814 was appointed a major-general in the United States army, to assume the command of the forces in the southwest, and march against the Indians; also to adopt the necessary measures to terminate a conflict which has since been called 'the Seminole war.' In the early part of 1818, general Jackson took command of an army of regulars, militia, and friendly Creeks, and pursued the Seminoles into Florida, destroying their towns, and killing and capturing many Indians and run-a-way negroes. He also took possession of the Spanish fortresses of St. Marks, Pensacola, and the Barancas, during a period of peace between Spain and the United States. Two Indian traders, Arbuthnot, a Scotchman, and Ambrister, an Englishman, were taken prisoners, (being found among the Indians and Spaniards,) tried by a court martial, and executed by order of general Jackson. Two Indian chiefs, who were captured, were also put to death by his order, and sundry other cruel and high-handed acts committed, to which the attention of congress was called, at the session of 1818-19.

The subject having been referred to the committee on military affairs, that committee brought in a report, concluding with the following resolution: 'Resolved, that the house of representatives disapproves the proceedings in the trial and execution of Alexander Arbuthnot and Robert C. Ambrister.' To this resolution, Mr. Cobb, of Georgia, moved to add others, disapproving of the execution of Indian captives, and declaring that the seizure of the Spanish posts was contrary to the constitution, and so forth. The discussion on these resolutions caused one of the most exciting and interesting debates ever known in congress. Thirty-one of the most distinguished members of the house participated in the debate, which was opened on the eighteenth of January, in committee of the whole, and concluded on the tenth of February, when the question on the resolutions was taken, and decided in the negative, by majorities varying from thirty to forty-six, in a house of one hundred and seventy members present. General Jackson, besides his own popularity, as the victor of New Orleans, had the advantage of being sustained by the influence and power of Mr. Monroe's administration, the president being considered as implicated with him in some of his transactions in Florida, by having sanctioned the same. Among those who coincided with Mr. Clay, in condemning these proceedings, were Messrs. Cobb, of Georgia, Storrs, of New York, Colston, J. Johnson, T. M. Nelson, and Mercer, of Virginia, Hopkinson, of Pennsylvania, Williams, of Connecticut, Harrison, of Ohio, Tyler, of Virginia, (the two latter since presidents of the United States,) Lowndes, of South Carolina, and Reed, of Maryland; while, on the other side, Messrs. Holmes, of Massachusetts, Tallmadge, of New York, P. P. Barbour, and Floyd, of Virginia, Baldwin, of Pennsylvania, R. M. Johnson, of Kentucky, and others, made able speeches in support of the administration, and general Jackson's military course in this campaign.

Mr. Clay twice addressed the committee of the whole on the subject; the first speech only, is reported at length, as follows.]

MR. CHAIRMAN :

IN rising to address you, sir, on the very interesting subject which now engages the attention of congress, I must be allowed to say, that all inferences drawn from the course which it will be my painful duty to take in this discussion, of unfriendliness either to the chief magistrate of the country, or to the illustrious military chieftain whose operations are under investigation, will be wholly unfounded. Towards that distinguished captain, who shed so much glory on our country, whose renown constitutes so great a portion of its moral property, I never had, I never can have, any other feelings than those of the most profound respect, and of the utmost kindness. With him my acquaintance is very limited, but, so far as it has extended, it has been of the most amicable kind. I know the motives which have been, and which will again be, attributed to me, in regard to the other exalted personage alluded to. They have been and will be unfounded. I have no interest, other than that of seeing the concerns of my country well and happily administered. It is infinitely more gratifying to behold the prosperity of my country advancing by the wisdom of the measures adopted to promote it, than it would be to expose the errors which may be committed, if there be any, in the conduct of its affairs. Little as has been my experience in public life, it has been sufficient to teach me that the most humble station is surrounded by difficulties and embarrassments. Rather than throw obstructions in the way of the president, I would precede him, and pick out those, if I could, which might jostle him in his progress; I would sympathize with him in his embarrassments, and commiserate with him in his misfortunes. It is true that it has been my mortification to differ from that gentleman on several occasions. I may be again reluctantly compelled to differ from him; but I will with the utmost sincerity, assure the committee, that I have formed no resolution, come under no engagements, and that I never will form any resolution, or contract any engagements, for systematic opposition to his administration, or to that of any other chief magistrate.

I beg leave further to premise, that the subject under consideration, presents two distinct aspects, susceptible, in my judgment, of the most clear and precise discrimination. The one I will call its foreign, the other its domestic aspect. In regard to the first, I will say, that I approve entirely of the conduct of our government, and that Spain has no cause of complaint. Having violated an important stipulation of the treaty of 1795, that power has justly subjected herself to all the consequences which ensued upon the entry into her dominions, and it belongs not to her to complain of those measures which resulted from her breach of contract; still

less has she a right to examine into the considerations connected with the domestic aspect of the subject.

What are the propositions before the committee? The first in order, is that reported by the military committee, which asserts the disapprobation of this house, of the proceedings in the trial and execution of Arbuthnot and Ambrister. The second, being the first contained in the proposed amendment, is the consequence of that disapprobation, and contemplates the passage of a law to prohibit the execution hereafter of any captive, taken by the army, without the approbation of the president. The third proposition is, that this house disapproves of the forcible seizure of the Spanish posts, as contrary to orders, and in violation of the constitution. The fourth proposition, as the result of the last, is, that a law shall pass to prohibit the march of the army of the United States, or any corps of it, into any foreign territory, without the previous authorization of congress, except it be in fresh pursuit of a defeated enemy. The first and third are general propositions, declaring the sense of the house in regard to the evils pointed out; and the second and fourth, propose the legislative remedies against the recurrence of those evils.

It will be at once perceived, by this simple statement of the propositions, that no other censure is proposed against general Jackson himself, than what is merely consequential. His name even does not appear in any of the resolutions. The legislature of the country, in reviewing the state of the union, and considering the events which have transpired since its last meeting, finds that particular occurrences, of the greatest moment, in many respects, have taken place near our southern border. I will add, that the house has not sought, by any officious interference with the doings of the executive, to gain jurisdiction over this matter. The president, in his message at the opening of the session, communicated the very information on which it was proposed to act. I would ask, for what purpose? That we should fold our arms and yield a tacit acquiescence, even if we supposed that information disclosed alarming events, not merely as it regards the peace of the country, but in respect to its constitution and character? Impossible. In communicating these papers, and voluntarily calling the attention of congress to the subject, the president must himself have intended, that we should apply any remedy that we might be able to devise. Having the subject thus regularly and fairly before us, and proposing merely to collect the sense of the house upon certain important transactions which it discloses, with the view to the passage of such laws as may be demanded by the public interest, I repeat, that there is no censure any where, except such as is strictly consequential upon our legislative action. The supposition of every new law, having for its object to prevent the recurrence of evil, is, that something has happened which ought

not to have taken place, and no other than this indirect sort of censure will flow from the resolutions before the committee.

Having thus given my view of the nature and character of the propositions under consideration, I am far from intimating that it is not my purpose to go into a full, a free, and a thorough investigation of the facts, and of the principles of law, public, municipal, and constitutional, involved in them. And, whilst I trust I shall speak with the decorum due to the distinguished officers of the government whose proceedings are to be examined, I shall exercise the independence which belongs to me as a representative of the people, in freely and fully submitting my sentiments.

In noticing the painful incidents of this war, it is impossible not to inquire into its origin. I fear that it will be found to be the famous treaty of Fort Jackson, concluded in August, 1814; and I must ask the indulgence of the chairman while I read certain parts of that treaty.

*Whereas* an unprovoked, inhuman, and sanguinary war, waged by the hostile Creeks against the United States, hath been repelled, prosecuted, and determined, successfully on the part of the said states, in conformity with principles of national justice and honorable warfare: and *whereas* consideration is due to the rectitude of proceedings dictated by instructions relating to the re-establishing of peace: Be it remembered, that, prior to the conquest of that part of the Creek nation hostile to the United States, numberless aggressions had been committed against the peace, the property, and the lives of citizens of the United States, and those of the Creek nation in amity with her, at the mouth of Duck river, Fort Mimms, and elsewhere, contrary to national faith, and the regard due to an article of the treaty concluded at New York, in the year 1790, between the two nations; that the United States, previous to the perpetration of such outrages, did, in order to insure future amity and concord between the Creek nation and the said states, in conformity with the stipulations of former treaties, fulfil, with punctuality and good faith, her engagements to the said nation; that more than two thirds of the whole number of chiefs and warriors of the Creek nation, disregarding the genuine spirit of existing treaties, suffered themselves to be instigated to violations of their national honor, and the respect due to a part of their own nation, faithful to the United States, and the principles of humanity, by impostors, denominating themselves prophets, and by the duplicity and misrepresentations of foreign emissaries, whose governments are at war, open or understood, with the United States.

Article 2. The United States will guaranty to the Creek nation the integrity of all their territory eastwardly and northwardly of the said line, (described in the first article,) to be run and described as mentioned in the first article.

Article 3. The United States *demand* that the Creek nation abandon all communication, and cease to hold intercourse with any British post, garrison, or town; and that they shall not admit among them any agent or trader, who shall not derive authority to hold commercial or other intercourse with them, by license from the President or other authorized agent of the United States.

Article 4. The United States *demand* an acknowledgment of the right to establish military posts and trading houses, and to open roads within the territory guarantied to the Creek nation by the second article, and a right to the free navigation of all its waters.

Article 5. The United States *demand* that a surrender be immediately made, of all the persons and property taken from the citizens of the United States, the friendly part of the Creek nation, the Cherokee, Chickasaw, and Choctaw nations, to the respective owners; and the United States will cause to be immediately restored to the formerly hostile Creeks all the property taken from them since their submission, either by the United States, or by any Indian nations in amity with the United States, together with all the prisoners taken from them during the war.

Article 6. The United States *demand* the caption and surrender of all the *prophets*

and instigators of the war, whether foreigners or natives, who have not submitted to the arms of the United States, and become parties to these articles of capitulation, if ever they shall be found within the territory guaranteed to the Creek nation by the second article.

Article 7. The Creek nation *being reduced to extreme want*, and not at present having the means of subsistence, the United States, from motives of humanity, will continue to furnish gratuitously the necessaries of life, until the crops of corn can be considered competent to yield the nation a supply, and will establish trading houses in the nation, at the discretion of the president of the United States, and at such places as he shall direct, to enable the nation, by industry and economy, to procure clothing.

I have never perused this instrument until within a few days past, and I have read it with the deepest mortification and regret. A more dictatorial spirit I have never seen displayed in any instrument of diplomacy, not excepting even those in the most haughty period of imperial Rome, when she was carrying her arms into the barbarian nations that surrounded her, and I do not believe a solitary instance can be found of such an inexorable spirit of domination pervading a compact purporting to be a treaty of *peace*. It consists of the most severe and humiliating demands — of the surrender of a large territory; of the privilege of making roads through the remnant which was retained; of the right of establishing trading-houses; of the obligation of delivering into our hands their prophets. And all this of a wretched people reduced to the last extremity of distress, whose miserable existence we have to preserve by a voluntary stipulation to furnish them with bread! When did the all-conquering and desolating Rome ever fail to respect the altars and the gods of those whom she subjugated? Let me not be told that these prophets were impostors, who deceived the Indians. They were *their* prophets; the Indians believed and venerated them, and it is not for us to dictate a religious belief to them. It does not belong to the holy character of the religion which we profess, to carry its precepts, by the force of the bayonet, into the bosoms of other people. Mild and gentle persuasion was the great instrument employed by the meek founder of our religion. We leave to the humane and benevolent efforts of the reverend professors of christianity to convert from barbarism those unhappy nations yet immersed in its gloom. But, sir, spare them their prophets! spare their delusions! spare their prejudices and superstitions! spare them even their religion, such as it is, from open and cruel violence. When, sir, was that treaty concluded? On the very day, after the protocol was signed, of the first conference between the American and British commissioners, treating of peace, at Ghent. In the course of that negotiation, pretensions so enormous were set up by the other party, that, when they were promulgated in this country, there was one general burst of indignation throughout the continent. Faction itself was silenced, and the firm and unanimous determination of

all parties was, to fight until the last man fell in the ditch, rather than submit to such ignominious terms. What a contrast is exhibited between the contemporaneous scenes of Ghent and of Fort Jackson! what a powerful voucher would the British commissioners have been furnished with, if they could have got hold of that treaty! The United States *demand*, the United States *demand*, is repeated five or six times. And what did the preamble itself disclose? That two thirds of the Creek nation had been hostile, and one third only friendly to us. Now I have heard, (I cannot vouch for the truth of the statement,) that not one hostile chief signed the treaty. I have also heard that perhaps one or two of them did. If the treaty were really made by a minority of the nation, it was not obligatory upon the whole nation. It was void, considered in the light of a national compact. And, if void, the Indians were entitled to the benefit of the provision of the ninth article of the treaty of Ghent, by which we bound ourselves to make peace with any tribes with whom we might be at war on the ratification of the treaty, and to restore to them their lands, as they held them in 1811. I do not know how the honorable senate, that body for which I hold so high a respect, could have given their sanction to the treaty of Fort Jackson, so utterly irreconcilable as it is with those noble principles of generosity and magnanimity which I hope to see my country always exhibit, and particularly toward the miserable remnant of the aborigines. It would have comported better with those principles, to have imitated the benevolent policy of the founder of Pennsylvania, and to have given to the Creeks, conquered as they were, even if they had made an unjust war upon us, the trifling consideration, to them an adequate compensation, which he paid for their lands. That treaty, I fear, has been the main cause of the recent war. And, if it has been, it only adds another melancholy proof to those with which history already abounds, that hard and unconscionable terms, extorted by the power of the sword and the right of conquest, serve but to whet and stimulate revenge, and to give old hostilities, smothered, not extinguished, by the pretended peace, greater exasperation and more ferocity. A truce, thus patched up with an unfortunate people, without the means of existence, without bread, is no real peace. The instant there is the slightest prospect of relief from such harsh and severe conditions, the conquered party will fly to arms, and spend the last drop of blood rather than live in such degraded bondage. Even if you again reduce him to submission, the expenses incurred by this second war, to say nothing of the human lives that are sacrificed, will be greater than what it would have cost you to grant him liberal conditions in the first instance. This treaty, I repeat it, was, I apprehend, the cause of the war. It led to those excesses on our southern borders which began it. Who first commenced them, it is perhaps difficult to ascertain

There was, however, a paper on this subject, communicated at the last session by the president, that told, in language pathetic and feeling, an artless tale; a paper that carried such internal evidence, at least, of the belief of the authors of it that they were writing the truth, that I will ask the favor of the committee to allow me to read it.

*To the Commanding Officer at Fort Hawkins:*

DEAR SIR:

Since the last war, after you sent word that we must quit the war, we, the red people, have come over on this side. The white people *have carried all the red people's cattle off*. After the war, I sent to all my people to let the white people alone, and stay on this side of the river; and they did so; but the white people *still continued to carry off their cattle*. Bernard's son was here, and I inquired of him what was to be done; and he said we must go to the head man of the white people and *complain*. I did so, and there was no head white man, and *there was no law in this case*. The whites first began, and there is nothing said about that; but great complaint *about what the Indians do*. This is now three years since the white people killed three Indians; since that time they have killed *three other Indians*, and taken their horses, and what they had; and this summer they killed *three more*; and very lately they killed one more. We sent word to the white people that these murders were done, and the answer was, that they were people that were *outlaws*, and we ought to go and kill them. The white people killed our people first; the Indians then took satisfaction. There are yet three men that the red people have never taken satisfaction for. You have wrote that there were houses burnt; but we know of no such thing being done; the truth, in such cases, ought to be told, but this appears otherwise. On that side of the river, the white people have killed five Indians, but there is nothing said about that; and all that the Indians have done is brought up. *All the mischief the white people have done, ought to be told to their head man*. When there is any thing done, you write to us; but never write to your head man what the white people do. When the red people send talks, or write, they always send the truth. You have sent to us for your horses, and we sent all that we could find; but there were some dead. It appears that all the mischief is laid on this town; but all the mischief that has been done by this town, is two horses; one of them is dead, and the other was sent back. The cattle that we are accused of taking, were cattle *that the white people took from us*. Our young men went and brought them back, with the same marks and brands. There were some of our young men out hunting, and they were killed; others went to take satisfaction, and the kettle of one of the men that was killed, was found in the house where the woman and two children were killed; and they supposed it had been her husband who had killed the Indians, and took their satisfaction there. We are accused of killing the Americans, and so on; but since the word was sent to us that peace was made, we stay steady at home, *and meddle with no person*. You have sent to us respecting the black people on the Suwany river; we have nothing to do with them. They were put there by the English, and to them you ought to apply for any thing about them. We do not wish our country desolated by an army passing through it, for the concern of other people. The Indians have slaves there also; a great many of them. When we have an opportunity, we shall apply to the English for them; but we cannot get them now.

This is what we have to say at present.

Sir, I conclude by subscribing myself,

Your humble servant, &c.

September, the 11th day, 1817.

N. B. There are ten towns have read this letter, and this is the answer.

*A true copy of the original.*

WM. BELL, Aid-de-camp.

I should be very unwilling to assert, in regard to this war, that the fault was on our side; I fear it was. I have heard that a very respectable gentleman, now no more, who once filled the executive chair of Georgia, and who, having been agent of Indian affairs in



that quarter, had the best opportunity of judging of the origin of this war, deliberately pronounced it as his opinion, that the Indians were not in fault. I am far from attributing to general Jackson any other than the very slight degree of blame that attaches to him as the negotiator of the treaty of Fort Jackson, and will be shared by those who subsequently ratified and sanctioned that treaty. But if there be even a doubt as to the origin of the war, whether we were censurable or the Indians, that doubt will serve to increase our regret at any distressing incidents which may have occurred, and to mitigate, in some degree, the crimes which we impute to the other side. I know that when general Jackson was summoned to the field, it was too late to hesitate; the fatal blow had been struck, in the destruction of Fowl-town, and the dreadful massacre of lieutenant Scott and his detachment; and the only duty which remained to him, was to terminate this unhappy contest.

The first circumstance which, in the course of his performing that duty, fixed our attention, has filled me with regret. It was the execution of the Indian chiefs. How, I ask, did they come into our possession? Was it in the course of fair, and open, and honorable war? No; but by means of deception — by hoisting foreign colors on the staff from which the stars and stripes should alone have floated. Thus ensnared, the Indians were taken on shore; and without ceremony, and without delay, were hung. Hang an Indian! We, sir, who are civilized, and can comprehend and feel the effect of moral causes and considerations, attach ignominy to that mode of death. And the gallant, and refined, and high-minded man, seeks by all possible means to avoid it. But what cares an Indian whether you hang or shoot him? The moment he is captured, he is considered by his tribe as disgraced, if not lost. They, too, are indifferent about the manner in which he is despatched. But I regard the occurrence with grief, for other and higher considerations. It was the first instance that I know of, in the annals of our country, in which retaliation, by executing Indian captives, has ever been deliberately practiced. There may have been exceptions, but if there are, they met with contemporaneous condemnation, and have been reprehended by the just pen of impartial history. The gentleman from Massachusetts may tell me, if he chooses, what he pleases about the tomahawk and scalping knife; about Indian enormities, and foreign miscreants and incendiaries. I, too, hate them; from my very soul I abominate them. But I love my country, and its constitution; I love liberty and safety, and fear military despotism more, even, than I hate these monsters. The gentleman, in the course of his remarks, alluded to the state from which I have the honor to come. Little, sir, does he know of the high and magnanimous sentiments of the people of that state, if he supposes they will approve of the transaction to which he referred. Brave and generous, humanity and

clemency towards a fallen foe constitute one of their noblest characteristics. Amidst all the struggles for that fair land, between the natives and the present inhabitants, I defy the gentleman to point out one instance, in which a Kentuckian has stained his hand by—nothing but my high sense of the distinguished services and exalted merits of general Jackson, prevents my using a different term—the execution of an unarmed and prostrate captive. Yes, there is one solitary exception, in which a man, enraged at beholding an Indian prisoner who had been celebrated for his enormities, and who had destroyed some of his kindred, plunged his sword into his bosom. The wicked deed was considered as an abominable outrage when it occurred, and the name of the man has been handed down to the execration of posterity. I deny your right thus to retaliate on the aboriginal proprietors of the country; and unless I am utterly deceived, it may be shown that it does not exist. But before I attempt this, allow me to make the gentleman from Massachusetts a little better acquainted with those people, to whose feelings and sympathies he has appealed through their representative. During the late war with Great Britain, colonel Campbell, under the command of my honorable friend from Ohio (general Harrison), was placed at the head of a detachment, consisting chiefly, I believe, of Kentucky volunteers, in order to destroy the Mississinaway towns. They proceeded and performed the duty, and took some prisoners. And here is the evidence of the manner in which they treated them.

‘But the character of this gallant detachment, exhibiting, as it did, perseverance, fortitude, and bravery, would, however, be incomplete, if, in the midst of victory, they had forgotten the feelings of humanity. It is with the sincerest pleasure that the general has heard, that the most punctual obedience was paid to his orders, in not only saving all the women and children, but in *sparing all the warriors who ceased to resist*; and that even when vigorously attacked by the enemy, the claims of mercy prevailed over every sense of their own danger, and this heroic band *respected the lives of their prisoners*. Let an account of murdered innocence be opened in the records of heaven, against our enemies alone. The American soldier will follow the example of his government, and the sword of the one will not be raised against the fallen and the helpless, nor the gold of the other be paid for scalps of a massacred enemy.’

I hope, sir, the honorable gentleman will now be able better to appreciate the character and conduct of my gallant countrymen, than he appears hitherto to have done.

But, sir, I have said that you have no right to practice, under color of retaliation, enormities on the Indians. I will advance in support of this position, as applicable to the origin of all law, the principle, that whatever has been the custom, from the commencement of a subject, whatever has been the uniform usage, coeval and coexistent with the subject to which it relates, becomes its fixed law. Such is the foundation of all common law; and such, I believe, is the principal foundation of all public or international law. If, then, it can be shown that from the first settlement of the

colonies, on this part of the American continent, to the present time, we have constantly abstained from retaliating upon the Indians the excesses practiced by them towards us, we are morally bound by this invariable usage, and cannot lawfully change it without the most cogent reasons. So far as my knowledge extends, from the first settlement at Plymouth or at Jamestown, it has not been our practice to destroy Indian captives, combatants or non-combatants. I know of but one deviation from the code which regulates the warfare between civilized communities, and that was the destruction of Indian towns, which was supposed to be authorized upon the ground that we could not bring the war to a termination but by destroying the means which nourished it. With this single exception, the other principles of the laws of civilized nations are extended to them, and are thus made law in regard to them. When did this humane custom, by which, in consideration of their ignorance, and our enlightened condition, the rigors of war were mitigated, begin? At a time when we were weak, and they comparatively strong; when they were the lords of the soil, and we were seeking, from the vices, from the corruptions, from the religious intolerance, and from the oppressions of Europe, to gain an asylum among them. And when is it proposed to change this custom, to substitute for it the bloody maxims of barbarous ages, and to interpolate the Indian public law with revolting cruelties? At a time when the situation of the two parties is totally changed — when we are powerful and they are weak — at a time when, to use a figure drawn from their own sublime eloquence, the poor children of the forest have been driven by the great wave which has flowed in from the Atlantic ocean almost to the base of the Rocky mountains, and, overwhelming them in its terrible progress, has left no other remains of hundreds of tribes, now extinct, than those which indicate the remote existence of their former companion, the mammoth of the new world! Yes, sir, it is at this auspicious period of our country, when we hold a proud and lofty station among the first nations of the world, that we are called upon to sanction a departure from the established laws and usages which have regulated our Indian hostilities. And does the honorable gentleman from Massachusetts expect, in this august body, this enlightened assembly of christians and Americans, by glowing appeals to our passions, to make us forget our principles, our religion, our clemency, and our humanity? Why is it that we have not practiced towards the Indian tribes the right of retaliation, now for the first time asserted in regard to them? It is because it is a principle proclaimed by reason, and enforced by every respectable writer on the law of nations, that retaliation is only justifiable as calculated to produce *effect* in the war. Vengeance is a new motive for resorting to it. If retaliation will produce no effect on the enemy, we are bound to abstain from it by every consideration of humanity

and of justice. Will it then produce effect on the Indian tribes? No; they care not about the execution of those of their warriors who are taken captive. They are considered as disgraced by the very circumstance of their captivity, and it is often merey to the unhappy captive to deprive him of his existence. The poet evinced a profound knowledge of the Indian character, when he put into the mouth of a son of a distinguished chief, about to be led to the stake and tortured by his victorious enemy, the words:

Begin, ye tormentors! your threats are in vain:  
The son of Alknomook will never complain.'

Retaliation of Indian excesses, not producing then any effect in preventing their repetition, is condemned by both reason and the principles upon which alone, in any case, it can be justified. On this branch of the subject much more might be said, but as I shall possibly again allude to it, I will pass from it, for the present, to another topic.

It is not necessary, for the purpose of my argument in regard to the trial and execution of Arbuthnot and Ambrister, to insist on the innocency of either of them. I will yield for the sake of that argument, without inquiry, that both of them were guilty; that both had instigated the war; and that one of them had led the enemy to battle. It is possible, indeed, that a critical examination of the evidence would show, particularly in the case of Arbuthnot, that the whole amount of his crime consisted in his trading, without the limits of the United States, with the Seminole Indians, in the accustomed commodities which form the subject of Indian trade, and that he sought to ingratiate himself with his customers by espousing their interests, in regard to the provision of the treaty of Ghent, which he may have honestly believed entitled them to the restoration of their lands. And if, indeed, the treaty of Fort Jackson, for the reasons already assigned, were not binding upon the Creeks, there would be but too much cause to lament his unhappy if not unjust fate. The first impression made, on the examination of the proceedings in the trial and execution of those two men, is, that on the part of Ambrister there was the most guilt, but, at the same time, the most irregularity. Conceding the point of guilt of both, with the qualification which I have stated, I will proceed to inquire, first, if their execution can be justified upon the principles assumed by general Jackson himself. If they do not afford a justification, I will next inquire, if there be any other principles authorizing their execution; and I will in the third place make some other observations upon the mode of proceeding.

The principle assumed by general Jackson, which may be found in his general orders commanding the execution of these men, is, 'that it is an established principle of the law of nations, that any individual of a nation making war against the citizens of any other

nation, they being at peace, forfeits his allegiance, and becomes an outlaw and a pirate.' Whatever may be the character of individuals waging private war, the principle assumed is totally erroneous when applied to such individuals associated with a power, whether Indian or civilized, capable of maintaining the relations of peace and war. Suppose, however, the principle were true, as asserted, what disposition should he have made of these men? What jurisdiction, and how acquired, has the military over pirates, robbers, and outlaws? If they were in the character imputed, they were alone amenable, and should have been turned over, to the civil authority. But the principle, I repeat, is totally incorrect, when applied to men in their situation. A foreigner connecting himself with a belligerent, becomes an enemy of the party to whom that belligerent is opposed, subject to whatever he may be subject, entitled to whatever he is entitled. Arbuthnot and Ambrister, by associating themselves, became identified with the Indians; they became our enemies, and we had a right to treat them as we could lawfully treat the Indians. These positions are so obviously correct, that I shall consider it an abuse of the patience of the committee to consume time in their proof. They are supported by the practice of all nations, and of our own. Every page of history, in all times, and the recollection of every member, furnish evidence of their truth. Let us look for a moment into some of the consequences of this principle, if it were to go to Europe, sanctioned by the approbation, express or implied, of this house. We have now in our armies probably the subjects of almost every European power. Some of the nations of Europe maintain the doctrine of perpetual allegiance. Suppose Britain and America in peace, and America and France at war. The former subjects of England, naturalized and unnaturalized, are captured by the navy or army of France. What is their condition? According to the principle of general Jackson, they would be outlaws and pirates, and liable to immediate execution. Are gentlemen prepared to return to their respective districts with this doctrine in their mouths, and to say to their Irish, English, Scotch, and other foreign constituents, that they are liable, on the contingency supposed, to be treated as outlaws and pirates?

Is there any other principle which justifies the proceedings? On this subject, if I admire the wonderful ingenuity with which gentlemen seek a colorable pretext for those executions, I am at the same time shocked at some of the principles advanced. What said the honorable gentlemen from Massachusetts (Mr. Holmes), in a cold address to the committee? Why, that these executions were only the wrong mode of doing a right thing. A wrong mode of doing a right thing! In what code of public law; in what system of ethics; nay, in what respectable novel; where, if the gentleman were to take the range of the whole literature of the world; will he

find any sanction for a principle so monstrous? I will illustrate its enormity by a single case. Suppose a man, being guilty of robbery, is tried, condemned, and executed, for murder, upon an indictment for that robbery merely. The judge is arraigned for having executed, contrary to law, a human being, innocent at heart of the crime for which he was sentenced. The judge has nothing to do, to insure his own acquittal, but to urge the gentleman's plea, that he had done a right thing in a wrong way!

The principles which attached to the cases of Arbuthnot and Ambrister, constituting them merely *participes* in the war, supposing them to have been combatants, which the former was not, he having been taken in a Spanish fortress, without arms in his hands, all that we could possibly have a right to do, was to apply to them the rules which we had a right to enforce against the Indians. Their English character was only merged in their Indian character. Now, if the law regulating Indian hostilities be established by long and immemorial usage, that we have no moral right to retaliate upon them, we consequently had no right to retaliate upon Arbuthnot and Ambrister. Even if it were admitted that, in regard to future wars, and to other foreigners, their execution may have a good effect, it would not thence follow that you had a right to execute them. It is not always just to do what may be advantageous. And retaliation, during a war, must have relation to the events of that war, and must, to be just, have an operation on that war, and upon the individuals only who compose the belligerent party. It becomes gentlemen, then, on the other side, to show, by some known, certain, and recognised rule of public or municipal law, that the execution of these men was justified. Where is it? I should be glad to see it. We are told in a paper emanating from the department of state, recently laid before this house, distinguished for the fervor of its eloquence, and of which the honorable gentleman from Massachusetts has supplied us in part with a second edition, in one respect agreeing with the prototype — that they both ought to be inscribed to the American public — we are justly told in that paper, that this is the *first* instance of the execution of persons for the crime of instigating Indians to war. Sir, there are two topics which, in Europe, are constantly employed by the friends and minions of legitimacy against our country. The one is an inordinate spirit of aggrandizement — of coveting other people's goods; the other is the treatment which we extend to the Indians. Against both these charges, the public servants who conducted at Ghent the negotiations with the British commissioners, endeavored to vindicate our country, and I hope with some degree of success. What will be the condition of future American negotiators, when pressed upon this head, I know not, after the unhappy executions on our southern border. The gentleman from Massachusetts seemed yesterday to read, with a sort of triumph, the names of the

commissioners employed in the negotiation at Ghent. Will he excuse me for saying, that I thought he pronounced, even with more complacency, and with a more gracious smile, the first name in the commission, than he emphasized that of the humble individual who addresses you?

[Mr. Holmes desired to explain.]

There is no occasion for explanation; I am perfectly satisfied.

[Mr. Holmes, however, proceeded to say that his intention was, in pronouncing the gentleman's name, to add to the respect due to the negotiator that which was due to the speaker of this house.]

To return to the case of Arbuthnot and Ambrister. Will the principle of these men having been the instigators of the war, justify their execution? It is a new one; there are no landmarks to guide us in its adoption, or to prescribe limits in its application. If William Pitt had been taken by the French army, during the late European war, could France have justifiably executed him on the ground of his having notoriously instigated the continental powers to war against France? Would France, if she had stained her character by executing him, have obtained the sanction of the world to the act, by appeals to the passions and prejudices, by pointing to the cities sacked, the countries laid waste, the human lives sacrificed in the wars which he had kindled, and by exclaiming to the unfortunate captive, you, miscreant, monster, have occasioned all these scenes of devastation and blood? What has been the conduct even of England towards the greatest instigator of all the wars of the present age? The condemnation of that illustrious man to the rock of St. Helena, is a great blot on the English name. And I repeat what I have before said, that if Chatham, or Fox, or even William Pitt himself, had been prime minister in England, Bonaparte had never been so condemned. On that transaction history will one day pass its severe but just censure. Yes, although Napoleon had desolated half Europe; although there was scarcely a power, however humble, that escaped the mighty grasp of his ambition; although in the course of his splendid career, he is charged with having committed the greatest atrocities, disgraceful to himself and to human nature, yet even his life has been spared. The allies would not, England would not, execute him upon the ground of his being an instigator of wars.

The mode of the trial and sentencing these men was equally objectionable with the principles on which it has been attempted to prove a forfeiture of their lives. I know the laudable spirit which prompted the ingenuity displayed in finding out a justification for these proceedings. I wish most sincerely that I could reconcile them to my conscience. It has been attempted to vindicate the

general upon grounds which I am persuaded he would himself disown. It has been asserted, that he was guilty of a mistake in calling upon the court to try them, and that he might have at once ordered their execution, without that formality. I deny that there was any such absolute right in the commander of any portion of our army. The right of retaliation is an attribute of sovereignty. It is comprehended in the war-making power that congress possesses. It belongs to this body not only to declare war, but to raise armies, and to make rules and regulations for their government. It is in vain for gentlemen to look to the law of nations for instances in which retaliation is lawful. The laws of nations merely lay down the *principle or rule*; it belongs to the government to constitute the tribunal for applying that principle or rule. There is, for example, no instance in which the death of a captive is more certainly declared by the law of nations to be justifiable, than in the case of spies. Congress has accordingly provided, in the rules and articles of war, a tribunal for the trial of spies, and consequently for the application of the principle of the national law. The legislature has not left the power over spies undefined, to the mere discretion of the commander-in-chief, or of any subaltern officer in the army. For, if the doctrines now contended for were true, they would apply to the commander of any corps, however small, acting as a detachment. Suppose congress had not legislated in the case of spies, what would have been their condition? It would have been a *casus omissus*, and although the public law pronounced their doom, it could not be executed, because congress had assigned no tribunal for enforcing that public law. No man can be executed in this free country without two things being shown — first, that the law condemns him to death; and, secondly, that his death is pronounced by that tribunal which is authorized by the law to try him. These principles will reach every man's case, native or foreign, citizen or alien. The instant quarters are granted to a prisoner, the majesty of the law surrounds and sustains him, and he cannot be lawfully punished with death without the concurrence of the two circumstances just insisted upon. I deny that any commander-in-chief, in this country, has this absolute power of life and death, at his sole discretion. It is contrary to the genius of all our laws and institutions. To concentrate in the person of one individual the powers to make the rule, to judge and to execute the rule, or to judge and execute the rule only, is utterly irreconcilable with every principle of free government, and is the very definition of tyranny itself; and I trust that this house will never give even a tacit assent to such a principle. Suppose the commander had made even reprisals on property, would that property have belonged to the nation, or could he have disposed of it as he pleased? Had he more power, will gentlemen tell me, over the lives



of human beings than over property? The assertion of such a power to the commander-in-chief is contrary to the practice of the government. By an act of congress which passed in 1799, vesting the power of retaliation in certain cases in the president of the United States — an act which passed during the *quasi* war with France — the president is authorized to retaliate upon any of the citizens of the French republic, the enormities which may be practiced, in certain cases, upon our citizens. Under what administration was this act passed? It was under that which has been justly charged with stretching the constitution to enlarge the executive powers. Even during the mad career of Mr. Adams, when every means was resorted to for the purpose of infusing vigor into the executive arm, no one thought of claiming for him the inherent right of retaliation. I will not trouble the house with reading another law, which passed thirteen or fourteen years after, during the late war with Great Britain, under the administration of that great constitutional president, the father of the instrument itself, by which Mr. Madison was empowered to retaliate on the British in certain instances. It is not only contrary to the genius of our institutions, and to the uniform practice of the government, but it is contrary to the obvious principles on which the general himself proceeded; for, in forming the court, he evidently intended to proceed under the rules and articles of war. The extreme number which they provide for is thirteen, precisely that which is detailed in the present instance. The court proceeded not by a bare plurality, but by a majority of two thirds. In the general orders issued from the adjutant general's office, at head quarters, it is described as a *court-martial*. The prisoners are said, in those orders, to have been *tried*, 'on the following *charges and specifications*.' The court understood itself to be acting as a court-martial. It was so organized, it so proceeded, having a judge advocate, hearing witnesses, and the *written* defence of the miserable trembling prisoners, who seemed to have a presentiment of their doom. And the court was finally dissolved. The whole proceeding manifestly shows, that all parties considered it as a court-martial, convened and acting under the rules and articles of war. In his letter to the secretary of war, noticing the transaction, the general says, 'these individuals were tried under my orders, *legally* convicted as excitors of this savage and negro war, *legally* condemned, and most justly punished for their iniquities.' The Lord deliver us from such legal conviction, and such legal condemnation! The general himself considered the laws of his country to have justified his proceedings. It is in vain then to talk of a power in him beyond the law, and above the law, when he himself does not assert it. Let it be conceded that he was clothed with absolute authority over the lives of those individuals, and that, upon his own fiat, without trial, without defence, he might have

commanded their execution. Now, if an absolute sovereign, in any particular respect, promulgates a rule, which he pledges himself to observe, if he subsequently deviates from that rule, he subjects himself to the imputation of odious tyranny. If general Jackson had the power, without a court, to condemn these men, he had also the power to appoint a tribunal. He did appoint a tribunal, and became, therefore, morally bound to observe and execute the sentence of that tribunal. In regard to Ambrister, it is with grief and pain I am compelled to say, that he was executed in defiance of all law; in defiance of the law to which general Jackson had voluntarily, if you please, submitted himself, and given, by his appeal to the court, his implied pledge to observe. I know but little of military law, and what has happened, has certainly not created in me a taste for acquiring a knowledge of more; but I believe there is no example on record, where the sentence of the court has been erased, and a sentence not pronounced by it carried into execution. It has been suggested that the court had pronounced two sentences, and that the general had a right to select either. Two sentences! Two verdicts! It was not so. The first being revoked, was as though it had never been pronounced. And there remained only one sentence, which was put aside upon the sole authority of the commander, and the execution of the prisoner ordered. He either had or had not a right to decide upon the fate of that man, with the intervention of a court. If he had the right, he waived it, and having violated the sentence of the court, there was brought upon the judicial administration of the army a reproach, which must occasion the most lasting regret.

However guilty these men were, they should not have been condemned or executed without the authority of the law. I will not dwell, at this time, on the effect of these precedents in foreign countries; but I shall not pass unnoticed their dangerous influence in our own country. Bad examples are generally set in the cases of bad men, and often remote from the central government. It was in the provinces that were laid the abuses and the seeds of the ambitious projects which overturned the liberties of Rome. I beseech the committee not to be so captivated with the charms of eloquence, and the appeals made to our passions and our sympathies, as to forget the fundamental principles of our government. The influence of a bad example will often be felt, when its authors and all the circumstances connected with it are no longer remembered. I know of but one analogous instance of the execution of a prisoner, and that has brought more odium than almost any other incident on the unhappy emperor of France. I allude to the instance of the execution of the unfortunate member of the Bourbon house. He sought an asylum in the territories of Baden. Bonaparte despatched a corps of gen-d'armes to the place of his retreat, seized him, and brought him to the dungeons of Vincennes.

He was there tried by a court-martial, condemned, and shot. There, as here, was a violation of neutral territory; there, the neutral ground was not stained with the blood of him whom it should have protected. And there is another most unfortunate difference for the American people. The duke d'Enghein was executed *according to his sentence*. It is said by the defenders of Napoleon, that the duke had been machinating not merely to overturn the French government, but against the life of its chief. If that were true, he might, if taken in France, have been legally executed. Such was the odium brought upon the instruments of this transaction, that those persons who have been even suspected of participation in it, have sought to vindicate themselves from what they appear to have considered as an aspersion, before foreign courts. In conclusion of this part of my subject, I most cheerfully and entirely acquit general Jackson of any intention to violate the laws of the country, or the obligations of humanity. I am persuaded, from all that I have heard, that he considered himself as equally respecting and observing both. With respect to the purity of his intentions, therefore, I am disposed to allow it in the most extensive degree. Of his *acts*, it is my duty to speak, with the freedom which belongs to my station. And I shall now proceed to consider some of them, of the most momentous character, as it regards the distribution of the powers of government.

Of all the powers conferred by the constitution of the United States, not one is more expressly and exclusively granted, than that which gives to congress the power to declare war. The immortal convention who formed that instrument, had abundant reason, drawn from every page of history, for confiding this tremendous power to the deliberate judgment of the representatives of the people. It was there seen, that nations are often precipitated into ruinous war, from folly, from pride, from ambition, and from the desire of military fame. It was believed, no doubt, in committing this great subject to the legislature of the union, we should be safe from the mad wars that have afflicted, and desolated, and ruined other countries. It was supposed, that before any war was declared, the nature of the injury complained of, would be carefully examined, and the power and resources of the enemy estimated, and the power and resources of our own country, as well as the probable issue and consequences of the war. It was to guard our country against precisely that species of rashness which has been manifested in Florida, that the constitution was so framed. If, then, this power, thus cautiously and clearly bestowed upon congress, has been assumed and exercised by any other functionary of the government, it is cause of serious alarm, and it becomes this body to vindicate and maintain its authority by all the means in its power; and yet there are some gentlemen, who would have us not merely to yield a tame and silent acquiescence in the encroachment, but even to pass a vote of thanks to the author.

On the twenty-fifth of March, 1818, the president of the United States communicated a message to congress in relation to the Seminole war, in which he declared, that although, in the prosecution of it, orders had been given to pass into the Spanish territory, they were so guarded as that the local authorities of Spain should be respected. How respected? The president, by the documents accompanying the message, the orders themselves which issued from the department of war to the commanding general, had assured the legislature that, even if the enemy should take shelter under a Spanish fortress, the fortress was not to be attacked, but the fact to be reported to that department for further orders. Congress saw, therefore, that there was no danger of violating the existing peace. And yet, on the same twenty-fifth day of March, (a most singular concurrence of dates,) when the representatives of the people received this solemn message, announced in the presence of the nation and in the face of the world, and in the midst of a friendly negotiation with Spain, does general Jackson write from his head-quarters, that he shall take St. Marks as a necessary depot for his military operations! The general states, in his letter, what he had heard about the threat on the part of the Indians and negroes, to occupy the fort, and declares his purpose to possess himself of it, in either of the two contingences, of its being in their hands, or in the hands of the Spaniards. He assumed a right to judge what Spain was bound to do by her treaty, and judged very correctly; but then he also assumed the power, belonging to congress alone, of determining what should be the effect and consequence of her breach of engagement. General Jackson generally performs what he intimates his intention to do. Accordingly, finding St. Marks yet in the hands of the Spaniards, he seized and occupied it. Was ever, I ask, the just confidence of the legislative body, in the assurances of the chief magistrate, more abused? The Spanish commander intimated his willingness that the American army should take post near him, until he could have instructions from his superior officer, and promised to maintain, in the mean time, the most friendly relations. No! St. Marks was a convenient post for the American army, and delay was inadmissible. I have always understood that the Indians but rarely take or defend fortresses, because they are unskilled in the modes of attack and defence. The threat, therefore, on their part, to seize on St. Marks, must have been empty, and would probably have been impossible. At all events, when general Jackson arrived there, no danger any longer threatened the Spaniards, from the miserable fugitive Indians, who fled on all sides, upon his approach. And, sir, upon what plea is this violation of orders, and this act of war upon a foreign power, attempted to be justified? Upon the grounds of the expediency of the depôt and the Indian threat. The first I will not seriously examine

and expose. If the Spanish character of the fort had been totally merged in the Indian character, it might have been justifiable to seize it. But that was not the fact; and the bare possibility of its being forcibly taken by the Indians, could not justify our anticipating their blow. Of all the odious transactions which occurred during the late war between France and England, none was more condemned in Europe and in this country, than her seizure of the fleet of Denmark, at Copenhagen. And I lament to be obliged to notice the analogy which exists in the defences made of the two cases. If my recollection does not deceive me, Bonaparte had passed the Rhine and the Alps, had conquered Italy, the Netherlands, Holland, Hanover, Lubeck, and Hamburg, and extended his empire as far as Altona, on the side of Denmark. A few days' march would have carried him through Holstein, over the two Belts, through Funen, and into the island of Zealand. What then was the conduct of England? It was my lot to fall into conversation with an intelligent Englishman on this subject. 'We knew (said he) that we were fighting for our existence. It was absolutely necessary that we should preserve the command of the seas. If the fleet of Denmark fell into the enemy's hands, combined with his other fleets, that command might be rendered doubtful. Denmark had only a nominal independence. She was, in truth, subject to his sway. We said to her, give us your fleet; it will otherwise be taken possession of by your secret and our open enemy. We will preserve it, and restore it to you whenever the danger shall be over. Denmark refused. Copenhagen was bombarded, gallantly defended, but the fleet was seized. Everywhere the conduct of England was censured; and the name even of the negotiator who was employed by her, who was subsequently the minister near this government, was scarcely ever pronounced here without coupling with it an epithet, indicating his participation in the disgraceful transaction. And yet we are going to sanction acts of violence, committed by ourselves, which but too much resemble it! What an important difference, too, between the relative condition of England and of this country! She, perhaps, was struggling for her existence. She was combating, single-handed, the most enormous military power that the world has ever known. With whom were we contending? With a few half-starved, half-clothed, wretched Indians, and fugitive slaves. And, whilst carrying on this inglorious war, as inglorious as it regards the laurels or renown won in it, we violate neutral rights, which the government had solemnly pledged itself to respect, upon the principle of convenience, or upon the light presumption that, by possibility, a post might be taken by this miserable combination of Indians and slaves.

On the eighth of April, the general writes from St. Marks, that he shall march for the Suwaney river; the destroying of the establish-

ments on which will, in his opinion, bring the war to a close. Accordingly, having effected that object, he writes, on the twentieth of April, that he believes he may say that the war is at an end for the present. He repeats the same opinion in his letter to the secretary of war, written six days after. The war being thus ended, it might have been hoped that no further hostilities would be committed. But on the twenty-third of May, on his way home, he receives a letter from the commandant of Pensacola, intimating his surprise at the invasion of the Spanish territory, and the acts of hostility performed by the American army, and his determination, if persisted in, to employ force to repel them. Let us pause and examine the proceeding of the governor, so very hostile and affrontive in the view of general Jackson. Recollect that he was governor of Florida; that he had received no orders from his superiors, to allow a passage to the American army; that he had heard of the reduction of St. Marks; and that general Jackson, at the head of his army, was approaching in the direction of Pensacola. He had seen the president's message of the twenty-fifth of March, and reminded general Jackson of it, to satisfy him that the American government could not have authorized all those measures. I cannot read the allusion made by the governor to that message, without feeling that the charge of insincerity, which it implied, had at least but too much the appearance of truth in it. Could the governor have done less than write some such letter? We have only to reverse situations, and to suppose him to have been an American governor. General Jackson says, that when he received that letter, he no longer hesitated. No, sir, he did no longer hesitate. He received it on the twenty-third, he was in Pensacola on the twenty-fourth, and immediately after set himself before the fortress of San Carlos de Barancas, which he shortly reduced. *Veni, ridi, vici.* Wonderful energy! Admirable promptitude! Alas, that it had not been an energy and a promptitude within the pale of the constitution, and according to the orders of the chief magistrate. It is impossible to give any definition of war, that would not comprehend these acts. It was open, undisguised, and unauthorized hostility.

The honorable gentleman from Massachusetts has endeavored to derive some authority to general Jackson from the message of the president, and the letter of the secretary of war to governor Bibb. The message declares, that the Spanish authorities are to be respected wherever maintained. What the president means by their being maintained, is explained in the orders themselves, by the extreme case being put of the enemy seeking shelter under a Spanish fort. If even in that case he was not to attack, certainly he was not to attack in any case of less strength. The letter to governor Bibb admits of a similar explanation. When the secretary says, in that letter, that general Jackson is fully empow-

ered to bring the Seminole war to a conclusion, he means that he is so empowered by his orders, which, being now before us, must speak for themselves. It does not appear that general Jackson ever saw that letter, which was dated at this place after the capture of St. Marks. I will take a momentary glance at the orders. On the second of December, 1817, general Gaines was forbidden to cross the Florida line. Seven days after, the secretary of war having arrived here, and infused a little more energy into our councils, he was authorized to use a sound discretion in crossing or not. On the sixteenth, he was instructed again to consider himself at liberty to cross the line, and pursue the enemy; but, *if he took refuge under a Spanish fortress, the fact was to be reported to the department of war.* These orders were transmitted to general Jackson, and constituted, or ought to have constituted, his guide. There was then no justification for the occupation of Pensacola, and the attack on the Barancas, in the message of the president, the letter to governor Bibb, or in the orders themselves. The gentleman from Massachusetts will pardon me for saying, that he has undertaken what even his talents are not competent to—the maintenance of directly contradictory propositions, that it was right in general Jackson to take Pensacola, and wrong in the president to keep it. The gentleman has made a greater mistake than he supposes general Jackson to have done in attacking Pensacola for an Indian town, by attempting the defence both of the president and general Jackson. If it were right in him to seize the place, it is impossible that it should have been right in the president immediately to surrender it. We, sir, are the supporters of the president. We regret that we cannot support general Jackson also. The gentleman's liberality is more comprehensive than ours. I approve with all my heart of the restoration of Pensacola. I think St. Marks ought, perhaps, to have been also restored; but I say this with doubt and diffidence. That the president thought the seizure of the Spanish posts was an act of war, is manifest from his opening message, in which he says that, to have retained them, would have changed our relations with Spain, to do which the power of the executive was incompetent, congress alone possessing it. The president has, in this instance, deserved well of his country. He has taken the only course which he could have pursued, consistent with the constitution of the land. And I defy the gentleman to make good both his positions, that the general was right in taking, and the president right in giving up, the posts.

[Mr. Holmes explained. We took these posts, he said, to keep them from the hands of the enemy, and, in restoring them, made it a condition that Spain should not let our enemy have them. We said to her, here is your dagger; we found it in the hands of our enemy, and, having wrested it from him, we restore it to you in the hope that you will take better care of it for the future.]

The gentleman from Massachusetts is truly unfortunate; fact or principle is always against him. The Spanish posts were not in the possession of the enemy. One old Indian only was found in the Barancas, none in Pensacola, none in St. Marks. There was not even the color of a threat of Indian occupation as it regards Pensacola and the Barancas. Pensacola was to be restored unconditionally, and might, therefore, immediately have come into the possession of the Indians, if they had the power and the will to take it. The gentleman is in a dilemma from which there is no escape. He gave up general Jackson when he supported the president, and gave up the president when he supported general Jackson. I rejoice to have seen the president manifesting, by the restoration of Pensacola, his devotedness to the constitution. When the whole country was ringing with plaudits for its capture, I said, and I said alone, in the limited circle in which I moved, that the president must surrender it; that he could not hold it. It is not my intention to inquire, whether the army was or was not constitutionally marched into Florida. It is not a clear question, and I am inclined to think that the express authority of congress ought to have been asked. The gentleman from Massachusetts will allow me to refer to a part of the correspondence at Ghent different from that which he has quoted. He will find the condition of the Indians there accurately defined. And it is widely variant from the gentleman's ideas on this subject. The Indians, inhabiting the United States, according to the statement of the American commissioners at Ghent, have a qualified sovereignty only, the supreme sovereignty residing in the government of the United States. They live under their own laws and customs, may inhabit and hunt their lands; but acknowledge the protection of the United States, and have no right to sell their lands but to the government of the United States. Foreign powers or foreign subjects have no right to maintain any intercourse with them, without our permission. They are not, therefore, independent nations, as the gentleman supposes. Maintaining the relation described with them, we must allow a similar relation to exist between Spain and the Indians residing within her dominions. She must be, therefore, regarded as the sovereign of Florida, and we are, accordingly, treating with her for the purchase of it. In strictness, then, we ought first, to have demanded of her to restrain the Indians, and, that failing, we should have demanded a right of passage for our army. But, if the president had the power to march an army into Florida, without consulting Spain, and without the authority of congress, he had no power to authorize any act of hostility against her. If the gentleman had even succeeded in showing that an authority was conveyed by the executive to general Jackson to take the Spanish posts, he would only have established that unconstitutional orders had been given, and thereby transferred the disapprobation from



the military officer to the executive. But no such orders were, in truth, given. The president acted in conformity to the constitution, when he forbade the attack of a Spanish fort, and when, in the same spirit, he surrendered the posts themselves.

I will not trespass much longer upon the time of the committee; but I trust I shall be indulged with some few reflections upon the danger of permitting the conduct on which it has been my painful duty to animadvert, to pass without a solemn expression of the disapprobation of this house. Recall to your recollection the free nations which have gone before us. Where are they now?

‘Gone glimmering through the dream of things that were,  
A school-boy’s tale, the wonder of an hour.’

And how have they lost their liberties? If we could transport ourselves back to the ages when Greece and Rome flourished in their greatest prosperity, and, mingling in the throng, should ask a Grecian if he did not fear that some daring military chieftain, covered with glory, some Philip or Alexander, would one day overthrow the liberties of his country, the confident and indignant Grecian would exclaim, no! no! we have nothing to fear from our heroes; our liberties will be eternal. If a Roman citizen had been asked, if he did not fear that the conqueror of Gaul might establish a throne upon the ruins of public liberty, he would have instantly repelled the unjust insinuation. Yet Greece fell; Cæsar passed the Rubicon, and the patriotic arm even of Brutus could not preserve the liberties of his devoted country! The celebrated Madame de Stael, in her last and perhaps her best work, has said, that in the very year, almost the very month, when the president of the directory declared that monarchy would never more show its frightful head in France, Bonaparte, with his grenadiers, entered the palace of St. Cloud, and dispersing, with the bayonet, the deputies of the people, deliberating on the affairs of the state, laid the foundation of that vast fabric of despotism which overshadowed all Europe. I hope not to be misunderstood; I am far from intimating that general Jackson cherishes any designs inimical to the liberties of the country. I believe his intentions to be pure and patriotic. I thank God that he would not, but I thank him still more that he could not if he would, overturn the liberties of the republic. But precedents, if bad, are fraught with the most dangerous consequences. Man has been described, by some of those who have treated of his nature, as a bundle of habits. The definition is much truer when applied to governments. Precedents are their habits. There is one important difference between the formation of habits by an individual and by governments. He contracts it only after frequent repetition. A single instance fixes the habit and determines the direction of governments. Against

the alarming doctrine of unlimited discretion in our military commanders when applied even to prisoners of war, I must enter my protest. It begins upon them; it will end on us. I hope our happy form of government is to be perpetual. But, if it is to be preserved, it must be by the practice of virtue, by justice, by moderation, by magnanimity, by greatness of soul, by keeping a watchful and steady eye on the executive; and, above all, by holding to a strict accountability the military branch of the public force.

We are fighting a great moral battle, for the benefit not only of our country, but of all mankind. The eyes of the whole world are in fixed attention upon us. One, and the largest portion of it, is gazing with contempt, with jealousy, and with envy; the other portion, with hope, with confidence, and with affection. Everywhere the black cloud of legitimacy is suspended over the world, save only one bright spot, which breaks out from the political hemisphere of the west, to enlighten, and animate, and gladden the human heart. Obscure that, by the downfall of liberty here, and all mankind are enshrouded in a pall of universal darkness. To you, Mr. Chairman, belongs the high privilege of transmitting, unimpaired, to posterity, the fair character and liberty of our country. Do you expect to execute this high trust, by trampling, or suffering to be trampled down, law, justice, the constitution, and the rights of the people? by exhibiting examples of inhumanity, and cruelty, and ambition? When the minions of despotism heard, in Europe, of the seizure of Pensacola, how did they chuckle, and chide the admirers of our institutions, tauntingly pointing to the demonstration of a spirit of injustice and aggrandizement made by our country, in the midst of an amicable negotiation. Behold, said they, the conduct of those who are constantly reproaching kings. You saw how those admirers were astounded and hung their heads. You saw, too, when that illustrious man, who presides over us, adopted his pacific, moderate, and just course, how they once more lifted up their heads with exultation and delight beaming in their countenances. And you saw how those minions themselves were finally compelled to unite in the general praises bestowed upon our government. Beware how you forfeit this exalted character. Beware how you give a fatal sanction, in this infant period of our republic, scarcely yet two score years old, to military insubordination. Remember that Greece had her Alexander, Rome her Cæsar, England her Cromwell, France her Bonaparte, and that if we would escape the rock on which they split, we must avoid their errors.

How different has been the treatment of general Jackson, and that modest, but heroic young man, a native of one of the smallest states in the union, who achieved for his country, on lake Erie, one of the most glorious victories of the late war. In a moment

of passion, he forgot himself, and offered an act of violence which was repented of as soon as perpetrated. He was tried, and suffered the judgment to be pronounced by his peers. Public justice was thought not even then to be satisfied. The press and congress took up the subject. My honorable friend from Virginia (Mr. Johnson), the faithful and consistent sentinel of the law and of the constitution, disapproved in that instance, as he does in this, and moved an inquiry. The public mind remained agitated and unappeased, until the recent atonement so honorably made by the gallant commodore. And is there to be a distinction between the officers of the two branches of the public service? Are former services, however eminent, to preclude even inquiry into recent misconduct? Is there to be no limit, no prudential bounds to the national gratitude? I am not disposed to censure the president for not ordering a court of inquiry, or a general court-martial. Perhaps, impelled by a sense of gratitude, he determined, by anticipation, to extend to the general that pardon which he had the undoubted right to grant after sentence. Let us not shrink from our duty. Let us assert our constitutional powers, and vindicate the instrument from military violation.

I hope gentlemen will deliberately survey the awful isthmus on which we stand. They may bear down all opposition; they may even vote the general the public thanks; they may carry him triumphantly through this house. But, if they do, in my humble judgment, it will be a triumph of the principle of insubordination, a triumph of the military over the civil authority, a triumph over the powers of this house, a triumph over the constitution of the land. And I pray most devoutly to Heaven, that it may not prove, in its ultimate effects and consequences, a triumph over the liberties of the people.

## ON SOUTH AMERICAN AFFAIRS.

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 9, 1819.

[THE house being in committee of the whole, on the bill to increase the salaries of certain officers of government, Mr. Clay rose and said ]

IT had been his settled intention to renew, pending this bill, the proposition which he had the honor of submitting at the last session, having for its object the recognition of the independence of the United Provinces of South America. He was restrained from executing that intention, by two considerations; one was his personal indisposition, but another and more important one, was, the small portion of the session yet remaining, to transact the public business. Whilst he was up, he would say, that so far from his opinions, expressed on the former occasion, having undergone any change, they had been strengthened and confirmed, by all the occurrences which had subsequently taken place. He had been anxious, if time had permitted, to examine what appeared to him very exceptionable reasons assigned for declining to recognise our sister republic, in a paper entitled to the most profound respect, the message of the president at the opening of congress. He was desirous, also, of noticing the still more exceptionable grounds taken in a paper recently transmitted to the house, from the department of state (it ought to be laid on our table; why it was not, he did not know; he hoped our worthy clerk would, in his future contract for the public printing, guard against the delay to which we have so often been subjected). From that paper it appeared, that even a consul could not be received from the southern republic, because the grant of an exequator implied recognition! We receive her flag, we admit her commerce, and yet refuse the consular protection which that flag and commerce necessarily drew with them! But to submit his proposition, would be to occasion, perhaps, a protracted debate. And considering the few days yet left us, the pressing and urgent, though not more important business yet to be done, he should not hold himself excusable to the house and to the country, after having himself so materially contributed to the consumption of time in debate, if he were even

the unintentional instrument of preventing the passage of what might be thought essential laws. He would like exceedingly to contrast the objections urged against the reception of the Venezuelan minister, with the more forcible and stronger personal ones that lay to the present Spanish minister. But deep as the interest which he heretofore had felt and still felt, in the success of that great struggle to the south, he must, for the reasons assigned, forbear to press any proposition upon the house, at present. Should it be necessary at another session, and should he have the honor of a seat on this floor then, he pledged himself to bring up the subject, unless adverse causes should render it highly inexpedient.

## ON THE SPANISH TREATY.

IN THE HOUSE OF REPRESENTATIVES, APRIL 3, 1820.

[A PERUSAL of this speech will be always gratifying and instructive, to all who would wish to be well informed in the political history of the United States. While it shows, in a striking manner, the foresight and sagacity of Mr. Clay, as an American statesman, it contains facts of much importance with regard to the settlement of the southern boundaries of the United States and the acquisition of Florida. It will be seen, that Mr. Clay disapproved of the treaty between this country and Spain, made in 1819, by the administration of Mr. Munroe, for reasons stated in this speech, which was made before the treaty was ratified by Spain. His principal objection to the treaty appears to have been, that it relinquished our claim to Texas, which territory Mr. Clay considered of much greater value to us than Florida. The settlement of these questions, by the subsequent ratification of the treaty, in October, 1820, by which we relinquished Texas and acquired Florida, does not diminish the value of this record of Mr. Clay's views on a subject, which has increased in importance since the independence of both Mexico and Texas has been established.]

THE house having resolved itself into a committee of the whole, on the state of the union, and the following resolutions, submitted some days ago by Mr. Clay (the speaker) being under consideration :

First, resolved, that the constitution of the United States vests in congress the power to dispose of the territory belonging to them ; and that no treaty, purporting to alienate any portion thereof, is valid without the concurrence of congress :

Second, resolved, that the equivalent proposed to be given by Spain to the United States in the treaty concluded between them, on the twenty-second of February, 1819, for that part of Louisiana lying west of the Sabine, was inadequate ; and that it would be inexpedient to make a transfer thereof to any foreign power, or to renew the aforesaid treaty :

Mr. Clay said, that, whilst he felt very grateful to the house for the prompt and respectful manner in which they had allowed him to enter upon the discussion of the resolutions which he had the honor of submitting to their notice, he must at the same time frankly say, that he thought their character and consideration, in the councils of this country, were concerned in not letting the present session pass off without deliberating upon our affairs with

Spain. In coming to the present session of congress, it had been his anxious wish to be able to concur with the executive branch of the government in the measures which it might conceive itself called upon to recommend on that subject, for two reasons, of which the first, relating personally to himself, he would not trouble the committee with further noticing. The other was, that it appeared to him to be always desirable, in respect to the foreign action of this government, that there should be a perfect coincidence in opinion between its several coördinate branches. In time of peace, however, it might be allowable, to those who are charged with the public interests, to entertain and express their respective views, although there might be some discordance between them. In a season of war there should be no division in the public councils; but a united and vigorous exertion to bring the war to an honorable conclusion. For his part, whenever that calamity may befall his country, he would entertain but one wish, and that is, that success might crown our struggle, and the war be honorably and gloriously terminated. He would never refuse to share in the joys incident to the victory of our arms, nor to participate in the griefs of defeat and discomfiture. He conceded entirely in the sentiment once expressed by that illustrious hero, whose recent melancholy fall we all so sincerely deplore, that fortune may attend our country in whatever war it may be involved.

There are two systems of policy, he said, of which our government had had the choice. The first was, by appealing to the justice and affections of Spain, to employ all those persuasives which could arise out of our abstinence from any direct countenance to the cause of South America, and the observance of a strict neutrality. The other was, by appealing to her justice also, and to her fears, to prevail upon her to redress the injuries of which we complain — her fears by a recognition of the independent governments of South America, and leaving her in a state of uncertainty as to the further step we might take in respect to those governments. The unratified treaty was the result of the first system. It could not be positively affirmed, what effect the other system would have produced; but he verily believed that, whilst it rendered justice to those governments, and would have better comported with that magnanimous policy which ought to have characterized our own, it would have more successfully tended to an amicable and satisfactory arrangement of our differences with Spain.

The first system has so far failed. At the commencement of the session, the president recommended an enforcement of the provisions of the treaty. After three months' deliberation, the committee of foreign affairs, not being able to concur with him, has made us a report, recommending the seizure of Florida in the nature of a reprisal. Now the president recommends our postponement of the subject until the next session. It had been his intention, whenever

the committee of foreign affairs should engage the house to act upon their bill, to offer, as a substitute for it, the system which he thought it became this country to adopt, of which the occupation of Texas, as our own, would have been a part, and the recognition of the independent governments of South America another. If he did not now bring forward this system, it was because the committee proposed to withdraw their bill, and because he knew too much of the temper of the house and of the executive, to think that it was advisable to bring it forward. He hoped that some suitable opportunity might occur during the session, for considering the propriety of recognising the independent governments of South America.

Whatever he might think of the *discretion* which was evinced in recommending the postponement of the bill of the committee of foreign relations, he could not think that the reasons, assigned by the president for that recommendation, were entitled to the weight which he had given them. He thought the house was called upon, by a high sense of duty, seriously to animadvert upon some of those reasons. He believed it was the first example, in the annals of the country, in which a course of policy, respecting one foreign power, which we must suppose had been deliberately considered, has been recommended to be abandoned, in a domestic communication from one to another coördinate branch of the government, upon the avowed ground of the interposition of foreign powers. And what is the nature of this interposition? It is evinced by a cargo of scraps, gathered up from this *chargé d'affaires*, and that; of loose conversations held with this foreign minister, and that—perhaps mere levee conversations, without a commitment in writing, in a solitary instance, of any of the foreign parties concerned, except only in the case of his imperial majesty; and what was the character of his commitment we shall presently see. But, he must enter his solemn protest against this and every other species of foreign interference in our matters with Spain. What have they to do with them? Would *they* not repel as officious and insulting intrusion, any interference on our part in their concerns with foreign states? Would his imperial majesty have listened with complacency, to our remonstrances against the vast acquisitions which he has recently made? He has lately crammed his enormous maw with Finland, and with the spoils of Poland, and, whilst the difficult process of digestion is going on, he throws himself upon a couch, and cries out, don't, don't disturb my repose.

*He* charges his minister here to plead the cause of peace and concord! The American 'government is too enlightened' (ah! sir, how sweet this unction is, which is poured down our backs,) to take hasty steps. And his imperial majesty's minister here is required to *engage* (Mr. Clay said, he hoped the original expression



was less strong, but he believed the French word *engager* bore the same meaning,) 'the American government,' &c. 'Nevertheless, the emperor does not interpose in this discussion.' No! not he. He makes above all 'no pretension to exercise influence in the councils of a foreign power.' Not the slightest. And yet, at the very instant when he is protesting against the imputation of this influence, his interposition is proving effectual! His imperial majesty has at least manifested so far, in this particular, his capacity to govern his empire, by the selection of a sagacious minister. For if count Nesselrode had never written another paragraph, the extract from his despatch to Mr. Poletica, which has been transmitted to this house, will demonstrate that he merited the confidence of his master. It is quite refreshing to read such state papers, after perusing those (he was sorry to say it, he wished there was a veil broad and thick enough to conceal them for ever,) which this treaty had produced on the part of our government.

Conversations between my lord Castlereagh and our minister at London had also been communicated to this house. Nothing from the hand of his lordship is produced; no! he does not commit himself in that way. The *sense* in which our minister understood him, and the purport of certain parts of despatches from the British government to its minister at Madrid, which he deigned to read to our minister, are alone communicated to us. Now we know very well how diplomatists, when it is their pleasure to do so, can wrap themselves up in mystery. No man more than my lord Castlereagh, who is also an able minister, possessing much greater talents than are allowed to him generally in this country, can successfully express himself in ambiguous language, when he chooses to employ it. He recollected himself once to have witnessed this facility, on the part of his lordship. The case was this. When Bonaparte made his escape from Elba, and invaded France, a great part of Europe believed it was with the connivance of the British ministry. The opposition charged them, in parliament, with it, and they were interrogated, to know what measures of precaution they had taken against such an event. Lord Castlereagh replied by stating, that there was an *understanding* with a *certain* naval officer of high rank, commanding in the adjacent seas, that he was to *act* on certain *contingences*. Now, Mr. Chairman, if you can make any thing intelligible out of this reply, you will have much more success than the English opposition had.

The allowance of interference by foreign powers in the affairs of our government, not pertaining to themselves, is against the councils of all our wisest politicians—those of Washington, Jefferson, and he would also add those of the present chief magistrate; for, pending this very Spanish negotiation, the offer of the mediation of foreign states was declined, upon the true ground.

that Europe had her system, and we ours; and that it was not compatible with our policy to entangle ourselves in the labyrinth of hers. But a mediation is far preferable to the species of interference on which it had been his reluctant duty to comment. The mediator is a judge, placed on high; his conscience his guide, the world his spectators, and posterity *his* judge. His position is one, therefore, of the greatest responsibility. But what responsibility is attached to this sort of irregular, drawing-room, intriguing interposition? He could see no motive for governing or influencing our policy, in regard to Spain, furnished in any of the communications which respected the disposition of foreign powers. He regretted, for his part, that they had at all been consulted. There was nothing in the character of the power of Spain, nothing in the beneficial nature of the stipulations of the treaty to us, which warranted us in seeking the aid of foreign powers, if in any case whatever that aid were desirable. He was far from saying that, in the foreign action of this government, it might not be prudent to keep a watchful eye upon the probable conduct of foreign powers. That might be a material circumstance to be taken into consideration. But he never would avow to our own people, never promulgate to foreign powers, that their wishes and interference were the controlling cause of our policy. Such promulgation would lead to the most alarming consequences. It was to *invite* further interposition. It might, in process of time, create in the bosom of our country a Russian faction, a British faction, a French faction. Every nation ought to be jealous of this species of interference, whatever was its form of government. But of all forms of government, the united testimony of all history, admonished a republic to be most guarded against it. From the moment Philip intermeddled with the affairs of Greece, the liberty of Greece was doomed to inevitable destruction.

Suppose, said Mr. Clay, we could see the communications which have passed between his imperial majesty and the British government, respectively, and Spain, in regard to the United States; what do you imagine would be their character? Do you suppose the same language has been held to Spain and to us? Do you not, on the contrary, believe that sentiments have been expressed to her, consoling to her pride? That we have been represented, perhaps as an ambitious republic, seeking to aggrandize ourselves at her expense?

In the other ground taken by the president, the present distressed condition of Spain, for his recommendation of forbearance to act during the present session, he was also sorry to say, that it did not appear to him to be solid. He could well conceive, how the weakness of your aggressor might, when he was withholding from you justice, form a motive for your pressing your equitable demands upon him; but he could not accord in the wisdom of that policy which would wait his recovery of strength, so as to enable him

successfully to resist those demands. Nor would it comport with the practice of our government heretofore. Did we not, in 1811, when the present monarch of Spain was an ignoble captive, and the people of the peninsula were contending for the inestimable privilege of self-government, seize and occupy that part of Louisiana which is situated between the Mississippi and the Perdido? What must the people of Spain think of that policy which would not spare them, and which commiserates alone an unworthy prince, who ignominiously surrendered himself to his enemy; a vile despot, of whom I cannot speak in appropriate language, without departing from the respect due to this house or to myself? What must the people of South America think of this sympathy for Ferdinand, at a moment when they, as well as the people of the peninsula, themselves, (if we are to believe the late accounts, and God send that they may be true,) are struggling for liberty?

Again: when we declared our late just war against Great Britain, did we wait for a moment when she was free from embarrassment or distress; or did we not rather wisely select a period when there was the greatest probability of giving success to our arms? What was the complaint in England; what the language of faction here? Was it not, that we had cruelly proclaimed the war at a time when she was struggling for the liberties of the world? How truly, let the sequel and the voice of impartial history tell.

Whilst he could not, therefore, persuade himself, that the reasons assigned by the president for postponing the subject of our Spanish affairs until another session, were entitled to all the weight which he seemed to think belonged to them, he did not, nevertheless, regret that the particular project recommended by the committee of foreign relations was thus to be disposed of; for it was war—war, attempted to be disguised. And if we went to war, he thought it should have no other limit than indemnity for the past, and security for the future. He had no idea of the wisdom of that measure of hostility which would bind us, whilst the other party is left free.

Before he proceeded to consider the particular propositions which the resolutions contained, which he had had the honor of submitting, it was material to determine the actual posture of our relations to Spain. He considered it too clear to need discussion, that the treaty was at an end; that it contained, in its present state, no obligation whatever upon us, and no obligation whatever on the part of Spain. It was, as if it had never been. We are remitted back to the state of our rights and our demands which existed prior to the conclusion of the treaty, with this only difference, that, instead of being merged in, or weakened by the treaty, they had acquired all the additional force, which the intervening time, and the faithlessness of Spain, can communicate to them. Standing

on this position, he should not deem it necessary to interfere with the treaty-making power, if a fixed and persevering purpose had not been indicated by it, to obtain the revival of the treaty. Now he thought it a bad treaty. The interest of the country, as it appeared to him, forbade its renewal. Being gone, it was perfectly incomprehensible to him, why so much solicitude was manifested to restore it. Yet it is clung to with the same sort of frantic affection with which the bereaved mother hugs her dead infant, in the vain hope of bringing it back to life.

Has the house of representatives a right to express its opinion upon the arrangement made in that treaty? The president, by asking congress to carry it into effect, has given us jurisdiction of the subject, if we had it not before. We derive from that circumstance the right to consider, first, if there be a treaty; secondly, if we ought to carry it into effect; and, thirdly, if there be no treaty, whether it be expedient to assert our rights, independent of the treaty. It will not be contended that we are restricted to that specific mode of redress which the president intimated in his opening message.

The first resolution which he had presented, asserted, that the constitution vests in the congress of the United States the power to dispose of the territory belonging to them; and that no treaty purporting to alienate any portion thereof, is valid, without the concurrence of congress.\* It was far from his wish to renew at large a discussion of the treaty-making power. The constitution of the United States had not defined the precise limits of that power, because, from the nature of it, they could not be prescribed. It appeared to him, however, that no safe American statesman would assign to it a boundless scope. He presumed, for example, that it would not be contended that in a government which was itself limited, there was a functionary without limit. The first great bound to the power in question, he apprehended, was, that no treaty could constitutionally transcend the very objects and purposes of the government itself. He thought, also, that wherever there were specific grants of powers to congress, they limited and controlled, or, he would rather say, modified the exercise of the general grant of the treaty-making power, upon the principle which was familiar to every one. He did not insist, that the treaty-making power could not act upon the subjects committed to the charge of congress; he merely contended that the concurrence of congress, in its action upon those subjects, was necessary. Nor would he insist, that the concurrence should precede that action. It would be always most desirable that it should precede it, if convenient, to guard against the commitment of congress, on the one hand, by

\* The proposition which it asserts was, he thought, sufficiently maintained by barely reading the clause in the constitution on which it rests: 'the congress shall have power to dispose, &c. the territory or other property belonging to the United States.'

the executive, or on the other, what might seem to be a violation of the faith of the country, pledged for the ratification of the treaty. But he was perfectly aware, that it would be very often highly inconvenient to deliberate, in a body so numerous as congress, on the nature of those terms on which it might be proper to treat with foreign powers. In the view of the subject which he had been taking, there was a much higher degree of security to the interests of this country. For, with all respect to the president and senate, it could not disparage the wisdom of their councils, to add to that of this house also. But, if the concurrence of this house be not necessary in the cases asserted, if there be no restriction upon the power he was considering, it might draw to itself and absorb the whole of the powers of government. To contract alliances; to stipulate for raising troops to be employed in a common war about to be waged; to grant subsidies; even to introduce foreign troops within the bosom of the country; were not unfrequent instances of the exercise of this power; and if, in all such cases, the honor and faith of the nation were committed, by the exclusive act of the president and senate, the melancholy duty alone might be left to congress of recording the ruin of the republic.\*

Supposing, however, that no treaty, which undertakes to dispose of the territory of the United States, is valid, without the concurrence of congress, it may be contended, that such treaty may constitutionally fix the limits of the territory of the United States, where they are disputed, without the coöperation of congress. He admitted it, when the fixation of the limits simply was the object. As in the case of the river St. Croix, or the more recent stipulation in the treaty of Ghent, or in that of the treaty of Spain in 1795. In all these cases, the treaty-making power merely reduces to certainty that which was before unascertained. It announces the fact; it proclaims, in a tangible form, the existence of the boundary. It does not make a new boundary; it asserts only where the old boundary was. But it cannot, under color of fixing a boundary previously existing, though not in fact marked, undertake to cede away, without the concurrence of congress, whole provinces. If the subject be one of a mixed character, if it consists partly of cession, and partly of the fixation of a prior limit, he contended that the president must come here for the consent of congress. But in the Florida treaty it was not pretended that the object was simply a declaration of where the western limit of Louisiana was. It was, on the contrary, the case

\* The house of representatives has uniformly maintained its right to deliberate upon those treaties, in which their coöperation was asked by the executive. In the first case that occurred in the operation of our government, that of the treaty commonly called Mr. Jay's treaty, after general Washington refused to communicate his instructions to that minister, the house asserted its rights, by fifty odd votes to thirty odd. In the last case that occurred, the convention in 1815 with Great Britain, although it passed off upon what was called a compromise, this house substantially obtained its object; for, if that convention operated as a repeal of the laws with which it was incompatible, the act which passed was altogether unnecessary.

of an avowed cession of territory from the United States to Spain. The whole of the correspondence manifested that the respective parties to the negotiation were not engaged so much in an inquiry where the limit of Louisiana *was*, as that they were exchanging overtures as to where it *should be*. Hence, we find various limits proposed and discussed. At one time the Mississippi is proposed; then the Missouri; then a river discharging itself into the gulf east of the Sabine. A vast desert is proposed to separate the territories of the two powers; and finally the Sabine, which neither of the parties had ever contended was the ancient limit of Louisiana, is adopted, and the boundary is extended from its source by a line perfectly new and arbitrary; and the treaty itself proclaims its purpose to be a cession from the United States to Spain.

The second resolution comprehended three propositions; the first of which was, that the equivalent granted by Spain to the United States, for the province of Texas, was inadequate. To determine this, it was necessary to estimate the value of what we gave, and of what we received. This involved an inquiry into our claim to Texas. It was not his purpose to enter at large into this subject. He presumed the spectacle would not be presented of questioning, in this branch of the government, our title to Texas, which had been constantly maintained by the executive for more than fifteen years past, under three several administrations. He was, at the same time, ready and prepared to make out our title, if any one in the house were fearless enough to controvert it. He would, for the present, briefly state, that the man who is most familiar with the transactions of this government, who largely participated in the formation of our constitution, and all that has been done under it, who, besides the eminent services that he has rendered his country, principally contributed to the acquisition of Louisiana, who must be supposed, from his various opportunities, best to know its limits, declared, fifteen years ago, that our title to the Rio del Norte was as well founded as it was to the island of New Orleans. [Here Mr. Clay read an extract from a memoir presented in 1805, by Mr. Monroe and Mr. Pinckney, to Mr. Cevallos, proving that the boundary of Louisiana extended eastward to the Perdido, and westward to the Rio del Norte, in which they say, 'the facts and principles which justify this conclusion, are so satisfactory to their government as to convince it, that the United States have not a better right to the island of New Orleans, under the cession referred to, than they have to the whole district of territory thus described.'] The title to the Perdido on the one side, and to the Rio del Norte on the other, rested on the same principle — the priority of discovery and of occupation by France. Spain had first discovered and made an establishment at Pensacola; France at Dauphine island, in the bay of Mobile. The intermediate space was unoccupied; and the principle observed among European nations having contiguous settlements, being, that the

unoccupied space between them should be equally divided, was applied to it, and the Perdido thus became the common boundary. So, west of the Mississippi, La Salle, acting under France, in 1682 or 3, first discovered that river. In 1685, he made an establishment on the bay of St. Bernard, west of the Colorado, emptying into it. The nearest Spanish settlement was Panuco; and the Rio del Norte, about the midway line, became the common boundary.

All the accounts concurred in representing Texas to be extremely valuable. Its superficial extent was three or four times greater than that of Florida. The climate was delicious; the soil fertile; the margins of the rivers abounding in live oak; and the country admitting of easy settlement. It possessed, moreover, if he were not misinformed, one of the finest ports in the Gulf of Mexico. The productions of which it was capable were suited to our wants. The unfortunate captive of St. Helena wished for ships, commerce, and colonies. We have them all, if we do not wantonly throw them away. The colonies of other countries are separated from them by vast seas, requiring great expense to protect them, and are held subject to a constant risk of their being torn from their grasp. Our colonies, on the contrary, are united to and form a part of our continent; and the same Mississippi, from whose rich deposit the best of them (Louisiana) has been formed, will transport on her bosom the brave, the patriotic men from her tributary streams, to defend and preserve the next most valuable, the province of Texas.

We wanted Florida, or rather we *shall* want it; or, to speak more correctly, we want no body else to have it. We do not desire it for immediate use. It fills a space in our imagination, and we wish it to complete the *arrondissement* of our territory. It must certainly come to us. The ripened fruit will not more surely fall. Florida is enclosed in between Alabama and Georgia, and cannot escape. Texas may. Whether we get Florida now, or some five or ten years hence, it is of no consequence, provided no other power gets it; and if any other power should attempt to take it, an existing act of congress authorizes the president to prevent it. He was not disposed to disparage Florida, but its intrinsic value was incomparably less than that of Texas. Almost its sole value was military. The possession of it would undoubtedly communicate some additional security to Louisiana, and to the American commerce in the Gulf of Mexico. But it was not very essential to have it for protection to Georgia and Alabama. There could be no attack upon either of them, by a foreign power, on the side of Florida. It now covered those states. Annexed to the United States, and we should have to extend our line of defence so as to embrace Florida. Far from being, therefore, a source of immediate profit, it would be the occasion of considerable immediate expense.

The acquisition of it was certainly a fair object of our policy ; and ought never to be lost sight of. It is even a laudable ambition, in any chief magistrate, to endeavor to illustrate the epoch of his administration, by such an acquisition. It was less necessary, however, to fill the measure of honors of the present chief magistrate, than that of any other man, in consequence of the large share which he had in obtaining all Louisiana. But, whoever may deserve the renown which may attend the incorporation of Florida into our confederacy, it is our business, as the representatives of that people who are to pay the price of it, to take care, as far as we constitutionally can, that too much is not given. He would not give Texas for Florida in a naked exchange. We were bound by the treaty to give not merely Texas, but five millions of dollars, also, and the excess beyond that sum of all our claims upon Spain, which have been variously estimated at from fifteen to twenty millions of dollars !

The public is not generally apprized of another large consideration which passed from us to Spain ; if an interpretation which he had heard given to the treaty were just ; and it certainly was plausible. Subsequent to the transfer, but before the delivery of Louisiana from Spain to France, the then governor of New Orleans (he believed his name was Gayoso) made a number of concessions, upon the payment of an inconsiderable pecuniary consideration, amounting to between nine hundred thousand and a million acres of land, similar to those recently made at Madrid to the royal favorites. This land is situated in Feliciana, and between the Mississippi and the Amíté, in the present state of Louisiana. It was granted to persons who possessed the very best information of the country, and is no doubt, therefore, the choice land. The United States have never recognised, but have constantly denied the validity of these concessions. It is contended by the parties concerned, that they are confirmed by the late treaty. By the second article his catholic majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the *eastward* of the Mississippi, known by the name of *East and West Florida*. And by the eighth article, all grants of land made before the twenty-fourth of January, 1818, by his catholic majesty, or by his *lawful authorities*, shall be ratified and confirmed, &c. Now, the grants in question having been made long prior to that day, are supposed to be confirmed. He understood from a person interested, that don Onís had assured him it was his intention to confirm them. Whether the American negotiator had the same intention or not, he did not know. It will not be pretended, that the letter of Mr. Adams, of the twelfth of March, 1818, in which he declines to treat any further with respect to any part of the territory included within the limits of the state of Louisiana, can control the operation of the subsequent treaty. That treaty must be interpreted by what is in it, and not



by what is out of it. The overtures which passed between the parties respectively, prior to the conclusion of the treaty, can neither restrict nor enlarge its meaning. Moreover, when Mr. Madison occupied, in 1811, the country between the Mississippi and the Perdido, he declared, that in our hands it should be, as it has been, subject to negotiation.

It results, then, that we have given for Florida, charged and incumbered as it is,

First, unincumbered Texas ;

Secondly, five millions of dollars ;

Thirdly, a surrender of all our claims upon Spain, not included in that five millions ; and,

Fourthly, if the interpretation of the treaty which he had stated were well founded, about a million of acres of the best unseated land in the state of Louisiana, worth perhaps ten millions of dollars.

The first proposition contained in the second resolution, was thus, he thought, fully sustained. The next was, that it was inexpedient to cede Texas to any foreign power. They constituted, in his opinion, a sacred inheritance of posterity, which we ought to preserve unimpaired. He wished it was, if it were not, a fundamental and inviolable law of the land, that they should be inalienable to any foreign power. It was quite evident, that it was in the order of providence ; that it was an inevitable result of the principle of population, that the whole of this continent, including Texas, was to be peopled in process of time. The question was, by whose race shall it be peopled ? In our hands it will be peopled by freemen, and the sons of freemen, carrying with them our language, our laws, and our liberties ; establishing, on the prairies of Texas, temples dedicated to the simple, and devout modes of worship of God, incident to our religion, and temples dedicated to that freedom which we adore next to Him. In the hands of others, it may become the habitation of despotism and of slaves, subject to the vile dominion of the inquisition and of superstition. He knew that there were honest and enlightened men, who feared that our confederacy was already too large, and that there was danger of disruption, arising out of the want of reciprocal coherence between its several parts. He hoped and believed, that the principle of representation, and the formation of states, would preserve us a united people. But if Texas, after being peopled by us, and grappling with us, should, at some distant day, break off, she will carry along with her a noble crew, consisting of our children's children. The difference between those who might be disinclined to its annexation to our confederacy, and him, was, that their system began where his might, possibly, in some distant future day, terminate ; and their's began with a foreign race, aliens to every thing that we hold dear, and his ended with a race partaking of all our qualities.

The last proposition which the second resolution affirms, is, that it is inexpedient to renew the treaty. If Spain had promptly ratified it, bad as it is, he would have acquiesced in it. After the protracted negotiation which it terminated; after the irritating and exasperating correspondence which preceded it, he would have taken the treaty as a man who has passed a long and restless night, turning and tossing in his bed, snatches at day an hour's disturbed repose. But she would not ratify it; she would not consent to be bound by it; and she has liberated us from it. Is it wise to renew the negotiation, if it is to be recommenced, by announcing to her at once our ultimatum? Shall we not give her the vantage ground? In early life he had sometimes indulged in a species of amusement, which years and experience had determined him to renounce, which, if the committee would allow him to use it, furnished him with a figure — shall we enter on the game, with our hand exposed to the adversary, whilst he shuffles the cards to acquire more strength? What has lost us his ratification of the treaty? Incontestably, our importunity to procure the ratification, and the hopes which that importunity inspired, that he could yet obtain more from us. Let us undeceive him. Let us proclaim the acknowledged truth, that the treaty is prejudicial to the interests of this country. Are we not told, by the secretary of state, in the bold and confident assertion, that don Onis was authorized to grant us *much* more, and that Spain *dare* not deny his instructions? The line of demarcation is *far* within his limits? If she would have then granted us more, is her position now more favorable to her in the negotiation? In our relations to foreign powers, it may be sometimes politic to sacrifice a portion of our rights to secure the residue. But is Spain such a power, as that it becomes us to sacrifice those rights? Is she entitled to it by her justice, by her observance of good faith, or by her possible annoyance of us in the event of war? She will seek, as she has sought, procrastination in the negotiation, taking the treaty as the basis. She will dare to offend us, as she has insulted us, by asking the disgraceful stipulation, that we shall not recognise the patriots. Let us put aside the treaty; tell her to grant us our rights, to their uttermost extent. And if she still *palters*, let us assert those rights by whatever measures it is for the interest of our country to adopt.

If the treaty were abandoned; if we were not on the contrary signified, too distinctly, that there was to be a continued and unremitting endeavor to obtain its revival; he would not think it advisable for this house to interpose. But, with all the information in our possession, and holding the opinions which he entertained, he thought it the bounden duty of the house to adopt the resolutions. He had acquitted himself of what he deemed a solemn duty, in bringing up the subject. Others would discharge their's, according to their own sense of them.

# ON THE PROTECTION OF HOME INDUSTRY.

IN THE HOUSE OF REPRESENTATIVES, APRIL 26, 1820.

[On the twenty-second of March, Mr. Baldwin, of Pennsylvania, from the committee on manufactures, reported a tariff bill, embracing provisions of great importance, particularly as a measure of protection to home industry, and the same being under consideration in committee of the whole, Mr. Clay (speaker) renewed his efforts in support of the American system, in the following speech. The bill passed the house by a vote of ninety to sixty-nine, but was postponed in the senate twenty-two to twenty-one.]

MR. CHAIRMAN,

Whatever may be the value of my opinions on the interesting subject now before us, they have not been hastily formed. It may possibly be recollected by some gentlemen, that I expressed them when the existing tariff was adopted; and that I then urged, that the period of the termination of the war, during which the manufacturing industry of the country had received a powerful spring, was precisely that period when government was alike impelled, by duty and interest, to protect it against the free admission of foreign fabrics, consequent upon a state of peace. I insisted, on that occasion, that a less measure of protection would prove more efficacious, at that time, than one of greater extent at a future day. My wishes prevailed only in part; and we are now called upon to decide whether we will correct the error which, I think, we then committed.

In considering the subject, the first important inquiry that we should make is, whether it be desirable that such a portion of the capital and labor of the country should be employed in the business of manufacturing, as would furnish a supply of our necessary wants? Since the first colonization of America, the principal direction of the labor and capital of the inhabitants, has been to produce raw materials for the consumption or fabrication of foreign nations. We have always had, in great abundance, the means of subsistence, but we have derived chiefly from other countries our clothes, and the instruments of defence. Except during those interruptions of commerce arising from a state of war, or from measures adopted for vindicating our commercial rights, we have

experienced no very great inconvenience heretofore from this mode of supply. The limited amount of our surplus produce, resulting from the smallness of our numbers, and the long and arduous convulsions of Europe, secured us good markets for that surplus in her ports, or those of her colonies. But those convulsions have now ceased, and our population has reached nearly ten millions. A new epoch has arisen; and it becomes us deliberately to contemplate our own actual condition, and the relations which are likely to exist between us and the other parts of the world. The actual state of our population, and the ratio of its progressive increase, when compared with the ratio of the increase of the population of the countries which have hitherto consumed our raw produce, seem, to me, alone to demonstrate the necessity of diverting some portion of our industry from its accustomed channel. We double our population in about the term of twenty-five years. If there be no change in the mode of exerting our industry, we shall double, during the same term, the amount of our exportable produce. Europe, including such of her colonies as we have free access to, taken altogether, does not duplicate her population in a shorter term, probably, than one hundred years. The ratio of the increase of her capacity of consumption, therefore, is, to that of our capacity of production, as one is to four. And it is manifest, from the simple exhibition of the powers of the consuming countries, compared with those of the supplying country, that the former are inadequate to the latter. It is certainly true, that a portion of the mass of our raw produce, which we transmit to her, reverts to us in a fabricated form, and that this return augments with our increasing population. This is, however, a very inconsiderable addition to her actual ability to afford a market for the produce of our industry.

I believe that we are already beginning to experience the want of capacity in Europe to consume our surplus produce. Take the articles of cotton, tobacco, and bread-stuffs. For the latter we have scarcely any foreign demand. And is there not reason to believe, that we have reached, if we have not passed, the maximum of the foreign demand for the other two articles? Considerations connected with the cheapness of cotton, as a raw material, and the facility with which it can be fabricated, will probably make it to be more and more used as a substitute for other materials. But, after you allow to the demand for it the utmost extension of which it is susceptible, it is yet quite *limited*—limited by the number of persons who use it, by their wants and their ability to supply them. If we have not reached, therefore, the maximum of the foreign demand, (as I believe we have,) we must soon fully satisfy it. With respect to tobacco, that article affording an enjoyment not necessary, as food and clothes are, to human existence, the foreign demand for it is still more precarious, and I apprehend that we have already

passed its limits. It appears to me, then, that, if we consult our interest merely, we ought to encourage home manufactures. But there are other motives to recommend it, of not less importance.

The wants of man may be classed under three heads; food, raiment, and defence. They are felt alike in the state of barbarism and of civilization. He must be defended against the ferocious beasts of prey in the one condition, and against the ambition, violence, and injustice, incident to the other. If he seeks to obtain a supply of those wants without giving an equivalent, he is a beggar or a robber; if by promising an equivalent which he cannot give, he is fraudulent; and if by commerce, in which there is perfect freedom on his side, whilst he meets with nothing but restrictions on the other, he submits to an unjust and degrading inequality. What is true of individuals is equally so of nations. The country, then, which relies upon foreign nations for either of those great essentials, is not, in fact, independent. Nor is it any consolation for our dependence upon other nations, that they are also dependent upon us, even were it true. Every nation should anxiously endeavor to establish its absolute independence, and consequently be able to feed, and clothe, and defend itself. If it rely upon a foreign supply, that may be cut off by the caprice of the nation yielding it, by war with it, or even by war with other nations, it cannot be independent. But it is not true, that any other nations depend upon us in a degree any thing like equal to that of our dependence upon them for the great necessaries to which I have referred. Every other nation seeks to supply itself with them from its own resources; and, so strong is the desire which they feel to accomplish this purpose, that they exclude the cheaper foreign article, for the dearer home production. Witness the English policy in regard to corn. So selfish, in this respect, is the conduct of other powers, that, in some instances, they even prohibit the produce of the industry of their *own* colonies, when it comes into competition with the produce of the parent country. All other countries but our own, exclude by high duties, or absolute prohibitions, whatever they can respectively produce within themselves. The truth is, and it is in vain to disguise it, that we are a sort of independent colonies of England — politically free, commercially slaves. Gentlemen tell us of the advantages of a free exchange of the produce of the world. But they tell us of what has never existed, does not exist, and perhaps never will exist. They invoke us to give perfect freedom on our side, whilst, in the ports of every other nation, we are met with a code of odious restrictions, shutting out entirely a great part of our produce, and letting in only so much as they cannot possibly do without. I will hereafter examine their favourite maxim, of leaving things to themselves, more particularly. At present, I will only say that I too am a friend to free trade, but it must be a free trade of perfect reciprocity. If the governing consideration were cheapness

if national independence were to weigh nothing; if honor nothing why not subsidize foreign powers to defend us? why not hire Swiss or Hessian mercenaries to protect us? why not get our arms of all kinds, as we do in part, the blankets and clothing of our soldiers, from abroad? We should probably consult economy by these dangerous expedients.

But, say gentlemen, there are to the manufacturing system some inherent objections, which should induce us to avoid its introduction into this country; and we are warned by the example of England, by her pauperism, by the vices of her population, her wars, and so forth. It would be a strange order of Providence, if it were true, that he should create necessary and indispensable wants, and yet should render us unable to supply them without the degradation or contamination of our species.

Pauperism is, in general, the effect of an overflowing population. Manufactures may undoubtedly produce a redundant population; but so may commerce, and so may agriculture. In this respect they are alike; and from whatever cause the disproportion of a population to the subsisting faculty of a country may proceed, its effect of pauperism is the same. Many parts of Asia would exhibit, perhaps, as afflicting effects of an extreme prosecution of the agricultural system, as England can possibly furnish, respecting the manufacturing. It is not, however, fair to argue from these extreme cases, against either the one system or the other. There are abuses incident to every branch of industry, to every profession. It would not be thought very just or wise to arraign the honorable professions of law and physic, because the one produces the pettifogger, and the other the quack. Even in England it has been established, by the diligent search of Colquhoun, from the most authentic evidence, the judicial records of the country, that the instances of crime were much more numerous in the agricultural than in the manufacturing districts; thus proving that the cause of wretchedness and vice in that country was to be sought for, not in this or that system, so much as in the fact of the density of its population. France resembles this country more than England, in respect to the employments of her population; and we do not find that there is any thing in the condition of the manufacturing portion of it, which ought to dissuade us from the introduction of it into our own country. But even France has not that great security against the abuses of the manufacturing system, against the effects of too great a density of population, which we possess in our waste lands. While this resource exists, we have nothing to apprehend. Do capitalists give too low wages; are the laborers too crowded, and in danger of starving? the unsettled lands will draw off the redundancy, and leave the others better provided for. If an unsettled province, such as Texas, for example, could, by some convulsion of nature, be wafted alongside of, and attached to,

the island of Great Britain, the instantaneous effect would be, to draw off the redundant portion of the population, and to render more comfortable both the emigrants and those whom they would leave behind. I am aware, that while the public domain is an acknowledged security against the abuses of the manufacturing, or any other system, it constitutes, at the same time, an impediment, in the opinion of some, to the success of manufacturing industry, by its tendency to prevent the reduction of the wages of labor. Those who urge this objection have their eyes too much fixed on the ancient system of manufacturing, when manual labor was the principal instrument which it employed. During the last half century, since the inventions of Arkwright, and the long train of improvements which followed, the labor of machinery is principally used. I have understood, from sources of information which I believe to be accurate, that the combined force of all the machinery employed by Great Britain, in manufacturing, is equal to the labor of one hundred millions of able-bodied men. If we suppose the aggregate of the labor of all the individuals which she employs in that branch of industry to be equal to the united labor of two millions of able-bodied men, (and I should think it does not exceed it,) machine labor will stand to manual labor, in the proportion of one hundred to two. There cannot be a doubt that we have skill and enterprise enough to command the requisite amount of machine power.

There are, too, some checks to emigration from the settled parts of our country to the waste lands of the west. Distance is one, and it is every day becoming greater and greater. There exists, also, a natural repugnance (felt less, it is true, in the United States than elsewhere, but felt even here,) to abandoning the place of our nativity. Women and children, who could not migrate, and who would be comparatively idle if manufactures did not exist, may be profitably employed in them. This is a very great benefit. I witnessed the advantage resulting from the employment of this description of our population, in a visit which I lately made to the Waltham manufactory, near Boston. There, some hundreds of girls and boys were occupied in separate apartments. The greatest order, neatness, and apparent comfort, reigned throughout the whole establishment. The daughters of respectable farmers, in one instance, I remember, the daughter of a senator in the state legislature, were usefully employed. They would come down to the manufactory, remain perhaps some months, and return, with their earnings, to their families, to assist them throughout the year. But one instance had occurred, I was informed by the intelligent manager, of doubtful conduct on the part of any of the females, and, after she was dismissed, there was reason to believe that injustice had been done her. Suppose that establishment to be destroyed, what would become of all the persons who are there

engaged so beneficially to themselves, and so usefully to the state? Can it be doubted that, if the crowds of little mendicant boys and girls who infest this edifice, and assail us, every day, at its very thresholds, as we come in and go out, begging for a cent, were employed in some manufacturing establishment, it would be better for them and the city? Those who object to the manufacturing system should recollect, that constant occupation is the best security for innocence and virtue, and that idleness is the parent of vice and crime. They should contemplate the laboring poor with employment, and ask themselves what would be their condition without it. If there are instances of hard taskmasters among the manufacturers, so also are there in agriculture. The cause is to be sought for, not in the nature of this or that system, but in the nature of man. If there are particular species of unhealthy employment in manufactures, so there are in agriculture also. There has been an idle attempt to ridicule the manufacturing system, and we have heard the expression, 'spinning-jenny tenure.' It is one of the noblest inventions of human skill. It has diffused comforts among thousands who, without it, would never have enjoyed them; and millions yet unborn will bless the man by whom it was invented. Three important inventions have distinguished the last half century, each of which, if it had happened at long intervals of time from the other, would have been sufficient to constitute an epoch in the progress of the useful arts. The first was that of Arkwright; and our own country is entitled to the merit of the other two. The world is indebted to Whitney for the one, and to Fulton for the other. Nothing is secure against the shafts of ridicule. What would be thought of a man who should speak of a cotton-gin tenure, or a steamboat tenure?

In one respect there is a great difference in favor of manufactures, when compared with agriculture. It is the rapidity with which the whole manufacturing community avail themselves of an improvement. It is instantly communicated and put in operation. There is an avidity for improvement in the one system, an aversion to it in the other. The habits of generation after generation pass down the long track of time in perpetual succession without the slightest change in agriculture. The ploughman who fastens his plough to the tails of his cattle, will not own that there is any other mode equal to his. An agricultural people will be in the neighborhood of other communities, who have made the greatest progress in husbandry, without advancing in the slightest degree. Many parts of our country are one hundred years in advance of Sweden in the cultivation and improvement of the soil.

It is objected, that the effect of the encouragement of home manufactures, by the proposed tariff, will be, to diminish the revenue from the customs. The amount of the revenue from that source will depend upon the amount of importations, and the



measure of these will be the value of the exports from this country. The quantity of the exportable produce will depend upon the foreign demand; and there can be no doubt that, under any distribution of the labor and capital of this country, from the greater allurements which agriculture presents than any other species of industry, there would be always a quantity of its produce sufficient to satisfy that demand. If there be a diminution in the ability of foreign nations to consume our raw produce, in the proportion of our diminished consumption of theirs, under the operation of this system, that will be compensated by the substitution of a home for a foreign market, in the same proportion. It is true, that we cannot remain in the relation of seller, only to foreign powers, for any length of time; but if, as I have no doubt, our agriculture will continue to supply, as far as it can profitably, to the extent of the limits of foreign demand, we shall receive not only in return many of the articles on which the tariff operates, for our own consumption, but they may also form the objects of trade with South America and other powers, and our comforts may be multiplied by the importation of other articles. Diminished consumption, in consequence of the augmentation of duties, does not necessarily imply diminished revenue. The increase of the duty may compensate the decrease in the consumption, and give you as large a revenue as you before possessed.

Can any one doubt the impolicy of government resting solely upon the precarious resource of such a revenue? It is constantly fluctuating. It tempts us, by its enormous amount, at one time, into extravagant expenditure; and we are then driven, by its sudden and unexpected depression, into the opposite extreme. We are seduced by its flattering promises into expenses which we might avoid; and we are afterwards constrained by its treachery, to avoid expenses which we ought to make. It is a system under which there is a sort of perpetual war, between the interest of the government and the interest of the people. Large importations fill the coffers of government, and empty the pockets of the people. Small importations imply prudence on the part of the people, and leave the treasury empty. In war, the revenue disappears; in peace it is unsteady. On such a system the government will not be able much longer exclusively to rely. We all anticipate that we shall have shortly to resort to some additional supply of revenue within ourselves. I was opposed to the total repeal of the internal revenue. I would have preserved certain parts of it at least, to be ready for emergencies such as now exist. And I am, for one, ready to exclude foreign spirits altogether, and substitute for the revenue levied on them a tax upon the spirits made within the country. No other nation lets in so much of foreign spirits as we do. By the encouragement of home industry, you will lay a basis of internal taxation, when it gets strong, that will be steady and

uniform, yielding alike in peace and in war. We do not derive our ability from abroad, to pay taxes. That depends upon our wealth and our industry; and it is the same, whatever may be the form of levying the public contributions.

But it is urged, that you tax other interests of the state to sustain manufacturers. The business of manufacturing, if encouraged, will be open to all. It is not for the sake of the particular individuals who may happen to be engaged in it, that we propose to foster it; but it is for the general interest. We think that it is necessary to the comfort and well-being of society, that fabrication, as well as the business of production and distribution, should be supported and taken care of. Now, if it be even true, that the price of the home fabric will be somewhat higher, in the first instance, than the rival foreign articles, that consideration ought not to prevent our extending reasonable protection to the home fabric. Present temporary inconvenience may be well submitted to for the sake of future permanent benefit. If the experience of all other countries be not utterly fallacious; if the promises of the manufacturing system be not absolutely illusory; by the competition which will be elicited in consequence of your parental care, prices will be ultimately brought down to a level with that of the foreign commodity. Now, in a scheme of policy which is devised for a nation, we should not limit our views to its operation during a single year, or for even a short term of years. We should look at its operation for a considerable time, and in war as well as in peace. Can there be a doubt, thus contemplating it, that we shall be compensated by the certainty and steadiness of the supply in all seasons, and the ultimate reduction of the price for any temporary sacrifices we make? Take the example of salt, which the ingenious gentleman from Virginia (Mr. Archer) has adduced. He says, during the war, the price of that article rose to ten dollars per bushel, and he asks if you would lay a duty, permanent in its duration, of three dollars per bushel, to secure a supply in war. I answer, no, I would not lay so high a duty. That which is now proposed, for the encouragement of the domestic production, is only five cents per bushel. In forty years the duty would amount only to two dollars. If the recurrence of war shall be only after intervals of forty years' peace, (and we may expect it probably oftener,) and if, when it does come, the same price should again be given, there will be a clear saving of eight dollars, by promoting the domestic fabrication. All society is an affair of mutual concession. If we expect to derive the benefits which are incident to it, we must sustain our reasonable share of burdens. The great interests which it is intended to guard and cherish, must be supported by their reciprocal action and reaction. The harmony of its parts is disturbed, the discipline which is necessary to its order is incomplete, when one of the three great and essential branches

of its industry is abandoned and unprotected. If you want to find an example of order, of freedom from debt, of economy, of expenditure falling below rather than exceeding income, you will go to the well-regulated family of a farmer. You will go to the house of such a man as Isaac Shelby; you will not find him haunting taverns, engaged in broils, prosecuting angry lawsuits; you will behold every member of his family clad with the produce of their own hands, and usefully employed; the spinning-wheel and the loom in motion by day-break. With what pleasure will his wife carry you into her neat dairy, lead you into her store-house, and point you to the table-cloths, the sheets, the counterpanes which lie on this shelf for one daughter, or on that for another, all prepared in advance by her provident care for the day of their respective marriages. If you want to see an opposite example, go to the house of a man who manufactures nothing at home, whose family resorts to the store for every thing they consume. You will find him perhaps in the tavern, or at the shop at the cross-roads. He is engaged, with the rum-grog on the table, taking depositions to make out some case of usury or fraud. Or perhaps he is furnishing to his lawyer the materials to prepare a long bill of injunction in some intricate case. The sheriff is hovering about his farm to serve some new writ. On court-days — he never misses attending them — you will find him eagerly collecting his witnesses to defend himself against the merchant and doctor's claims. Go to his house, and, after the short and giddy period that his wife and daughters have flirted about the country in their calico and muslin frocks, what a scene of discomfort and distress is presented to you there! What the individual family of Isaac Shelby is, I wish to see the nation in the aggregate become. But I fear we shall shortly have to contemplate its resemblance in the opposite picture. If statesmen would carefully observe the conduct of private individuals in the management of their own affairs, they would have much surer guides in promoting the interests of the state, than the visionary speculations of theoretical writers.

The manufacturing system is not only injurious to agriculture, but, say its opponents, it is injurious also to foreign commerce. We ought not to conceal from ourselves our present actual position in relation to other powers. During the protracted war which has so long convulsed all Europe, and which will probably be succeeded by a long peace, we transacted the commercial business of other nations, and largely shared with England the carrying trade of the world. Now, every other nation is anxiously endeavoring to transact its own business, to rebuild its marine, and to foster its navigation. The consequence of the former state of things was, that our mercantile marine, and our commercial employment were enormously disproportionate to the exchangeable domestic produce of our country. And the result of the latter will be, that, an

exchanges between this country and other nations will hereafter consist principally, on our part, of our domestic produce, that marine and that employment will be brought down to what is necessary to effect those exchanges. I regret exceedingly this reduction. I wish the mercantile class could enjoy the same extensive commerce that they formerly did. But, if they cannot, it would be a folly to repine at what is irrecoverably lost, and we should seek rather to adapt ourselves to the new circumstances in which we find ourselves. If, as I think, we have reached the maximum of our foreign demand for our three great staples, cotton, tobacco, and flour, no man will contend that we should go on to produce more and more, to be sent to the glutted foreign market, and consumed by devouring expenses, merely to give employment to our tonnage and to our foreign commerce. It would be extremely unwise to accommodate our industry to produce, not what is wanted abroad, but cargoes for our unemployed ships. I would give our foreign trade every legitimate encouragement, and extend it whenever it can be extended profitably. Hitherto it has been stimulated too highly, by the condition of the world, and our own policy acting on that condition. And we are reluctant to believe that we must submit to its necessary abridgment. The habits of trade, the tempting instances of enormous fortunes which have been made by the successful prosecution of it, are such, that we turn with regret from its pursuit; we still cherish a lingering hope; we persuade ourselves that something will occur, how and what it may be, we know not, to revive its former activity; and we would push into every untried channel, grope through the Dardanelles into the Black sea, to restore its former profits. I repeat it, let us proclaim to the people of the United States the incontestable truth, that our foreign trade must be circumscribed by the altered state of the world; and, leaving it in the possession of all the gains which it can now possibly make, let us present motives to the capital and labor of our country, to employ themselves in fabrication at home. There is no danger that, by a withdrawal of that portion which is unprofitably employed on other objects, and an application of it to fabrication, our agriculture would be too much cramped. The produce of it will always come up to the foreign demand. Such are the superior allurements belonging to the cultivation of the soil to all other branches of industry, that it will always be preferred when it can profitably be followed. The foreign demand will, in any conceivable state of things, limit the amount of the exportable produce of agriculture. The amount of our exportations will form the measure of our importations, and, whatever these may be, they will constitute the basis of the revenue derivable from customs.

The manufacturing system is favorable to the maintenance of peace. Foreign commerce is the great source of foreign wars

The eagerness with which we contend for every branch of it, the temptations which it offers, operating alike upon us and our foreign competitors, produce constant collisions. No country on earth, by the extent of its superficies, the richness of its soil, the variety of its climate, contains within its own limits more abundant facilities for supplying all our rational wants than ours does. It is not necessary or desirable, however, to cut off all intercourse with foreign powers. But, after securing a supply, within ourselves, of all the great essentials of life, there will be ample scope still left for preserving such an intercourse. If we had no intercourse with foreign states, if we adopted the policy of China, we should have no external wars. And in proportion as we diminish our dependence upon them, shall we lessen the danger of the recurrence of war. Our late war would not have existed if the counsels of the manufacturers in England had been listened to. They finally did prevail, in their steady and persevering effort to produce a repeal of the orders in council; but it was too late to prevent the war. Those who attribute to the manufacturing system the burdens and misfortunes of that country, commit a great error. These were probably a joint result of the operation of the whole of her systems, and the larger share of it was to be ascribed to her foreign commerce, and to the ambition of her rulers, than to any other cause. The war of our revolution, in which that ambition displayed its monstrous arrogance and pretensions, laid the broad foundation of that enormous debt under which she now groans.

The tendency of reasonable encouragement to our home industry is favorable to the preservation and strength of our confederacy. Now our connection is merely political. For the sale of the surplus of the produce of our agricultural labor, all eyes are constantly turned upon the markets of Liverpool. There is scarcely any of that beneficial intercourse, the best basis of political connection, which consists of the exchange of the produce of our labor. On our maritime frontier there has been too much stimulus, an unnatural activity; in the great interior of the country, there exists a perfect paralysis. Encourage fabrication at home, and there will instantly arise animation and a healthful circulation throughout all the parts of the republic. The cheapness, fertility, and quantity of our waste lands, offer such powerful inducements to cultivation, that our countrymen are constantly engaging in it. I would not check this disposition, by hard terms in the sale of it. Let it be easily accessible to all who wish to acquire it. But I would countervail this predilection, by presenting to capital and labor motives for employment in other branches of industry. Nothing is more uncertain than the pursuit of agriculture, when we mainly rely upon foreign markets for the sale of its surplus produce. In the first place, it is impossible to determine, *a priori*, the amount of this surplus; and, in the second, it is equally impos-

sible to anticipate the extent of the foreign demand. Both the one and the other depend upon the seasons. From the fluctuations incident to these, and from other causes, it may happen that the supplying country will, for a long series of years, have employed a larger share of its capital and labor than is wise, in production, to supply the wants of the consuming countries, without becoming sensible of its defect of policy. The failure of a crop, or the failure of a market, does not discourage the cultivator. He renews his labors another year, and he renews his hopes. It is otherwise with manufacturing industry. The precise quantum of its produce, at least, can with some accuracy be previously estimated. And the wants of foreign countries can be with some probability anticipated.

I am sensible, Mr. Chairman, if I have even had a success, which I dare not presume, in the endeavor I have been making to show that sound policy requires a diversion of so much of the capital and labor of this country from other employments as may be necessary, by a different application of them, to secure, within ourselves, a steady and adequate supply of the great necessities of life, I shall have only established one half of what is incumbent upon me to prove. It will still be required by the other side, that a second proposition be supported, and that is, that government ought to present motives for such a diversion and new application of labor and capital, by that species of protection which the tariff holds out. Gentlemen say, we agree with you; you are right in your first proposition; but, 'let things alone,' and they will come right in the end. Now, I agree with them, that things would ultimately get right; but not until after a long period of disorder and distress, terminating in the impoverishment, and perhaps ruin, of the country. Dissolve government, reduce it to its primitive elements, and, without any general effort to reconstruct it, there would arise, out of the anarchy which would ensue, partial combinations for the purpose of individual protection, which would finally lead to a social form, competent to the conservation of peace within, and the repulsion of force from without. Yet no one would say, in such a state of anarchy, let things alone! If gentlemen, by their favorite maxim, mean only that, within the bosom of the state, things are to be left alone, and each individual, and each branch of industry, allowed to pursue their respective interests, without giving a preference to either, I subscribe to it. But if they give it a more comprehensive import; if they require that things be left alone, in respect not only to interior action, but to exterior action also; not only as regards the operation of our own government upon the mass of the interests of the state, but as it relates to the operation of foreign governments upon that mass, I dissent from it.

This maxim, in this enlarged sense, is indeed every where

proclaimed; but nowhere practiced. It is truth in the books of European political economists. It is error in the practical code of every European state. It is not applied where it is most applicable; it is attempted to be introduced here, where it is least applicable; and even here its friends propose to limit it to the single branch of manufacturing industry, whilst every other interest is encouraged and protected according to the policy of Europe. The maxim would best suit Europe, where each interest is adjusted and arranged to every other, by causes operating during many centuries. Every thing there has taken and preserved its ancient position. The house that was built centuries ago, is occupied by the descendants of its original constructor. If one could rise up, after the lapse of ages, and enter a European shop, he would see the same hammer at work, on the same anvil or last, and almost by the same hand. There every thing has found its place and its level, and every thing, one would think, might there be safely left alone. But the policy of the European states is otherwise. Here every thing is new and unfixed. Neither the state, nor the individuals who compose it, have settled down in their firm and permanent positions. There is a constant tendency, in consequence of the extent of our public domain, towards production for foreign markets. The maxim, in the comprehensive sense in which I am considering it, requires, to entitle it to observation, two conditions, neither of which exists. First, that there should be perpetual peace, and secondly, that the maxim should be every where respected. When war breaks out, that free and general circulation of the produce of industry among the nations which it recommends, is interrupted, and the nation that depends upon a foreign supply of its necessaries, must be subjected to the greatest inconvenience. If it be not every where observed, there will be, between the nation that does not, and the nation that does, conform to it, an inequality alike condemned by honor and by interest. If there be no reciprocity; if, on the one side, there is perfect freedom of trade, and on the other a code of odious restrictions; will gentlemen still contend that we are to submit to such an unprofitable and degrading intercourse? Will they require that we shall act upon the social system, whilst every other power acts upon the selfish? Will they demand of us to throw widely open our ports to every nation, whilst all other nations entirely or partly exclude theirs against our productions? It is, indeed, possible, that some pecuniary advantage might be enjoyed by our country in prosecuting the remnant of the trade which the contracted policy of other powers leaves to us. But what security is there for our continuing to enjoy even that? And is national honor, is national independence, to count as nothing? I will not enter into a detail of the restrictions with which we are every where presented in foreign countries. I will content myself with asserting that they

take nothing from us which they can produce themselves, upon even worse terms than we could supply them. Take, again, as an example, the English corn-laws. America presents the image of a fine, generous-hearted young fellow, who had just come to the possession of a rich estate — an estate, which, however, requires careful management. He makes nothing; he buys every thing. He is surrounded by a parcel of Jews, each holding out his hand with a packet of buttons or pins, or some other commodity, for sale. If he asks those Jews to buy any thing which his estate produces, they tell him no; it is not for our interest; it is not for yours. Take this new book, says one of them, on political economy, and you will there perceive it is for your interest to buy from us, and to let things alone in your own country. The gentleman from Virginia, to whom I have already referred, has surrendered the whole argument, in the example of the East India trade. He thinks that because India takes nothing but specie from us; because there is not a reciprocal exchange between us and India, of our respective productions, that the trade ought to be discontinued. Now I do not agree with him, that it ought to be abandoned, though I would put it under considerable restrictions, when it comes in competition with the fabrics of our own country. If the want of entire reciprocity be a sufficient ground for the total abandonment of a particular branch of trade, the same principle requires that, where there are some restrictions on the one side, they should be counter-vailed by equal restrictions on the other.

But this maxim, according to which gentlemen would have us abandon the home industry of the country, to the influence of the restrictive systems of other countries, without an effort to protect and preserve it, is not itself observed by the same gentlemen, in regard to the great interests of the nation. We protect our fisheries by bounties and drawbacks. We protect our tonnage, by excluding or restricting foreign tonnage, exactly as our tonnage is excluded or restricted by foreign states. We passed, a year or two ago, the bill to prohibit British navigation from the West India colonies of that power to the United States, because ours is shut out from them. The session prior to the passage of that law, the gentleman from South Carolina and I, almost alone, urged the house to pass it. But the subject was postponed until the next session, when it was passed by nearly a unanimous vote, the gentleman from South Carolina, and the two gentlemen from Virginia (Messrs. Barbour and Tyler) voting with the majority. We have now upon our table other bills connected with that object, and proposing restriction upon the French tonnage to countervail theirs upon ours. I shall, with pleasure, vote for these measures. We protect our foreign trade, by consuls, by foreign ministers, by embargoes, by non-intercourse, by a navy, by fortifications, by squadrons constantly acting abroad, by war, and by a variety of commercial regulations



in our statute-book. The whole system of the general government, from its first formation to the present time, consists, almost exclusively, in one unremitting endeavor to nourish, and protect, and defend the foreign trade.\* Why have not all these great interests been left to the operation of the gentlemen's favorite maxim? Sir, it is perfectly right that we should have afforded this protection. And it is perfectly right, in my humble opinion, that we should extend the principle to the home industry. I am a friend to foreign trade, but I protest against its being the monopolist of all the parental favor and care of this government.

But, sir, friendly as I am to the existence of domestic manufactures, I would not give to them unreasonable encouragement, by protecting duties. Their growth ought to be gradual, but sure. I believe all the circumstances of the present period highly favorable to their success. But they are the youngest and the weakest interest of the state. Agriculture wants but little or no protection against the regulations of foreign powers. The advantages of our position, and the cheapness, and abundance, and fertility of our land, afford to that greatest interest of the state almost all the protection it wants. As it should be, it is strong and flourishing, or, if it be not, at this moment, prosperous, it is not because its produce is not ample, but because, depending, as we do altogether, upon a foreign market for the sale of the surplus of that produce, the foreign market is glutted. Our foreign trade, having almost exclusively engrossed the protecting care of government, wants no further legislative aid. And, whatever depression it may now experience, it is attributable to causes beyond the control of this government. The abundance of capital, indicated by the avidity with which loans are sought, at the reduced rate of five per centum; the reduction in the wages of labor, and the decline in the price of property of every kind, as well as that of agricultural produce, all concur favorably for domestic manufactures. Now, as when we arranged the existing tariff, is the auspicious moment for government to step in and cheer and countenance them. We did too little then, and I endeavored to warn this house of the effects of inadequate protection. We were called upon, at that time, by the previous pledges we had given, by the inundation of foreign fabrics, which was to be anticipated from their free admission after the termination of the war, and by the lasting interests of this country, to give them efficient support. We did not do it; but let us not now repeat the error. Our great mistake has been in the irregularity of the action of the measures of this government upon manufacturing industry. At one period it is stimulated too high, and then, by an opposite course of policy, it is precipitated into a condition of depression too low. First there came the embargo; then non-intercourse, and other restrictive measures followed; and finally, that greatest of all stimuli to domestic fabrication, war

During all that long period, we were adding to the positive effect of the measures of government, all the moral encouragement which results from popular resolves, legislative resolves, and other manifestations of the public will and the public wish to foster our home manufactures, and to render our confederacy independent of foreign powers. The peace ensued, and the country was flooded with the fabrics of other countries; and we, forgetting all our promises, coolly and philosophically talk of leaving things to themselves; making up our deficiency of practical good sense, by the stores of learning which we collect from theoretical writers. I, too, sometimes amuse myself with the visions of these writers, (as I do with those of metaphysicians and novelists,) and, if I do not forget, one of the best among them enjoins it upon a country to protect its industry against the injurious influence of the prohibitions and restrictions of foreign countries, which operate upon it.

Monuments of the melancholy effects upon our manufactures, and of the fluctuating policy of the councils of the union in regard to them, abound in all parts of the country. Villages, and parts of villages, which sprang up but yesterday in the western country, under the excitement to which I have referred, have dwindled into decay, and are abandoned. In New England, in passing along the highway, one frequently sees large and spacious buildings, with the glass broken out of the windows, the shutters hanging in ruinous disorder, without any appearance of activity, and enveloped in solitary gloom. Upon inquiring what they are, you are almost always informed that they were some cotton or other factory, which their proprietors could no longer keep in motion against the overwhelming pressure of foreign competition. Gentlemen ask for *facts* to show the expediency and propriety of extending protection to our manufactures. Do they want stronger evidence than the condition of things I have pointed out? They ask, why the manufacturing industry is not resumed under the encouraging auspices of the present time? Sir, the answer is obvious; there is a general dismay; there is a want of heart; there is the greatest moral discouragement experienced throughout the nation. A man who engages in the manufacturing business is thought by his friends to be deranged. Who will go to the ruins of Carthage or Balbec to rebuild a city there? Let government commence a systematic but moderate support of this important branch of our industry. Let it announce its fixed purpose, that the protection of manufactures against the influence of the measures of foreign governments, will enter into the scope of our national policy. Let us substitute, for the irregular action of our measures, one that shall be steady and uniform; and hope, and animation, and activity, will again revive. The gentleman from South Carolina (Mr. Lowndes) offered a resolution, which the house rejected, having for its object to ascertain the profits now

made upon capital employed in manufacturing. It is not, I repeat it, the individuals, but the interests we wish to have protected. From the infinite variety of circumstances under which different manufacturing establishments are situated, it is impossible that any information, such as the gentleman desires, could be obtained, that ought to guide the judgment of this house. It may happen that, of two establishments engaged in the same species of fabrication, one will be prospering and the other laboring. Take the example of the Waltham manufactory near Boston, and that of Brunswick in Maine. The former has the advantage of a fine water situation, a manager of excellent information, enthusiastically devoted to its success, a machinist of most inventive genius, who is constantly making some new improvement, and who has carried the water loom to a degree of perfection which it has not attained in England — to such perfection as to reduce the cost of weaving a yard of cloth adapted to shirting to less than a cent — while it is abundantly supplied with capital by several rich capitalists in Boston. These gentlemen have the most extensive correspondence with all parts of the United States. Owing to this extraordinary combination of favorable circumstances, the Waltham establishment is doing pretty well; whilst that of Brunswick, not possessing all of them, but perhaps as many as would enable it, under adequate protection, to flourish, is laboring arduously. Will gentlemen infer, from the success of a few institutions having peculiar advantages, which form exceptions to the languishing condition of manufacturing industry, that there exists no necessity for protection? In the most discouraging state of trade and navigation, there are, no doubt, always some individuals who are successful in prosecuting them. Would it be fair to argue, from these instances, against any measure brought forward to revive their activity?

The gentleman from Massachusetts (Mr. Whitman) has manifested peculiar hostility to the tariff, and has allowed himself to denominate it a mad, quixotic, ruinous scheme. The gentleman is dissatisfied with the quarter — the west — from which it emanates. To give higher tone and more effect to the gentleman's declamation, which is vague and indefinite, he has even assumed a new place in this house. Sir, I would advise the gentleman to return to his ancient position, moral and physical. It was respectable and useful. The honorable gentleman professes to be a friend to manufacturers! And yet he has found an insurmountable constitutional impediment to their encouragement, of which, as no other gentleman has relied upon it, I shall leave him in the undisturbed possession. The honorable gentleman a friend to manufacturers! And yet he has delivered a speech, marked with peculiar emphasis, against their protection. The honorable gentleman a friend to manufacturers! And yet he requires, if this constitutional difficulty could be removed, such an arrangement of the tariff as shall please

him, although every one else should be dissatisfied. The intimation is not new of the presumptuousness of western politicians, in endeavoring to give to the policy of this country such a direction as will assert its honor and sustain its interests. It was first made whilst the measures preparatory to the late war were under consideration, and it now probably emanates from the same quarter. The predilection of the school of the Essex junto for foreign trade and British fabrics—I am far from insinuating that other gentlemen who are opposed to the tariff are actuated by any such spirit—is unconquerable. We disregarded the intimation when it was first made; we shall be uninfluenced by it now. If, indeed, there were the least color for the assertion, that the foreign trade is to be crushed by the tariff, is it not strange, that the whole of the representation from all our great commercial metropolises should unite to destroy it? The member from Boston,—to whose rational and disinterested course I am happy, on this, as on many other occasions, to be able to testify,—the representatives from the city of New York, from Philadelphia, from Baltimore, all entered into this confederacy, to destroy it, by supporting this mad and ruinous scheme. Some gentlemen assert that it is too comprehensive. But its chief recommendation to me is, that it leaves no important interest unprovided for.

The same gentlemen, or others, if it had been more limited, would have objected to its partial operation. The general measure of the protection which it communicates, is pronounced to be immoderate and enormous. Yet no one ventures to enter into a specification of the particular articles of which it is composed, to show that it deserves thus to be characterized. The article of molasses has, indeed, been selected, and held up as an instance of the alleged extravagance. The existing tariff imposes a duty of five cents, the proposed tariff ten cents per gallon. We tax foreign spirits very high, and yet we let in, with a very low duty, foreign molasses, which ought to be considered as rum in disguise, filling the space of so much domestic spirits. If (which I do not believe will immediately be the case, to any considerable extent) the manufacture of spirits from molasses, should somewhat decline under the new tariff, the manufacture of spirits from the raw material, produced at home, will be extended in the same ratio. Besides the incidental advantage of increasing our security against the effect of seasons of scarcity, by increasing the distillation of spirits from grain, there is scarcely any item in the tariff which combines so many interests in supporting the proposed rate of duty. The grain-growing country, the fruit country, and the culture of cane, would be all benefited by the duty. Its operation is said, however, to be injurious to a certain quarter of the union. It is not to be denied, that each particular section of the country will feel some one or more articles of the tariff to bear hard upon

it, during a short period; but the compensation is to be found in the more favorable operation of others. Now I am fully persuaded that, in the first instance, no part of the union would share more largely than New England, in the aggregate of the benefits resulting from the tariff. But the habits of economy of her people, their industry, their skill, their noble enterprise, the stimulating effects of their more rigorous climate, all tend to insure to her the first and the richest fruits of the tariff. The middle and the western states will come in afterwards for their portion, and all will participate in the advantage of internal exchanges and circulation. No quarter of the union will urge, with a worse grace than New England, objections to a measure, having for its object the advancement of the interests of the whole; for no quarter of the union participates more extensively in the benefits flowing from the general government. Her tonnage, her fisheries, her foreign trade, have been constantly objects of federal care. There is expended the greatest portion of the public revenue. The building of the public ships; their equipments; the expenses incident to their remaining in port, chiefly take place there. That great drain on the revenue, the revolutionary pension law, inclines principally towards New England. I do not, however, complain of these advantages which she enjoys. She is probably fairly entitled to them. But gentlemen from that quarter may, at least, be justly reminded of them, when they complain of the onerous effect of one or two items of the tariff.

Mr. Chairman, I frankly own that I feel great solicitude for the success of this bill. The entire independence of my country on all foreign states, as it respects a supply of our essential wants, has ever been with me a favorite object. The war of our revolution effected our political emancipation. The last war contributed greatly towards accomplishing our commercial freedom. But our complete independence will only be consummated after the policy of this bill shall be recognised and adopted. We have, indeed, great difficulties to contend with—old habits, colonial usages, the obduracy of the colonial spirit, the enormous profits of a foreign trade, prosecuted under favorable circumstances, which no longer continue. I will not despair; the cause, I verily believe, is the cause of the country. It may be postponed; it may be frustrated for the moment, but it must finally prevail. Let us endeavor to acquire for the present congress, the merit of having laid this solid foundation of the national prosperity. If, as I think, fatally for the public interest, the bill shall be defeated, what will be the character of the account which we shall have to render to our constituents upon our return among them? We shall be asked, what have you done to remedy the disorders of the public currency? Why, Mr. Secretary of the treasury made us a long report on that matter, containing much valuable information, and some

very good reasoning, but, upon the whole, we found that subject rather above our comprehension, and we concluded that it was wisest to let it regulate itself. What have you done to supply the deficit in the treasury? We thought that, although you are all endeavoring to get out of the banks, it was a very good time for us to go into them, and we have authorized a loan. You have done something then, certainly, on the subject of retrenchment. Here, at home, we are practicing the greatest economy, and our daughters, no longer able to wear calico gowns, are obliged to put on homespun. Why, we have saved, by the indefatigable exertions of a member from Tennessee (general Cocke), fifty thousand dollars, which were wanted for the Yellow Stone expedition. No, not quite so much; for thirty thousand dollars of that sum were still wanted, although we stopped the expedition at the Council Bluffs. And we have saved another sum, which we hope will give you great satisfaction. After nearly two days' debate, and a division between the two houses, we struck off two hundred dollars from the salary of the clerk of the attorney general. What have you done to protect home industry from the effects of the contracted policy of foreign powers? We thought it best, after much deliberation, to leave things alone at home and to continue our encouragement to foreign industry. Well, surely you have passed some law to reanimate and revive the hopes of the numerous bankrupts that have been made by the extraordinary circumstances of the world, and the ruinous tendency of our policy? No; the senate could not agree on that subject, and the bankrupt bill failed? Can we plead, sir, ignorance of the general distress, and of the ardent wishes of the community for that protection of its industry which this bill proposes? No, sir, almost daily, throughout the session, have we been receiving petitions, with which our table is now loaded, humbly imploring us to extend this protection. Unanimous resolutions from important state legislatures have called upon us to give it, and the people of whole states in mass—almost in mass, of New York, New Jersey, Pennsylvania, and Ohio—have transmitted to us their earnest and humble petitions to encourage the home industry. Let us not turn a deaf ear to them. Let us not disappoint their just expectations. Let us manifest, by the passage of this bill, that congress does not deserve the reproaches which have been cast on it, of insensibility to the wants and sufferings of the people.

## MISSION TO SOUTH AMERICA.

HOUSE OF REPRESENTATIVES, MAY 10, 1820.

[At this period of the session of the sixteenth congress, only five days before its close, after which he temporarily retired, in November following, by resigning as speaker, Mr. Clay had the gratification of witnessing the triumphant result of his oft-repeated efforts in the cause of South American independence. The resolution on the subject which he had offered on the third of April, was supported on this occasion by the following speech, and adopted by the house by a vote of eighty to seventy-five. It was understood that the measure was carried against the wishes and influence of the administration.]

The wisdom of the policy proposed and advocated by Mr. Clay, from 1818, or even an earlier period, until finally adopted by the congress of the United States, namely, in recognising the independence of the infant republics of South America, was proved by the course of the British government, in being the first of the great European powers to follow the example. In June, 1824, the cabinet of George the Fourth determined on the recognition of Mexico, Colombia, and Buenos Ayres, as independent states; and in 1826, that great statesman, Mr. CANNING, in a speech in the house of commons, alluding to the occupation of Spain by a French army, about that time, used the following memorable words: 'I admit that the entry of a French army into Spain was a disparagement to Great Britain. Do you think, that for the disparagement to England we have not been compensated? I looked, sir, at Spain by another name than Spain. I looked upon that power as '*Spain and the Indies.*' I looked at the *Indies*, and there I have called a new world into existence, and thus redressed the balance of power.' A comparison of dates will show how much the American statesman was in advance of the British minister, in 'calling this new world into existence.']

THE house being in committee of the whole, on the state of the union, and a motion being made to that effect, the committee resolved to proceed to the consideration of the following resolutions:

*Resolved*, That it is expedient to provide by law a suitable outfit and salary for such minister or ministers as the president, by and with the advice and consent of the senate, may send to any of the governments of South America, which have established, and are maintaining, their independence on Spain:

*Resolved*, That provision ought to be made for requesting the president of the United States to cause to be presented to the general, the most worthy and distinguished, in his opinion, in the service of any of the independent governments of South America, the sword which was given by the viceroy of Lima to captain Biddle of the Ontario, during her late cruise in the Pacific, and

which is now in the office of the department of state, with the expression of the wish of the congress of the United States, that it may be employed in the support and preservation of the liberties and independence of his country:

When Mr. Clay arose and said: It is my intention, Mr. Chairman, to withdraw the latter resolution. Since I offered it, this house (by the passage of the bill to prevent, under suitable penalties, in future, the acceptance of presents, forbidden by the constitution, to prohibit the carrying of foreigners in the public vessels, and to limit to the case of our own citizens, and to regulate, in that case, the transportation of money in them,) has, perhaps, sufficiently animadverted on the violation of the constitution, which produced that resolution. I confess, that when I heard of captain Biddle receiving from the deputy of a king the sword in question, I felt greatly mortified. I could not help contrasting his conduct with that of the surgeon on board an American man-of-war, in the bay of Naples, (I regret that I do not recollect his name, as I should like to record, with the testimony which I with pleasure bear to his high-minded conduct,) who, having performed an operation on one of the suite of the emperor of Austria, and being offered fifteen hundred pistoles or dollars for his skillful service, returned the purse, and said, that what he had done was in the cause of humanity, and that the constitution of his country forbade his acceptance of the proffered boon. There was not an American heart that did not swell with pride on hearing of his noble disinterestedness. It did appear to me, also, that the *time* of captain Biddle's interposition was unfortunate to produce an agreement between the viceroy of Lima and Chili, to exchange their respective prisoners, however desirable the accomplishment of such a humane object might be. The viceroy had constantly refused to consent to any such exchange. And it is an incontestable fact, that the barbarities which have characterized the civil war in Spanish America have uniformly originated with the royalists. After the memorable battle of Maipu, decisive of the independence of Chili, and fatal to the arms of the viceroy, this interposition, if I am not mistaken, took place. The transportation of money, upon freight, from the port of Callao to that of Rio Janeiro, for royalists, appeared to me also highly improper. If we wish to preserve, un sullied, the illustrious character, which our navy justly sustains, we should repress the very first instances of irregularity. But I am willing to believe that captain Biddle's conduct has been inadvertent. He is a gallant officer, and belongs to a respectable and patriotic family. His errors, I am persuaded, will not be repeated by him or imitated by others. And I trust that there is no man more unwilling than I am, unnecessarily to press reprehension. It is thought, moreover, by some, that the president might feel an embarrassment in executing the duty required of him by the resolution, which it was far from my purpose to cause him. I withdraw it.



There is no connection intended, or in fact, between that resolution and the one I now propose briefly to discuss. The proposition, to recognise the independent governments of South America, offers a subject of as great importance as any which could claim the deliberate consideration of this house.

Mr. Clay then went on to say, that it appeared to him the object of this government, heretofore, had been, so to manage its affairs, in regard to South America, as to produce an effect on its existing negotiations with the parent country. The house were now apprized, by the message from the president, that this policy had totally failed; it had failed, because our country would not dishonor itself by surrendering one of the most important rights incidental to sovereignty. Although we had observed a course toward the patriots, as Mr. Gallatin said, in his communication read yesterday, greatly exceeding in rigor the course pursued towards them either by France or England; although, also, as was remarked by the secretary of state, we had observed a neutrality so strict that blood had been spilt in enforcing it; still, Spanish honor was not satisfied, and fresh sacrifices were demanded of us. If they were resisted in form, they were substantially yielded by our course as to South America. We will not stipulate with Spain not to recognise the independence of the south; but we nevertheless grant her all she demands.

Mr. Clay said, it had been his intention to have gone into a general view of the course of policy which has characterized the general government; but on account of the lateness of the session, and the desire for an early adjournment, he should waive, for that purpose, and, in the observations he had to make, confine himself pretty much to events subsequent to the period at which he had submitted to the house a proposition having nearly the same object as this.

After the return of our commissioners from South America; after they had all agreed in attesting the fact of independent sovereignty being exercised by the government of Buenos Ayres; the whole nation looked forward to the recognition of the independence of that country, as the policy which the government ought to pursue. He appealed to every member to say, whether there was not a general opinion, in case the report of that mission should turn out as it did, that the recognition of the independence of that government would follow, as a matter of course. The surprise at a different course being pursued by the executive at the last session, was proportionably great. On this subject, so strong was the message of the president at the commencement of the present session, that some of the presses took it for granted, that the recognition would follow of course, and a paper in this neighborhood has said that there was, in regard to that question, a race of popularity between the president of the United States and the humble

individual who now addressed the house. Yet, faithless Ferdinand refuses to ratify his own treaty, on the pretext of violations of our neutrality; but, in fact, because we will not basely surrender an important attribute of sovereignty. Two years ago, he said, would, in his opinion, have been the proper time for recognising the independence of the south. Then the struggle was somewhat doubtful, and a kind office on the part of this government would have had a salutary effect. Since that period, what had occurred? Any thing to prevent a recognition of their independence, or to make it less expedient? No; every occurrence tended to prove the capacity of that country to maintain its independence. He then successively adverted to the battles of Maipú, and Bojaca, their great brilliancy, and their important consequences. Adverting to the union of Venezuela and New Grenada in one republic, he said one of their first acts was, to appoint one of their most distinguished citizens, the vice president Zea, a minister to this country. There was a time, he said, when impressions are made on individuals and nations, by kindness towards them, which lasts for ever, when they are surrounded with enemies, and embarrassments present themselves. Ages and ages may pass away, said he, before we forget the help we received in our day of peril, from the hands of France. Her injustice, the tyranny of her despot, may alienate us for a time; but, the moment it ceases, we relapse into a good feeling towards her. Do you mean to wait, said he, until these republics are recognised by the whole world, and then step in and extend your hand to them, when it can no longer be withheld? If we are to believe general Vives, we have gone about among foreign powers, and consulted with lord Castlereagh and count Nesselrode, to seek some aid in recognising the independence of these powers. What! after the president has told us that the recognition of the independence of nations is an incontestable right of sovereignty, shall we lag behind till the European powers think proper to advance? The president has assigned, as a reason for abstaining from the recognition, that the congress of Aix-la-Chapelle might take offence at it. So far from such an usurped interference being a reason for stopping, he would have exerted the right the sooner for it. But, the congress of Aix-la-Chapelle had refused to interfere, and on that point the president was mistaken. Spain, it was true, had gone about begging the nations of Europe not to interfere in behalf of the South Americans; but the wishes of the whole unbiassed world must be in their favor. And while we had gone on, passing neutrality bill after neutrality bill, and bills to punish piracy — with respect to unquestioned piracy, no one was more in favor of punishing it than he; but he had no idea of imputing piracy to men fighting under the flag of a people at war for independence — whilst we pursued this course, even in advance of the legitimates of Europe, what, he asked, had been

the course of England herself on this head? Here he quoted a few passages from the work of Abbé de Pradt, recently translated by one of our citizens, which, he said, though the author was not very popular among crowned heads, no man could read without being enlightened and instructed. These passages dwelt on the importance of the commerce of South America, when freed from its present restraints, and so forth. What would I give, exclaimed he, could we appreciate the advantages which may be realized by pursuing the course which I propose! It is in our power to create a system of which we shall be the centre, and in which all South America will act with us. In respect to commerce, we shall be most benefited; this country would become the place of deposit of the commerce of the world. Our citizens engaged in foreign trade at present were disheartened by the condition of that trade; they must take new channels for it, and none so advantageous could be found, as those which the trade with South America would afford. Mr. Clay took a prospective view of the growth of wealth, and increase of population of this country and South America. That country had now a population of upwards of eighteen millions. The same activity in the principle of population would exist in that country as here. Twenty-five years hence it might be estimated at thirty-six millions; fifty years hence, at seventy-two millions. We now have a population of ten millions. From the character of our population, we must always take the lead in the prosecution of commerce and manufactures. Imagine the vast power of the two countries, and the value of the intercourse between them, when we shall have a population of forty millions, and they of seventy millions! In relation to South America, the people of the United States will occupy the same position as the people of New England do to the rest of the United States. Our enterprise, industry, and habits of economy, will give us the advantage in any competition which South America may sustain with us, and so forth.

But, however important our early recognition of the independence of the south might be to us, as respects our commercial and manufacturing interests, was there not another view of the subject, infinitely more gratifying? We should become the centre of a system which would constitute the rallying point of human freedom against all the despotism of the old world. Did any man doubt the feelings of the south towards us? In spite of our coldness towards them, of the rigor of our laws, and the conduct of our officers, their hearts still turned towards us, as to their brethren; and he had no earthly doubt, if our government would take the lead and recognise them, they would become yet more anxious to imitate our institutions, and to secure to themselves and to their posterity the same freedom which we enjoy.

On a subject of this sort, he asked, was it possible we could be

content to remain, as we now were, looking anxiously to Europe, watching the eyes of lord Castlereagh, and getting scraps of letters doubtfully indicative of his wishes; and sending to the czar of Russia and getting another scrap from count Nesselrode? Why not proceed to act on our own responsibility, and recognise these governments as independent, instead of taking the lead of the holy alliance in a course which jeopardizes the happiness of unborn millions. He deprecated this deference for foreign powers. If lord Castlereagh says we may recognise, we do; if not, we do not. A single expression of the British minister to the present secretary of state, then our minister abroad, he was ashamed to say, had moulded the policy of our government towards South America. Our institutions now make us free; but how long shall we continue so, if we mould our opinions on those of Europe? Let us break these commercial and political fetters; let us no longer watch the nod of any European politician; let us become real and true Americans, and place ourselves at the head of the American system.

Gentlemen all said, they were all anxious to see the independence of the South established. If sympathy for them was enough, the patriots would have reason to be satisfied with the abundant expressions of it. But something more was wanting. Some gentlemen had intimated, that the people of the south were unfit for freedom. Will gentlemen contend, said Mr. Clay, because those people are not like us in all particulars, they are therefore unfit for freedom? In some particulars, he ventured to say, that the people of South America were in advance of us. On the point which had been so much discussed on this floor, during the present session, they were greatly in advance of us. Grenada, Venezuela, and Buenos Ayres, had all emancipated their slaves. He did not say that we ought to do so, or that they ought to have done so, under different circumstances; but he rejoiced that the circumstances were such as to permit them to do it.

Two questions only, he argued, were necessarily preliminary to the recognition of the independence of the people of the south, first, as to the fact of their independence; and, secondly, as to the capacity for self-government. On the first point, not a doubt existed. On the second, there was every evidence in their favor. They had fostered schools with great care, there were more newspapers in the single town of Buenos Ayres (at the time he was speaking) than in the whole kingdom of Spain. He never saw a question discussed with more ability than that in a newspaper of Buenos Ayres, whether a federative or consolidated form of government was best.

But, though every argument in favor of the recognition should be admitted to be just, it would be said, that another revolution had occurred in Spain, and we ought, therefore, to delay. On the

contrary, said he, every consideration recommended us to act now. If Spain succeeded in establishing her freedom, the colonies must also be free. The first desire of a government itself free, must be to give liberty to its dependencies. On the other hand, if Spain should not succeed in gaining her freedom, no man can doubt that Spain, in her reduced state, would no longer have power to carry on the contest. So many millions of men could not be subjugated by the enervated arm and exhausted means of aged Spain. In ten years of war, the most unimportant province of South America had not been subdued by all the wealth and the resources of Spain. The certainty of the successful resistance of the attempts of Spain to reduce them, would be found in the great extent of the provinces of South America — of larger extent than all the empire of Russia. The relation of the colonies and mother country could not exist, from the nature of things, under whatever aspect the government of Spain might assume. The condition of Spain was no reason for neglecting now to do what we ought to have done long ago. Every thing, on the contrary, tended to prove that this, this was the accepted time.

With regard to the form of his proposition, all he wanted was, to obtain an expression of the opinion of the house on this subject; and whether a minister should be authorized to one or the other of these governments, or whether he should be of one grade or of another, he cared not. This republic, with the exception of the people of South America, constituted the sole depository of political and religious freedom; and can it be possible, said he, that we can remain passive spectators of the struggle of those people to break the same chains which once bound us? The opinions of the friends of freedom in Europe is, that our policy has been cold, heartless, and indifferent, towards the greatest cause which could possibly engage our affections and enlist our feelings in its behalf.

Mr. Clay concluded by saying that, whatever might be the decision of this house on this question, proposing shortly to go into retirement from public life, he should there have the consolation of knowing that he had used *his* best exertions in favor of a people inhabiting a territory calculated to contain as many souls as the whole of christendom besides, whose happiness was at stake, and which it was in the power of this government to do so much towards securing.

## ON THE GREEK REVOLUTION.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 20, 1824.

[THE house being in committee of the whole, on the resolution offered by Mr Webster, of Massachusetts, in the words following:

*Resolved*, That provision ought to be made by law, for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the president shall deem it expedient to make such appointment:

Mr. Clay addressed the committee in the following speech in support of the resolution, in which it will be seen he was true to the principles which he had so often vindicated when the independence of South America was under consideration. Notwithstanding the combined efforts of Mr. Clay and Mr. Webster, the resolution was not sustained by a majority of the house, although there is no doubt that the measure proposed was in accordance with public opinion, in the sympathies then felt for the cause of the Greeks.]

In rising, let me state distinctly the substance of the original proposition of the gentleman from Massachusetts (Mr. Webster), with that of the amendment of the gentleman from South Carolina (Mr. Poinsett). The resolution proposes a provision of the means to defray the expense of deputing a commissioner or agent to Greece, *whenever* the president, who knows, or ought to know, the disposition of all the European powers, Turkish or Christian, shall deem it proper. The amendment goes to withhold any appropriation to that object, but to make a public declaration of our sympathy with the Greeks, and of our good wishes for the success of their cause. And how has this simple, unpretending, unambitious, this harmless proposition, been treated in debate? It has been argued as if it offered aid to the Greeks; as if it proposed the recognition of the independence of their government; as a source of unjustifiable interference in the internal affairs of a foreign state, and, finally, as war. And they who thus argue the question, whilst they absolutely surrender themselves to the illusions of their own fervid imaginations, and depict, in glowing terms, the monstrous and alarming consequences which are to spring out of a proposition so simple, impute to us, who are its humble advocates, quixotism, quixotism! Whilst they are taking the most extravagant and boundless range, and arguing any thing and every thing but the question before the committee, they accuse us of enthusiasm, of giving the reins to excited feeling, of being

transported by our imaginations. No, sir, the resolution is no proposition for aid, nor for recognition, nor for interference, nor for war.

I know that there are some who object to the resolution on account of the source from which it has sprung—who except to its mover, as if its value or importance were to be estimated by personal considerations. I have long had the pleasure of knowing the honorable gentleman from Massachusetts, and sometimes that of acting with him; and I have much satisfaction in expressing my high admiration of his great talents. But I would appeal to my republican friends, those faithful sentinels of civil liberty with whom I have ever acted, shall we reject a proposition, consonant to our principles, favoring the good and great cause, on account of the political character of its mover? Shall we not rather look to the intrinsic merits of the measure, and seek every fit occasion to strengthen and perpetuate liberal principles and noble sentiments? If it were possible for republicans to cease to be the champions of human freedom, and if federalists become its only supporters, I would cease to be a republican; I would become a federalist. The preservation of the public confidence can only be secured, or merited, by a faithful adherence to the principles by which it has been acquired.

Mr. Chairman, is it not extraordinary that for these two successive years the president of the United States should have been freely indulged, not only without censure, but with universal applause, to express the feelings which both the resolution and the amendment proclaim, and yet, if this house venture to unite with him, the most awful consequences are to ensue? From Maine to Georgia, from the Atlantic ocean to the Gulf of Mexico, the sentiment of approbation has blazed with the rapidity of electricity. Every where the interest in the Grecian cause is felt with the deepest intensity, expressed in every form, and increases with every new day and passing hour. And are the representatives of the people alone to be insulated from the common moral atmosphere of the whole land? Shall we shut ourselves up in apathy, and separate ourselves from our country, from our constituents, from our chief magistrate, from our principles?

The measure has been most unreasonably magnified. Gentlemen speak of the watchful jealousy of the Turk, and seem to think the slightest movement of this body will be matter of serious speculation at Constantinople. I believe that neither the sublime porte, nor the European allies, attach any such exaggerated importance to the acts and deliberations of this body. The Turk will, in all probability, never hear of the names of the gentlemen who either espouse or oppose the resolution. It certainly is not without a value; but that value is altogether moral; it throws our little tribute into the vast stream of public opinion, which sooner or later must

regulate the physical action upon the great interests of the civilized world. But, rely upon it, the Ottoman is not about to declare war against us because this unoffending proposition has been offered by my honorable friend from Massachusetts, whose name, however distinguished and eminent he may be in our own country, has probably never reached the ears of the sublime porte. The allied powers are not going to be thrown into a state of consternation, because we appropriate some two or three thousand dollars to send an agent to Greece.

The question has been argued as if the Greeks would be exposed to still more shocking enormities by its passage; as if the Turkish cimeter would be rendered still keener, and dyed deeper and yet deeper in christian blood. Sir, if such is to be the effect of the declaration of our sympathy, the evil has been already produced. That declaration has been already publicly and solemnly made by the chief magistrate of the United States, in two distinct messages. It is this document which commands at home and abroad the most fixed and universal attention; which is translated into all the foreign journals; read by sovereigns and their ministers; and, possibly, in the divan itself. But our resolutions are domestic, for home consumption, and rarely, if ever, meet imperial or royal eyes. The president, in his messages, after a most touching representation of the feelings excited by the Greek insurrection, tells you that the dominion of the Turk is gone for ever; and that the most sanguine hope is entertained that Greece will achieve her independence. Well, sir, if this be the fact, if the allied powers themselves may, possibly, before we again assemble in this hall, acknowledge that independence, is it not fit and becoming in this house to make provision that our president shall be among the foremost, or at least not among the last, in that acknowledgment? So far from this resolution being likely to whet the vengeance of the Turk against his Grecian victims, I believe its tendency will be directly the reverse. Sir, with all his unlimited power, and in all the elevation of his despotic throne, he is at last but man, made as we are, of flesh, of muscle, of bone and sinew. He is susceptible of pain, and can feel, and has felt the uncalculating valor of American freemen in some of his dominions. And when he is made to understand that the executive of this government is sustained by the representatives of the people; that our entire political fabric, base, column, and entablature, rulers and people, with heart, soul, mind, and strength, are all on the side of the gallant people whom he would crush, he will be more likely to restrain than to increase his atrocities upon suffering and bleeding Greece.

The gentleman from New Hampshire (Mr. Bartlett) has made, on this occasion, a very ingenious, sensible, and ironical speech—an admirable *debut* for a new member, and such as I hope we shall often have repeated on this floor. But, permit me to advise my



young friend to remember the maxim, 'that sufficient unto the day is the evil thereof;' and when the resolution\* on another subject, which I had the honor to submit, shall come up to be discussed, I hope he will not content himself with saying, as he has now done, that it is a very extraordinary one; but that he will then favor the house with an argumentative speech, proving that it is our duty quietly to see laid prostrate every fortress of human hope, and to behold, with indifference, the last outwork of liberty taken and destroyed.

It has been said, that the proposed measure will be a departure from our uniform policy with respect to foreign nations; that it will provoke the wrath of the holy alliance; and that it will, in effect, be a repetition of their own offence, by an unjustifiable interposition in the domestic concerns of other powers. No, sir, not even if it authorized, which it does not, an immediate recognition of Grecian independence. What has been the settled and steady policy and practice of this government, from the days of Washington to the present moment? In the case of France, the father of his country and his successors received Genet, Fouchet, and all the French ministers who followed them, whether sent from king, convention, anarchy, emperor, or king again. The rule we have ever followed has been this; to look at the state of the fact, and to recognise that government, be it what it might, which was in actual possession of sovereign power. When one government is overthrown, and another is established on its ruins, without embarrassing ourselves with any of the principles involved in the contest, we have ever acknowledged the new and actual government as soon as it had undisputed existence. Our simple inquiry has been, is there a government *de facto*? We have had a recent and memorable example. When the allied ministers retired from Madrid, and refused to accompany Ferdinand to Cadiz, ours remained, and we sent out a new minister, who sought at that port to present himself to the constitutional king. Why? Because it was the government of Spain, in fact. Did the allies declare war against us for the exercise of this incontestable attribute of sovereignty? Did they even transmit any diplomatic note, complaining of our conduct? The line of our European policy has been so plainly described, that it is impossible to mistake it. We are to abstain from all interference in their disputes, to take no part in their contests, to make no entangling alliances with any of them; but to assert and exercise our indisputable right of opening and maintaining diplomatic intercourse with any actual sovereignty.

There is reason to apprehend, that a tremendous storm is ready to burst upon our happy country; one which may call into action

\* The resolution, offered by Mr. Clay, declaring that the United States would not see with indifference any interference of the holy alliance in behalf of Spain against the new American republics.

all our vigor, courage, and resources. Is it wise or prudent, in preparing to breast the storm, if it must come, to talk to this nation of its incompetency to repel European aggression; to lower its spirit, to weaken its moral energy, and to qualify it for easy conquest and base submission? If there be any reality in the dangers which are supposed to encompass us, should we not animate the people, and adjure them to believe, as I do, that our resources are ample; and that we can bring into the field a million of freemen, ready to exhaust their last drop of blood, and to spend the last cent in the defence of the country, its liberty, and its institutions? Sir, are these, if united, to be conquered by all Europe combined? All the perils to which we can possibly be exposed, are much less in reality, than the imagination is disposed to paint them. And they are best averted by an habitual contemplation of them, by reducing them to their true dimensions. If combined Europe is to precipitate itself upon us, we cannot too soon begin to invigorate our strength, to teach our heads to think, our hearts to conceive, and our arms to execute, the high and noble deeds which belong to the character and glory of our country. The experience of the world instructs us, that conquests are already achieved, which are boldly and firmly resolved on; and that men only become slaves who have ceased to resolve to be free. If we wish to cover ourselves with the best of all armor, let us not discourage our people, let us stimulate their ardor, let us sustain their resolution, let us proclaim to them that we feel as they feel, and that, with them, we are determined to live or die like freemen.

Surely, sir, we need no long or learned lectures about the nature of government, and the influence of property or ranks on society. We may content ourselves with studying the true character of our own people; and with knowing that the interests are confided to us of a nation capable of doing and suffering all things for its liberty. Such a nation, if its rulers be faithful, must be invincible. I well remember an observation made to me by the most illustrious female\* of the age, if not of her sex. All history showed, she said, that a nation was never conquered. No, sir, no united nation, that resolves to be free, can be conquered. And has it come to this? Are we so humbled, so low, so debased, that we dare not express our sympathy for suffering Greece; that we dare not articulate our detestation of the brutal excesses of which she has been the bleeding victim, lest we might offend some one or more of their imperial and royal majesties? If gentlemen are afraid to act rashly on such a subject, suppose, Mr. Chairman, that we unite in an humble petition, addressed to their majesties, beseeching them, that of their gracious condescension, they would allow us to express our feelings and our sympathies. How shall it run? 'We, the

\* Madame de Staël.

representatives of the *free* people of the United States of America, humbly approach the thrones of your imperial and royal majesties, and supplicate that, of your imperial and royal clemency —' I cannot go through the disgusting recital; my lips have not yet learned to pronounce the sycophantic language of a degraded slave! Are we so mean, so base, so despicable, that we may not attempt to express our horror, utter our indignation, at the most brutal and atrocious war that ever stained earth or shocked high heaven? at the ferocious deeds of a savage and infuriated soldiery, stimulated and urged on by the clergy of a fanatical and inimical religion, and rioting in all the excesses of blood and butchery, at the mere details of which the heart sickens and recoils?

If the great body of christendom can look on calmly and coolly, whilst all this is perpetrated on a christian people, in its own immediate vicinity, in its very presence, let us at least evince, that one of its remote extremities is susceptible of sensibility to christian wrongs, and capable of sympathy for christian sufferings; that in this remote quarter of the world, there are hearts not yet closed against compassion for human woes, that can pour out their indignant feelings at the oppression of a people endeared to us by every ancient recollection, and every modern tie. Sir, attempts have been made to alarm the committee, by the dangers to our commerce in the Mediterranean; and a wretched invoice of figs and opium has been spread before us to repress our sensibilities and to eradicate our humanity. Ah! sir, 'what shall it profit a man if he gain the whole world and lose his own soul,' or what shall it avail a nation to save the whole of a miserable trade, and lose its liberties?

On the subject of the other independent American states, hitherto it has not been necessary to depart from the rule of our foreign relations, observed in regard to Europe. Whether it will become us to do so or not, will be considered when we take up another resolution, lying on the table. But we may not only adopt this measure; we may go further; we may recognise the government in the Morea, if actually independent, and it will be neither war, nor cause of war, nor any violation of our neutrality. Besides, sir, what is Greece to the allies? A part of the dominions of any of them? By no means. Suppose the people in one of the Phillippine isles, or any other spot still more insulated and remote, in Asia or Africa, were to resist their former rulers, and set up and establish a new government, are we not to recognise them, in dread of the holy allies? If they are going to interfere, from the danger of the contagion of the example, here is the spot, our own favored land, where they must strike. *This* government, you, Mr. Chairman, and the body over which you preside, are the living and cutting reproach to allied despotism. If we are to offend them, it is not by passing this resolution. We are daily and hourly givirg

them cause of war. It is *here*, and in our free institutions, that they will assail us. They will attack us because you sit beneath that canopy, and we are freely debating and deliberating upon the great interests of freemen, and dispensing the blessings of free government. They will strike, because we pass one of those bills on your table. The passage of the least of them, by our free authority, is more galling to despotic powers, than would be the adoption of this so much dreaded resolution. Pass it, and what do you do? You exercise an indisputable attribute of sovereignty, for which you are responsible to none of them. You do the same when you perform any other legislative function; no less. If the allies object to this measure, let them forbid us to take a vote in this house; let them strip us of every attribute of independent government; let them disperse us.

Will gentlemen attempt to maintain that, on the principles of the law of nations, those allies would have *cause* of war? If there be any principle which has been settled for ages, any which is founded in the very nature of things, it is that every independent state has the clear right to judge of the *fact* of the existence of other sovereign powers. I admit that there may be a state of inchoate initiative sovereignty, in which a new government, just struggling into being, cannot be said yet perfectly to exist. But the premature recognition of such new government can give offence justly to no other than its ancient sovereign. The right of recognition comprehends the right to be informed; and the means of information must, of necessity, depend upon the sound discretion of the party seeking it. You may send out a commission of inquiry, and charge it with a provident attention to your own people and your own interests. Such will be the character of the proposed agency. It will not necessarily follow, that any public functionary will be appointed by the president. You merely grant the means by which the executive may act when *he* thinks proper. What does he tell you in his message? That Greece is contending for her independence; that all sympathize with her; and that no power has declared against her. Pass this resolution, and what is the reply which it conveys to him? 'You have sent us grateful intelligence; we feel warmly for Greece, and we grant you money, that, when you shall think it proper, when the interests of this nation shall not be jeoparded, you may depute a commissioner or public agent to Greece.' The whole responsibility is then left where the constitution puts it. A member in his place may make a speech or proposition, the house may even pass a vote, in respect to our foreign affairs, which the president, with the whole field lying full before him, would not deem it expedient to effectuate.

But, sir, it is not for Greece alone that I desire to see this measure adopted. It will give to her but little support, and that purely of a moral kind. It is principally for America, for the credit and

character of our common country, for our own unsullied name, that I hope to see it pass. Mr. Chairman, what appearance on the page of history would a record like this exhibit? 'In the month of January, in the year of our Lord and Saviour, 1824, while all European christendom beheld, with cold and unfeeling indifference, the unexampled wrongs and inexpressible misery of christian Greece, a proposition was made in the congress of the United States, almost the sole, the last, the greatest depository of human hope and human freedom, the representatives of a gallant nation, containing a million of freemen ready to fly to arms, while the people of that nation were spontaneously expressing its deep-toned feeling, and the whole continent, by one simultaneous emotion, was rising, and solemnly and anxiously supplicating and invoking high heaven to spare and succor Greece, and to invigorate her arms in her glorious cause, whilst temples and senate houses were alike resounding with one burst of generous and holy sympathy; in the year of our Lord and Saviour, that Saviour of Greece and of us; a proposition was offered in the American congress to send a messenger to Greece, to inquire into her state and condition, with a kind expression of our good wishes and our sympathies — and it was rejected! Go home, if you can; go home, if you dare, to your constituents, and tell them that you voted it down; meet, if you can, the appalling countenances of those who sent you here, and tell them that you shrank from the declaration of your own sentiments; that you cannot tell how, but that some unknown dread, some indescribable apprehension, some indefinable danger, drove you from your purpose; that the spectres of cimeters, and crowns, and crescents, gleamed before you and alarmed you; and that you suppressed all the noble feelings prompted by religion, by liberty, by national independence, and by humanity. I cannot bring myself to believe, that such will be the feeling of a majority of the committee. But, for myself, though every friend of the cause should desert it, and I be left to stand alone with the gentleman from Massachusetts, I will give to his resolution the poor sanction of my unqualified approbation.

## ON AMERICAN INDUSTRY.

IN THE HOUSE OF REPRESENTATIVES, MARCH 30 AND 31, 1824.

[THE tariff of 1824, as it passed both houses of congress and became a law, was avowedly adopted as a measure to protect American industry. The bill was reported by the committee on manufactures, of which Mr Tod of Pennsylvania was chairman. While under discussion in committee of the whole, Mr. Clay (speaker) made the following elaborate argument in support of an AMERICAN SYSTEM for the protection of American industry. On this occasion he met and replied to the ablest opponents of the system, which at that time included Mr. Webster. The latter subsequently changed his opinion and became a supporter of protection.]

THE gentleman from Virginia (Mr. Barbour) has embraced the occasion produced by the proposition of the gentleman from Tennessee to strike out the minimum price in the bill on cotton fabrics, to express his sentiments at large on the policy of the pending measure; and it is scarcely necessary for me to say that he has evinced his usual good temper, ability, and decorum. The parts of the bill are so intermingled and interwoven together, that there can be no doubt of the fitness of this occasion to exhibit its merits or its defects. It is my intention, with the permission of the committee, to avail myself also of this opportunity, to present to its consideration those general views, as they appear to me, of the true policy of this country, which imperiously demand the passage of this bill. I am deeply sensible, Mr. Chairman, of the high responsibility of my present situation. But that responsibility inspires me with no other apprehension than that I shall be unable to fulfil my duty; with no other solicitude than that I may, at least, in some small degree, contribute to recall my country from the pursuit of a fatal policy, which appears to me inevitably to lead to its impoverishment and ruin. I do feel most awfully this responsibility. And, if it were allowable for us, at the present day, to imitate ancient examples, I would invoke the aid of the Most High. I would anxiously and fervently implore His divine assistance; that He would be graciously pleased to shower on my country His richest blessings; and that He would sustain, on this interesting occasion, the humble individual who stands before Him, and lend him the power, moral and physical, to perform the solemn duties which now belong to his public station.

Two classes of politicians divide the people of the United States. According to the system of one, the produce of foreign industry should be subjected to no other impost than such as may be necessary to provide a public revenue; and the produce of American industry should be left to sustain itself, if it can, with no other than that incidental protection, in its competition, at home as well as abroad, with rival foreign articles. According to the system of the other class, whilst they agree that the imposts should be mainly, and may under any modification be safely, relied on as a fit and convenient source of public revenue, they would so adjust and arrange the duties on foreign fabrics as to afford a gradual but adequate protection to American industry, and lessen our dependence on foreign nations, by securing a certain and ultimately a cheaper and better supply of our own wants from our own abundant resources. Both classes are equally sincere in their respective opinions, equally honest, equally patriotic, and desirous of advancing the prosperity of the country. In the discussion and consideration of these opposite opinions, for the purpose of ascertaining which has the support of truth and reason, we should, therefore, exercise every indulgence, and the greatest spirit of mutual moderation and forbearance. And, in our deliberations on this great question, we should look fearlessly and truly at the actual condition of the country, retrace the causes which have brought us into it, and snatch, if possible, a view of the future. We should, above all, consult experience — the experience of other nations, as well as our own — as our truest and most unerring guide.

In casting our eyes around us, the most prominent circumstance which fixes our attention, and challenges our deepest regret, is the general distress which pervades the whole country. It is forced upon us by numerous facts of the most incontestable character. It is indicated by the diminished exports of native produce; by the depressed and reduced state of our foreign navigation; by our diminished commerce; by successive unthrashed crops of grain, perishing in our barns and barn-yards for the want of a market; by the alarming diminution of the circulating medium; by the numerous bankruptcies, not limited to the trading classes, but extending to all orders of society; by a universal complaint of the want of employment, and a consequent reduction of the wages of labor; by the ravenous pursuit after public situations, not for the sake of their honors and the performance of their public duties, but as a means of private subsistence; by the reluctant resort to the perilous use of paper money; by the intervention of legislation in the delicate relation between debtor and creditor; and, above all, by the low and depressed state of the value of almost every description of the whole mass of the property of the nation, which has, on an average, sunk not less than about fifty per centum within a few years. This distress pervades every part of the union, every

class of society ; all feel it, though it may be felt, at different places, in different degrees. It is like the atmosphere which surrounds us — all must inhale it, and none can escape it. In some places it has burst upon our people, without a single mitigating circumstance to temper its severity. In others, more fortunate, slight alleviations have been experienced in the expenditure of the public revenue, and in other favoring causes. A few years ago, the planting interest consoled itself with its happy exemptions, but it has now reached this interest also, which experiences, though with less severity, the general suffering. It is most painful to me to attempt to sketch or to dwell on the gloom of this picture. But I have exaggerated nothing. Perfect fidelity to the original would have authorized me to have thrown on deeper and darker hues. And it is the duty of the statesman, no less than that of the physician, to survey, with a penetrating, steady, and undismayed eye, the actual condition of the subject on which he would operate ; to probe to the bottom the diseases of the body politic, if he would apply efficacious remedies. We have not, thank God, suffered in any great degree for food. But distress, resulting from the absence of a supply of the mere physical wants of our nature, is not the only nor perhaps the keenest distress, to which we may be exposed. Moral and pecuniary suffering is, if possible, more poignant. It plunges its victim into hopeless despair. It poisons, it paralyzes, the spring and source of all useful exertion. Its unsparing action is collateral as well as direct. It falls with inexorable force at the same time upon the wretched family of embarrassment and insolvency, and upon its head. They are a faithful mirror, reflecting back upon him, at once, his own frightful image, and that, no less appalling, of the dearest objects of his affection. What is the cause of this wide-spreading distress, of this deep depression, which we behold stamped on the public countenance ? We are the same people. We have the same country. We cannot arraign the bounty of Providence. The showers still fall in the same grateful abundance. The sun still casts his genial and vivifying influence upon the land ; and the land, fertile and diversified in its soils as ever, yields to the industrious cultivator, in boundless profusion, its accustomed fruits, its richest treasures. Our vigor is unimpaired. Our industry has not relaxed. If ever the accusation of wasteful extravagance could be made against our people, it cannot now be justly preferred. They, on the contrary, for the few last years, at least, have been practicing the most rigid economy. The causes, then, of our present affliction, whatever they may be, are human causes, and human causes not chargeable upon the people, in their private and individual relations.

What, again I would ask, is the cause of the unhappy condition of our country, which I have faintly depicted ? It is to be found in the fact that, during almost the whole existence of this govern-



ment, we have shaped our industry, our navigation, and our commerce, in reference to an extraordinary war in Europe, and to foreign markets, which no longer exist; in the fact, that we have depended too much upon foreign sources of supply, and excited too little the native; in the fact that, whilst we have cultivated, with assiduous care, our foreign resources, we have suffered those at home to wither, in a state of neglect and abandonment. The consequence of the termination of the war of Europe has been, the resumption of European commerce, European navigation, and the extension of European agriculture and European industry, in all its branches. Europe, therefore, has no longer occasion, to any thing like the same extent as that she had during her wars, for American commerce, American navigation, the produce of American industry. Europe, in commotion, and convulsed throughout all her members, is to America no longer the same Europe as she is now, tranquil, and watching with the most vigilant attention all her own peculiar interests, without regard to the operation of her policy upon us. The effect of this altered state of Europe upon us has been, to circumscribe the employment of our marine, and greatly to reduce the value of the produce of our territorial labor. The further effect of this twofold reduction has been, to decrease the value of all property, whether on the land or on the ocean and which I suppose to be about fifty per centum. And the still further effect has been, to diminish the amount of our circulating medium, in a proportion not less, by its transmission abroad, or its withdrawal by the banking institutions, from a necessity which they could not control. The quantity of money, in whatever form it may be, which a nation wants, is in proportion to the total mass of its wealth, and to the activity of that wealth. A nation that has but little wealth, has but a limited want of money. In stating the fact, therefore, that the total wealth of the country has diminished, within a few years, in a ratio of about fifty per centum, we shall, at once, fully comprehend the inevitable reduction which must have ensued, in the total quantity of the circulating medium of the country. A nation is most prosperous when there is a gradual and untempting addition to the aggregate of its circulating medium. It is in a condition the most adverse, when there is a rapid diminution in the quantity of the circulating medium, and a consequent depression in the value of property. In the former case, the wealth of individuals insensibly increases, and income keeps ahead of expenditure. But in the latter instance, debts have been contracted, engagements made, and habits of expense established, in reference to the existing state of wealth and of its representative. When these come to be greatly reduced, individuals find their debts still existing, their engagements unexecuted, and their habits inveterate. They see themselves in the possession of the same property, on which, in good faith, they had bound themselves. But that prop-

erty, without their fault, possesses no longer the same value; and hence discontent, impoverishment, and ruin, arise. Let us suppose, Mr. Chairman, that Europe was again the theatre of such a general war as recently raged throughout all her dominions — such a state of the war as existed in her greatest exertions and in our greatest prosperity; instantly there would arise a greedy demand for the surplus produce of our industry, for our commerce, for our navigation. The languor which now prevails in our cities, and in our sea-ports, would give way to an animated activity. Our roads and rivers would be crowded with the produce of the interior. Every where we should witness excited industry. The precious metals would reflow from abroad upon us. Banks, which have maintained their credit, would revive their business; and new banks would be established to take the place of those which have sunk beneath the general pressure. For it is a mistake to suppose that they have produced our present adversity; they may have somewhat aggravated it, but they were the effect and the evidence of our prosperity. Prices would again get up; the former value of property would be restored. And those embarrassed persons who have not been already overwhelmed by the times, would suddenly find, in the augmented value of their property, and the renewal of their business, ample means to extricate themselves from all their difficulties. The greatest want of civilized society is, a market for the sale and exchange of the surplus of the produce of the labor of its members. This market may exist at home or abroad, or both; but it must exist somewhere, if society prospers; and, wherever it does exist, it should be competent to the absorption of the entire surplus of production. It is most desirable that there should be both a home and a foreign market. But, with respect to their relative superiority, I cannot entertain a doubt. The home market is first in order, and paramount in importance. The object of the bill under consideration, is, to create this home market, and to lay the foundations of a genuine American policy. It is opposed; and it is incumbent upon the partizans of the foreign policy (terms which I shall use without any invidious intent), to demonstrate that the foreign market is an adequate vent for the surplus produce of our labor. But is it so? First, foreign nations cannot, if they would, take our surplus produce. If the source of supply, no matter of what, increases in a greater ratio than the demand for that supply, a glut of the market is inevitable, even if we suppose both to remain perfectly unobstructed. The duplication of our population takes place in terms of about twenty-five years. The term will be more and more extended as our numbers multiply. But it will be a sufficient approximation to assume this ratio for the present. We increase, therefore, in population, at the rate of about four per centum per annum. Supposing the increase of our production to be in the same ratio, we should, every succeeding

year, have of surplus produce, four per centum more than that of the preceding year, without taking into the account the differences of seasons which neutralize each other. If, therefore, we are to rely upon the foreign market exclusively, foreign consumption ought to be shown to be increasing in the same ratio of four per centum per annum, if it be an adequate vent for our surplus produce. But, as I have supposed the measure of our increasing production to be furnished by that of our increasing population, so the measure of their power of consumption must be determined by that of the increase of their population. Now, the total foreign population, who consume our surplus produce, upon an average, do not double their aggregate number in a shorter term than that of about one hundred years. Our powers of production increase then, in a ratio four times greater than their powers of consumption. And hence their utter inability to receive from us our surplus produce.

But, secondly, if they could, they will not. The policy of all Europe is adverse to the reception of our agricultural produce, so far as it comes into collision with its own; and under that limitation we are absolutely forbid to enter their ports, except under circumstances which deprive them of all value as a steady market. The policy of all Europe rejects those great staples of our country, which consist of objects of human subsistence. The policy of all Europe refuses to receive from us any thing but those raw materials of smaller value, essential to their manufactures, to which they can give a higher value, with the exception of tobacco and rice, which they cannot produce. Even Great Britain, to which we are its best customer, and from which we receive nearly one half in value of our whole imports, will not take from us articles of subsistence produced in our country cheaper than can be produced in Great Britain. In adopting this exclusive policy, the states of Europe do not inquire what is best for us, but what suits themselves respectively; they do not take jurisdiction of the question of our interests, but limit the object of their legislation to that of the conservation of their own peculiar interests, leaving us free to prosecute ours as we please. They do not guide themselves by that romantic philanthropy, which we see displayed here, and which invokes us to continue to purchase the produce of foreign industry, without regard to the state or prosperity of our own, that foreigners may be pleased to purchase the few remaining articles of ours, which their restricted policy has not yet absolutely excluded from their consumption. What sort of a figure would a member of the British parliament have made, what sort of a reception would his opposition have obtained, if he had remonstrated against the passage of the corn-law, by which British consumption is limited to the bread-stuffs of British production, to the entire exclusion of American, and stated, that America could not and

would not buy British manufactures, if Britain did not buy American flour?

Both the inability and the policy of foreign powers, then, forbid us to rely upon the foreign market, as being an adequate vent for the surplus produce of American labor. Now let us see if this general reasoning is not fortified and confirmed by the actual experience of this country. If the foreign market may be safely relied upon, as furnishing an adequate demand for our surplus produce, then the official documents will show a progressive increase, from year to year, in the exports of our native produce, in a proportion equal to that which I have suggested. If, on the contrary, we shall find from them that, for a long term of past years, some of our most valuable staples have retrograded, some remained stationary, and others advanced but little, if any, in amount, with the exception of cotton, the deductions of reason and the lessons of experience will alike command us to withdraw our confidence in the competency of the foreign market. The total amount of all our exports of domestic produce for the year, beginning in 1795, and ending on the thirtieth September, 1796, was forty millions seven hundred and sixty-four thousand and ninety-seven. Estimating the increase according to the ratio of the increase of our population, that is, at four per centum per annum, the amount of the exports of the same produce, in the year ending on the thirtieth of September last, ought to have been eighty-five millions four hundred and twenty thousand eight hundred and sixty-one. It was in fact, only forty-seven millions one hundred and fifty-five thousand four hundred and eight. Taking the average of five years, from 1803 to 1807, inclusive, the amount of native produce exported, was forty-three millions two hundred and two thousand seven hundred and fifty-one for each of those years. Estimating what it ought to have been, during the last year, applying the principle suggested to that amount, there should have been exported seventy-seven millions seven hundred and sixty-six thousand seven hundred and fifty-one, instead of forty-seven millions one hundred and fifty-five thousand four hundred and eight. If these comparative amounts of the aggregate actual exports, and what they ought to have been, be discouraging, we shall find, on descending into particulars, still less cause of satisfaction. The export of tobacco in 1791, was one hundred and twelve thousand four hundred and twenty-eight hogsheads. That was the year of the largest exportation of that article; but it is the only instance in which I have selected the maximum of exportation. The amount of what we ought to have exported last year, estimated according to the scale of increase which I have used, is two hundred and sixty-six thousand three hundred and thirty-two hogsheads. The actual export was ninety-nine thousand and nine hogsheads. We exported, in 1803, the quantity of one million three hundred and

eleven thousand eight hundred and fifty-three barrels of flour and ought to have exported last year, two millions three hundred and sixty-one thousand three hundred and thirty-three barrels. We, in fact, exported only seven hundred and fifty-six thousand seven hundred and two barrels. Of that quantity, we sent to South America one hundred and fifty thousand barrels, according to a statement furnished me by the diligence of a friend near me, (Mr. Poinsett,) to whose valuable mass of accurate information, in regard to that interesting quarter of the world, I have had occasion frequently to apply. But that demand is temporary, growing out of the existing state of war. Whenever peace is restored to it, and I now hope, that the day is not distant when its independence will be generally acknowledged, there cannot be a doubt that it will supply its own consumption. In all parts of it, the soil, either from climate or from elevation, is well adapted to the culture of wheat; and no where can better wheat be produced, than in some portions of Mexico and Chili. Still the market of South America, is one which, on other accounts, deserves the greatest consideration. And I congratulate you, the committee, and the country, on the recent adoption of a more auspicious policy towards it.

We exported, in 1803, Indian corn to the amount of two millions seventy-four thousand six hundred and eight bushels. The quantity should have been, in 1823, three millions seven hundred and thirty-four thousand two hundred and eighty-eight bushels. The actual quantity exported, was seven hundred and forty-nine thousand and thirty-four bushels, or about one fifth of what it should have been, and a little more than one third of what it was more than twenty years ago. We ought not, then, to be surprised at the extreme depression of the price of that article, of which I have heard my honorable friend (Mr. Bassett) complain, nor of the distress of the corn-growing districts adjacent to the Chesapeake Bay. We exported seventy-seven thousand nine hundred and thirty-four barrels of beef in 1803, and last year but sixty-one thousand four hundred and eighteen, instead of one hundred and forty thousand two hundred and seventy-four barrels. In the same year (1803) we exported ninety-six thousand six hundred and two barrels of pork, and last year fifty-five thousand five hundred and twenty-nine, instead of one hundred and seventy-three thousand eight hundred and eighty-two barrels. Rice has not advanced, by any means, in the proportion which it ought to have done. All the small articles, such as cheese, butter, candles, and so forth, too minute to detail, but important in their aggregate, have also materially diminished. Cotton alone has advanced. But, whilst the quantity of it is augmented, its actual value is considerably diminished. The total quantity last year, exceeded that of the preceding year, by nearly thirty millions of pounds. And yet the total value of the year of smaller exportation, exceeded

that of the last year by upwards of three and a half millions of dollars. If this article, the capacity of our country to produce which was scarcely known in 1790, were subtracted from the mass of our exports, the value of the residue would only be a little upwards of twenty-seven millions during the last year. The distribution of the articles of our exports throughout the United States, cannot fail to fix the attention of the committee. Of the forty-seven millions one hundred and fifty-five thousand four hundred and eight, to which they amounted last year, three articles alone, (cotton, rice, and tobacco,) composed together twenty-eight millions five hundred and forty-nine thousand one hundred and seventy-seven. Now these articles are chiefly produced to the south. And if we estimate that portion of our population who are actually engaged in their culture, it would probably not exceed two millions. Thus, then, less than one fifth of the whole population of the United States produced upwards of one half, nearly two thirds, of the entire value of the exports of the last year.

Is this foreign market, so incompetent at present, and which, limited as its demands are, operates so unequally upon the productive labor of our country, likely to improve in future? If I am correct in the views which I have presented to the committee, it must become worse and worse. What can improve it? Europe will not abandon her own agriculture to foster ours. We may even anticipate that she will more and more enter into competition with us in the supply of the West India market. That of South America, for articles of subsistence, will probably soon vanish. The *value* of our exports, for the future, may remain at about what it was last year. But, if we do not create some new market; if we persevere in the existing pursuits of agriculture, the inevitable consequence must be, to augment greatly the quantity of our produce, and to lessen its value in the foreign market. Can there be a doubt on this point? Take the article of cotton, for example, which is almost the only article that now remunerates labor and capital. A certain description of labor is powerfully attracted towards the cotton-growing country. The cultivation will be greatly extended, the aggregate amount annually produced, will be vastly augmented. The price will fall. The more unfavorable soils will then be gradually abandoned. And I have no doubt that, in a few years, it will cease to be profitably produced, any where north of the thirty-fourth degree of latitude. But, in the mean time, large numbers of the cotton-growers will suffer the greatest distress. And whilst this distress is brought upon our own country, foreign industry will be stimulated by the very cause which occasions our distress. For, by surcharging the markets abroad, the price of the raw material being reduced, the manufacturer will be able to supply cotton fabrics cheaper; and the consumption, in his own country, and in foreign nations, other than ours, (where the *value* of the import must be

limited to the value of the export, which I have supposed to remain the same,) being proportionally extended, there will be, consequently, an increased demand for the produce of *his* industry.

Our agricultural is our greatest interest. It ought ever to be predominant. All others should bend to it. And, in considering what is for its advantage, we should contemplate it in all its varieties, of planting, farming, and grazing. Can we do nothing to invigorate it; nothing to correct the errors of the past, and to brighten the still more unpromising prospects which lie before us? We have seen, I think, the causes of the distresses of the country. We have seen, that an exclusive dependence upon the foreign market must lead to still severer distress, to impoverishment, to ruin. We must then change somewhat our course. We must give a new direction to some portion of our industry. We must speedily adopt a genuine American policy. Still cherishing the foreign market, let us create also a home market, to give further scope to the consumption of the produce of American industry. Let us counteract the policy of foreigners, and withdraw the support which we now give to their industry, and stimulate that of our own country. It should be a prominent object with wise legislators, to multiply the vocations and extend the business of society, as far as it can be done, by the protection of our interests at home, against the injurious effects of foreign legislation. Suppose we were a nation of fishermen, or of skippers, to the exclusion of every other occupation, and the legislature had the power to introduce the pursuits of agriculture and manufactures, would not our happiness be promoted by an exertion of its authority? All the existing employments of society — the learned professions — commerce — agriculture — are now overflowing. We stand in each other's way. Hence the want of employment. Hence the eager pursuit after public stations, which I have before glanced at. I have been again and again shocked, during this session, by instances of solicitation for places, before the vacancies existed. The pulse of incumbents who happen to be taken ill, is not marked with more anxiety by the attending physicians, than by those who desire to succeed them, though with very opposite feelings. Our old friend, the faithful sentinel, who has stood so long at our door, and the gallantry of whose patriotism deserves to be noticed, because it was displayed when that virtue was most rare and most wanted, on a memorable occasion in this unfortunate city, became indisposed some weeks ago. The first intelligence which I had of his dangerous illness, was by an application for his unvacated place. I hastened to assure myself of the extent of his danger, and was happy to find that the eagerness of succession outstripped the progress of disease. By creating a new and extensive business, then, we should not only give employment to those who want it, and augment the sum of national wealth, by all that this new business would create, but we

should meliorate the condition of those who are now engaged in existing employments. In Europe, particularly in Great Britain, their large standing armies, large navies, large even on their peace arrangement, their established church, afford to their population employments, which, in that respect, the happier constitution of our government does not tolerate but in a very limited degree. The peace establishments of our army and our navy, are extremely small, and I hope ever will be. We have no established church, and I trust never shall have. In proportion as the enterprise of our citizens in public employments is circumscribed, should we excite and invigorate it in private pursuits.

The creation of a home market is not only necessary to procure for our agriculture a just reward of its labors, but it is indispensable to obtain a supply of our necessary wants. If we cannot sell, we cannot buy. That portion of our population, (and we have seen that it is not less than four fifths,) which makes comparatively nothing that foreigners will buy, has nothing to make purchases with from foreigners. It is in vain that we are told of the amount of our exports supplied by the planting interest. They may enable the planting interest to supply all its wants: but they bring no ability to the interests not planting; unless, which cannot be pretended, the planting interest was an adequate vent for the surplus produce of the labor of all other interests. It is in vain to tantalize us with the greater cheapness of foreign fabrics. There must be an ability to purchase, if an article be obtained, whatever may be the price, high or low, at which it is sold. And a cheap article is as much beyond the grasp of him who has no means to buy, as a high one. Even if it were true that the American manufacturer would supply consumption at dearer rates, it is better to have his fabrics than the unattainable foreign fabrics; because it is better to be ill supplied than not supplied at all. A coarse coat, which will communicate warmth and cover nakedness, is better than no coat. The superiority of the home market results, first, from its steadiness and comparative certainty at all times; secondly, from the creation of reciprocal interest; thirdly, from its greater security; and, lastly, from an ultimate and not distant augmentation of consumption, (and consequently of comfort,) from increased quantity and reduced prices. But this home market, highly desirable as it is, can only be created and cherished by the PROTECTION of our own legislation against the inevitable prostration of our industry, which must ensue from the action of FOREIGN policy and legislation. The effect and the value of this domestic care of our own interests will be obvious from a few facts and considerations. Let us suppose that half a million of persons are now employed abroad in fabricating, for our consumption, those articles, of which, by the operation of this bill, a supply is intended to be provided within ourselves. That half a million of persons are, in effect, subsisted by us; but their actual



means of subsistence are drawn from foreign agriculture. If we could transport them to this country, and incorporate them in the mass of our own population, there would instantly arise a demand for an amount of provisions equal to that which would be requisite for their subsistence throughout the whole year. That demand, in the article of flour alone, would not be less than the quantity of about nine hundred thousand barrels, besides a proportionate quantity of beef, and pork, and other articles of subsistence. But nine hundred thousand barrels of flour exceeded the entire quantity exported last year, by nearly one hundred and fifty thousand barrels. What activity would not this give, what cheerfulness would it not communicate, to our now dispirited farming interest! But if, instead of these five hundred thousand artisans emigrating from abroad, we give by this bill employment to an equal number of our own citizens, now engaged in unprofitable agriculture, or idle, from the want of business, the beneficial effect upon the productions of our farming labor would be nearly doubled. The quantity would be diminished by a subtraction of the produce from the labor of all those who should be diverted from its pursuits to manufacturing industry, and the value of the residue would be enhanced, both by that diminution and the creation of the home market, to the extent supposed. And the honorable gentleman from Virginia may repress any apprehensions which he entertains, that the plough will be abandoned, and our fields remain unsown. For, under all the modifications of social industry, if you will secure to it a just reward, the greater attractions of agriculture will give to it that proud superiority which it has always maintained. If we suppose no actual abandonment of farming, but, what is most likely, a gradual and imperceptible employment of population in the business of manufacturing, instead of being compelled to resort to agriculture, the salutary effect would be nearly the same. Is any part of our common country likely to be injured by a transfer of the theatre of fabrication, for our own consumption, from Europe to America? All that those parts, if any there be, which will not, nor cannot engage in manufactures, should require, is, that their consumption should be well supplied; and if the objects of that consumption are produced in other parts of the union, that can manufacture, far from having on that account any just cause of complaint, their patriotism will and ought to inculcate a cheerful acquiescence in what essentially contributes, *and* is indispensably *necessary*, to the prosperity of the common family.

The great desideratum in political economy is the same as in private pursuits; that is, what is the best application of the aggregate industry of a nation, that can be made honestly to produce the largest sum of national wealth? Labor is the source of all wealth; but it is not natural labor only. And the fundamental error of the gentleman from Virginia, and of the school to which he belongs,

in deducing, from our sparse population, our unfitness for the introduction of the arts, consists in their not sufficiently weighing the importance of the power of machinery. In former times, when but little comparative use was made of machinery, manual labor, and the price of wages, were circumstances of the greatest consideration. But it is far otherwise in these latter times. Such are the improvements and the perfection of machinery, that, in analysing the compound value of many fabrics, the element of natural labor is so inconsiderable as almost to escape detection. This truth is demonstrated by many facts. Formerly, Asia, in consequence of the density of her population, and the consequent lowness of wages, laid Europe under tribute for many of her fabrics. Now Europe reacts upon Asia, and Great Britain, in particular, throws back upon her countless millions of people, the rich treasures produced by artificial labor, to a vast amount, infinitely cheaper than they can be manufactured by the natural exertions of that portion of the globe. But Britain is herself the most striking illustration of the immense power of machinery. Upon what other principle can you account for the enormous wealth which she has accumulated, and which she annually produces? A statistical writer of that country, several years ago, estimated the total amount of the artificial or machine labor of the nation, to be equal to that of one hundred millions of able-bodied laborers. Subsequent estimates of her artificial labor, at the present day, carry it to the enormous height of two hundred millions. But the population of the three kingdoms is twenty-one millions five hundred thousand. Supposing that, to furnish able-bodied labor to the amount of four millions, the natural labor will be but two per centum of the artificial labor. In the production of wealth she operates, therefore, by a power (including the whole population) of two hundred and twenty-one millions five hundred thousand; or, in other words, by a power eleven times greater than the total of her natural power. If we suppose the machine labor of the United States to be equal to that of ten millions of able-bodied men, the United States will operate, in the creation of wealth, by a power (including all their population) of twenty millions. In the creation of wealth, therefore, the power of Great Britain, compared to that of the United States, is as eleven to one. That these views are not imaginary, will be, I think, evinced, by contrasting the wealth, the revenue, the power, of the two countries. Upon what other hypothesis can we explain those almost incredible exertions which Britain made during the late wars of Europe? Look at her immense subsidies! Behold her standing, unaided and alone, and breasting the storm of Napoleon's colossal power, when all continental Europe owned and yielded to its irresistible sway; and finally, contemplate her vigorous prosecution of the war, with and without allies, to its splendid termination, on the ever-memorable field of Waterloo.

The British works which the gentleman from Virginia has quoted, portray a state of the most wonderful prosperity, in regard to wealth and resources, that ever was before contemplated. Let us look a little into the semi-official pamphlet, written with great force, clearness, and ability, and the valuable work of Lowe, to both of which that gentleman has referred. The revenue of the united kingdom amounted, during the latter years of the war, to seventy millions of pounds sterling; and one year it rose to the astonishing height of ninety millions sterling, equal to four hundred millions of dollars. This was actual revenue, made up of real contributions, from the purses of the people. After the close of the war, ministers slowly and reluctantly reduced the military and naval establishments, and accommodated them to a state of peace. The pride of power, every where the same, always unwillingly surrenders any of those circumstances, which display its pomp and exhibit its greatness. Contemporaneous with this reduction, Britain was enabled to lighten some of the heaviest burdens of taxation, and particularly that most onerous of all, the *income tax*. In this lowered state, the revenue of peace, gradually rising from the momentary depression incident to a transition from war, attained, in 1822, the vast amount of fifty-five millions sterling, upwards of two hundred and forty millions of dollars, and more than eleven times that of the United States for the same year; thus indicating the difference, which I have suggested, in the respective productive powers of the two countries. The excise alone (collected under twenty-five different heads) amounted to twenty-eight millions, more than one half of the total revenue of the kingdom. This great revenue allows Great Britain to constitute an efficient sinking fund of five millions sterling, being an excess of actual income beyond expenditure, and amounting to more than the entire revenue of the United States.

If we look at the commerce of England, we shall perceive that its prosperous condition no less denotes the immensity of her riches. The average of three years' exports, ending in 1789, was between thirteen and fourteen millions. The average for the same term, ending in 1822, was forty millions sterling. The average of the imports for three years, ending in 1789, was seventeen millions. The average for the same term, ending in 1822, was thirty-six millions, showing a favorable balance of four millions. Thus, in a period not longer than that which has elapsed since the establishment of our constitution, have the exports of that kingdom been trippled; and this has mainly been the effect of the power of machinery. The total amount of the commerce of Great Britain is greater since the peace, by one fourth, than it was during the war. The average of her tonnage, during the most flourishing period of the war, was two millions four hundred thousand tons. Its average, during the three years, 1819, 1820, and 1821, was two

millions six hundred thousand; exhibiting an increase of two hundred thousand tons. If we glance at some of the more prominent articles of her manufactures, we shall be assisted in comprehending the true nature of the sources of her riches. The amount of cotton fabrics exported, in the most prosperous year of the war, was eighteen millions sterling. In the year 1820, it was sixteen millions six hundred thousand; in 1821, twenty millions five hundred thousand; in 1822, twenty-one millions six hundred and thirty-nine thousand pounds sterling; presenting the astonishing increase in two years of upwards of five millions. The total amount of imports in Great Britain, from all foreign parts, of the article of cotton wool, is five millions sterling. After supplying most abundantly the consumption of cotton fabrics within the country, (and a people better fed and clad and housed, are not to be found under the sun than the British nation,) by means of her industry, she gives to this cotton wool a new value, which enables her to sell to foreign nations to the amount of twenty-one millions six hundred and thirty-nine thousand pounds, making a clear profit of upwards of sixteen millions five hundred thousand pounds sterling! In 1821, the value of the export of woollen manufactures was four millions three hundred thousand pounds. In 1822, it was five millions five hundred thousand pounds. The success of her restrictive policy is strikingly illustrated in the article of silk. In the manufacture of that article she labors under great disadvantages, besides that of not producing the raw material. She has subdued them all, and the increase of the manufacture has been most rapid. Although she is still unable to maintain, in foreign countries, a successful competition with the silks of France, of India, and of Italy, and therefore exports but little, she gives to the two millions of the raw material which she imports, in various forms, a value of ten millions, which chiefly enter into British consumption. Let us suppose that she was dependent upon foreign nations for these ten millions, what an injurious effect would it not have upon her commercial relations with them? The average of the exports of British manufactures, during the peace, exceeds the average of the most productive years of the war. The amount of her wealth annually produced, is three hundred and fifty millions sterling; bearing a large proportion to all of her preëxisting wealth. The agricultural portion of it is said, by the gentleman from Virginia, to be greater than that created by any other branch of her industry. But that flows mainly from a policy similar to that proposed by this bill. One third only of her population is engaged in agriculture; the other two thirds furnishing a market for the produce of that third. Withdraw this market, and what becomes of her agriculture? The power and the wealth of Great Britain cannot be more strikingly illustrated than by a comparison of her population and revenue with those of other countries and with our

own. [Here Mr. Clay exhibited the following table, made out from authentic materials.]

|                                                                                                                      | Population. | Taxes & public burdens. | Taxation. per capita. |
|----------------------------------------------------------------------------------------------------------------------|-------------|-------------------------|-----------------------|
| Russia in Europe,                                                                                                    | 37,000,000  | £18,000,000             | £0 9 9                |
| France, including Corsica,                                                                                           | 30,700,000  | 37,000,000              | 1 4 0                 |
| Great Britain, exclusive of Ireland, (the taxes computed according to the value of money on the European continent.) | 14,500,000  | 40,000,000              | 2 15 0                |
| Great Britain and Ireland collectively,                                                                              | 21,500,000  | 44,000,000              | 2 0 0                 |
| England alone,                                                                                                       | 11,600,000  | 36,000,000              | 3 2 0                 |
| Spain,                                                                                                               | 11,000,000  | 6,000,000               | 0 11 0                |
| Ireland,                                                                                                             | 7,000,000   | 4,000,000               | 0 11 0                |
| The United States of America,                                                                                        | 10,000,000  | 4,500,000               | 0 9 0                 |

From this exhibit we must remark, that the wealth of Great Britain, and consequently her power, is greater than that of any of the other nations with which it is compared. The amount of the contributions which she draws from the pockets of her subjects, is not referred to for imitation, but as indicative of their wealth. The burden of taxation is always relative to the ability of the subjects of it. A poor nation can pay but little. And the heavier taxes of British subjects, for example, in consequence of their greater wealth, may be more easily borne than the much lighter taxes of Spanish subjects, in consequence of their extreme poverty. The object of wise governments should be, by sound legislation, so to protect the industry of their own citizens against the policy of foreign powers, as to give to it the most expansive force in the production of wealth. Great Britain has ever acted, and still acts, on this policy. She has pushed her protection of British interest, further than any other nation has fostered its industry. The result is, greater wealth among her subjects, and consequently greater ability to pay their public burdens. If their taxation is estimated by their *natural* labor alone, nominally it is greater than the taxation of the subjects of any other power. But, if on a scale of their national and artificial labor, compounded, it is less than the taxation of any other people. Estimating it on that scale, and assuming the aggregate of the natural and artificial labor of the united kingdom to be what I have already stated, two hundred and twenty-one millions five hundred thousand, the actual taxes paid by a British subject, are only about three and seven-pence sterling. Estimating our own taxes, on a similar scale—that is, supposing both descriptions of labor to be equal to that of twenty millions of able-bodied persons—the amount of tax paid by each soul in the United States is four shillings and six-pence sterling.

The committee will observe, from that table, that the measure of the wealth of a nation is indicated by the measure of its protection of its industry; and that the measure of the poverty of a nation is marked by that of the degree in which it neglects and

abandons the care of its own industry, leaving it exposed to the action of foreign powers. Great Britain protects most her industry, and the wealth of Great Britain, is consequently the greatest. France is next in the degree of protection, and France is next in the order of wealth. Spain most neglects the duty of protecting the industry of her subjects, and Spain is one of the poorest of European nations. Unfortunate Ireland, disinherited or rendered in her industry subservient to England, is exactly in the same state of poverty with Spain, measured by the rule of taxation. And the United States are still poorer than either.

The views of British prosperity, which I have endeavored to present, show that her protecting policy is adapted alike to a state of war and of peace. Self-poised, resting upon her own internal resources, possessing a home market, carefully cherished and guarded, she is ever prepared for any emergency. We have seen her coming out of a war of incalculable exertion, and of great duration, with her power unbroken, her means undiminished. We have seen, that almost every revolving year of peace has brought along with it an increase of her manufactures, of her commerce, and, consequently, of her navigation. We have seen, that, constructing her prosperity upon the solid foundation of her own protecting policy, it is unaffected by the vicissitudes of other states. What is our own condition? Depending upon the state of foreign powers, confiding exclusively in a foreign, to the culpable neglect of a domestic policy, our interests are affected by all their movements. Their wars, their misfortunes, are the only source of our prosperity. In their peace, and our peace, we behold our condition the reverse of that of Great Britain, and all our interests stationary or declining. Peace brings to us none of the blessings of peace. Our system is anomalous; alike unfitted to general tranquillity, and to a state of war or peace, on the part of our own country. It can succeed only in the rare occurrence of a general state of war throughout Europe. I am no eulogist of England. I am far from recommending her systems of taxation. I have adverted to them only as manifesting her extraordinary ability. The political and foreign interests of that nation may have been, as I believe them to have been, often badly managed. Had she abstained from the wars into which she has been plunged by her ambition, or the mistaken policy of her ministers, the prosperity of England would, unquestionably, have been much greater. But it may happen that the public liberty, and the foreign relations of a nation, have been badly provided for, and yet that its political economy has been wisely managed. The alacrity or sullenness with which a people pay taxes, depends upon their wealth or poverty. If the system of their rulers leads to their impoverishment, they can contribute but little to the necessities of the state; if to their wealth, they cheerfully and promptly pay the burdens imposed on them. Enormous

as British taxation appears to be, in comparison with that of other nations, but really lighter, as it in fact is, when we consider its great wealth, and its powers of production, that vast amount is collected with the most astonishing regularity. [Here Mr. Clay read certain passages from Holt, showing that, in 1822, there was not a solitary prosecution arising out of the collection of the assessed taxes, which are there considered among the most burdensome, and that the prosecution for violations of the excise laws, in all its numerous branches, were sensibly and progressively decreasing.]

Having called the attention of the committee to the present adverse state of our country, and endeavored to point out the causes which have led to it; having shown that similar causes, wherever they exist in other countries, lead to the same adversity in their condition; and having shown that, wherever we find opposite causes prevailing, a high and animating state of national prosperity exists, the committee will agree with me in thinking that it is the solemn duty of government to apply a remedy to the evils which afflict our country, if it can apply one. Is there no remedy within the reach of the government? Are we doomed to behold our industry languish and decay, yet more and more? But there is a remedy, and that remedy consists in modifying our foreign policy, and in adopting a genuine AMERICAN SYSTEM. We must naturalize the arts in our country; and we must naturalize them by the only means which the wisdom of nations has yet discovered to be effectual; by adequate protection against the otherwise overwhelming influence of foreigners. This is only to be accomplished by the establishment of a tariff, to the consideration of which I am now brought.

And what is this tariff? It seems to have been regarded as a sort of monster, huge and deformed — a wild beast, endowed with tremendous powers of destruction, about to be let loose among our people, if not to devour them, at least to consume their substance. But let us calm our passions, and deliberately survey this alarming, this terrific being. The sole object of the tariff is to tax the produce of foreign industry, with the view of promoting American industry. The tax is exclusively levelled at foreign industry. That is the avowed and the direct purpose of the tariff. If it subjects any part of American industry to burdens, that is an effect not intended, but is altogether incidental, and perfectly voluntary.

It has been treated as an imposition of burdens upon one part of the community by design, for the benefit of another; as if, in fact, money were taken from the pockets of one portion of the people and put into the pockets of another. But is that a fair representation of it? No man pays the duty assessed on the foreign article by compulsion, but voluntarily; and this voluntary duty, if paid, goes into the common exchequer, for the common

benefit of all. Consumption has four objects of choice. First, it may abstain from the use of the foreign article, and thus avoid the payment of the tax. Second, it may employ the rival American fabric. Third, it may engage in the business of manufacturing, which this bill is designed to foster. Fourth, or it may supply itself from the household manufactures. But it is said, by the honorable gentleman from Virginia, that the south, owing to the character of a certain portion of its population, cannot engage in the business of manufacturing. Now, I do not agree in that opinion, to the extent in which it is asserted. The circumstance alluded to may disqualify the south from engaging in every branch of manufacture, as largely as other quarters of the union, but to some branches of it, that part of our population is well adapted. It indisputably affords great facility in the household or domestic line. But, if the gentleman's premises were true, could his conclusion be admitted? According to him, a certain part of our population, happily much the smallest, is peculiarly situated. The circumstance of its degradation unfits it for the manufacturing arts. The well-being of the other, and the larger part of our population, requires the introduction of those arts. What is to be done in this conflict? The gentleman would have us abstain from adopting a policy called for by the interest of the greater and freer part of our population. But is that reasonable? Can it be expected that the interests of the greater part should be made to bend to the condition of the servile part of our population? That, in effect, would be to make us the slaves of slaves. I went, with great pleasure, along with my southern friends, and I am ready again to unite with them in protesting against the exercise of any legislative power, on the part of congress, over that delicate subject, because it was my solemn conviction, that congress was interdicted, or at least not authorized, by the constitution, to exercise any such legislative power. And I am sure that the patriotism of the south may be exclusively relied upon to reject a policy which should be dictated by considerations altogether connected with that degraded class, to the prejudice of the residue of our population. But does not a perseverance in the foreign policy, as it now exists in fact, make all parts of the union, not planting, tributary to the planting parts? What is the argument? It is, that we must continue freely to receive the produce of foreign industry, without regard to the protection of American industry, that a market may be retained for the sale abroad of the produce of the planting portion of the country; and that, if we lessen in all parts of America—those which are not planting as well as the planting sections—the consumption of foreign manufactures, we diminish to that extent the foreign market for the planting produce. The existing state of things, indeed, presents a sort of tacit compact between the cotton-grower and the British manufacturer, the stipulations of which are,



on the part of the cotton-grower, that the whole of the United States, the other portions as well as the cotton-growing, shall remain open and unrestricted in the consumption of British manufactures; and, on the part of the British manufacturer, that, in consideration thereof, he will continue to purchase the cotton of the south. Thus, then, we perceive that the proposed measure, instead of sacrificing the south to the other parts of the union, seeks only to preserve them from being absolutely sacrificed under the operation of the tacit compact which I have described. Supposing the south to be actually incompetent, or disinclined, to embark at all in the business of manufacturing, is not its interest, nevertheless, likely to be promoted by creating a new and an American source of supply for its consumption? Now foreign powers, and Great Britain, principally, have the monopoly of the supply of southern consumption. If this bill should pass, an American competitor, in the supply of the south, would be raised up, and ultimately, I cannot doubt, that it will be supplied more cheaply and better. I have before had occasion to state, and will now again mention, the beneficial effects of American competition with Europe, in furnishing a supply of the article of cotton bagging. After the late war, the influx of the Scottish manufacture prostrated the American establishments. The consequence was, that the Scotch possessed the monopoly of the supply; and the price of it rose, and attained, the year before the last, a height which amounted to more than an equivalent for ten years protection to the American manufacture. This circumstance tempted American industry again to engage in the business, and several valuable manufactories have been established in Kentucky. They have reduced the price of the fabric very considerably; but, without the protection of government, they may again be prostrated, and then, the Scottish manufacturer engrossing the supply of our consumption, the price will probably again rise. It has been tauntingly asked, if Kentucky cannot maintain herself in a competition with the two Scottish towns of Inverness and Dundee? But is that a fair statement of the case? Those two towns are cherished and sustained by the whole protecting policy of the British empire, whilst Kentucky cannot, and the general government will not, extend alike protection to the few Kentucky villages in which the article is made.

If the cotton-growing consumption could be constitutionally exempted from the operation of this bill, it might be fair to exempt it, upon the condition that foreign manufactures, the proceeds of the sale of cotton abroad, should not enter at all into the consumption of the other parts of the United States. But such an arrangement as that, if it could be made, would probably be objected to by the cotton-growing country itself.

Second. The second objection to the proposed bill is, that it

will diminish the amount of our exports. It can have no effect upon our exports, except those which are sent to Europe. Except tobacco and rice, we send there nothing but the raw materials. The argument is, that Europe will not buy of us, if we do not buy of her. The first objection to it is, that it calls upon us to look to the question, and to take care of European ability in legislating for American interests. Now if, in legislating for their interests, they would consider and provide for our ability, the principle of reciprocity would enjoin us so to regulate our intercourse with them, as to leave their ability unimpaired. But I have shown that, in the adoption of their own policy, their inquiry is strictly limited to a consideration of their peculiar interests, without any regard to that of ours. The next remark I would make, is, that the bill only operates upon *certain* articles of European industry, which it is supposed our interest requires us to manufacture within ourselves; and although its effect will be to diminish the amount of our imports of *those* articles, it leaves them free to supply us with any other produce of their industry. And since the circle of human comforts, refinements, and luxuries, is of great extent, Europe will still find herself able to purchase from us what she has hitherto done, and to discharge the debt in some of those objects. If there be any diminution in our exports to Europe, it will probably be in the article of cotton to Great Britain. I have stated that Britain buys cotton wool to the amount of about five millions sterling, and sells to foreign states to the amount of upwards of twenty-one millions and a half. Of this sum, we take a little upwards of a million and a half. The residue, of about twenty millions, she must sell to other foreign powers than to the United States. Now their market will continue open to her, as much after the passage of this bill, as before. She will therefore require from us the raw material to supply their consumption. But, it is said, she may refuse to purchase it of us, and seek a supply elsewhere. There can be but little doubt that she now resorts to us, because we can supply her more cheaply and better than any other country. And it would be unreasonable to suppose that she would cease, from any pique towards us, to pursue her own interest. Suppose she was to decline purchasing from us. The consequence would be, that she would lose the market for the twenty millions sterling, which she now sells other foreign powers, or enter it under a disadvantageous competition with us, or with other nations, who should obtain their supplies of the raw material from us. If there should be any diminution, therefore, in the exportation of cotton, it would only be in the proportion of about one and a half to twenty; that is, a little upwards of five per centum; the loss of a market for which, abroad, would be fully compensated by the market for the article created at home. Lastly, I would observe, that the new application of our industry, produc-

ing new objects of exportation, and they possessing much greater value than in the raw state, we should be, in the end, amply indemnified by their exportation. Already the item in our foreign exports of manufactures is considerable; and we know that our cotton fabrics have been recently exported in a large amount to South America, where they maintain a successful competition with those of any other country.

Third. The third objection to the tariff is, that it will diminish our navigation. This great interest deserves every encouragement, consistent with the paramount interest of agriculture. In the order of nature it is secondary to both agriculture and manufactures. Its business is the transportation of the productions of those two superior branches of industry. It cannot therefore be expected, that they shall be moulded or sacrificed to suit its purposes; but, on the contrary, navigation must accommodate itself to the actual state of agriculture and manufactures. If, as I believe, we have nearly reached the maximum in value of our exports of raw produce to Europe, the effect hereafter will be, as it respects that branch of our trade, if we persevere in the foreign system, to retain our navigation at the point which it has now reached. By reducing, indeed, as will probably take place, the price of our raw materials, a further quantity of them could be exported, and, of course, additional employment might, in that way, be given to our tonnage; but that would be at the expense of the agricultural interest. If I am right in supposing that no effect will be produced by this measure upon any other branch of our export trade, but that to Europe; that, with regard to that, there will be no sensible diminution of our exports; and that the new direction given to a portion of our industry will produce other objects of exportation; the probability is, that our foreign tonnage will be even increased under the operation of this bill. But, if I am mistaken in these views, and it should experience any reduction, the increase in our coasting tonnage, resulting from the greater activity of domestic exchanges, will more than compensate the injury. Although our navigation partakes in the general distress of the country, it is less depressed than any other of our great interests. The foreign tonnage has been gradually, though slowly, increasing, since 1813. And our coasting tonnage, since 1816, has increased upwards of one hundred thousand tons.

Fourth. It is next contended that the effect of the measure will be to diminish our foreign commerce. The objection assumes, what I have endeavored to controvert, that there will be a reduction in the value of our exports. Commerce is an exchange of commodities. Whatever will tend to augment the wealth of a nation must increase its capacity to make these exchanges. By new productions, or creating new values in the fabricated forms which shall be given to old objects of our industry, we shall give to commerce a fresh

spring, a new aliment. The foreign commerce of the country, from causes, some of which I have endeavored to point out, has been extended as far as it can be. And I think there can be but little doubt that the balance of trade is, and for some time past has been, against us. I was surprised to hear the learned gentleman from Massachusetts (Mr. Webster) rejecting, as a detected and exploded fallacy, the idea of a balance of trade. I have not time nor inclination now to discuss that topic. But I will observe, that all nations act upon the supposition of the reality of its existence, and seek to avoid a trade, the balance of which is unfavorable, and to foster that which presents a favorable balance. However the account be made up, whatever may be the items of a trade, commodities, fishing industry, marine labor, the carrying trade, all of which I admit should be comprehended, there can be no doubt, I think, that the totality of the exchanges of all descriptions made by one nation with another, or against the totality of the exchanges of all other nations together, may be such as to present the state of an unfavorable balance with the one or with all. It is true that, in the long run, the measures of these exchanges, that is, the totality in value of what is given and of what is received, must be equal to each other. But great distress may be felt long before the counterpoise can be effected. In the mean time, there will be an export of the precious metals, to the deep injury of internal trade, an unfavorable state of exchange, an export of public securities, a resort to credit, debt, mortgages. Most of, if not all, these circumstances, are believed now to be indicated by our country, in its foreign commercial relations. What have we received, for example, for the public stocks sent to England? Goods. But those stocks are our bond, which must be paid. Although the solidity of the credit of the English public securities is not surpassed by that of our own, strong as it justly is, when have we seen English stocks sold in our market, and regularly quoted in the prices current, as American stocks are in England? An unfavorable balance with one nation, *may* be made up by a favorable balance with other nations; but the fact of the existence of that unfavorable balance is strong presumptive evidence against the trade. Commerce will regulate itself! Yes, and the extravagance of a spendthrift heir, who squanders the rich patrimony which has descended to him, will regulate itself ultimately. But it will be a regulation which will exhibit him in the end safely confined within the walls of a jail. Commerce will regulate itself! But is it not the duty of wise governments to watch its course, and, beforehand, to provide against even distant evils, by prudent legislation stimulating the industry of their own people, and checking the policy of foreign powers as it operates on them? The supply, then, of the subjects of foreign commerce, no less than the supply of consumption at home, requires of us to give a portion of our labor such a direction as will

enable us to produce them. That is the object of the measure under consideration, and I cannot doubt that, if adopted, it will accomplish its object.

Fifth. The fifth objection to the tariff is, that it will diminish the public revenue, disable us from paying the public debt, and finally compel a resort to a system of excise and internal taxation. This objection is founded upon the supposition that the reduction in the importation of the subjects, on which the increased duties are to operate, will be such as to produce the alleged effect. All this is matter of mere conjecture, and can only be determined by experiment. I have very little doubt, with my colleague, (Mr. Trimble,) that the revenue will be increased considerably, for some years at least, under the operation of this bill. The diminution in the quantity imported will be compensated by the augmentation of the duty. In reference to the article of molasses, for example, if the import of it should be reduced fifty per centum, the amount of duty collected would be the same as it now is. But it will not, in all probability, be reduced by any thing like that proportion. And then there are some other articles which will continue to be introduced in as large quantities as ever, notwithstanding the increase of duty, the object in reference to them being revenue, and not the encouragement of domestic manufactures. Another cause will render the revenue of this year, in particular, much more productive than it otherwise would have been; and that is, that large quantities of goods have been introduced into the country, in anticipation of the adoption of this measure. The eagle does not dart a keener gaze upon his intended prey, than that with which the British manufacturer and merchant watches the foreign market, and the course even of our elections as well as our legislation. The passage of this bill has been expected; and all our information is that the importations, during this spring, have been immense. But, further, the measure of our importations is that of our exportations. If I am right in supposing that, in future, the amount of these, in the old or new forms of the produce of our labor, will not be diminished, but probably increased, then the amount of our importations, and consequently of our revenue, will not be reduced, but may be extended. If these ideas be correct, there will be no inability on the part of government to extinguish the public debt. The payment of that debt, and the consequent liberation of the public resources from the charge of it, is extremely desirable. No one is more anxious than I am to see that important object accomplished. But I entirely concur with the gentleman from Virginia, (Mr. Barbour,) in thinking that no material sacrifice of any of the great interests of the nation ought to be made to effectuate it. Such is the elastic and accumulating nature of our public resources, from the silent augmentation of our population, that if, in any given state of the public revenue, we throw ourselves upon a couch and go to

sleep, we may, after a short time, awake with an ability abundantly increased to redeem any reasonable amount of public debt, with which we may happen to be burdened. The public debt of the United States, though nominally larger now than it was in the year 1791, bears really no sort of discouraging comparison to its amount at that time, whatever standard we may choose to adopt to institute the comparison. It was in 1791 about seventy-five millions of dollars. It is now about ninety. Then we had a population of about four millions. Now we have upwards of ten millions. Then we had a revenue short of five millions of dollars. Now our revenue exceeds twenty. If we select population as the standard, our present population is one hundred and fifty per centum greater than it was in 1791; if revenue, that is four times more now than at the former period; whilst the public debt has increased only in a ratio of twenty per centum. A public debt of three hundred millions of dollars, at the present day, considering our actual ability, compounded both of the increase of population and of revenue, would not be more onerous now than the debt of seventy-five millions of dollars was, at the epoch of 1791, in reference to the same circumstances. If I am right in supposing that, under the operation of the proposed measure, there will not be any diminution, but a probable increase of the public revenue, there will be no difficulty in defraying the current expenses of government, and paying the principal as well as the interest of the public debt, as it becomes due. Let us, for a moment, however, indulge the improbable supposition of the opponents of the tariff, that there will be a reduction of the revenue to the extent of the most extravagant calculation which has been made, that is to say, to the extent of five millions. That sum deducted, we shall still have remaining a revenue of about fifteen millions. The treasury estimates of the current service of the years 1822, 1823, and 1824, exceeds, each year, nine millions. The lapse of revolutionary pensions, and judicious retrenchments which might be made, without detriment to any of the essential establishments of the country, would probably reduce them below nine millions. Let us assume that sum, to which add about five millions and a half for the interest of the public debt, and the wants of government would require a revenue of fourteen and a half millions, leaving a surplus of revenue of half a million beyond the public expenditure. Thus, by a postponement of the payment of the principal of the public debt, in which the public creditors would gladly acquiesce, and confiding, for the means of redeeming it, in the necessary increase of our revenue from the natural augmentation of our population and consumption, we may safely adopt the proposed measure, even if it should be attended (which is confidently denied) with the supposed diminution of revenue. We shall not, then, have occasion to vary the existing system of taxation; we shall be under no necessity to resort either to direct taxes or to ar

excise. But, suppose the alternative were really forced upon us of continuing the foreign system, with its inevitable impoverishment of the country, but with the advantage of the present mode of collecting the taxes, or of adopting the American system, with its increase of the national wealth, but with the disadvantage of an excise, could any one hesitate between them? Customs and an excise agree in the essential particulars, that they are both taxes upon consumption, and both are voluntary. They differ only in the mode of collection. The office for the collection of one is located on the frontier, and that for the other within the interior. I believe it was Mr. Jefferson, who, in reply to the boast of a citizen of New York of the amount of the public revenue paid by that city, asked who would pay it, if the collector's office were removed to Paulus Hook, on the New Jersey shore? National wealth is the source of all taxation. And, my word for it, the people are too intelligent to be deceived by mere names, and not to give a decided preference to that system which is based upon their wealth and prosperity, rather than to that which is founded upon their impoverishment and ruin.

Sixth. But, according to the opponents of the domestic policy, the proposed system will force capital and labor into new and reluctant employments; we are not prepared, in consequence of the high price of wages, for the successful establishment of manufactures, and we must fail in the experiment. We have seen, that the existing occupations of our society, those of agriculture, commerce, navigation, and the learned professions, are overflowing with competitors, and that the want of employment is severely felt. Now what does this bill propose? To open a new and extensive field of business, in which all that choose may enter. There is no compulsion upon any one to engage in it. An option only is given to industry, to continue in the present unprofitable pursuits, or to embark in a new and promising one. The effect will be, to lessen the competition in the old branches of business, and to multiply our resources for increasing our comforts, and augmenting the national wealth. The alleged fact of the high price of wages is not admitted. The truth is, that no class of society suffers more, in the present stagnation of business, than the laboring class. That is a necessary effect of the depression of agriculture, the principal business of the community. The wages of able-bodied men vary from five to eight dollars per month, and such has been the want of employment, in some parts of the union, that instances have not been unfrequent, of men working merely for the means of present subsistence. If the wages for labor here and in England are compared, they will be found not to be essentially different. I agree with the honorable gentleman from Virginia, that high wages are a proof of national prosperity; we differ only in the means by which that desirable end shall be attained. But,

if the fact were true, that the wages of labor are high, I deny the correctness of the argument founded upon it. The argument assumes, that natural labor is the principal element in the business of manufacture. That was the ancient theory. But the valuable inventions and vast improvements in machinery, which have been made within a few past years, have produced a new era in the arts. The effect of this change, in the powers of production, may be estimated, from what I have already stated in relation to England, and to the triumphs of European artificial labor over the natural labor of Asia. In considering the fitness of a nation for the establishment of manufactures, we must no longer limit our views to the state of its population, and the price of wages. All circumstances must be regarded, of which that is, perhaps, the least important. Capital, ingenuity in the construction and adroitness in the use of machinery, and the possession of the raw materials, are those which deserve the greatest consideration. All these circumstances (except that of capital, of which there is no deficiency,) exist in our country in an eminent degree, and more than counterbalance the disadvantage, if it really existed, of the lower wages of labor in Great Britain. The dependence upon foreign nations for the raw material of any great manufacture, has been ever considered as a discouraging fact. The state of our population is peculiarly favorable to the most extensive introduction of machinery. We have no prejudices to combat, no persons to drive out of employment. The pamphlet, to which we have had occasion so often to refer, in enumerating the causes which have brought in England their manufactures to such a state of perfection, and which now enable them, in the opinion of the writer, to defy all competition, does not specify, as one of them, low wages. It assigns three: first, capital; secondly, extent and costliness of machinery; and, thirdly, steady and persevering industry. Notwithstanding the concurrence of so many favorable causes, in our country, for the introduction of the arts, we are earnestly dissuaded from making the experiment, and our ultimate failure is confidently predicted. Why should we fail? Nations, like men, fail in nothing which they boldly attempt, when sustained by virtuous purpose and firm resolution. I am not willing to admit this depreciation of American skill and enterprise. I am not willing to strike before an effort is made. All our past history exhorts us to proceed, and inspires us with animating hopes of success. Past predictions of our incapacity have failed, and present predictions will not be realized. At the commencement of this government, we were told that the attempt would be idle to construct a marine adequate to the commerce of the country, or even to the business of its coasting trade. The founders of our government did not listen to these discouraging counsels; and, behold the fruits of their just comprehension of our resources. Our



restrictive policy was denounced, and it was foretold that it would utterly disappoint all our expectations. But our restrictive policy has been eminently successful; and the share which our navigation now enjoys in the trade with France, and with the British West India islands, attests its victory. What were not the disheartening predictions of the opponents of the late war? Defeat, discomfiture, and disgrace, were to be the certain, but not the worst effect of it. Here, again, did prophecy prove false; and the energies of our country, and the valor and the patriotism of our people, carried us gloriously through the war. We are now, and ever will be, essentially an agricultural people. Without a material change in the fixed habits of the country, the friends of this measure desire to draw to it, as a powerful auxiliary to its industry, the manufacturing arts. The difference between a nation with and without the arts may be conceived, by the difference between a keel-boat and a steam-boat, combating the rapid torrent of the Mississippi. How slow does the former ascend, hugging the sinuosities of the shore, pushed on by her hardy and exposed crew, now throwing themselves in vigorous concert on their oars, and then seizing the pendant boughs of overhanging trees: she seems hardly to move; and her scanty cargo is scarcely worth the transportation! With what ease is she not passed by the steam-boat, laden with the riches of all quarters of the world, with a crew of gay, cheerful, and protected passengers, now dashing into the midst of the current, or gliding through the eddies near the shore! Nature herself seems to survey, with astonishment, the passing wonder, and, in silent submission, reluctantly to own the magnificent triumphs, in her own vast dominion, of Fulton's immortal genius.

Seventh. But it is said that, wherever there is a concurrence of favorable circumstances, manufactures will arise of themselves, without protection; and that we should not disturb the natural progress of industry, but leave things to themselves. If all nations would modify their policy on this axiom, perhaps it would be better for the common good of the whole. Even then, in consequence of natural advantages and a greater advance in civilization and in the arts, some nations would enjoy a state of much higher prosperity than others. But there is no universal legislation. The globe is divided into different communities, each seeking to appropriate to itself all the advantages it can, without reference to the prosperity of others. Whether this is right or not, it has always been, and ever will be the case. Perhaps the care of the interests of one people is sufficient for all the wisdom of one legislature; and that it is, among nations as among individuals, that the happiness of the whole is best secured by each attending to its own peculiar interests. The proposition to be maintained by our adversaries is, that manufactures, without protection, will in due time

spring up in our country, and sustain themselves, in a competition with foreign fabrics, however advanced the arts, and whatever the degree of protection may be in foreign countries. Now I contend, that this proposition is refuted by all experience, ancient and modern, and in every country. If I am asked, why unprotected industry should not succeed in a struggle with protected industry, I answer, the FACT has ever been so, and that is sufficient; I reply, that UNIFORM EXPERIENCE evinces that it cannot succeed in such an unequal contest, and that is sufficient. If we speculate on the causes of this universal truth, we may differ about them. Still the indisputable fact remains. And we should be as unwise in not availing ourselves of the guide which it furnishes, as a man would be, who should refuse to bask in the rays of the sun, because he could not agree with judge Woodward as to the nature of the substance of that planet, to which we are indebted for heat and light. If I were to attempt to particularize the causes which prevent the success of the manufacturing arts, without protection, I should say that they are, first, the obduracy of fixed habits. No nation, no individual, will easily change an established course of business, even if it be unprofitable; and least of all is an agricultural people prone to innovation. With what reluctance do they not adopt improvements in the instruments of husbandry, or in modes of cultivation! If the farmer makes a good crop, and sells it badly; or makes a short crop; buoyed up by hope he perseveres, and trusts that a favorable change of the market, or of the seasons, will enable him, in the succeeding year, to repair the misfortunes of the past. Secondly, the uncertainty, fluctuation, and unsteadiness of the home market, when liable to an unrestricted influx of fabrics from all foreign nations; and, thirdly, the superior advance of skill, and amount of capital, which foreign nations have obtained, by the protection of their own industry. From the latter, or from other causes, the unprotected manufactures of a country are exposed to the danger of being crushed in their infancy, either by the design or from the necessities of foreign manufacturers. Gentlemen are incredulous as to the attempts of foreign merchants and manufacturers to accomplish the destruction of ours. Why should they not make such attempts? If the Scottish manufacturer, by surcharging our market, in one year, with the article of cotton bagging, for example, should so reduce the price as to discourage and put down the home manufacture, he would secure to himself the monopoly of the supply. And now, having the exclusive possession of the market, perhaps for a long term of years, he might be more than indemnified for his first loss, in the subsequent rise in the price of the article. What have we not seen under our own eyes! The competition for the transportation of the mail, between this place and Baltimore, so excited, that to obtain it an individual offered, at great loss, to carry it a whole

year for one dollar! His calculation no doubt was, that, by driving his competitor off the road, and securing to himself the carriage of the mail, he would be afterwards able to repair his original loss by new contracts with the department. But the necessities of foreign manufacturers, without imputing to them any sinister design, may oblige them to throw into our markets the fabrics which have accumulated on their hands, in consequence of obstruction in the ordinary vents, or from over-calculation; and the forced sales, at losing prices, may prostrate our establishments. From this view of the subject, it follows, that, if we would place the industry of our country upon a solid and unshakable foundation, we must adopt the protecting policy, which has every where succeeded, and reject that which would abandon it, which has every where failed.

Eighth. But if the policy of protection be wise, the gentleman from Virginia (Mr. Barbour) has made some ingenious calculations, to prove that the measure of protection, already extended, has been sufficiently great. With some few exceptions, the existing duties, of which he has made an estimate, were laid with the object of revenue, and without reference to that of encouragement to our domestic industry; and although it is admitted that the incidental effect of duties, so laid, is to promote our manufactures, yet, if it falls short of competent protection, the duties might as well not have been imposed, with reference to that purpose. A moderate addition may accomplish this desirable end; and the proposed tariff is believed to have this character.

Ninth. The prohibitory policy, it is confidently asserted, is condemned by the wisdom of Europe, and by her most enlightened statesmen. Is this the fact? We call upon gentlemen to show in what instance a nation that has enjoyed its benefits has surrendered it. [Here Mr. Barbour rose (Mr. Clay giving way) and said, that England had departed from it in the China trade, in allowing us to trade with her East India possessions, and in tolerating our navigation to her West India colonies.] With respect to the trade to China, the whole amount of what England has done, is, to modify the monopoly of the East India company, in behalf of one and a small part of her subjects, to increase the commerce of another and the greater portion of them. The abolition of the restriction, therefore, operates altogether among the subjects of England; and does not touch at all the interests of foreign powers. The toleration of our commerce to British India, is for the sake of the specie, with which we mainly carry on that commerce, and which, having performed its circuit, returns to Great Britain in exchange for British manufactures. The relaxation from the colonial policy, in the instance of our trade and navigation with the West Indies, is a most unfortunate example for the honorable gentleman; for in it is an illustrious proof of the success of our restrictive policy, when resolutely adhered to. Great Britain had

prescribed the terms on which we were to be graciously allowed to carry on that trade. The effect of her regulations was, to exclude our navigation altogether, and a complete monopoly, on the part of the British navigation, was secured. We forbade it, unless our vessels should be allowed a perfect reciprocity. Great Britain stood out a long time, but finally yielded, and our navigation now fairly shares with hers in the trade. Have gentlemen no other to exhibit than these trivial relaxations from the prohibitory policy, which do not amount to a drop in the bucket, to prove its abandonment by Great Britain? Let them show us that her laws are repealed which prohibit the introduction of our flour and provisions of French silks, laces, porcelain, manufactures of bronze, mirrors, woollens; and of the manufactures of all other nations; and then, we may be ready to allow that Great Britain has really abolished her prohibitory policy. We find there, on the contrary, that system of policy in full and rigorous operation, and a most curiously interwoven system it is, as she enforces it. She begins by protecting all parts of her immense dominions against foreign nations. She then protects the parent country against the colonies; and, finally, one part of the parent country against another. The sagacity of Scotch industry has carried the process of distillation to a perfection, which would place the art in England on a footing of disadvantageous competition, and English distillation has been protected accordingly. But suppose it were even true that Great Britain had abolished all restrictions upon trade, and allowed the freest introduction of the produce of foreign labor, would that prove it unwise for us to adopt the protecting system? The object of protection is the establishment and perfection of the arts. In England it has accomplished its purpose, fulfilled its end. If she has not carried every branch of manufacture to the same high state of perfection that any other nation has, she has succeeded in so many, that she may safely challenge the most unshackled competition in exchanges. It is upon this very ground that many of her writers recommend an abandonment of the prohibitory system. It is to give greater scope to British industry and enterprise. It is upon the same selfish principle. The object of the most perfect freedom of trade, with such a nation as Britain, and of the most rigorous system of prohibition, with a nation whose arts are in their infancy, may both be precisely the same. In both cases, it is to give greater expansion to native industry. They only differ in the theatres of their operation. The abolition of the restrictive system by Britain, if by it she could prevail upon other nations to imitate her example, would have the effect of extending the consumption of British produce in other countries, where her writers boldly affirm it could maintain a fearless competition with the produce of native labor. The adoption of the restrictive system, on the part of the United States, by excluding the produce of foreign

labor, would extend the consumption of American produce, unable, in the infancy and unprotected state of the arts, to sustain a competition with foreign fabrics. Let our arts breathe under the shade of protection; let them be perfected, as they are in England, and we shall then be ready, as England now is said to be, to put aside protection, and to enter upon the freest exchanges. To what other cause, than to their whole prohibitory policy, can you ascribe British prosperity? It will not do to assign it to that of her antiquity; for France is no less ancient; though much less rich and powerful, in proportion to the population and natural advantages of France. Hallam, a sensible and highly approved writer on the middle ages, assigns the revival of the prosperity of the north of Europe to the success of the woollen manufactories of Flanders, and the commerce of which their fabrics became the subject; and the commencement of that of England to the establishment of similar manufactures there under the Edwards, and to the prohibitions which began about the same time. As to the poor-rates, the theme of so much reproach without England, and of so much regret within it, among her speculative writers, the system was a strong proof, no less of her unbounded wealth than of her pauperism. What other nation can dispense, in the form of regulated charity, the enormous sum, I believe, of ten or twelve millions sterling? [Mr. Barbour stated it was reduced to six; to which Mr. Clay replied, that he entertained no doubt, but that the benign operation of British protection of home industry, had greatly reduced it within the last few years, by the full employment of her subjects, of which her flourishing trade bore evidence.] The number of British paupers was the result of pressing the principle of population to its utmost limits, by her protecting policy, in the creation of wealth, and in placing the rest of the world under tribute to her industry. Doubtless the condition of England would be better, without paupers, if in other respects it remained the same. But in her actual circumstances, the poor system has the salutary effect of an equalizing corrective of the tendency to the concentration of riches, produced by the genius of her political institutions and by her prohibitory system.

But is it true, that England is convinced of the impolicy of the prohibitory system, and desirous to abandon it? What proof have we to that effect? We are asked to reject the evidence deducible from the settled and steady practice of England, and to take lessons in a school of philosophical writers, whose visionary theories are no where adopted; or, if adopted, bring with them inevitable distress, impoverishment, and ruin. Let us hear the testimony of an illustrious personage, entitled to the greatest attention, because he speaks after the full experiment of the unrestrictive system made in his own empire. I hope I shall give no offence in quoting from a publication issued from 'the mint of Philadelphia;' from a work

of Mr. Carey, of whom I seize, with great pleasure, the occasion to say, that he merits the public gratitude, for the disinterested diligence with which he has collected a large mass of highly useful facts, and for the clear and convincing reasoning with which he generally illustrates them. The emperor of Russia, in March, 1822, after about two years trial of the free system, says, through count Nesselrode :

‘To produce happy effects, the principles of commercial freedom must be generally adopted. The state which adopts, whilst others reject them, must condemn its own industry and commerce, to pay a ruinous tribute to those of other nations.’

‘From a circulation exempt from restraint, and the facility afforded by reciprocal exchanges, almost all the governments at first resolved to seek the means of repairing the evil which Europe had been doomed to suffer; but experience, and more correct calculations, because they were made from certain data, and upon the results already known of the peace that had just taken place, forced them soon to adhere to the prohibitory system.

‘England preserved hers. Austria remained faithful to the rule she had laid down, to guard herself against the rivalship of foreign industry. France, with the same views, adopted the most rigorous measures of precaution. And Prussia published a new tariff in October last, which proves that she found it impossible not to follow the example of the rest of Europe.’

‘In proportion as the prohibitory system is extended and rendered perfect in other countries, that state which pursues the contrary system, makes, from day to day, sacrifices more extensive and more considerable. \* \* \* It offers a continual encouragement to the manufactures of other countries, and its own manufactures perish in the struggle which they are, as yet, unable to maintain.

‘It is with the most lively feelings of regret we acknowledge it is our own proper experience which enables us to trace this picture. The evils which it details have been realized in Russia and Poland, since the conclusion of the act of the seventh and nineteenth of December, 1818. *Agriculture without a market, industry without protection, languish and decline. Specie is exported, and the most solid commercial houses are shaken.* The public prosperity would soon feel the wound inflicted on private fortunes, if new regulations did not promptly change the actual state of affairs.

‘Events have proved, that our *agriculture* and our *commerce*, as well as our *manufacturing industry*, are not only paralysed, but *brought to the brink of ruin.*’

The example of Spain has been properly referred to, as affording a striking proof of the calamities which attend a state that abandons the care of its own internal industry. Her pros-

perity was the greatest when the arts, brought there by the Moors, flourished most in that kingdom. Then she received from England her wool, and returned it in the manufactured state; and then England was least prosperous. The two nations have reversed conditions. Spain, after the discovery of America, yielding to an inordinate passion for the gold of the Indies, sought in their mines that wealth which might have been better created at home. Can the remarkable difference in the state of the prosperity of the two countries be otherwise explained, than by the opposite systems which they pursued? England, by a sedulous attention to her home industry, supplied the means of an advantageous commerce with her colonies. Spain, by an utter neglect of her domestic resources, confided altogether in those which she derived from her colonies, and presents an instance of the greatest adversity. Her colonies were infinitely more valuable than those of England; and, if she had adopted a similar policy, is it unreasonable to suppose that, in wealth and power, she would have surpassed that of England? I think the honorable gentleman from Virginia does great injustice to the catholic religion, in specifying that as one of the leading causes of the decline of Spain. It is a religion entitled to great respect; and there is nothing in its character incompatible with the highest degree of national prosperity. Is not France, the most polished, in many other respects the most distinguished state, of christendom, catholic? Is not Flanders, the most populous part of Europe, also catholic? Are the catholic parts of Switzerland and of Germany less prosperous than those which are protestant?

Tenth. The next objection of the honorable gentleman from Virginia, which I shall briefly notice, is, that the manufacturing system is adverse to the genius of our government, in its tendency to the accumulation of large capitals in a few hands; in the corruption of the public morals, which is alleged to be incident to it; and in the consequent danger to the public liberty. The first part of the objection would apply to every lucrative business, to commerce, to planting, and to the learned professions. Would the gentleman introduce the system of Lycurgus? If his principle be correct, it should be extended to any and every vocation which had a similar tendency. The enormous fortunes in our country—the nabobs of the land—have been chiefly made by the profitable pursuit of that foreign commerce, in more propitious times, which the honorable gentleman would so carefully cherish. Immense estates have also been made in the south. The dependents are, perhaps, not more numerous upon that wealth which is accumulated in manufactures, than they are upon that which is acquired by commerce and by agriculture. We may safely confide in the laws of distributions, and in the absence of the rule of primogeniture, for the dissipation, perhaps too rapid, of large fortunes. What

has become of those which were held two or three generations back in Virginia? Many of the descendants of the ancient aristocracy, as it was called, of that state, are now in the most indigent condition. The best security against the demoralization of society, is the constant and profitable employment of its members. The greatest danger to public liberty is from idleness and vice. If manufactures form cities, so does commerce. And the disorders and violence which proceed from the contagion of the passions, are as frequent in one description of those communities as in the other. There is no doubt but that the yeomanry of a country is the safest depository of public liberty. In all time to come, and under any probable direction of the labor of our population, the agricultural class must be much the most numerous and powerful, and will ever retain, as it ought to retain, a preponderating influence in our councils. The extent and the fertility of our lands constitute an adequate security against an excess in manufactures, and also against oppression, on the part of capitalists, towards the laboring portions of the community.

Eleventh. The last objection, with a notice of which I shall trouble the committee, is, that the constitution does not authorize the passage of the bill. The gentleman from Virginia does not assert, indeed, that it is inconsistent with the express provisions of that instrument, but he thinks it incompatible with the spirit of the constitution. If we attempt to provide for the internal improvement of the country, the constitution, according to some gentlemen, stands in our way. If we attempt to protect American industry against foreign policy and the rivalry of foreign industry, the constitution presents an insuperable obstacle. This constitution must be a most singular instrument! It seems to be made for any other people than our own. Its action is altogether foreign. Congress has power to lay duties and imposts, under no other limitation whatever than that of their being uniform throughout the United States. But they can only be imposed, according to the honorable gentleman, for the sole purpose of revenue. This is a restriction which we do not find in the constitution. No doubt revenue was a principal object with the framers of the constitution in investing congress with the power. But, in executing it, may not the duties and imposts be so laid as to secure domestic interests? Or is congress denied all discretion as to the amount or the distribution of the duties and imposts?

The gentleman from Virginia has, however, entirely mistaken the clause of the constitution on which we rely. It is that which gives to congress the power to regulate commerce with foreign nations. The grant is plenary, without any limitation whatever, and includes the whole power of regulation, of which the subject to be regulated is susceptible. It is as full and complete a grant of the power, as that is to declare war. What is a regulation of



commerce? It implies the admission or exclusion of the object of it, and the terms. Under this power some articles, by the existing laws, are admitted freely; others are subjected to duties so high as to amount to their prohibition, and various rates of duties are applied to others. Under this power, laws of total non-intercourse with some nations, embargoes, producing an entire cessation of commerce with all foreign countries, have been, from time to time, passed. These laws, I have no doubt, met with the entire approbation of the gentleman from Virginia. [Mr. Barbour said that he was not in congress.] Wherever the gentleman was, whether on his farm or in the pursuit of that profession of which he is an ornament, I have no doubt that he gave his zealous support to the laws referred to.

The principle of the system under consideration, has the sanction of some of the best and wisest men, in all ages, in foreign countries as well as in our own — of the Edwards, of Henry the Great, of Elizabeth, of the Colberts, abroad; of our Franklin, Jefferson, Madison, Hamilton, at home. But it comes recommended to us by a higher authority than any of these, illustrious as they unquestionably are — by the master-spirit of the age — that extraordinary man, who has thrown the Alexanders and the Cæsars infinitely further behind him than they stood in advance of the most eminent of their predecessors — that singular man, who, whether he was seated on his imperial throne, deciding the fate of nations and allotting kingdoms to the members of his family, with the same composure, if not with the same affection, as that with which a Virginia father divides his plantations among his children, or on the miserable rock of St. Helena, to which he was condemned by the cruelty and the injustice of his unworthy victors, is equally an object of the most intense admiration. He appears to have comprehended, with the rapidity of intuition, the true interests of a state, and to have been able, by the turn of a single expression, to develope the secret springs of the policy of cabinets. We find that Las Cases reports him to have said:

‘He opposed the principles of economists, which he said were correct in theory though erroneous in their application. The political constitution of different states, continued he, must render these principles defective; local circumstances continually call for deviations from their uniformity. Duties, he said, which were so severely condemned by political economists, should not, it is true, be an object to the treasury; they should be the guaranty and protection of a nation, and should correspond with the nature and the objects of its trade. Holland, which is destitute of productions and manufactures, and which was a trade only of transit and commission, should be free of all fetters and barriers. France, on the contrary, which is rich in every sort of production and manufactures, should incessantly guard against the importations of a

rival, who might still continue superior to her, and also against theupidity, egotism, and indifference, of mere brokers.

‘I have not fallen into the error of modern systematizers,’ said he emperor, ‘who imagine that all the wisdom of nations is centred in themselves. Experience is the true wisdom of nations. And what does all the reasoning of economists amount to? They incessantly extol the prosperity of England, and hold her up as our model; but the custom-house system is more burdensome and arbitrary in England than in any other country. They also condemn prohibitions; yet it was England set the example of prohibitions; and they are in fact necessary with regard to certain objects. Duties cannot adequately supply the place of prohibitions; there will always be found means to defeat the object of the legislator. In France we are still very far behind on these delicate points, which are still unperceived or ill understood by the mass of society. Yet, what advancement have we not made; what correctness of ideas has been introduced by my gradual classification of agriculture, industry, and trade; objects so distinct in themselves, and which present so great and positive a gradation!’

‘First. *Agriculture*; the soul, the first basis, of the empire.

‘Second. *Industry*; the comfort and happiness of the population.

‘Third. *Foreign trade*; the superabundance, the proper application, of the surplus of agriculture and industry.

‘Agriculture was continually improving during the whole course of the revolution. Foreigners thought it ruined in France. In 1814, however, the English were compelled to admit that we had little or nothing to learn from them.

‘Industry or manufactures, and internal trade, made immense progress during my reign. The application of chemistry to the manufactures, caused them to advance with giant strides. I gave an impulse, the effects of which, extended throughout Europe.

‘Foreign trade, which, in its results, is infinitely inferior to agriculture, was an object of subordinate importance in my mind. Foreign trade is made for agriculture and home industry, and not the two latter for the former. The interests of these three fundamental cases are diverging and frequently conflicting. I always promoted them in their natural gradation, but I could not and ought not to have ranked them all on an equality. Time will unfold what I have done, the national resources which I created, and the emancipation from the English which I brought about. We have now the secret of the commercial treaty of 1783. France still exclaims against its author; but the English demanded it on pain of resuming the war. They wished to do the same after the treaty of Amiens, but I was then all-powerful; I was a hundred cubits high. I replied, that if they were in possession of the heights of Montmartre I would still refuse to sign the treaty. These words were echoed through Europe.

‘The English will now impose some such treaty on France, at least, if popular clamor and the opposition of the mass of the nation, do not force them to draw back. This thralldom would be an additional disgrace in the eyes of that nation, which is now beginning to acquire a just perception of her own interests.

‘When I came to the head of the government, the American ships, which were permitted to enter our ports on the score of their neutrality, brought us raw materials, and had the impudence to sail from France without freight, for the purpose of taking in cargoes of English goods in London. They, moreover, had the insolence to make their payments, when they had any to make, by giving bills on persons in London. Hence the vast profits reaped by the English manufacturers and brokers, entirely to our prejudice. I made a law that no American should import goods to any amount, without immediately exporting their exact equivalent. A loud outcry was raised against this: it was said that I had ruined trade. But what was the consequence? Notwithstanding the closing of my ports, and in spite of the English, who ruled the seas, the Americans returned and submitted to my regulations. What might I not have done under more favorable circumstances?

‘Thus I naturalized in France the manufacture of cotton, which includes,

‘First, *spun cotton*. We did not previously spin it ourselves; the English supplied us with it, as a sort of favor.

‘Secondly, *the web*. We did not yet make it; it came to us from abroad.

‘Thirdly, *the printing*. This was the only part of the manufacture that we performed ourselves. I wished to naturalize the two first branches; and I proposed to the council of state, that their importation should be prohibited. This excited great alarm. I sent for Oberkamp, and I conversed with him a long time. I learned from him, that this prohibition would doubtless produce a shock, but that, after a year or two of perseverance, it would prove a triumph, whence we should derive immense advantages. Then I issued my decree in spite of all; this was a true piece of statesmanship.

‘I at first confined myself merely to prohibiting the web; then I extended the prohibition to spun cotton; and we now possess, within ourselves, the three branches of the cotton manufacture, to the great benefit of our population, and the injury and regret of the English; which proves that, in civil government, as well as in war, decision of character is often indispensable to success.’

I will trouble the committee with only one other quotation, which I shall make from Lowe; and from hearing which, the committee must share with me in the mortification which I felt on perusing it. That author says, ‘it is now above forty years since the United States of America were definitely separated from us,

and since, their situation has afforded a proof that the benefit of mercantile intercourse may be retained, in all its extent, without the care of governing, or the expense of defending, these once regretted provinces.' Is there not too much truth in this observation? By adhering to the foreign policy, which I have been discussing, do we not remain essentially British, in every thing but the form of our government? Are not our interests, our industry, our commerce, so modified as to swell British pride, and to increase British power?

Mr. Chairman, our confederacy comprehends, within its vast limits, great diversity of interests; agricultural, planting, farming, commercial, navigating, fishing, manufacturing. No one of these interests is felt in the same degree, and cherished with the same solicitude, throughout all parts of the union. Some of them are peculiar to particular sections of our common country. But all these great interests are confided to the protection of one government—to the fate of one ship; and a most gallant ship it is, with a noble crew. If we prosper, and are happy, protection must be extended to all; it is due to all. It is the great principle on which obedience is demanded from all. If our essential interests cannot find protection from our own government against the policy of foreign powers, where are they to get it? We did not unite for sacrifice, but for preservation. The inquiry should be, in reference to the great interests of every section of the union, (I speak not of minute subdivisions,) what would be done for those interests if that section stood alone and separated from the residue of the republic? If the promotion of those interests would not injuriously affect any other section, then every thing should be done for them, which would be done if it formed a distinct government. If they come into absolute collision with the interests of another section, a reconciliation, if possible, should be attempted, by mutual concession, so as to avoid a sacrifice of the prosperity of either to that of the other. In such a case, all should not be done for one which would be done, if it were separated and independent, but something; and, in devising the measure, the good of each part and of the whole, should be carefully consulted. This is the only mode by which we can preserve, in full vigor, the harmony of the whole union. The south entertains one opinion, and imagines that a modification of the existing policy of the country, for the protection of American industry, involves the ruin of the south. The north, the east, the west, hold the opposite opinion, and feel and contemplate, in a longer adherence to the foreign policy, as it now exists, their utter destruction. Is it true, that the interests of these great sections of our country are irreconcilable with each other? Are we reduced to the sad and afflicting dilemma of determining which shall fall a victim to the prosperity of the other? Happily, I think, there is no such distressing alternative. If the north, the west,

and the east, formed an independent state, unassociated with the south, can there be a doubt that the restrictive system would be carried to the point of prohibition of every foreign fabric of which they produce the raw material, and which they could manufacture? Such would be their policy, if they stood alone; but they are fortunately connected with the south, which believes its interests to require a free admission of foreign manufactures. Here then is a case for mutual concession, for fair compromise. The bill under consideration presents this compromise. It is a medium between the absolute exclusion and the unrestricted admission of the produce of foreign industry. It sacrifices the interest of neither section to that of the other; neither, it is true, gets all that it wants, nor is subject to all that it fears. But it has been said that the south obtains nothing in this compromise. Does it lose any thing? is the first question. I have endeavored to prove that it does not, by showing that a mere transfer is effected in the source of the supply of its consumption from Europe to America; and that the loss, whatever it may be, of the sale of its great staple in Europe, is compensated by the new market created in America. But does the south really gain nothing in this compromise? The consumption of the other sections, though somewhat restricted, is still left open by this bill, to foreign fabrics purchased by southern staples. So far its operation is beneficial to the south, and prejudicial to the industry of the other sections, and that is the point of mutual concession. The south will also gain by the extended consumption of its great staple, produced by an increased capacity to consume it in consequence of the establishment of the home market. But the south cannot exert its industry and enterprise in the business of manufactures! Why not? The difficulties, if not exaggerated, are artificial, and may, therefore, be surmounted. But can the other sections embark in the planting occupations of the south? The obstructions which forbid them are natural, created by the immutable laws of God, and, therefore, unconquerable.

Other and animating considerations invite us to adopt the policy of this system. Its importance, in connection with the general defence in time of war, cannot fail to be duly estimated. Need I recall to our painful recollection the sufferings, for the want of an adequate supply of absolute necessities, to which the defenders of their country's rights and our entire population, were subjected during the late war? Or to remind the committee of the great advantage of a steady and unfailing source of supply, unaffected alike in war and in peace? Its importance, in reference to the stability of our union, that paramount and greatest of all our interests, cannot fail warmly to recommend it, or at least to conciliate the forbearance of every patriot bosom. Now our people present the spectacle of a vast assemblage of jealous rivals, all

eagerly rushing to the sea-board, jostling each other in their way, to hurry off to glutted foreign markets the perishable produce of their labor. The tendency of that policy, in conformity to which this bill is prepared, is to transform these competitors into friends and mutual customers; and, by the reciprocal exchanges of their respective productions, to place the confederacy upon the most solid of all foundations, the basis of common interest. And is not government called upon, by every stimulating motive, to adapt its policy to the actual condition and extended growth of our great republic. At the commencement of our constitution, almost the whole population of the United States was confined between the Alleghany mountains and the Atlantic ocean. Since that epoch, the western part of New York, of Pennsylvania, of Virginia, all the western states and territories, have been principally peopled. Prior to that period we had scarcely any interior. An interior has sprung up, as it were by enchantment, and along with it new interests and new relations, requiring the parental protection of government. Our policy should be modified accordingly, so as to comprehend all, and sacrifice none. And are we not encouraged by the success of past experience, in respect to the only article which has been adequately protected? Already have the predictions of the friends of the American system, in even a shorter time than their most sanguine hopes could have anticipated, been completely realized in regard to that article; and consumption is now better and more cheaply supplied with coarse cottons, than it was under the prevalence of the foreign system.

Even if the benefits of the policy were limited to certain sections of our country, would it not be satisfactory to behold American industry, wherever situated, active, animated, and thrifty, rather than persevere in a course which renders us subservient to foreign industry? But these benefits are twofold, direct and collateral, and, in the one shape or the other, they will diffuse themselves throughout the union. All parts of the union will participate, more or less, in both. As to the direct benefit, it is probable that the north and the east will enjoy the largest share. But the west and the south will also participate in them. Philadelphia, Baltimore, and Richmond, will divide with the northern capitals the business of manufacturing. The latter city unites more advantages for its successful prosecution than any other place I know; Zanesville, in Ohio, only excepted. And where the direct benefit does not accrue, that will be enjoyed of supplying the raw material and provisions for the consumption of artisans. Is it not most desirable to put at rest and prevent the annual recurrence of this unpleasant subject, so well fitted, by the various interests to which it appeals, to excite irritation and to produce discontent? Can that be effected by its rejection? Behold the mass of petitions which lie on our table, earnestly and anxiously entreating the protecting interposition of congress against

the ruinous policy which we are pursuing. Will these petitioners, comprehending all orders of society, entire states and communities, public companies and private individuals, spontaneously assembling, cease in their humble prayers by your lending a deaf ear? Can you expect that these petitioners and others, in countless numbers, that will, if you delay the passage of this bill, supplicate your mercy, should contemplate their substance gradually withdrawn to foreign countries, their ruin slow, but certain and as inevitable as death itself, without one expiring effort? You think the measure injurious to you; we believe our preservation depends upon its adoption. Our convictions, mutually honest, are equally strong. What is to be done? I invoke that saving spirit of mutual concession under which our blessed constitution was formed, and under which alone it can be happily administered. I appeal to the south — to the high-minded, generous, and patriotic south — with which I have so often coöperated, in attempting to sustain the honor and to vindicate the rights of our country. Should it not offer, upon the altar of the public good, some sacrifice of its peculiar opinions? Of what does it complain? A possible temporary enhancement in the objects of consumption. Of what do we complain? A total incapacity, produced by the foreign policy, to purchase, at any price, necessary foreign objects of consumption. In such an alternative, inconvenient only to it, ruinous to us, can we expect too much from southern magnanimity? The just and confident expectation of the passage of this bill has flooded the country with recent importations of foreign fabrics. If it should not pass, they will complete the work of destruction of our domestic industry. If it should pass, they will prevent any considerable rise in the price of foreign commodities, until our own industry shall be able to supply competent substitutes.

To the friends of the tariff I would also anxiously appeal. Every arrangement of its provisions does not suit each of you; you desire some further alterations; you would make it perfect. You want what you will never get. Nothing human is perfect. And I have seen, with great surprise, a piece signed by a member of congress, published in the *National Intelligencer*, stating that this bill must be rejected, and a judicious tariff brought in as its substitute. A *judicious* tariff! No member of congress could have signed that piece; or, if he did, the public ought not to be deceived. If this bill do not pass, unquestionably no other can pass at this session or probably during this congress. And who will go home and say that he rejected all the benefits of this bill, because molasses has been subjected to the enormous additional duty of five cents per gallon? I call, therefore, upon the friends of the American policy, to yield somewhat of their own peculiar wishes, and not to reject the practicable in the idle pursuit after the unattainable. Let us imitate the illustrious example of the framers of the constitution,

and, always remembering that whatever springs from man partakes of his imperfections, depend upon experience to suggest, in future, the necessary amendments.

We have had great difficulties to encounter. First, the splendid talents which are arrayed in this house against us. Second, we are opposed by the rich and powerful in the land. Third, the executive government, if any, affords us but a cold and equivocal support. Fourth, the importing and navigating interest, I verily believe from misconception, are adverse to us. Fifth, the British factors and the British influence are inimical to our success. Sixth, long-established habits and prejudices oppose us. Seventh, the reviewers and literary speculators, foreign and domestic. And, lastly, the leading presses of the country, including the influence of that which is established in this city, and sustained by the public purse.

From some of these, or other causes, the bill may be postponed, thwarted, defeated. But the cause is the cause of the country, and it must and will prevail. It is founded in the interests and affections of the people. It is as native as the granite deeply imbedded in our mountains. And, in conclusion, I would pray God, in his infinite mercy, to avert from our country the evils which are impending over it, and, by enlightening our councils, to conduct us into that path which leads to riches, to greatness, to glory.



## REPLY TO JOHN RANDOLPH.

HOUSE OF REPRESENTATIVES, 1824.

[During the session of 1823-4, attempts were made to *run at* Mr. Clay, on account of his peculiar situation in being named for the presidency, while speaker of the house of representatives, and for his zealous support of the American system. In a debate on an improvement bill he encountered Mr. Randolph of Virginia, who had endeavored to provoke him to reply, and the following remarks were made by Mr. Clay on that occasion, in the course of the debate.]

SIR, I am growing old. I have had some little measure of experience in public life, and the result of that experience has brought me to this conclusion, that when business, of whatever nature, is to be transacted in a deliberative assembly, or in private life, courtesy, forbearance, and moderation, are best calculated to bring it to a successful conclusion. Sir, my age admonishes me to abstain from involving myself in personal difficulties; would to God that I could say, I am also restrained by higher motives. I certainly never sought any collision with the gentleman from Virginia. My situation at this time is peculiar, if it be nothing else, and might, I should think, dissuade, at least, a generous heart from any wish to draw me into circumstances of personal altercation. I have experienced this magnanimity from some quarters of the house. But I regret, that from others it appears to have no such consideration. The gentleman from Virginia was pleased to say, that in one point at least he coincided with me — in an humble estimate of my grammatical and philological acquirements. I know my deficiencies. I was born to no proud patrimonial estate; from my father I inherited only infancy, ignorance, and indigence. I feel my defects, but, so far as my situation in early life is concerned, I may, without presumption, say they are more my misfortune than my fault. But, however I regret my want of ability to furnish to the gentleman a better specimen of powers of verbal criticism, I will venture to say, it is not greater than the disappointment of this committee as to the strength of his argument.

## ADDRESS TO LA FAYETTE.

HOUSE OF REPRESENTATIVES, DECEMBER 10, 1824.

[In the year 1824, general La Fayette visited the United States, as the *guest of the nation*, and was welcomed with the most gratifying testimonies of affection and respect by the whole American people, in behalf of whose rights and liberty he had so gallantly fought, and performed other important services during the revolutionary war. The general landed at New York in August 1824, (having embarked at the same place about forty years before, namely, in December, 1784, on his return to France.) After visiting various parts of the United States, he was received at the city of Washington with distinguished honors by the people and the public authorities, and on the tenth of December, 1824, he was introduced to the house of representatives by a committee appointed for that purpose. The general, being conducted to the sofa placed for his reception, the speaker (Mr. Clay) addressed him in the following words.]

GENERAL,

The house of representatives of the United States, impelled alike by its own feelings, and by those of the whole American people, could not have assigned to me a more gratifying duty than that of presenting to you cordial congratulations upon the occasion of your recent arrival in the United States, in compliance with the wishes of Congress, and to assure you of the very high satisfaction which your presence affords on this early theatre of your glory and renown. Although but few of the members who compose this body shared with you in the war of our revolution, all have, from impartial history, or from faithful tradition, a knowledge of the perils, the sufferings, and the sacrifices, which you voluntarily encountered, and the signal services, in America and in Europe, which you performed for an infant, a distant, and an alien people; and all feel and own the very great extent of the obligations under which you have placed our country. But the relations in which you have ever stood to the United States, interesting and important as they have been, do not constitute the only motive of the respect and admiration which the house of representatives entertain for you. Your consistency of character, your uniform devotion to regulated liberty, in all the vicissitudes of a long and arduous life, also commands its admiration. During all the recent convulsions of Europe, amidst, as after the dispersion of, every political storm. the

people of the United States have beheld you, true to your old principles, firm and erect, cheering and animating with your well-known voice, the votaries of liberty, its faithful and fearless champion, ready to shed the last drop of that blood which here you so freely and nobly spilt, in the same holy cause.

The vain wish has been sometimes indulged, that Providence would allow the patriot, after death, to return to his country, and to contemplate the intermediate changes which had taken place; to view the forests felled, the cities built, the mountains levelled, the canals cut, the highways constructed, the progress of the arts, the advancement of learning, and the increase of population. General, your present visit to the United States is a realization of the consoling object of that wish. You are in the midst of posterity. Every where, you must have been struck with the great changes, physical and moral, which have occurred since you left us. Even this very city, bearing a venerated name, alike endeared to you and to us, has since emerged from the forest which then covered its site. In one respect you behold us unaltered, and this is in the sentiment of continued devotion to liberty, and of ardent affection and profound gratitude to your departed friend, the father of his country, and to you, and to your illustrious associates in the field and in the cabinet, for the multiplied blessings which surround us, and for the very privilege of addressing you which I now exercise. This sentiment, now fondly cherished by more than ten millions of people, will be transmitted, with unabated vigor, down the tide of time, through the countless millions who are destined to inhabit this continent, to the latest posterity.

[After the above address, La Fayette rose, and in a tone influenced by powerful feeling, made an eloquent reply.]

## ADDRESS TO HIS CONSTITUENTS.

ON THE PRESIDENTIAL ELECTION OF 1825. MARCH 26, 1825.

[In the year 1816, as the term of president Madison was about to expire the following year, a caucus of the democratic members of congress was held, in conformity to previous custom, to designate a candidate to succeed Mr. Madison, as president. It being the general impression and understanding that Mr. Monroe would be nominated, much surprise was felt when it was ascertained that he had received only a small majority in the caucus—the votes standing thus; for James Monroe sixty-five, for William H. Crawford fifty-four. In consequence of this circumstance it was evident that the popular will with regard to nominations might be defeated by caucus management, and a powerful opposition to nominations of president by members of congress grew up, previous to the election of a successor to Mr. Monroe. It was ascertained that Mr. Crawford, then secretary of the treasury, would be the caucus candidate in 1824, and the people began to look around for candidates to oppose him. John Quincy Adams, Andrew Jackson, Henry Clay, and John C. Calhoun were each warmly advocated by their friends for the succession. Mr. Calhoun was withdrawn and supported for vice-president, to which office he was elected. Neither of the other four candidates being withdrawn, and Mr. Crawford having been nominated by a minority of only sixty-six members of congress, in caucus, it became evident that no election would be made by the people. The result was, that general Jackson received ninety-nine electoral votes, Mr. Adams eighty-four, Mr. Crawford forty-one, and Mr. Clay thirty-seven. The constitution requiring that the house of representatives should now choose the president, from the three highest names on the list, (Mr. Clay being excluded,) the greatest interest was felt by the friends of all the candidates, as to the course which would be pursued by Mr. Clay and his friends in the house, of which he was then speaker. It was soon known, as he had previously declared, that he would vote for Mr. Adams, which he did, and that gentleman was elected president. A cry of ‘bargain and corruption’ was thereupon set up by the disappointed and zealous partisans of general Jackson, in which they were joined by some of the friends of Mr. Crawford. This charge having been agitated by members of congress at Washington, and reiterated in other quarters, was indignantly repelled by Mr. Clay, and in refutation he issued the following address to his constituents in Kentucky, composed of the people of the counties of Fayette, Woodford, and Clarke.]

THE relations of your representative and of your neighbor, in which I have so long stood, and in which I have experienced so many strong proofs of your confidence, attachment, and friendship, having just been, the one terminated, and the other suspended, I avail myself of the occasion on taking, I hope a temporary, leave of you, to express my unfeigned gratitude for all your favors, and to assure you, that I shall cherish a fond and unceasing recollection of them. The extraordinary circumstances in which, during the late session of congress, I have been placed, and the unmerited

animadversions which I have brought upon myself, for an honest and faithful discharge of my public duty, form an additional motive for this appeal to your candor and justice. If, in the office which I have just left, I have abused your confidence and betrayed your interests, I cannot deserve your support in that on the duties of which I have now entered. On the contrary, should it appear that I have been assailed without just cause, and that misguided zeal and interested passions have singled me out as a victim, I cannot doubt that I shall continue to find, in the enlightened tribunal of the public, that cheering countenance and impartial judgment, without which a public servant cannot possibly discharge with advantage the trust confided to him.

It is known to you, that my name had been presented, by the respectable states of Ohio, Kentucky, Louisiana, and Missouri, for the office of president, to the consideration of the American public, and that it had attracted some attention in other quarters of the union. When, early in November last, I took my departure from the district to repair to this city, the issue of the presidential election before the people was unknown. Events, however, had then so far transpired as to render it highly probable that there would be no election by the people, and that I should be excluded from the house of representatives. It became, therefore, my duty to consider, and to make up an opinion on, the respective pretensions of the three gentlemen who might be returned, and at that early period I stated to Dr. Drake, one of the professors in the medical school of Transylvania university, and to John J. Crittenden, esquire, of Frankfort, my determination to support Mr. Adams in preference to general Jackson. I wrote to Charles Hammond, esquire, of Cincinnati, about the same time, and mentioned certain objections to the election of Mr. Crawford, (among which was that of his continued ill health,) that appeared to me almost insuperable. During my journey hither, and up to near christmas, it remained uncertain whether Mr. Crawford or myself would be returned to the house of representatives. Up to near christmas, all our information made it highly probable that the vote of Louisiana would be given to me, and that I should consequently be returned, to the exclusion of Mr. Crawford. And, while that probability was strong, I communicated to Mr. senator Johnston, from Louisiana, my resolution not to allow my name, in consequence of the small number of votes by which it would be carried into the house, if I were returned, to constitute an obstacle, for one moment, to an election in the house of representatives.

During the month of December, and the greater part of January, strong professions of high consideration, and of unbounded admiration of me, were made to my friends, in the greatest profusion, by some of the active friends of all the returned candidates. Every body professed to regret, after I was excluded from the

house, that I had not been returned to it. I seemed to be the favorite of every body. Describing my situation to a distant friend, I said to him, 'I am enjoying, whilst alive, the posthumous honors which are usually awarded to the venerated dead.' A person not acquainted with human nature would have been surprised, in listening to these praises, that the object of them had not been elected by general acclamation. None made more or warmer manifestations of these sentiments of esteem and admiration than some of the friends of general Jackson. None were so reserved as those of Mr. Adams; under an opinion, (as I have learned since the election,) which they early imbibed, that the western vote would be only influenced by its own sense of public duty; and that if its judgment pointed to any other than Mr. Adams, nothing which they could do would secure it to him. These professions and manifestations were taken by me for what they were worth. I knew that the sunbeams would quickly disappear, after my opinion should be ascertained, and that they would be succeeded by a storm; although I did not foresee exactly how it would burst upon my poor head. I found myself transformed from a candidate before the people, into an elector for the people. I deliberately examined the duties incident to this new attitude, and weighed all the facts before me, upon which my judgment was to be formed or reviewed. If the eagerness of any of the heated partisans of the respective candidates suggested a tardiness in the declaration of my intention, I believed that the new relation in which I was placed to the subject, imposed on me an obligation to pay some respect to delicacy and decorum.

Meanwhile, that very reserve supplied aliment to newspaper criticism. The critics could not comprehend how a man standing as I had stood towards the other gentlemen, should be restrained, by a sense of propriety, from instantly fighting under the banners of one of them, against the others. Letters were issued from the manufactory at Washington, to come back, after performing long journeys, for Washington consumption. These letters imputed to 'Mr. Clay and his friends a mysterious air, a portentous silence,' and so forth. From dark and distant hints the progress was easy to open and bitter denunciation. Anonymous letters, full of menace and abuse, were almost daily poured in on me. Personal threats were communicated to me, through friendly organs, and I was kindly apprized of all the glories of village effigies which awaited me. A systematic attack was simultaneously commenced upon me from Boston to Charleston, with an object, present and future, which it was impossible to mistake. No man but myself could know the nature, extent, and variety, of means which were employed to awe and influence me. I bore them, I trust, as *your* representative ought to have borne them, and as became me. Then followed the letter, afterwards adopted as his own, by Mr. Kremer, to the

Columbian Observer. With its character and contents you are well acquainted. When I saw that letter, alleged to be written by a member of the very house over which I was presiding, who was so far designated as to be described as belonging to a particular delegation by name, a member with whom I might be daily exchanging, at least on my part, friendly salutations, and who was possibly receiving from me constantly acts of courtesy and kindness, I felt that I could no longer remain silent. A crisis appeared to me to have arisen in my public life. I issued my card. I ought not to have put in it the last paragraph, because, although it does not necessarily imply the resort to a personal combat, it admits of that construction; nor will I conceal that such a possible issue was within my contemplation. I owe it to the community to say, that whatever heretofore I may have done, or, by inevitable circumstances, might be forced to do, no man in it holds in deeper abhorrence than I do, that pernicious practice. Condemned as it must be by the judgment and philosophy, to say nothing of the religion, of every thinking man, it is an affair of feeling about which we cannot, although we should, reason. Its true corrective will be found when all shall unite, as all ought to unite, in its unqualified proscription.

A few days after the publication of my card, 'another card,' under Mr. Kremer's name, was published in the *Intelligencer*. The night before, as I was voluntarily informed, Mr. Eaton, a senator from Tennessee, and the biographer of general Jackson, (who boarded in the end of this city opposite to that in which Mr. Kremer took up his abode, a distance of about two miles and a half,) was closeted for some time with him. Mr. Kremer is entitled to great credit for having overcome all the disadvantages, incident to his early life and want of education, and forced his way to the honorable station of a member of the house of representatives. Ardent in his attachment to the cause which he had espoused, general Jackson is his idol, and of his blind zeal others have availed themselves, and have made him their dupe and their instrument. I do not pretend to know the object of Mr. Eaton's visit to him. I state the fact, as it was communicated to me, and leave you to judge. Mr. Kremer's card is composed with some care and no little art, and he is made to avow in it, though somewhat equivocally, that he is the author of the letter to the *Columbian Observer*. To Mr. Crowninshield, a member from Massachusetts, formerly secretary of the navy, he declared that he was not the author of that letter. In his card he draws a clear line of separation between my friends and me, acquitting them, and undertaking to make good his charges in that letter, only so far as I was concerned. The purpose of this discrimination is obvious. At that time the election was undecided, and it was therefore as important to abstain from imputations against my friends, as it was politic to fix them upon me. If they

could be made to believe that I had been perfidious, in the transport of their indignation, they might have been carried to the support of general Jackson. I received the National Intelligencer, containing Mr. Kremer's card, at breakfast, (the usual time of its distribution,) on the morning of its publication. As soon as I read the card, I took my resolution. The terms of it clearly implied that it had not entered into his conception to have a personal affair with me; and I should have justly exposed myself to universal ridicule, if I had sought one with *him*. I determined to lay the matter before the house, and respectfully to invite an investigation of my conduct. I accordingly made a communication to the house on the same day, the motives for which I assigned. Mr. Kremer was in his place, and, when I sat down, rose and stated that he was prepared and willing to substantiate his charges against me. This was his voluntary declaration, unprompted by his aiders and abettors, who had no opportunity of previous consultation with him on that point. Here was an issue publicly and solemnly joined, in which the accused invoked an inquiry into serious charges against him, and the accuser professed an ability and a willingness to establish them. A debate ensued on the next day which occupied the greater part of it, during which Mr. Kremer declared to Mr. Brent, of Louisiana, a friend of mine, and to Mr. Little, of Maryland, a friend of general Jackson, as they have certified, 'that he never intended to charge Mr. Clay with corruption or dishonor, in his intended vote for Mr. Adams, as president, or that he had transferred, or could transfer, the votes or interests of his friends; that he (Mr. Kremer) was among the last men in the nation to make such a charge *against Mr. Clay*; and that his letter was never intended to convey the idea given to it.' Mr. Digges, a highly respectable inhabitant of this city, has certified to the same declarations of Mr. Kremer.

A message was also conveyed to me, during the discussion, through a member of the house, to ascertain if I would be satisfied with an explanation which was put on paper and shown me, and which it was stated Mr. Kremer was willing, in his place, to make. I replied that the matter was in the possession of the house. I was afterwards told, that Mr. Ingham, of Pennsylvania, got hold of that paper, put it in his pocket, and that he advised Mr. Kremer to take no step without the approbation of his friends. Mr. Cook, of Illinois, moved an adjournment of the house, on information which he received of the probability of Mr. Kremer's making a satisfactory atonement on the next day, for the injury which he had done me, which I have no doubt he would have made, if he had been left to the impulses of his native honesty. The house decided to refer my communication to a committee, and adjourned until the next day to appoint it by ballot. In the mean time Mr. Kremer had taken, I presume, or rather there had been forced upon



him, the advice of *his friends*, and I heard no more of the apology. A committee was appointed of seven gentlemen, of whom not one was my political friend, but who were among the most eminent members of the body. I received no summons or notification from the committee from its first organization to its final dissolution, but Mr. Kremer was called upon by it to bring forward his proofs. For one moment be pleased to stop here and contemplate his posture, his relation to the house and to me, and the high obligations under which he had voluntarily placed himself. He was a member of one of the most august assemblies upon earth, of which he was bound to defend the purity or expose the corruption by every consideration which ought to influence a patriot bosom. A most responsible and highly important constitutional duty was to be performed by that assembly. He had chosen, in an anonymous letter, to bring against its presiding officer charges, in respect to that duty, of the most flagitious character. These charges comprehend delegations from several highly respectable states. If true, that presiding officer merited not merely to be dragged from the chair, but to be expelled the house. He challenges an investigation into his conduct, and Mr. Kremer boldly accepts the challenge, and promises to sustain his accusation. The committee appointed by the house itself, with the common consent of both parties, calls upon Mr. Kremer to execute his pledge publicly given, in his proper place, and also previously given in the public prints. Here is the theatre of the alleged arrangements; this the vicinage in which the trial ought to take place. Every thing was here fresh in the recollection of the witnesses, if there were any. Here all the proofs were concentrated. Mr. Kremer was stimulated by every motive which could impel to action; by his consistency of character; by duty to his constituents, to his country; by that of redeeming his solemn pledge; by his anxious wish for the success of his favorite, whose interests could not fail to be advanced by supporting his atrocious charges. But Mr. Kremer had now the benefit of the advice of his friends. He had no proofs, for the plainest of all reasons, because there was no truth in his charges. They saw that to attempt to establish them and to fail, as he must fail in the attempt, might lead to an exposure of the conspiracy, of which he was the organ. They advised, therefore, that he should make a retreat, and their adroitness suggested, that in an objection to that jurisdiction of the house, which had been admitted, and in the popular topics of the freedom of the press, *his* duty to his constituents, and the inequality in the condition of the speaker of the house, and a member on the floor, plausible means might be found to deceive the ignorant and conceal his disgrace. A labored communication was accordingly prepared by them, in Mr. Kremer's name, and transmitted to the committee, founded upon these suggestions. Thus the valiant champion, who had boldly stepped

forward, and promised, as a representative of *the* people, to 'cry aloud and spare not,' forgot all his gratuitous gallantry and boasted patriotism, and sank at once into profound silence.

With these remarks, I will for the present leave him, and proceed to assign the reasons to you, to whom alone I admit myself to be officially responsible, for the vote which I gave on the presidential election. The first inquiry which it behooved me to make was, as to the influence which ought to be exerted on my judgment, by the relative state of the electoral votes which the three returned candidates brought into the house from the colleges. General Jackson obtained ninety-nine, Mr. Adams eighty-four, and Mr. Crawford forty-one. Ought the fact of a plurality being given to one of the candidates to have any, and what, weight? If the constitution had intended that it should have been decisive, the constitution would have made it decisive, and interdicted the exercise of any discretion, on the part of the house of representatives. The constitution has not so ordained, but, on the contrary, it has provided, that 'from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall *choose*, immediately, by ballot, a president.' Thus a discretion is necessarily invested in the house; for choice implies examination, comparison, judgment. The fact, therefore, that one of the three persons was the highest returned, not being, by the constitution of the country, conclusive upon the judgment of the house, it still remains to determine what is the true degree of weight belonging to it? It has been contended that it should operate, if not as an instruction, at least in the nature of one, and that in this form it should control the judgment of the house. But this is the same argument of conclusiveness which the constitution does not enjoin, thrown into a different but more imposing shape. Let me analyze it. There are certain states, the aggregate of whose electoral votes conferred upon the highest returned candidate, indicate their wish that he should be the president. Their votes amount in number to ninety-nine, out of two hundred and sixty-one electoral votes of the whole union. These ninety-nine do not, and cannot, of themselves, make the president. If the fact of particular states giving ninety-nine votes, can, according to any received notions of the doctrine of instruction, be regarded in that light, to whom are those instructions to be considered addressed? According to that doctrine, the people who appoint, have the right to direct, by their instruction, in certain cases, the course of the representative whom they appoint. The states, therefore, who gave those ninety-nine votes, may in some sense be understood thereby to have instructed *their* representatives in the house to vote for the person on whom they were bestowed, in the choice of a president. But most clearly the representatives coming from other states, which gave no part of those ninety-nine

votes, cannot be considered as having been under any obligation to surrender their judgments to those of the states which gave the ninety-nine votes. To contend that they are under such an obligation, would be to maintain that the people of one state have a right to instruct the representatives from another state. It would be to maintain a still more absurd proposition; that in a case where the representatives from a state did not hold themselves instructed and bound by the will of that state, as indicated in its electoral college, the representatives from another state were, nevertheless, instructed and bound by that alien will. Thus the entire vote of North Carolina, and a large majority of that of Maryland, in their respective electoral colleges, were given to one of the three returned candidates, for whom the delegation from neither of those states voted. And yet the argument combated requires that the delegation from Kentucky, who do not represent the people of North Carolina nor Maryland, should be instructed by, and give an effect to, the indicated will of the people of those two states, when their own delegation paid no attention to it. Doubtless, those delegations felt themselves authorized to look into the actual composition of, and all other circumstances connected with, the majorities which gave the electoral votes, in their respective states; and felt themselves justified, from a view of the whole ground, to act upon their responsibility, and according to their best judgments, disregarding the electoral votes in their states. And are representatives from a different state not only bound by the will of the people of a different commonwealth, but forbidden to examine into the manner by which the expression of that will was brought about—an examination which the immediate representatives themselves, feel it their duty to make?

Is the fact, then, of a plurality to have no weight? Far from it. Here are twenty-four communities united under a common government. The expression of the will of any one of them is entitled to the most respectful attention. It ought to be patiently heard and kindly regarded by the others; but it cannot be admitted to be conclusive upon them. The expression of the will of ninety-nine out of two hundred and sixty-one electors, is entitled to very great attention, but that will cannot be considered as entitled to control the will of the one hundred and sixty-two electors who have manifested a different will. To give it such controlling influence, would be a subversion of the fundamental maxim of the republic—that the majority should govern. The will of the ninety-nine can neither be allowed rightfully to control the remaining one hundred and sixty-two, nor any one of the one hundred and sixty-two electoral votes. It may be an argument, a persuasion, addressed to all and to each of them, but it is binding and obligatory upon none. It follows, then, that the fact of a plurality was only one among the various considerations which the house was

called upon to weigh, in making up its judgment. And the weight of the consideration ought to have been regulated by the extent of the plurality. As between general Jackson and Mr. Adams, the vote standing in the proportions of ninety-nine to eighty-four, it was entitled to less weight; as between the general and Mr. Crawford, it was entitled to more, the vote being as ninety-nine to forty-one. The concession may even be made that, upon the supposition of an equality of pretensions between competing candidates, the preponderance ought to be given to the fact of a plurality.

With these views of the relative state of the vote with which the three returned candidates entered the house, I proceeded to examine the other considerations which belonged to the question. For Mr. Crawford, who barely entered the house, with only four votes more than one candidate not returned, and upon whose case, therefore, the argument derived from the fact of plurality operated with strong, though not decisive force, I have ever felt much personal regard. But I was called upon to perform a solemn public duty, in which my private feelings, whether of affection or aversion, were not to be indulged, but the good of my country only consulted. It appeared to me that the precarious state of that gentleman's health, although I participated with his best friends in all their regrets and sympathies on account of it, was conclusive against him, to say nothing of other considerations of a public nature, which would have deserved examination if, happily, in that respect he had been differently circumstanced. He had been ill near eighteen months; and, although I am aware that his actual condition was a fact depending upon evidence, and that the evidence in regard to it, which had been presented to the public, was not perfectly harmonious, I judged for myself upon what I saw and heard. He may, and I ardently hope will, recover; but I did not think it became me to assist in committing the executive administration of this great republic, on the doubtful contingency of the restoration to health of a gentleman who had been so long and so seriously afflicted. Moreover, if, under all the circumstances of his situation, his election had been desirable, I did not think it practicable. I believed, and yet believe, that, if the votes of the western states, given to Mr. Adams, had been conferred on Mr. Crawford, the effect would have been to protract in the house the decision of the contest, to the great agitation and distraction of the country, and possibly to defeat an election altogether; the very worst result, I thought, that could happen. It appeared to me, then, that, sooner or later, we must arrive at the only practical issue of the contest before us, and that was between Mr. Adams and general Jackson, and I thought that the earlier we got there, the better for the country, and for the house.

In considering this only alternative, I was not unaware of your strong desire to have a western president; but I thought that I

knew enough of your patriotism and magnanimity, displayed on so many occasions, to believe that you could rise above the mere gratification of sectional pride, if the common good of the whole required you to make the sacrifice of local partiality. I solemnly believed it did, and this brings me to the most important consideration which belonged to the whole subject — that arising out of the respective fitness of the only two real competitors, as it appeared to my best judgment. In speaking of general Jackson, I am aware of the delicacy and respect which are justly due to that distinguished citizen. It is far from my purpose to attempt to disparage him. I could not do it if I were capable of making the attempt; but I shall nevertheless speak of him, as becomes me, with truth. I did not believe him so competent to discharge the various, intricate, and complex duties of the office of chief magistrate, as his competitor. He has displayed great skill and bravery, as a military commander, and his own renown will endure as long as the means exist of preserving a recollection of human transactions. But to be qualified to discharge the duties of president of the United States, the incumbent must have more than mere military attainments — he must be a STATESMAN. An individual may be a gallant and successful general, an eminent lawyer, an eloquent divine, a learned physician, or an accomplished artist; and doubtless the union of all these characters in the person of a chief magistrate would be desirable, but no one of them, nor all combined, will qualify him to be president, unless he superadds that indispensable requisite of being a statesman. Far from meaning to say that it is an objection to the elevation to the chief magistracy of any person, that he is a military commander, if he unites the other qualifications, I only intend to say that, whatever may be the success or splendor of his military achievements, if his qualifications be *only* military, that is an objection, and I think a decisive objection, to his election. If general Jackson has exhibited, either in the councils of the union, or in those of his own state, or in those of any other state or territory, the qualities of a statesman, the evidence of the fact has escaped my observation. It would be as painful as it is unnecessary, to recapitulate some of the incidents, which must be fresh in your recollection, of his public life. But I was greatly deceived in my judgment if they proved him to be endowed with that prudence, temper, and discretion, which are necessary for civil administration. It was in vain to remind me of the illustrious example of Washington. There was in that extraordinary person, united, a serenity of mind, a cool and collected wisdom, a cautious and deliberate judgment, a perfect command of the passions, and, throughout his whole life, a familiarity and acquaintance with business, and civil transactions, which rarely characterize any human being. No man was ever more deeply penetrated than he was, with profound respect for the safe

and necessary principle of the entire subordination of the military to the civil authority. I hope I do no injustice to general Jackson when I say, that I could not recognise, in his public conduct, those attainments, for both civil government and military command, which contemporaries and posterity have alike unanimously concurred in awarding as yet only to the father of his country. I was sensible of the gratitude which the people of this country justly feel towards general Jackson, for his brilliant military services. But the impulses of public gratitude should be controlled, as it appeared to me, by reason and discretion, and I was not prepared blindly to surrender myself to the hazardous indulgence of a feeling, however amiable and excellent that feeling may be, when properly directed. It did not seem to me to be wise or prudent, if, as I solemnly believe, general Jackson's competency for the office was highly questionable, that he should be placed in a situation where neither his fame nor the public interests would be advanced. General Jackson himself would be the last man to recommend or vote for any one for a place for which he thought him unfit. I felt myself sustained by his own reasoning, in his letter to Mr. Monroe, in which, speaking of the qualifications of our venerable Shelby for the department of war, he remarked: 'I am compelled to say to you, that the acquirements of this worthy man are not competent to the discharge of the multiplied duties of this department. I therefore hope he may not accept the appointment. I am fearful, if he does, he will not add much splendor to his present well-earned standing as a public character.' Such was my opinion of general Jackson, in reference to the presidency. His conviction of governor Shelby's unfitness, by the habits of his life, for the appointment of secretary of war, were not more honest nor stronger than mine were of his own want of experience, and the necessary civil qualifications to discharge the duties of a president of the United States. In his elevation to this office, too, I thought I perceived the establishment of a fearful precedent; and I am mistaken in all the warnings of instructive history, if I erred in my judgment. Undoubtedly there are other and many dangers to public liberty, besides that which proceeds from military idolatry; but I have yet to acquire the knowledge of it, if there be one more perilous, or more frequent.

Whether Mr. Adams would or would not have been my choice of a president, if I had been left freely to select from the whole mass of American citizens, was not the question submitted to my decision. I had no such liberty; but I was circumscribed, in the selection I had to make, to one of the three gentlemen whom the people themselves had thought proper to present to the house of representatives. Whatever objections might be supposed to exist against him, still greater appeared to me to apply to his competitor. Of Mr. Adams, it is but truth and justice to say, that he is highly

gifted, profoundly learned, and long and greatly experienced in public affairs, at home and abroad. Intimately conversant with the rise and progress of every negotiation with foreign powers, pending or concluded; personally acquainted with the capacity and attainments of most of the public men of this country, whom it might be proper to employ in the public service; extensively possessed of much of that valuable kind of information which is to be acquired neither from books nor tradition, but which is the fruit of largely participating in public affairs; discreet and sagacious; he would enter upon the duties of the office with great advantages. I saw in his election the establishment of no dangerous example. I saw in it, on the contrary, only conformity to the safe precedents which had been established in the instances of Mr. Jefferson, Mr. Madison, and Mr. Monroe, who had respectively filled the same office from which he was to be translated.

A collateral consideration of much weight, was derived from the wishes of the Ohio delegation. A majority of it, during the progress of the session, made up their opinions to support Mr. Adams, and they were communicated to me. They said, 'Ohio supported the candidate who was the choice of Kentucky. We failed in our common exertions to secure his election. Now, among those returned, we have a decided preference, and we think you ought to make some sacrifice to gratify us.' Was not much due to our neighbor and friend?

I considered, with the greatest respect, the resolution of the general assembly of Kentucky, requesting the delegation to vote for general Jackson. That resolution, it is true, placed us in a peculiar situation. Whilst every other delegation, from every other state in the union, was left by its legislature entirely free to examine the pretensions of all the candidates, and to form its unbiassed judgment, the general assembly of Kentucky thought proper to interpose, and request the delegation to give its vote to one of the candidates, whom they were pleased to designate. I felt a sincere desire to comply with a request emanating from a source so respectable, if I could have done so consistently with those paramount duties which I owed to you and to the country. But, after full and anxious consideration, I found it incompatible with my best judgment of those duties, to conform to the request of the general assembly. The resolution asserts, that it was the wish of the people of Kentucky, that their delegation should vote for the general. It did not inform me by what means that body had arrived at a knowledge of the wish of the people. I knew that its members had repaired to Frankfort before I departed from home to come to Washington. I knew that their attention was fixed on important local concerns, well entitled, by their magnitude, exclusively to engross it. No election, no general expression of the popular sentiment, had occurred since that in November, when

electors were chosen, and at that the people, by an overwhelming majority, had decided against general Jackson. I could not see how such an expression *against* him, could be interpreted into that of a desire *for* his election. If, as is true, the candidate whom they preferred was not returned to the house, it is equally true that the *state* of the contest, as it presented itself here to me, had never been considered, discussed, and decided by the people of Kentucky, in their collective capacity. What would have been their decision on this *new* state of the question, I might have undertaken to conjecture, but the certainty of any conclusion of fact, as to their opinion, at which I could arrive, was by no means equal to that certainty of conviction of my duty to which I was carried by the exertion of my best and most deliberate reflections. The letters from home, which some of the delegation received, expressed the most opposite opinions, and there were not wanting instances of letters from some of the very members who had voted for that resolution, advising a different course. I received from a highly respectable portion of my constituents a paper, instructing me as follows:

'We, the undersigned voters in the congressional district, having viewed the instruction or request of the legislature of Kentucky, on the subject of choosing a president and vice-president of the United States, with regret, and the said request or instruction to our representative in congress from this district being without our knowledge or consent, we, for many reasons known to ourselves, connected with so momentous an occasion, hereby *instruct* our representative in congress to vote on this occasion agreeably to his own judgment, and the best lights he may have on the subject, with or without the consent of the legislature of Kentucky.'

This instruction came both unexpectedly and unsolicited by me, and it was accompanied by letters assuring me that it expressed the opinion of a majority of my constituents. I could not, *therefore*, regard the resolution as conclusive evidence of your wishes.

Viewed as a mere request, as it purported to be, the general assembly doubtless had the power to make it. But, then, with deference, I think it was worthy of serious consideration, whether the dignity of the general assembly ought not to have induced it to forbear addressing itself, not to another legislative body, but to a small part of it, and requesting the members who composed that part, in a case which the constitution had confided to them, to vote according to the wishes of the general assembly, whether those wishes did or did not conform to their sense of duty. I could not regard the resolution as an instruction; for, from the origin of our state, its legislature has never assumed or exercised the right to instruct the representatives in congress. I did not recognise the right, therefore, of the legislature, to instruct me. I recognised that right only when exerted by you. That the portion of the public servants who made up the general assembly, have no right to instruct that portion of them who constituted the Kentucky delega-



tion in the house of representatives, is a proposition too clear to be argued. The members of the general assembly would have been the first to behold as a presumptuous interposition, any instruction, if the Kentucky delegation could have committed the absurdity to issue, from this place, any instruction to them to vote in a particular manner on any of the interesting subjects which lately engaged their attention at Frankfort. And although nothing is further from my intention than to impute either absurdity or presumption to the general assembly, in the adoption of the resolution referred to, I must say, that the difference between an instruction emanating from them to the delegation, and from the delegation to them, is not in principle, but is to be found only in the degree of superior importance which belongs to the general assembly.

Entertaining these views of the election on which it was made my duty to vote, I felt myself bound, in the exercise of my best judgment, to prefer Mr. Adams; and I accordingly voted for him. I should have been highly gratified if it had not been my duty to vote on the occasion; but that was not my situation, and I did not choose to shrink from any responsibility which appertained to your representative. Shortly after the election, it was rumored that Mr. Kremer was preparing a publication, and the preparations for it which were making excited much expectation. Accordingly, on the twenty-sixth of February, the address, under his name, to the 'electors of the ninth congressional district of the state of Pennsylvania,' made its appearance in the Washington City Gazette. No member of the house, I am persuaded, believed that Mr. Kremer ever wrote one paragraph of that address, or of the plea, which was presented to the committee, to the jurisdiction of the house. Those who counselled him, and composed both papers, and their purposes, were just as well known as the author of any report from a committee to the house. The first observation which is called for by the address is the place of its publication. That place was in this city, remote from the centre of Pennsylvania, near which Mr. Kremer's district is situated, and in a paper having but a very limited, if any circulation in it. The time is also remarkable. The fact that the president intended to nominate me to the senate for the office which I now hold, in the course of a few days, was then well known, and the publication of the address was, no doubt, made less with an intention to communicate information to the electors of the ninth congressional district of Pennsylvania, than to affect the decision of the senate on the intended nomination. Of the character and contents of that address of Messrs. George Kremer & Co., made up, as it is, of assertion without proof, of inferences without premises, and of careless, jocosé, and quizzing conversations of some of my friends, to which I was no party, and of which I had never heard, it is not my intention to say much. It carried its own refutation, and the parties concerned saw its abortive

nature the next day, in the indignant countenance of every unprejudiced and honorable member. In his ear, Mr. Kremer had been made to say, that he held himself ready 'to prove, to the satisfaction of unprejudiced minds, enough to satisfy them of the accuracy of the statements which are contained in that letter, *to the extent that they concerned the course of conduct of H. Clay.*' The object for excluding my friends from this pledge has been noticed. But now the election was decided, and there no longer existed a motive for discrimination between them and me. Hence the only statements that are made, in the address, having the semblance of proof, relate rather to them than to me; and the design was, by establishing something like facts upon them, to make those facts react upon me.

Of the few topics of the address upon which I shall remark, the first is, the accusation brought forward against me, of violating instructions. If the accusation were true, who was the party offended, and to whom I was amenable? If I violated any instructions, they must have been yours, since you only had the right to give them, and to you alone was I responsible. Without allowing hardly time for you to hear of my vote, without waiting to know what your judgment was of my conduct, George Kremer & Co. chose to arraign me before the American public as the violator of instructions which I was bound to obey. If, instead of being, as you are, and I hope always will be, vigilant observers of the conduct of your public agents, jealous of your rights, and competent to protect and defend them, you had been ignorant and culpably confiding, the gratuitous interposition, as your advocate, of the honorable George Kremer, of the ninth congressional district in Pennsylvania, would have merited your most grateful acknowledgments. Even upon that supposition, his arraignment of me would have required for its support one small circumstance, which happens not to exist, and that is, the fact of your having actually instructed me to vote according to his pleasure.

The relations in which I stood to Mr. Adams constitute the next theme of the address, which I shall notice. I am described as having assumed 'a position of peculiar and decided hostility to the election of Mr. Adams,' and expressions towards him are attributed to me, which I never used. I am also made responsible for 'pamphlets and essays of great ability,' published by my friends in Kentucky in the course of the canvass. The injustice of the principle of holding me thus answerable, may be tested by applying it to the case of general Jackson, in reference to publications issued, for example, from the Columbia Observer. That I was not in favor of the election of Mr. Adams, when the contest was before the people, is most certain. Neither was I in favor of that of Mr. Crawford or general Jackson. That I ever did any thing against Mr. Adams, or either of the other gentlemen, inconsistent

with a fair and honorable competition, I utterly deny. My relations to Mr. Adams have been the subject of much misconception, if not misrepresentation. I have been stated to be under a public pledge to expose some nefarious conduct of that gentleman, during the negotiation at Ghent, which would prove him to be entirely unworthy of public confidence; and that, with the knowledge of his perfidy, I nevertheless voted for him. If these imputations are well founded, I should, indeed, be a fit object of public censure; but if, on the contrary, it shall be found that others, inimical both to him and to me, have substituted their own interested wishes for my public promises, I trust that the indignation, which they would excite, will be turned from me. My letter, addressed to the editors of the *Intelligencer*, under date of the fifteenth of November, 1822, is made the occasion for ascribing to me the promise and the pledge to make those treasonable disclosures on Mr. Adams. Let that letter speak for itself, and it will be seen how little justice there is for such an assertion. It adverts to the controversy which had arisen between Messrs. Adams and Russell, and then proceeds to state that, 'in the course of several publications, of which it has been the occasion, and particularly in the appendix to a pamphlet, which had been recently published by the honorable John Quincy Adams, I think there are some errors, no doubt unintentional, both as to matters of fact and matters of opinion, in regard to the transactions at Ghent, relating to the navigation of the Mississippi, and certain liberties claimed by the United States in the fisheries, *and to the part which I bore in those transactions.* These important interests are now well secured.' 'An account, therefore, of what occurred in the negotiation at Ghent, on those *two* subjects, is not, perhaps, necessary to the present or future security of any of the rights of the nation, and is *only* interesting as appertaining to its *past* history. With these impressions, and being extremely unwilling to present myself, at any time, before the public, I had *almost* resolved to remain silent, and thus expose myself to the inference of an acquiescence in the correctness of all the statements made by both my colleagues; but I have, on more reflection, thought it may be expected of me, and be considered as a duty on my part, to contribute all in my power towards a full and faithful understanding of the transactions referred to. Under this conviction, I will, at some future period, more propitious than the present to calm and dispassionate consideration, and when there can be no misinterpretation of motives, lay before the public a narrative of those transactions, as I understood them.'

From even a careless perusal of that letter, it is apparent, that the only two subjects of the negotiations at Ghent, to which it refers, were the navigation of the Mississippi, and certain fishing liberties; that the errors which I had supposed were committed, applied to both Mr. Russell and Mr. Adams, though more particu-

larly to the appendix of the latter; that they were unintentional, that they affected myself principally; that I deemed them of no public importance, as connected with the then, or future security of any of the rights of the nation, but only interesting to its past history; that I doubted the necessity of my offering to the public any account of those transactions; and that the narrative which I promised was to be presented at a season of more calm, and when there could be no misinterpretation of motives. Although Mr. Adams believes otherwise, I yet think there are some unintentional errors in the controversial papers between him and Mr. Russell. But I have reserved to myself an exclusive right of judging when I shall execute the promise which I have made, and I shall be neither quickened nor retarded in its performance by the friendly anxieties of any of my opponents.

If injury accrue to any one by the delay in publishing the narrative, the public will not suffer by it. It is already known by the publication of the British and American projects, the protocols, and the correspondence between the respective plenipotentiaries, that the British government made at Ghent a demand of the navigation of the Mississippi, by an article in their project nearly in the same words as those which were employed in the treaty of 1783; that a majority of the American commissioners was in favor of acceding to that demand, upon the condition that the British government would concede to us the same fishing liberties within their jurisdiction, as were secured to us by the same treaty of 1783; and that both demands were finally abandoned. The fact of these mutual propositions was communicated by me to the American public in a speech which I delivered in the house of representatives, on the twenty-ninth day of January, 1816. Mr. Hopkinson had arraigned the terms of the treaty of peace, and charged upon the war and the administration the loss of the fishing liberties, within the British jurisdiction, which we enjoyed prior to the war. In vindicating, in my reply to him, the course of the government, and the conditions of the peace, I stated:

‘When the British commissioners demanded, in their project, a renewal to Great Britain of the right to the navigation of the Mississippi, secured by the treaty of 1783, a bare majority of the American commissioners offered to renew it, upon the condition that the liberties in question were renewed to us. I was not one of that majority. I will not trouble the committee with my reasons for being opposed to the offer. A majority of my colleagues, actuated, I believe, by the best motives, made, however, the offer, and it was refused by the British commissioners.’

And what I thought of my colleagues of the majority, appears from the same extract. The spring after the termination of the negotiations at Ghent, I went to London, and entered upon a new and highly important negotiation with two of them, (Messrs. Adams and Gallatin,) which resulted, on the third day of July, 1815, in the commercial convention, which has been since made

the basis of most of our commercial arrangements with foreign powers. Now, if I had discovered at Ghent, as has been asserted, that either of them was false and faithless to his country, would I have voluntarily commenced with them another negotiation? Further: there never has been a period, during our whole acquaintance, that Mr. Adams and I have not exchanged, when we have met, friendly salutations, and the courtesies and hospitalities of social intercourse.

The address proceeds to characterize the support which I gave to Mr. Adams as unnatural. The authors of the address have not stated why it is unnatural, and we are therefore left to conjecture their meaning. Is it because Mr. Adams is from New England, and I am a citizen of the west? If it be unnatural in the western states to support a citizen of New England, it must be equally unnatural in the New England states to support a citizen of the west. And, on the same principle, the New England states ought to be restrained from concurring in the election of a citizen of the southern states, or the southern states from coöperating in the election of a citizen of New England. And, consequently, the support which the last three presidents have derived from New England, and that which the vice-president recently received, has been most unnaturally given. The tendency of such reasoning would be to denationalize us, and to contract every part of the union within the narrow, selfish limits of its own section. It would be still worse; it would lead to the destruction of the union itself. For if it be unnatural in one section to support a citizen in another, the union itself must be unnatural; all our ties, all our glories, all that is animating in the past, all that is bright and cheering in the future, must be unnatural. Happily, such is the admirable texture of our union, that the interests of all its parts are closely interwoven. If there are strong points of affinity between the south and the west, there are interests of not less, if not greater, strength and vigor, binding the west, and the north, and the east.

Before I close this address, it is my duty, which I proceed to perform with great regret, on account of the occasion which calls for it, to invite your attention to a letter, addressed by general Jackson to Mr. Swartwout, on the twenty-third day of February last. The names of both the general and myself had been before the American public for its highest office. We had both been unsuccessful. The unfortunate have usually some sympathy for each other. For myself, I claim no merit for the cheerful acquiescence which I have given in a result by which I was excluded from the house. I have believed that the decision by the constituted authorities, in favor of others, has been founded upon a conviction of the superiority of their pretensions. It has been my habit, when an election is once decided, to forget, as soon as possible, all the irritating circumstances which attended the pre-

ceding canvass. If one be successful, he should be content with his success. If he have lost it, railing will do no good. I never gave general Jackson nor his friends any reason to believe that I would, in any contingency, support him. He had, as I thought, no public claim, and, I will now add, no personal claims, if these ought to be ever considered, to my support. No one, therefore, ought to have been disappointed or chagrined that I did not vote for him, no more than I was neither surprised nor disappointed that he did not, on a more recent occasion, feel it to be his duty to vote for me. After commenting upon a particular phrase used in my letter to judge Brooke, a calm reconsideration of which will, I think, satisfy any person that it was not employed in an offensive sense, if indeed it have an offensive sense, the general, in his letter to Mr. Swartwout, proceeds to remark: 'No one beheld me seeking, through art or management, to entice any representative in congress from a conscientious responsibility of his own, or the wishes of his constituents. No midnight taper burnt by me; no secret conclaves were held, nor cabals entered into to persuade any one to a violation of pledges given, or of instructions received. By me no plans were concerted to impair the pure principles of our republican institutions, nor to prostrate that fundamental maxim which maintains the supremacy of the people's will. On the contrary, having never in any manner, before the people or congress, interfered in the slightest degree with the question, my conscience stands void of offence, and will go quietly with me, regardless of the insinuations of those who, through management, may seek an influence not sanctioned by integrity and merit.' I am not aware that this defence of himself was rendered necessary by any charges brought forward against the general. Certainly I never made any such charges against him. I will not suppose that, in the passage cited, he intended to impute to me the misconduct which he describes, and yet, taking the whole context of his letter together, and coupling it with Mr. Kremer's address, it cannot be disguised that others may suppose he intended to refer to me. I am quite sure that, if he did, he could not have formed those unfavorable opinions of me upon any personal observation of my conduct made by himself; for a supposition that they were founded upon his own knowledge, would imply that my lodgings and my person had been subjected to a system of espionage wholly incompatible with the open, manly, and honorable conduct of a gallant soldier. If he designed any insinuations against me, I must believe that he made them upon the information of others, of whom I can only say that they have deceived his credulity, and are entirely unworthy of all credit. I entered into no cabals; I held no secret conclaves; I enticed no man to violate pledges given or instructions received. The members from Ohio, and from the other western states, with whom I voted, were all of them as competent as I was to form an opinion on the pending election. The

McArthurs and the Metcalfs, and the other gentlemen from the west, (some of whom have, if I have not, bravely 'made an effort to repel an invading foe,') are as incapable of dishonor as any men breathing; as disinterested, as unambitious, as exclusively devoted to the best interests of their country. It was quite as likely that I should be influenced by them, as that I could control their votes. Our object was not to impair, but to preserve from all danger, the purity of our republican institutions. And how I prostrated the maxim which maintains the supremacy of the people's will, I am entirely at a loss to comprehend. The illusions of the general's imagination deceive him. *The people* of the United States had never decided the election in his favor. If the people had *willed* his election, he would have been elected. It was because they had *not willed* his election, nor that of any other candidate, that the duty of making a choice devolved on the house of representatives. The general remarks:

'Mr. Clay has never yet risked himself for his country. He has never sacrificed his repose, nor made an effort to repel an invading foe; of *course* his conscience assured him it was altogether wrong in any other man to lead his countrymen to battle and victory.'

The logic of this conclusion is not very striking. General Jackson fights better than he reasons. When have I failed to concur in awarding appropriate honors to those who, on the sea or on the land, have sustained the glory of our arms, if I could not always approve of the acts of some of them? It is true, that it has been my misfortune never to have repelled an invading foe, nor to have led my countrymen to victory. If I had, I should have left to others to proclaim and appreciate the deed. The general's destiny and mine have led us in different directions. In the civil employments of my country, to which I have been confined, I regret that the little service which I have been able to render it falls far short of my wishes. But why this denunciation of those who have not repelled an invading foe, or led our armies to victory? At the very moment when he is inveighing against an objection to his election to the presidency, founded upon the exclusive military nature of his merits, does he not perceive that he is establishing its validity by proscribing every man who has not successfully fought the public enemy; and that, by such a general proscription, and the requirement of successful military service as the only condition of civil preferment, the inevitable effect would be the ultimate establishment of a military government?

If the contents of the letter to Mr. Swartwout, were such as justly to excite surprise, there were other circumstances not calculated to diminish it. Of all the citizens of the United States, that gentleman is one of the last to whom it was necessary to address any vindication of general Jackson. He had given abundant

evidence of his entire devotion to the cause of the general. He was here after the election, and was one of a committee who invited the general to a public dinner, proposed to be given to him in this place. My letter to judge Brooke was published in the papers of this city on the twelfth of February. The general's note, declining the invitation of Messrs. Swartwout and others, was published on the fourteenth, in the National Journal. The probability, therefore, is, that he did not leave this city until after he had a full opportunity to receive, in a personal interview with the general, any verbal observations upon it which he might have thought proper to make. The letter to Mr. Swartwout, bears date the twenty-third of February. If received by him in New York, it must have reached him, in the ordinary course of mail, on the twenty-fifth or twenty-sixth. Whether intended or not as a 'private communication,' and not for the 'public eye,' as alleged by him, there is much probability in believing that its publication in New York, on the fourth of March, was then made, like Mr. Kremer's address, with the view to its arrival in this city in time to affect my nomination to the senate. In point of fact, it reached here the day before the senate acted on that nomination.

Fellow-citizens, I am sensible that, generally, a public officer had better abstain from any vindication of his conduct, and leave it to the candor and justice of his countrymen, under all its attending circumstances. Such has been the course which I have heretofore prescribed to myself. This is the first, as I hope it may be the last, occasion of my thus appearing before you. The separation which has just taken place between us, and the venom, if not the vigor of the late onsets upon my public conduct, will, I hope, be allowed in this instance to form an adequate apology. It has been upwards of twenty years since I first entered the public service. Nearly three fourths of that time, with some intermissions, I have represented the same district in congress, with but little variation in its form. During that long period, you have beheld our country passing through scenes of peace and war, of prosperity and adversity, and of party divisions, local and general, often greatly exasperated against each other. I have been an actor in most of those scenes. Throughout the whole of them, you have clung to me with an affectionate confidence which has never been surpassed. I have found in your attachment, in every embarrassment in my public career, the greatest consolation, and the most encouraging support. I should regard the loss of it as one of the most afflictive public misfortunes which could befall me. That I have often misconceived your true interests, is highly probable. That I have ever sacrificed them to the object of personal aggrandizement, I utterly deny. And, for the purity of my motives, however in other respects I may be unworthy to approach the throne of grace and mercy, I appeal to the justice of my God, with all the confidence which can flow from a consciousness of perfect rectitude.



# ON THE ELECTION OF PRESIDENT BY CONGRESS, IN 1825.

SPEECH AT LEWISBURG, VIRGINIA, AUGUST 30, 1826.

[In the following remarks at a public dinner given him by citizens of Lewisburg and its vicinity, while he was secretary of state, under president Adams, Mr. Clay explains the motives which influenced him in voting for that gentleman for the office of president, and afterwards accepting a seat in his cabinet. He also alludes to some of the measures of the administration, of which he was then a member, in a manner which will be found to possess great interest.]

*Lewisburg, August 23d, 1826.*

THE HONORABLE HENRY CLAY:

Sir, at a meeting of a respectable number of the inhabitants of Lewisburg and its vicinity, convened in the court house on the twenty-second instant, it was unanimously determined to greet your arrival amongst them by some public demonstration of the respect which they in common with a great portion of the community, feel towards one of their most distinguished fellow-citizens. It was therefore unanimously resolved, as the most eligible means of manifesting their feelings, to request the honor of your presence at a public dinner to be given at the tavern of Mr. Frazer, in the town of Lewisburg, on Wednesday the thirtieth instant.

In pursuance of the above measures, we, as a committee, have been appointed to communicate their resolutions and solicit a compliance with their invitation. In performing this agreeable duty, we cannot but express our admiration of the uniform course which, during a long political career, you have pursued with so much honor to yourself and country. Although the detractions of envy, and the violence of party feeling have endeavored to blast your fair reputation, and destroy the confidence reposed in you by the citizens of the United States, we rejoice to inform you, that the people of the western part of that state which claims you as one of her most gifted sons, still retain the same high feeling of respect, which they have always manifested in spite of the maledictions and bickerings of *disappointed* editors and *interested* politicians. We cannot close our communication without hailing you as one of the most distinguished advocates of that system of internal improvement which has already proved so beneficial to our country, and which at no distant period will make even these desert mountains to blossom as the rose.

We have the honor to subscribe ourselves, yours with esteem,

J. G. M'CLENACHEN,  
JAMES M'LAUGHLIN,  
J. F. CALDWELL,

JOHN BEIRNE,  
J. A. NORTH,  
HENRY ERSKINE.

*White Sulphur Springs, 24th August, 1826.*

GENTLEMEN, I have received the note which you did me the honor on yesterday to address to me, inviting me in behalf of a respectable number of the citizens of Lewisburg and its vicinity, to a public dinner at Mr. Frazer's tavern, on Wednesday next, which they have the goodness to propose, in consequence of my arrival amongst

them, as a manifestation of their respect. Such a compliment was most unexpected by me on a journey to Washington, by this route, recommended to my choice by the pure air of a mountain region, and justly famed mineral waters, a short use of which I hoped might contribute to the perfect reestablishment of my health. The gratification which I derive from this demonstration of kindness and confidence, springs, in no small degree, from the consideration that it is the spontaneous testimony of those with whom I share a common origin, in a venerated state, endeared to me by an early tie of respect and affection, which no circumstance can ever dissolve. In communicating to that portion of the citizens of Lewisburg and its vicinity, who have been pleased thus to favor me, by their distinguished notice, my acceptance of their hospitable invitation, I pray you to add my profound acknowledgments. And of the friendly and flattering manner in which you have conveyed it, and for the generous sympathy, characteristic of Virginia, which you are so obliging as to express, on account of the detractions of which I have been the selected object, and the meditated victim, be assured that I shall always retain a lively and grateful remembrance.

I am, gentlemen, with great esteem and regard, faithfully, your obedient servant,  
 HENRY CLAY.  
 Messrs. M'Clenachen, North, M'Laughlin, Caldwell, Beirne, and Erskine, &c., &c.

#### TOAST.

Seventh. *Our distinguished guest, Henry Clay*—the statesman, orator, patriot, and philanthropist; his splendid talents shed lustre on his native state, his eloquence is an ornament to his country.

WHEN this toast was drunk, Mr. Clay rose, and addressed the company in a speech, which occupied nearly an hour in the delivery, of which we can only attempt an imperfect sketch.

He said, that he had never before felt so intensely the want of those powers of eloquence which had been just erroneously ascribed to him. He hoped, however, that in his plain and unaffected language, he might be allowed, without violating any established usage which prevails here, to express his grateful sensibility, excited by the sentiment with which he had been honored, and for the kind and respectful consideration of him manifested on the occasion which had brought them together. In passing through my native state, said he, towards which I have ever borne, and shall continue, in all vicissitudes, to cherish, the greatest respect and affection, I expected to be treated with its accustomed courtesy and private hospitality. But I did not anticipate that I should be the object of such public, distinguished, and cordial manifestations of regard. In offering you the poor and inadequate return of my warm and respectful thanks, I pray you to believe that I shall treasure up these testimonies among the most gratifying reminiscences of my life. The public service which I have rendered my country, your too favorable opinion of which has prompted you to exhibit these demonstrations of your esteem, has fallen far below the measure of usefulness, which I should have been happy to have filled. I claim for it only the humble merit of pure and patriotic intention. Such as it has been, I have not always been fortunate enough to give satisfaction to every section and to all the great interests of our country.

When an attempt was made to impose upon a new state, about

to be admitted into the union, restrictions incompatible as I thought with her coequal sovereign power, I was charged in the north with being too partial to the south, and as being friendly to that unfortunate condition of slavery, of the evils of which none are more sensible than I am.

At another period, when I believed that the industry of this country required some protection against the selfish and contracted legislation of foreign powers, and to constitute it a certain and safe source of supply, in all exigencies; the charge against me was transposed, and I was converted into a foe of southern, and an infatuated friend of northern and western interests.

There were not wanting persons, in every section of the union, in another stage of our history, to accuse me with rashly contributing to the support of a war, the only alternative left to our honor by the persevering injustice of a foreign nation. These contradictory charges and perverted views gave me no concern, because I was confident that time and truth would prevail over all misconceptions; and because they did not impeach my public integrity. But I confess I was not prepared to expect the aspersions which I have experienced on account of a more recent discharge of public duty. My situation on the occasion to which I refer, was most peculiar and extraordinary, unlike that of any other American citizen. One of the three candidates for the presidency, presented to the choice of the house of representatives, was out of the question for notorious reasons now admitted by all. Limited as the competition was to the other two, I had to choose between a statesman long experienced at home and abroad in numerous civil situations, and a soldier, brave, gallant, and successful, but a mere soldier, who, although he had also filled several civil offices, had quickly resigned them all, frankly acknowledging, in some instances, his incompetency to discharge their duties.

It has been said that I had some differences with the present chief magistrate, at Ghent. It is true that we did not agree on one of the many important questions which arose during the negotiations in that city, but the difference equally applied to our present minister at London and to the lamented Bayard, between whom and myself, although we belonged to opposite political parties, there existed a warm friendship to the hour of his death. It was not of a nature to prevent our coöperation together in the public service, as is demonstrated by the convention at London subsequently negotiated by Messrs. Adams, Gallatin, and myself. It was a difference of opinion on a point of expediency, and did not relate to any constitutional or fundamental principle. But with respect to the conduct of the distinguished citizen of Tennessee, I had solemnly expressed, under the highest obligations, opinions, which, whether right or wrong, were sincerely and honestly entertained, and are still held. These opinions related to a military exercise of

power believed to be arbitrary and unconstitutional. I should have justly subjected myself to the grossest inconsistency, if I had given him my suffrage. I thought if he were elected, the sword and the constitution, bad companions, would be brought too near together. I could not have foreseen that, fully justified as I have been by those very constituents, in virtue of whose authority I exerted the right of free suffrage, I should nevertheless be charged with a breach of duty and corruption by strangers to them, standing in no relation to them but that of being citizens of other states, members of the confederacy. It is in vain that these revilers have been called upon for their proofs; have been defied, and are again invited, to enter upon any mode of fair investigation and trial; shrinking from every impartial examination, they persevere, with increased zeal, in the propagation of calumny, under the hope of supplying by the frequency and boldness of asseveration, the want of truth and the deficiency of evidence; until we have seen the spectacle exhibited of converting the hall of the first legislative assembly upon earth, on the occasion of discussions which above all others should have been characterized by dignity, calmness, and temperance, into a theatre for spreading suspicions and groundless imputations against an absent and innocent individual.

Driven from every other hold, they have seized on the only plank left within their grasp, that of my acceptance of the office of secretary of state, which has been asserted to be the consummation of a previous corrupt arrangement. What can I oppose to such an assertion, but positive, peremptory, and unqualified denial, and a repetition of the demand for proof and trial? The office to which I have been appointed is that of the country, created by it, and administered for its benefit. In deciding whether I should accept it or not, I did not take counsel from those who, foreseeing the probability of my designation for it, sought to deter me from its acceptance by fabricating anticipated charges, which would have been preferred with the same zeal and alacrity, however I might have decided. I took counsel from my friends, from my duty, from my conscious innocence of unworthy and false imputations. I was not left at liberty by either my enemies or my friends to decline the office. I would willingly have declined it from an unaffected distrust of my ability to perform its high duties, if I could have honorably declined it. I hope the uniform tenor of my whole public life will protect me against the supposition of any unreasonable avidity for public employment. During the administration of that illustrious man, to whose civil services more than to those of any other American patriot, living or dead, this country is indebted for the blessings of its present constitution, now more than ten years ago, the mission to Russia, and a place in his cabinet, were successively offered me. A place in *his* cabinet, at that period of my life, was more than equivalent to any place under any admin-

istration, at my present more advanced age. His immediate successor tendered to me the same place in his cabinet, which he anxiously urged me to accept, and the mission to England. Gentlemen, I hope you will believe that far from being impelled by any vain or boastful spirit, to mention these things, I do it with humiliation and mortification.

If I had refused the department of state, the same individuals who now, in the absence of all proof, against all probability, and in utter disregard of all truth, proclaim the existence of a corrupt previous arrangement, would have propagated the same charge with the same affected confidence which they now unblushingly assume. And it would have been said, with at least much plausibility, that I had contributed to the election of a chief magistrate, of whom I thought so unfavorably that I would not accept that place in his cabinet which is generally regarded as the first. I thought it my duty, unawed by their denunciations, to proceed in the office assigned me by the president and senate, to render the country the best service of which my poor abilities are capable. If this administration should show itself unfriendly to American liberty and to free and liberal institutions; if it should be conducted upon a system adverse to those principles of public policy, which I have ever endeavored to sustain, and I should be found still clinging to office; then nothing which could be said by those who are inimical to me, would be undeserved.

If the president ought not to have appointed one who had voted for him. Mr. Jefferson did not think so, who called to his cabinet a gentleman who had voted for him, in the most warmly contested election that has ever occurred in the house of representatives, and who appointed to other highly important offices other members of the same house, who voted for him. Mr. Madison did not think so, who did not feel himself restrained from sending me on a foreign service, because I had supported his election. Mr. Monroe did not think so, who appointed in his cabinet a gentleman, now filling the second office in the government, who attended the caucus that nominated and warmly and efficiently espoused his election. But, suppose the president acted upon the most disinterested doctrine which is now contended for by those who opposed his election, and were to appoint to public office from *their* ranks only, to the entire exclusion of those who voted for him, would he then escape their censure? No! we have seen him charged, for that equal distribution of the public service among every class of citizens, which has hitherto characterized his administration, with the nefarious purpose of buying up portions of the community. A spirit of denunciation is abroad. With some, condemnation, right or wrong, is the order of the day. No matter what prudence and wisdom may stamp the measures of the administration, no matter how much the prosperity of the country may

be advanced, or what public evils may be averted, under its guidance, there are persons who would make general, indiscriminate, and interminable opposition. This is not a fit occasion, nor perhaps am I a fit person, to enter upon a vindication of its measures. But I hope I shall be excused for asking what measure of domestic policy has been proposed or recommended by the present executive, which has not its prototype in previous acts or recommendations of administrations at the head of which was a citizen of Virginia? Can the liberal and high-minded people of this state, condemn measures emanating from a citizen of Massachusetts, which, when proposed by a Virginian, commanded their express assent or silent acquiescence; or to which, if in any instance they made opposition, it was respectful, limited, and qualified? The present administration desires only to be judged by its measures, and invites the strictest scrutiny and the most watchful vigilance on the part of the public.

With respect to the Panama mission, it is true that it was not recommended by any preceding administration, because the circumstances of the world were not then such as to present it as a subject for discussion. But during that of Mr. Monroe, it has been seen that it was a matter of consideration, and there is every reason to believe, if he were now at the head of affairs, his determination would correspond with that of his successor. Let me suppose that it was the resolution of this country, under no circumstances, to contract with foreign powers intimate public engagements, and to remain altogether unbound by any treaties of alliance; what should have been the course taken with the very respectful invitation which was given to the United States to be represented at Panama? Haughtily folding your arms, would you have given it a cold and abrupt refusal? Or would you not rather accept it, send ministers, and, in a friendly and respectful manner, endeavor to satisfy those who are looking to us for counsel and example, and imitating our free institutions, that there is no necessity for such an alliance; that the dangers which alone could, in the opinion of any one, have justified it, have vanished, and that it is not good for them or for us?

What may be the nature of the instructions with which our ministers may be charged, it is not proper that I should state; but all candid and reflecting men must admit, that we have great interests in connection with the southern republics, independent of any compacts of alliance. Those republics, now containing a population of upwards of twenty millions, duplicating their numbers probably in periods still shorter than we do, comprising within their limits the most abundant sources of the precious metals, offer to our commerce, to our manufactures, to our navigation, so many advantages, that none can doubt the expediency of cultivating the most friendly relations with them. If treaties of commerce and friendship, and liberal stipulations in respect to neutral and bellige-

rent rights, could be negotiated with each of them at its separate seat of government, there is no doubt that much greater facilities for the conclusion of such treaties present themselves at a point where, all being represented, the way may be smoothed and all obstacles removed by a disclosure of the views and wishes of all, and by mutual and friendly explanations. There was one consideration which had much weight with the executive, in the decision to accept the mission; and that was the interest which this country has, and especially the southern states, in the fate and fortunes of the island of Cuba. No subject of our foreign relations has created with the executive government more anxious concern, than that of the condition of that island and the possibility of prejudice to the southern states, from the convulsions to which it might be exposed. It was believed, and is yet believed, that the dangers which, in certain contingencies, might threaten our quiet and safety, may be more successfully averted at a place at which all the American powers should be represented than any where else. And I have no hesitation in expressing the firm conviction, that, if there be one section of this union more than all others interested in the Panama mission, and the benefits which may flow from it, that section is the south. It was, therefore, with great and unaffected surprise, that I witnessed the obliquity of those political views which led some gentlemen from that quarter to regard the measure, as it might operate on the southern states, in an unfavorable light. Whatever may be the result of the mission, its moral effect in Europe will be considerable, and it cannot fail to make the most friendly impressions upon our southern neighbors. It is one of which it is difficult, in sober imagination, to conceive any possible mischievous consequences, and which the executive could not have declined, in my opinion, without culpable neglect of the interests of this country, and without giving dissatisfaction to nations whose friendship we are called upon by every dictate of policy to conciliate.

There are persons who would impress on the southern states the belief that they have just cause of apprehending danger to a certain portion of their property from the present administration. It is not difficult to comprehend the object and the motive of these idle alarms. What measure of the present administration gives any just occasion for the smallest apprehension to the tenure by which that species of property is held? However much the president and the members of his administration may deprecate the existence of slavery among us, as the greatest evil with which we are afflicted, there is not one of them that does not believe that the constitution of the general government confers no authority to interpose between the master and his slave, none to apply an adequate remedy, if indeed there be any remedy within the scope of human power. Suppose an object of these alarmists were

accomplished, and the slave-holding states were united in the sentiment, that the policy of this government in all time to come, should be regulated on the basis of the fact of slavery, would not union on the one side lead to union on the other? And would not such a fatal division of the people and states of this confederacy, produce perpetual mutual irritation and exasperation, and ultimately disunion itself? The slave-holding states cannot forget that they are now in a minority, which is in a constant relative diminution, and should certainly not be the first to put forth a principle of public action by which they would be the greatest losers.

I am but too sensible of the unreasonable trespass on your time which I have committed, and of the egotism of which my discourse has partaken. I must depend for my apology upon the character of the times, on the venom of the attacks which have been made upon my character and conduct, and upon the generous sympathy of the gentlemen here assembled. During this very journey a paper has been put into my hands, in which a member of the house of representatives is represented to have said that the distinguished individual at the head of the government, and myself, have been indicted by the people. If that is the case, I presume that some defence is lawful. By the bye, if the honorable member is to have the sole conduct of the prosecution without the aid of other counsel, I think that it is not difficult to predict that his clients will be nonsuited, and that they will be driven out of court with the usual judgment pronounced in such cases.

In conclusion, I beg leave to offer a toast which, if you are as dry as I am, will, I hope, be acceptable for the sake of the wine, if not the sentiment.

'The continuation of the turnpike road which passes through Lewisburg, and success to the cause of internal improvement, under every auspice.'

He then took his seat amid the repeated cheers of the whole company



## ON AFRICAN COLONIZATION.

IN THE HALL OF THE HOUSE OF REPRESENTATIVES, AT THE  
ANNUAL MEETING OF THE AMERICAN COLONIZATION  
SOCIETY, AT WASHINGTON CITY, JANUARY 20, 1827.

[THE subject of colonizing the free people of color and emancipated slaves, became one of deep and profound interest, at an early period, in the history of the United States. The question was agitated in Virginia in 1800, and a resolution passed in the legislature of that state, requesting the governor to correspond with the president of the United States, on the subject of purchasing land for a colony; and president Jefferson made efforts, which, however, were unsuccessful, to obtain by negotiation an establishment within the British colonies, in Africa, or the Portuguese colonies, in South America. The movement which finally led to a successful result, in establishing an American colony on the coast of Africa, commenced in the legislature of Virginia, in December, 1816, by instructing the executive of that state, and their members of congress, to cooperate with the United States government in endeavoring to obtain a territory on the before-mentioned coast, for an asylum for free persons of color. Through the instrumentality of the Rev. Robert Finley, an early and zealous friend of the cause, a meeting of public men and private citizens was held at Washington city, on the twenty-first of December, 1816, over which Mr. Clay, then speaker of the house of representatives, was called to preside. A constitution of the American Colonization Society was adopted, at an adjourned meeting on the twenty-eighth of December, and on the first of January, 1817, the officers of the society were chosen, judge Bushrod Washington being elected president, and Henry Clay, William H. Crawford, Andrew Jackson, Robert Finley, and others, vice-presidents. Mr. Clay has always taken a warm and decided interest in the promotion of the objects of this society, and at the annual meeting thereof, in 1827 (being then secretary of state), he delivered the following address.]

I CANNOT withhold the expression of my congratulations to the society, on account of the very valuable acquisition which we have obtained in the eloquent gentleman from Boston, (Mr. Knapp,) who has just before favored us with an address. He has told us of his original impressions, unfavorable to the object of the society, and of his subsequent conversion. If the same industry, investigation, and unbiased judgment, manifested by himself and another gentleman (Mr. Powell), who avowed at the last meeting of the society a similar change wrought in his mind, were carried, by the public at large, into the consideration of the plan of the society, the conviction of its utility would be universal.

I have risen to submit a resolution, in behalf of which I would bespeak the favor of the society. But before I offer any observa

tions in its support, I must say that, whatever part I shall take in the proceedings of this society, whatever opinions or sentiments I may utter, they are exclusively my own. Whether they are worth any thing or not, no one but myself is at all responsible for them. I have consulted with no person out of this society, and I have especially abstained from all communication or consultation with any one to whom I stand in any official relation. My judgment on the object of this society has been long since deliberately formed. The conclusions to which, after much and anxious consideration, my mind has been brought, have been neither produced nor refuted, by the official station the duties of which have been confided to me.

From the origin of this society, every member of it has, I believe, looked forward to the arrival of a period, when it would become necessary to invoke the public aid in the execution of the great scheme which it was instituted to promote. Considering itself as the mere pioneer in the cause which it had undertaken, it was well aware that it could do no more than remove preliminary difficulties, and point out a sure road to ultimate success; and that the public only could supply that regular, steady, and efficient support, to which the gratuitous means of benevolent individuals would be found incompetent. My surprise has been, that the society has been able so long to sustain itself, and to do so much upon the charitable contributions of good, and pious, and enlightened men, whom it has happily found in all parts of our country. But our work has so prospered and grown under our hands, that the appeal to the power and resources of the public, should be no longer deferred. The resolution which I have risen to propose, contemplates this appeal. It is in the following words:

*'Resolved*, that the board of managers be empowered and directed, at such time or times as may seem to them expedient, to make respectful application to the congress of the United States, and to the legislatures of the different states, for such pecuniary aid, in furtherance of the object of this society, as they may respectively be pleased to grant.'

In soliciting the countenance and support of the legislatures of the union and the states, it is incumbent on the society, in making out its case, to show, first, that it offers to their consideration a scheme which is practicable, and secondly, that the execution of the practicable scheme, partial or entire, will be fraught with such beneficial consequences as to merit the support which is solicited. I believe both points to be maintainable. First, it is now a little upwards of ten years since a religious, amiable, and benevolent resident\* of this city, first conceived the idea of planting a colony.

\* It has been, since the delivery of the speech, suggested, that the reverend Robert Finley, of New Jersey, (who is also, unfortunately, dead,) contemplated the formation of a society, with a view to the establishment of a colony in Africa, and probably first

from the United States, of free people of color, on the western shores of Africa. He is no more, and the noblest eulogy which could be pronounced on him would be, to inscribe upon his tomb, the merited epitaph, 'here lies the projector of the American Colonization Society.' Amongst others, to whom he communicated the project, was the person who now has the honor of addressing you. My first impressions, like those of all who have not fully investigated the subject, were against it. They yielded to his earnest persuasions and my own reflections, and I finally agreed with him that the experiment was worthy of a fair trial. A meeting of its friends was called, organized as a deliberative body, and a constitution was formed. The society went into operation. He lived to see the most encouraging progress in its exertions, and died in full confidence of its complete success. The society was scarcely formed before it was exposed to the derision of the unthinking; pronounced to be visionary and chimerical by those who were capable of adopting wiser opinions, and the most confident predictions of its entire failure were put forth. It found itself equally assailed by the two extremes of public sentiment in regard to our African population. According to one, (that rash class which, without a due estimate of the fatal consequence, would forthwith issue a decree of general, immediate, and indiscriminate emancipation,) it was a scheme of the slaveholder to perpetuate slavery. The other (that class which believes slavery a blessing, and which trembles with aspen sensibility at the appearance of the most distant and ideal danger to the tenure by which that description of property is held,) declared it a contrivance to let loose on society all the slaves of the country, ignorant, uneducated, and incapable of appreciating the value or enjoying the privileges of freedom.\* The society saw itself surrounded by every sort of embarrassment. What great human enterprise was ever undertaken without difficulty? What ever failed, within the compass of human power, when pursued with perseverance and blessed by the smiles of Providence? The society prosecuted undismayed its great work, appealing for succor to the moderate, the reasonable, the virtuous, and religious portions of the public. It protested, from the commencement, and throughout all its progress, and it now protests, that it entertains no purpose, on its own authority or by its own means, to attempt emancipation, partial or general; that it knows the general government has no constitutional power to

commenced the project. It is quite likely that he did; and Mr. Clay recollects seeing Mr. Finley and consulting with him on the subject, about the period of the formation of the society. But the allusion to Mr. Caldwell was founded on the facts, well known to Mr. Clay, of his active agency in the organization of the society, and his unremitting subsequent labors, which were not confined to the District of Columbia, in promoting the cause.

\* A society of a few individuals, without power, without other resources than those which are supplied by spontaneous benevolence, to emancipate all the slaves of the country!

achieve such an object; that it believes that the states, and the states only, which tolerate slavery, can accomplish the work of emancipation; and that it ought to be left to them, exclusively, absolutely, and voluntarily, to decide the question

The object of the society was the colonization of the free colored people, not the slaves, of the country. Voluntary in its institution, voluntary in its continuance, voluntary in all its ramifications, all its means, purposes, and instruments, are also voluntary. But it was said that no free colored persons could be prevailed upon to abandon the comforts of civilized life and expose themselves to all the perils of a settlement in a distant, inhospitable, and savage country; that, if they could be induced to go on such a quixotic expedition, no territory could be procured for their establishment as a colony; that the plan was altogether incompetent to effectuate its professed object; and that it ought to be rejected as the idle dream of visionary enthusiasts. The society has outlived, thank God, all these disastrous predictions. It has survived to swell the list of false prophets. It is no longer a question of speculation whether a colony can or cannot be planted from the United States of free persons of color on the shores of Africa. It is a matter demonstrated; such a colony, in fact, exists, prospers, has made successful war, and honorable peace, and transacts all the multiplied business of a civilized and christian community.\* It now has about five hundred souls, disciplined troops, forts, and other means of defence, sovereignty over an extensive territory, and exerts a powerful and salutary influence over the neighboring clans.

Numbers of the free African race among us are willing to go to Africa. The society has never experienced any difficulty on that subject, except that its means of comfortable transportation have been inadequate to accommodate all who have been anxious to migrate. Why should they not go? Here they are in the lowest state of social gradation; aliens—political, moral, social aliens—strangers, though natives. There, they would be in the midst of their friends and their kindred, at home, though born in a foreign land, and elevated above the natives of the country, as much as they are degraded here below the other classes of the community. But on this matter, I am happy to have it in my power to furnish indisputable evidence from the most authentic source, that of large numbers of free persons of color themselves. Numerous meetings have been held in several churches in Baltimore, of the free people of color, in which, after being organized as deliberative assemblies, by the appointment of a chairman (if not of the same complexion) presiding as you, Mr. Vice-president, do, and secretaries, they have voted memorials addressed to the white people, in which they have

\* See the last annual report and the highly interesting historical sketch of the reverend Mr. Ashmun.

argued the question with an ability, moderation, and temper, surpassing any that I can command, and emphatically recommended the colony of Liberia to favorable consideration, as the most desirable and practicable scheme ever yet presented on this interesting subject. I ask permission of the society to read this highly creditable document.

[Here Mr. Clay read the memorial referred to.]

The society has experienced no difficulty in the acquisition of a territory, upon reasonable terms, abundantly sufficient for a most extensive colony. And land in ample quantities, it has ascertained, can be procured in Africa, together with all rights of sovereignty, upon conditions as favorable as those on which the United States extinguish the Indian title to territory within their own limits.

In respect to the alleged incompetency of the scheme to accomplish its professed object, the society asks that that object should be taken to be, not what the imaginations of its enemies represent it to be, but what it really proposes. They represent that the purpose of the society is, to export the whole African population of the United States, bond and free; and they pronounce this design to be unattainable. They declare that the means of the whole country are insufficient to effect the transportation to Africa of a mass of population approximating to two millions of souls. Agreed; but that is not what the society contemplates. They have substituted their own notion for that of the society. What is the true nature of the evil of the existence of a portion of the African race in our population? It is not that there are *some*, but that there are so *many* among us of a different caste, of a different physical, if not moral, constitution, who never can amalgamate with the great body of our population. In every country, persons are to be found varying in their color, origin, and character, from the native mass. But this anomaly creates no inquietude or apprehension, because the exotics, from the smallness of their number, are known to be utterly incapable of disturbing the general tranquillity. Here, on the contrary, the African part of our population bears so large a proportion to the residue, of European origin, as to create the most lively apprehension, especially in some quarters of the union. Any project, therefore, by which, in a material degree, the dangerous element in the general mass, can be diminished or rendered stationary, deserves deliberate consideration.

The colonization society has never imagined it to be practicable, or within the reach of any means which the several governments of the union could bring to bear on the subject, to transport the whole of the African race within the limits of the United States. Nor is that necessary to accomplish the desirable objects of domestic

tranquillity, and render us one homogeneous people. The population of the United States has been supposed to duplicate in periods of twenty-five years. That may have been the case heretofore, but the terms of duplication will be more and more protracted as we advance in national age; and I do not believe that it will be found, in any period to come, that our numbers will be doubled in a less term than one of about thirty-three and a third years. I have not time to enter now into details in support of this opinion. They would consist of those checks which experience has shown to obstruct the progress of population, arising out of its actual augmentation and density, the settlement of waste lands, &c. Assuming the period of thirty-three and a third, or any other number of years, to be that in which our population will hereafter be doubled, if, during that whole term, the capital of the African stock could be kept down, or stationary, whilst that of European origin should be left to an unobstructed increase, the result, at the end of the term, would be most propitious. Let us suppose, for example, that the whole population at present of the United States, is twelve millions, of which ten may be estimated of the Anglo-Saxon, and two of the African race. If there could be annually transported from the United States an amount of the African portion equal to the annual increase of the whole of that caste, whilst the European race should be left to multiply, we should find at the termination of the period of duplication, whatever it may be, that the relative proportions would be as twenty to two. And if the process were continued, during a second term of duplication the proportion would be as forty to two—one which would eradicate every cause of alarm or solicitude from the breasts of the most timid. But the transportation of Africans, by creating, to the extent to which it might be carried, a vacuum in society, would tend to accelerate the duplication of the European race, who by all the laws of population, would fill up the void space.

This society is well aware, I repeat, that they cannot touch the subject of slavery. But it is no objection to their scheme, limited, as it is, exclusively to those free people of color who are willing to migrate, that it admits of indefinite extension and application, by those who alone, having the competent authority, may choose to adopt and apply it. Our object has been to point out the way, to show that colonization is practicable, and to leave it to those states or individuals who may be pleased to engage in the object, to prosecute it. We have demonstrated that a colony may be planted in Africa, by the fact that an American colony there exists. The problem which has so long and so deeply interested the thoughts of good and patriotic men, is solved; a country and a home have been found, to which the African race may be sent, to the promotion of their happiness and our own.

But, Mr. Vice-president, I shall not rest contented with the fact

of the establishment of the colony, conclusive as it ought to be deemed, of the practicability of our purpose. I shall proceed to show, by reference to indisputable statistical details and calculations, that it is within the compass of reasonable human means. I am sensible of the tediousness of all arithmetical data, but I will endeavor to simplify them as much as possible. It will be born in mind that the aim of the society is, to establish in Africa a colony of the free African population of the United States, to an extent which shall be beneficial both to Africa and America. The whole free colored population of the United States, amounted, in 1790, to fifty-nine thousand four hundred and eighty-one; in 1800, to one hundred and ten thousand and seventy-two; in 1810, to one hundred and eighty-six thousand four hundred and forty-six; and in 1820, to two hundred and thirty-three thousand five hundred and thirty. The ratio of annual increase during the first term of ten years, was about eight and a half per cent. per annum; during the second, about seven per cent. per annum; and during the third, a little more than two and a half. The very great difference in the rate of annual increase, during those several terms, may probably be accounted for by the effect of the number of voluntary emancipations operating with more influence upon the total smaller amount of free colored persons at the first of those periods, and by the facts of the insurrection in St. Domingo, and the acquisition of Louisiana, both of which, occurring during the first and second terms, added considerably to the number of our free colored population.

Of all descriptions of our population, that of the free colored, taken in the aggregate, is the least prolific, because of the checks arising from vice and want. During the ten years, between 1810 and 1820, when no extraneous causes existed to prevent a fair competition in the increase between the slave and the free African race, the former increased at the rate of nearly three per cent. per annum, whilst the latter did not much exceed two and a half. Hereafter it may be safely assumed, and I venture to predict, will not be contradicted by the return of the next census, that the increase of the free black population will not surpass two and a half per cent. per annum. Their amount at the last census, being two hundred and thirty-three thousand five hundred and thirty, for the sake of round numbers, their annual increase may be assumed to be six thousand, at the present time. Now if this number could be annually transported from the United States during a term of years, it is evident that, at the end of that term, the parent capital will not have increased, but will have been kept down at least to what it was at the commencement of the term. Is it practicable, then, to colonize annually six thousand persons from the United States, without materially impairing or affecting any of the great interests of the United States? This is the question presented to

the judgments of the legislative authorities of our country. This is the whole scheme of the society. From its actual experience, derived from the expenses which have been incurred in transporting the persons already sent to Africa, the entire average expense of each colonist, young and old, including passage money and subsistence, may be stated at twenty dollars per head. There is reason to believe that it may be reduced considerably below that sum. Estimating that to be the expense, the total cost of transporting six thousand souls, annually to Africa, would be one hundred and twenty thousand dollars. The tonnage requisite to effect the object, calculating two persons to every five tons, (which is the provision of existing law) would be fifteen thousand tons. But as each vessel could probably make two voyages in the year, it may be reduced to seven thousand five hundred. And as both our mercantile and military marine might be occasionally employed on this collateral service, without injury to the main object of the voyage, a further abatement might be safely made in the aggregate amount of the necessary tonnage. The navigation concerned in the commerce between the colony and the United States, (and it already begins to supply subjects of an interesting trade,) might be incidentally employed to the same end.

Is the annual expenditure of a sum no larger than one hundred and twenty thousand dollars, and the annual employment of seven thousand five hundred tons of shipping, too much for reasonable exertion, considering the magnitude of the object in view? Are they not, on the contrary, within the compass of moderate efforts?

Here is the whole scheme of the society—a project which has been pronounced visionary by those who have never given themselves the trouble to examine it, but to which I believe most unbiassed men will yield their cordial assent, after they have investigated it.

Limited as the project is, by the society, to a colony to be formed by the free and unconstrained consent of free persons of color, it is no objection, but on the contrary a great recommendation, of the plan, that it admits of being taken up and applied on a scale of much more comprehensive utility. The society knows, and it affords just cause of felicitation, that all or any one of the states which tolerate slavery, may carry the scheme of colonization into effect, in regard to the slaves within their respective limits, and thus ultimately rid themselves of a universally acknowledged curse. A reference to the results of the several enumerations of the population of the United States will incontestably prove the practicability of its application on the more extensive scale. The slave population of the United States amounted, in 1790, to six hundred and ninety-seven thousand, six hundred and ninety-seven; in 1800, to eight hundred and ninety-six thousand, eight hundred



and forty-nine; in 1810, to eleven hundred and ninety-one thousand, three hundred and sixty-four; and in 1820, to fifteen hundred and thirty-eight thousand, one hundred and twenty-eight. The rate of annual increase, (rejecting fractions and taking the integer to which they make the nearest approach,) during the first term of ten years, was not quite three per centum per annum, during the second, a little more than three per centum per annum; and during the third, a little less than three per centum. The mean ratio of increase for the whole period of thirty years, was very little more than three per centum per annum. During the first two periods, the native stock was augmented by importations from Africa in those states which continued to tolerate them, and by the acquisition of Louisiana. Virginia, to her eternal honor, abolished the abominable traffic among the earliest acts of her self-government. The last term alone presents the natural increase of the capital unaffected by any extraneous causes. That authorizes, as a safe assumption, that the future increase will not exceed three per centum per annum. As our population increases, the value of slave labor will diminish, in consequence of the superior advantages in the employment of free labor. And when the value of slave labor shall be materially lessened, either by the multiplication of the supply of slaves beyond the demand, or by the competition between slave and free labor, the annual increase of slaves will be reduced, in consequence of the abatement of the motives to provide for and rear the offspring.

Assuming the future increase to be at the rate of three per centum per annum, the annual addition to the number of slaves in the United States, calculated upon the return of the last census, (one million five hundred and thirty-eight thousand, one hundred and twenty-eight) is forty-six thousand. Applying the data which have been already stated and explained, in relation to the colonization of free persons of color from the United States to Africa, to the aggregate annual increase, both bond and free, of the African race, and the result will be found most encouraging. The total number of the annual increase of both descriptions is fifty-two thousand. The total expense of transporting that number to Africa, (supposing no reduction of present prices) would be one million and forty thousand dollars, and the requisite amount of tonnage would be only one hundred and thirty thousand tons of shipping—about one ninth part of the mercantile marine of the United States. Upon the supposition of a vessel's making two voyages in the year, it would be reduced to one half, sixty-five thousand. And this quantity would be still further reduced, by embracing opportunities of incidental employment of vessels belonging both to the mercantile and military marines.

But, is the annual application of one million and forty thousand dollars and the employment of sixty-five or even one hundred and

thirty thousand tons of shipping, considering the magnitude of the object, beyond the ability of this country? Is there a patriot, looking forward to its domestic quiet, its happiness, and its glory, that would not cheerfully contribute his proportion of the burden, to accomplish a purpose so great and so humane? During the general continuance of the African slave trade, hundreds of thousands of slaves have been, in a single year, imported into the several countries whose laws authorized their admission. Notwithstanding the vigilance of the powers now engaged to suppress the slave trade, I have received information, that in a single year, in the single island of Cuba, slaves equal in amount to one half of the above number of fifty-two thousand, have been illicitly introduced. Is it possible that those who are concerned in an infamous traffic can effect more than the states of this union, if they were seriously to engage in the good work? Is it credible, is it not a libel upon human nature to suppose, that the triumphs of fraud, and violence, and iniquity, can surpass those of virtue, and benevolence, and humanity?

The population of the United States being, at this time, estimated at about ten millions of the European race, and two of the African, on the supposition of the annual colonization of a number of the latter, equal to the annual increase, of both of its classes, during the whole period necessary to the process of duplication of our numbers, they would, at the end of that period, relatively stand twenty millions for the white and two for the black portion. But an annual exportation of a number equal to the annual increase, at the beginning of the term, and persevered in to the end of it, would accomplish more than to keep the parent stock stationary. The colonists would comprehend more than an equal proportion of those of the prolific ages. Few of those who had passed that age would migrate. So that the annual increase of those left behind, would continue gradually, but at first insensibly, to diminish; and by the expiration of the period of duplication, it would be found to have materially abated. But it is not merely the greater relative safety and happiness which would, at the termination of that period, be the condition of the whites. Their ability to give further stimulus to the cause of colonization will have been doubled, whilst the subjects on which it would have to operate, will have decreased or remained stationary. If the business of colonization should be regularly continued, during two periods of duplication, at the end of the second, the whites would stand to the blacks, as forty millions to not more than two, whilst the same ability will have been quadrupled. Even if colonization should then altogether cease, the proportion of the African to the European race will be so small, that the most timid may then, for ever, dismiss all ideas of danger from within or without, on account of that incongruous and perilous element in our population.

Further; by the annual withdrawal of fifty-two thousand persons of color, there would be annual space created for an equal number of the white race. The period, therefore, of the duplication of the whites, by the laws which govern population, would be accelerated.

Such, Mr. Vice-president, is the project of the society; and such is the extension and use which may be made of the principle of colonization, in application to our slave population, by those states which are alone competent to undertake and execute it. All, or any one, of the states which tolerate slavery, may adopt and execute it, by coöperation or separate exertion. If I could be instrumental in eradicating this deepest stain upon the character of our country, and removing all cause of reproach on account of it, by foreign nations; if I could only be instrumental in ridding of this foul blot that revered state that gave me birth, or that not less beloved state which kindly adopted me as her son; I would not exchange the proud satisfaction which I should enjoy, for the honor of all the triumphs ever decreed to the most successful conqueror.

Having, I hope, shown that the plan of the society is not visionary, but rational and practicable; that a colony does in fact exist, planted under its auspices; that free people are willing and anxious to go; and that the right of soil as well as of sovereignty, may be acquired in vast tracts of country in Africa, abundantly sufficient for all the purposes of the most ample colony, and at prices almost only nominal, the task which remains to me of showing the beneficial consequences which would attend the execution of the scheme, is comparatively easy.

Of the utility of a total separation of the two incongruous portions of our population, supposing it to be practicable, none have ever doubted. The mode of accomplishing that most desirable object, has alone divided public opinion. Colonization in Hayti, for a time, had its partisans. Without throwing any impediments in the way of executing that scheme, the American Colonization Society has steadily adhered to its own. The Haytian project has passed away. Colonization beyond the Stony mountains has sometimes been proposed; but it would be attended with an expense and difficulties far surpassing the African project, whilst it would not unite the same animating motives. There is a moral fitness in the idea of returning to Africa her children, whose ancestors have been torn from her by the ruthless hand of fraud and violence. Transplanted in a foreign land, they will carry back to their native soil the rich fruits of religion, civilization, law, and liberty. May it not be one of the great designs of the Ruler of the universe, (whose ways are often inscrutable by short-sighted mortals,) thus to transform an original crime into a signal blessing, to that most unfortunate portion of the globe. Of all classes of our population, the most vicious is that of the free colored. It is the

inevitable result of their moral, political, and civil degradation. Contaminated themselves, they extend their vices to all around them, to the slaves and to the whites. If the principle of colonization should be confined to them; if a colony can be firmly established and successfully continued in Africa which should draw off annually an amount of that portion of our population equal to its annual increase, much good will be done. If the principle be adopted and applied by the states, whose laws sanction the existence of slavery, to an extent equal to the annual increase of slaves, still greater good will be done. This good will be felt by the Africans who go, by the Africans who remain, by the white population of our country, by Africa, and by America. It is a project which recommends itself to favor in all the aspects in which it can be contemplated. It will do good in every and any extent in which it may be executed. It is a circle of philanthropy, every segment of which tells and testifies to the beneficence of the whole.

Every emigrant to Africa is a missionary carrying with him credentials in the holy cause of civilization, religion, and free institutions. Why is it that the degree of success of missionary exertions is so limited, and so discouraging to those whose piety and benevolence prompt them? Is it not because the missionary is generally an alien and a stranger, perhaps of a different color, and from a different tribe? There is a sort of instinctive feeling of jealousy and distrust towards foreigners which repels and rejects them in all countries; and this feeling is in proportion to the degree of ignorance and barbarism which prevail. But the African colonists, whom we send to convert the heathen, are of the same color, the same family, the same physical constitution. When the purposes of the colony shall be fully understood, they will be received as long lost brethren restored to the embraces of their friends and their kindred by the dispensations of a wise providence.

The society is reproached for agitating this question. It should be recollected that the existence of free people of color is not limited to the states only which tolerate slavery. The evil extends itself to all the states, and some of those which do not allow of slavery, (their cities especially,) experience the evil in an extent even greater than it exists in the slave states. A common evil confers a right to consider and apply a common remedy. Nor is it a valid objection that this remedy is partial in its operation or distant in its efficacy. A patient, writhing under the tortures of excruciating disease, asks of his physician to cure him if he can, and, if he cannot, to mitigate his sufferings. But the remedy proposed, if generally adopted and perseveringly applied, for a sufficient length of time, should it not entirely eradicate the disease, will enable the body politic to bear it without danger and without suffering.

We are reproached with doing mischief by the agitation of

this question. The society goes into no household to disturb its domestic tranquillity; it addresses itself to no slaves to weaken their obligations of obedience. It seeks to affect no man's property. It neither has the power nor the will to affect the property of any one contrary to his consent. The execution of its scheme would augment instead of diminishing the value of the property left behind. The society, composed of free men, concerns itself only with the free. Collateral consequences we are not responsible for. It is not this society which has produced the great moral revolution which the age exhibits. What would they, who thus reproach us, have done? If they would repress all tendencies towards liberty and ultimate emancipation, they must do more than put down the benevolent efforts of this society. They must go back to the era of our liberty and independence, and muzzle the cannon which thunders its annual joyous return. They must revive the slave trade, with all its train of atrocities. They must suppress the workings of British philanthropy, seeking to meliorate the condition of the unfortunate West Indian slaves. They must arrest the career of South American deliverance from thralldom. They must blow out the moral lights around us, and extinguish that greatest torch of all which America presents to a benighted world, pointing the way to their rights, their liberties, and their happiness. And when they have achieved all these purposes, their work will be yet incomplete. They must penetrate the human soul, and eradicate the light of reason and the love of liberty. Then, and not till then, when universal darkness and despair prevail, can you perpetuate slavery, and repress all sympathies, and all humane and benevolent efforts among freemen, in behalf of the unhappy portion of our race doomed to bondage.

Our friends, who are cursed with this greatest of human evils, deserve the kindest attention and consideration. Their property and their safety are both involved. But the liberal and candid among them will not, cannot, expect that every project to deliver our country from it is to be crushed because of a possible and ideal danger. Animated by the encouragement of the past, let us proceed under the cheering prospects which lie before us. Let us continue to appeal to the pious, the liberal, and the wise. Let us bear in mind the condition of our forefathers, when, collected on the beach in England, they embarked, amidst the scoffings and the false predictions of the assembled multitude, for this distant land; and here, in spite of all the perils of forest and ocean, which they encountered, successfully laid the foundations of this glorious republic. Undismayed by the prophecies of the presumptuous, let us supplicate the aid of the American representatives of the people, and redoubling our labors, and invoking the blessings of an all-wise Providence, I boldly and confidently anticipate success. I hope the resolution which I offer will be unanimously adopted.

## EXTRACTS

FROM THE REPORT OF THE BOARD OF MANAGERS OF THE AMERICAN COLONIZATION SOCIETY, PRESENTED AT ITS ANNUAL MEETING, JANUARY THIRTEENTH, 1827, READ BY MR. CLAY IN THE COURSE OF THE DELIVERY OF THE PRECEDING SPEECH.

The system of government established with the full consent of the colonists, in the autumn of 1824, and which the managers had the happiness to represent in their last report, as having thus far fulfilled all the purposes of its institution, has continued its operations during the year without the least irregularity, and with undiminished success. The republican principle is introduced as far as is consistent with the youthful and unformed character of the settlement, and in the election of their officers the colonists have evinced such integrity and judgment as afford promise of early preparation for all the duties of self-government. 'The civil prerogatives and government of the colony and the body of the laws by which they are sustained,' says the colonial agent, 'are the pride of all. I am happy in the persuasion I have, that I hold the balance of the laws in the midst of a people, with whom the first perceptible inclination of the sacred scale determines authoritatively their sentiments and their conduct. There are individual exceptions, but these remarks extend to the body of the settlers.'

The moral and religious character of the colony exerts a powerful influence on its social and civil condition. That piety which had guided most of the early emigrants to Liberia, even before they left this country, to respectability and usefulness among their associates, prepared them, in laying the foundations of a colony, to act with a degree of wisdom and energy which no earthly motives could inspire. Humble, and for the most part unlettered men; born and bred in circumstances the most unfavorable to mental culture; unsustained by the hope of renown, and unfamiliar with the history of great achievements and heroic virtues, theirs was nevertheless a spirit unmoved by dangers or by sufferings, which misfortunes could not darken, nor death dismay. They left America, and felt that it was forever; they landed in Africa, possibly to find a home, but certainly a grave. Strange would it have been had the religion of every individual of these early settlers proved genuine; but immensely changed as have been their circumstances and severely tried their faith, most have preserved untarnished the honors of their profession, and to the purity of their morals and the consistency of their conduct, is in a great measure to be attributed the social order and general prosperity of the colony of Liberia. Their example has proved most salutary, and while subsequent emigrants have found themselves awed and

restrained, by their regularity, seriousness, and devotion, the poor natives have given their confidence and acknowledged the excellence of practical christianity. 'It deserves record,' says Mr. Ashmun, 'that religion has been the principal agent employed in laying and confirming the foundations of the settlement. To this sentiment, ruling, restraining, and actuating the minds of a large proportion of the colonists, must be referred the whole strength of our civil government.' Examples of intemperance, profaneness, or licentiousness, are extremely rare, and vice, wherever it exists, is obliged to seek concealment from the public eye. The sabbath is universally respected; sunday schools, both for the children of the colony and for the natives, are established; all classes attend regularly upon the worship of God; some charitable associations have been formed for the benefit of the heathen; and though it must not be concealed, that the deep concern on the subject of religion which resulted, towards the conclusion of the year 1825, in the public profession of christianity by about fifty colonists, has in a measure subsided, and some few cases of delinquency since occurred; and though there are faults growing out of the early condition and habits of the settlers which require amendment; yet the managers have reason to believe, that there is a vast and increasing preponderance on the side of correct principle and virtuous practice.

The agriculture of the colony has received less attention than its importance demands. This is to be attributed to the fact, that the labor of the settlers has been applied to objects conducing more immediately to their subsistence and comfort.

It will not, the board trust, be concluded that, because more might have been done for the agricultural interests of the colony, what has been effected is inconsiderable. Two hundred and twenty-four plantations, of from five to ten acres each, were, in June last, occupied by the settlers, and most of them are believed to be at present under cultivation. One hundred and fourteen of these are on cape Montserado, thirty-three on Stockton creek, (denominated the half-way farms, because nearly equidistant from Monrovia and Caldwell, the St. Paul's settlement) and seventy-seven at the confluence of Stockton creek with the St. Paul's.

The St. Paul's territory includes the half-way farms, and is represented as a beautiful tract of country, comparatively open, well watered and fertile, and still further recommended as having been for ages selected by the natives, on account of its productiveness for their rice and cassada plantations. The agricultural habits of the present occupants of this tract, concur with the advantages of their situation, in affording promise of success to their exertions. 'Nothing,' says the colonial agent, 'but circumstances of the most extraordinary nature, can prevent them from making their way directly to respectability and abundance'

Oxen were trained to labor in the colony in 1825, and it was then expected that the plough would be introduced in the course of another year. Although commerce has thus far taken the lead of agriculture, yet the excellence of the soil, the small amount of labor required for its cultivation, and the value and abundance of its products, cannot fail, finally, to render the latter the more cherished, as it is, certainly, the more important interest of the colony.

The trade of Liberia has increased with a rapidity almost unexampled, and while it has supplied the colonists not only with the necessaries, but with the conveniences and comforts of life, the good faith with which it has been conducted, has conciliated the friendship of the natives, and acquired the confidence of foreigners.

The regulations of the colony allowing no credits, except by a written permission, and requiring the barter to be carried on through factories established for the purpose, has increased the profits of the traffic, and prevented numerous evils which must have attended upon a more unrestricted license.

Between the first of January and the fifteenth of July, 1826, no less than fifteen vessels touched at Monrovia, and purchased the produce of the country, to the amount, according to the best probable estimate, of forty-three thousand nine hundred and eighty dollars, African value. The exporters of this produce realize, on the sale of the goods given in barter for it, a profit of twenty-one thousand nine hundred and ninety dollars, and on the freight, of eight thousand seven hundred and eighty-six dollars, making a total profit of thirty thousand seven hundred and eighty-six dollars.

A gentleman in Portland has commenced a regular trade with the colony; and for his last cargo landed in Liberia, amounting to eight thousand dollars, he received payment in the course of ten days. The advantages of this trade to the colony, are manifest from the high price of labor, (that of mechanics being two dollars per day, and that of common laborers from seventy-five cents to one dollar and twenty-five cents,) and from the easy and comfortable circumstances of the settlers. 'An industrious family, twelve months in Africa, destitute of the means of furnishing an abundant table, is not known; and an individual, of whatever age or sex, without ample provision of decent apparel, cannot, it is believed, be found.' 'Every family,' says Mr. Ashmun, 'and nearly every single adult person in the colony, has the means of employing from one to four native laborers, at an expense of from four to six dollars the month; and several of the settlers, when called upon in consequence of sudden emergencies of the public service, have made repeated advances of merchantable produce, to the amount of three hundred to six hundred dollars each.'

The managers are happy to state, that the efforts of the colonial agent to enlarge the territory of Liberia, and particularly to bring



under the government of the colony a more extended line of coast, have been judicious and energetic, and in nearly every instance resulted in complete success. From cape Mount to Tradetown, a distance of one hundred and fifty miles, the colonial government has acquired partial jurisdiction. Four of the most important STATIONS on this tract, including Montserado, belong to the society, either by actual purchase, or by a deed of perpetual lease; and such negotiations have been entered upon with the chiefs of the country, as amount to a preclusion of all Europeans from any possessions within these limits. The fine territory of the St. Paul's, now occupied by settlers, was described in the last annual report of the society.

The territory of Young Sesters, recently ceded to the society, is ninety miles south of Montserado, in the midst of a very productive rice country, affording also large quantities of palm oil, camwood, and ivory. The tract granted to the colony, includes the bed of the Sester's river, and all the land on each side, to the distance of half a league, and extending longitudinally from the river's mouth to its source. In compliance with the terms of the contract, the chief of the country has constructed a commodious storehouse, and put a number of laborers sufficient for the cultivation of a rice plantation of forty acres, under the direction of a respectable colonist, who takes charge of the establishment.

The right of use and occupancy have also been obtained to a region of country on the south branch of the St. John's river, north nine miles from Young Sesters, and the trading factory established there, under the superintendence of a family from Monrovia, has already provided a valuable source of income to the colony. Rice is also here to be cultivated, and the chief who cedes the territory, agrees to furnish the labor.

The upright and exemplary conduct of the individual at the head of this establishment, has powerfully impressed the natives with the importance of inviting them to settle in their country; and consequently, the offer made by the colonial agent for the purchase of Factory island, has been accepted by its proprietor. This island is in the river St. John's, four miles from its mouth, from five to six miles in length, and one third of a mile in breadth, and is among the most beautiful and fertile spots in Africa. A few families are about to take up their residence upon it, and prepare for founding a settlement, 'which cannot fail,' says Mr. Ashmun, 'in a few years, to be second to no other in the colony, except Monrovia.'

Negotiations are also in progress with the chiefs of cape Mount, which, if successful, will secure to the colony the whole trade of that station, estimated at fifty thousand dollars per annum, and may ultimately lead to its annexation to the territories of Liberia. 'The whole country between cape Mount and Tradetown,'

observes Mr. Ashmun, 'is rich in soil and other natural advantages, and capable of sustaining a numerous and civilized population beyond almost any other country on earth. Leaving the seaboard, the traveller, every where, at the distance of a very few miles, enters upon a uniform upland country, of moderate elevation, intersected by innumerable rivulets, abounding in springs of unfailing water, and covered with a verdure which knows no other changes except those which refresh and renew its beauties. The country directly on the sea, although verdant and fruitful to a high degree, is found every where to yield, in both respects, to the interior.'

Much progress has been made the last year in the construction of public buildings and works of defence, though with adequate supplies of lumber, more might doubtless have been accomplished. Two handsome churches, erected solely by the colonists, now adorn the village of Monrovia. Fort Stockton has been rebuilt in a style of strength and beauty. A receptacle capable of accommodating one hundred and fifty emigrants, is completed. The new agency-house, market-house, Lancasterian school, and town-house, in Monrovia, were some months since far advanced, and the finishing strokes were about to be given to the government-house on the St. Paul's. The wing of the old agency-house has been 'handsomely fitted up for the colonial library, which now consists of twelve hundred volumes systematically arranged in glazed cases with appropriate hangings. All the books are substantially covered, and accurately labelled; and files of more than ten newspapers, more or less complete, are preserved. The library is fitted up so as to answer the purpose of a reading-room, and it is intended to make it a museum of all the natural curiosities of Africa, which can be procured.'

No efforts have been spared to place the colony in a state of adequate defence, and while it is regarded as perfectly secure from the native forces, it is hoped and believed, that it may sustain itself against any piratical assaults. 'The establishment has fifteen large carriage guns and three small pivot guns, all fit for service.' Fort Stockton overlooks the whole town of Monrovia, and a strong battery is now building on the height of Thompson-town, near the extremity of the cape, which it is thought will afford protection to vessels anchoring in the roadstead. The militia of the colony consists of two corps appropriately uniformed, one of artillery of about fifty men, the other of infantry of forty men, and on various occasions have they proved themselves deficient neither in discipline nor courage.

## EXTRACTS FROM THE REV. J. ASHMUN'S REPORT OF THE COLONY.

The money expended on these various objects has necessarily been considerable; but, in comparison with the expense which similar objects in this country cost European governments, it will be found not merely moderate, but trifling. Less than has been effected towards the extension of our limits, I could not attempt: and I am certain that were the direction of every other establishment on the coast, except the Portuguese, would regard itself not only authorized, but *obliged*, to pay away thousands, I have in countless instances spent not a *dollar*. But that species of economy which sacrifices to itself any object essential to the success of this undertaking, I am as little able to practice as the board is to approve.

The natives of the country, but particularly of the interior, notwithstanding their habitual indolence, produce, after supplying their own wants, a considerable surplus of the great staple of this part of Western Africa, rice. The moderate rate at which this grain is purchased by such as deal directly with the growers, and the various uses of which it is susceptible in the domestic economy, easily place the means of supplying the first necessities of nature in the reach of every one. Rice, moreover, always commands a ready sale with transient trading vessels or coasters; and forms a useful object of exchange for other provisions and necessities, between individuals of the colony.

To this succeeds, as next in importance, the camwood of the country, of which several hundred tons every year pass through the hands of the settlers, and serve to introduce, in return, the provisions and groceries of America; and the dry goods and wares, both of Europe and America, which, from the necessary dependence of the members of every society on each other, come soon to be distributed, for the common advantage of all.

The ivory of Liberia is less abundant, and less valuable, than that of other districts of Western Africa. It, however, forms a valuable article of barter and export, to the settlement; and the amount annually bought and sold, falls between five and eight thousand dollars.

No less than FIVE schools for different descriptions of learners, exclusive of the Sunday schools, have been supported during the year, and still continue in operation. The youths and children of the colony discover, for their age, unequivocal proofs of a good degree of mental accomplishment. The contrast between children several years in the enjoyment of the advantages of the colony, and most others of the same age, arriving from the United States, is striking, and would leave an entire stranger at no loss to distinguish the one from the other. Should emigration, but for a very

few months, cease to throw the little ignorants into the colony, from abroad, the phenomenon of a child of five years, unable to read, it is believed, would not exist among us.

The first successful essay in the construction of small vessels, has been made the past year. I have built, and put upon the rice trade, between our factories to the leeward, and cape Montserado, a schooner of ten tons burthen, adapted to the passage of the bars of all the navigable rivers of the coast. The sailing qualities of this vessel are so superior, that before the wind, it is believed, few, or none of the numerous pirates of the coast, can overtake her. She makes a trip, freighted both ways, in ten days; and commonly carries and brings merchandise and produce, to the amount of from four to eight hundred dollars each trip. Another craft of equal tonnage, but of very indifferant materials, has been built by one of the colonists. The model of the St. Paul's (the public boat) was furnished by myself; but she was constructed under the superintendance of J. Blake, who has thus entitled himself to the character of a useful and ingenious mechanic.

One of the most obvious effects of this colony, has already been to check, in this part of Africa, the prevalence of the slave-trade. The promptness and severity with which our arms have, in every instance, avenged the insults and injuries offered by slave ships and factories to the colony, have, I may confidently say, banished it for ever from this district of the coast. Our influence with the natives of this section of the coast, is known to be so great as to expose to certain miscarriage, any transaction entered into with them for slaves. But there is a moral feeling at work in the minds of most of our neighbors, contracted, doubtless, by means of their intercourse with the colony, which represents to them the dark business in a new aspect of repulsiveness and absurdity. Most are convinced that it is indeed a *bad business*, and are apparently sincere in their determination to drop it for ever, unless compelled by their wants to adventure a few occasional speculations.

In the punishment of offences, the most lenient maxims of modern jurisprudence have been observed, by way of experiment on human nature, in that particular modification of it exhibited by the population of this colony. The result has been, *so far*, favorable to the policy pursued. The passion to which corporeal and other ignominious punishments address their arguments, is certainly one of the least ingenious of the human constitution.

EXTRACTS FROM A MEMORIAL FROM THE FREE PEOPLE OF COLOR  
TO THE CITIZENS OF BALTIMORE.

We have hitherto beheld, in silence, but with the intensest interest, the efforts of the wise and philanthropic in our behalf. If it became us to be silent, it became us also to feel the liveliest anxiety and gratitude.

The time has now arrived, as we believe, in which your work and our happiness may be promoted by the expression of our opinions. We have therefore assembled for that purpose, from every quarter of the city, and every denomination, to offer you this respectful address, with all the weight and influence which our number, character, and cause, can lend it.

We reside among you, and yet are strangers; natives, and yet not citizens; surrounded by the freest people and most republican institutions in the world, and yet enjoying none of the immunities of freedom.

It is not to be imputed to you that we are here. Your ancestors remonstrated against the introduction of the first of our race, who were brought amongst you; and it was the mother country that insisted on their admission, that her colonies and she might profit, as she thought, by their compulsory labor. But the gift was a curse to them, without being an advantage to herself. The colonies, grown to womanhood, burst from her dominion; and if they have an angry recollection of their union and rupture, it must be at the sight of the baneful institution which she has entailed upon them.

How much you regret its existence among you, is shown by the severe laws you have enacted against the slave-trade, and by your employment of a naval force for its suppression. You have gone still further. Not content with checking the increase of the already too growing evil, you have deliberated how you might best exterminate the evil itself. This delicate and important subject has produced a great variety of opinions; but we find, even in that diversity, a consolatory proof of the interest with which you regard the subject, and of your readiness to adopt that scheme which may appear to be the best.

Leaving out all considerations of generosity, humanity, and benevolence, you have the strongest reasons to favor and facilitate the withdrawal from among you of such as wish to remove. It ill consists, in the first place, with your republican principles, and with the health and moral sense of the body politic, that there should be, in the midst of you, an extraneous mass of men, united to you only by soil and climate, and irrevocably excluded from your institutions. Nor is it less for your advantage in another point of view. Our places might, in our opinion, be better occupied by men of your own color, who would increase the strength of your country. In the pursuit of livelihood, and the exercise of industrious habits, we necessarily exclude from employment many of the whites, your fellow-citizens, who would find it easier, in proportion as we depart, to provide for themselves and their families.

But if *you* have every reason to wish for our removal, how much greater are our inducements to remove! Though we are not slaves, we are not free. We do not, and never shall, participate

in the enviable privileges which we continually witness. Beyond a mere subsistence, and the impulse of religion, there is nothing to arouse us to the exercise of our faculties, or excite us to the attainment of eminence.

Of the many schemes that have been proposed, we most approve of that of *African colonization*. If we were able, and at liberty to go whithersoever we would, the greater number, willing to leave this community, would prefer LIBERIA, on the coast of Africa. Others, no doubt, would turn them towards some other regions; the world is wide. Already established there, in the settlement of the American colonization society, are many of our brethren, the pioneers of African restoration, who encourage us to join them. Several were formerly residents of this city, and highly considered by the people of their own class and color. They have been planted at cape Montserado, the most eligible, and one of the most elevated sites on the western coast of Africa, selected in 1821; and their number has augmented to five hundred. Able, as we are informed, to provide for their own defence and support, and capable of self-increase, they are now enjoying all the necessaries and comforts, and many of the luxuries of larger and older communities. In Africa we shall be freemen indeed, and republicans, after the model of this republic. We shall carry your language, your customs, your opinions and christianity to that now desolate shore, and thence they will gradually spread, with our growth, far into the continent. The slave-trade, both external and internal, can be abolished only by settlements on the coast. Africa, if destined to be ever civilized and converted, can be civilized and converted by that means only.

We foresee that difficulties and dangers await those who emigrate, such as every infant establishment must encounter and endure; such as your fathers suffered, when first they landed on this now happy shore.

The portion of comforts which they may lose, they will cheerfully abandon. Human happiness does not consist in meat and drink, nor in costly raiment, nor in stately habitations; to contribute to it even, they must be joined with equal rights, and respectability, and it often exists in a high degree without them.

That you may facilitate the withdrawal from among you of such as wish to remove, is what we now solicit. It can best be done, we think, by augmenting the means at the command of the American Colonization Society, that the colony of Liberia may be strengthened and improved for their gradual reception. The greater the number of persons sent thither, from any part of this nation whatsoever, so much the more capable it becomes of receiving a still greater. Every encouragement to it, therefore, though it may not seem to have any particular portion of emigrants directly in view, will produce a favorable effect upon all. The

emigrants may readily be enabled to remove, in considerable numbers every fall, by a concerted system of individual contributions, and still more efficiently by the enactment of laws to promote their emigration, under the patronage of the state. The expense would not be nearly so great as it might appear at first sight; for, when once the current shall have set towards Liberia, and intercourse grown frequent, the cost will, of course, diminish rapidly, and many will be able to defray it for themselves. Thousands and tens of thousands poorer than we, annually emigrate from Europe to your country, and soon have it in their power to hasten the arrival of those they left behind. Every intelligent and industrious colored man would continually look forward to the day, when he or his children might go to their veritable home, and would accumulate all his little earnings for that purpose.

We have ventured these remarks, because we know that you take a kind concern in the subject to which they relate, and because we think they may assist you in the prosecution of your designs. If we were doubtful of your good will and benevolent intentions, we would remind you of the time when you were in a situation similar to ours, and when your forefathers were driven, by religious persecution, to a distant and inhospitable shore. We are not so persecuted; but we, too, leave our homes, and seek a distant and inhospitable shore: an empire may be the result of our emigration, as of their's. The protection, kindness, and assistance which you would have desired for yourselves under such circumstances, now extend to us: so may you be rewarded by the riddance of the stain and evil of slavery, the extension of civilization and the gospel, and the blessings of our common Creator!

WILLIAM CORNISH,

Chairman of the meeting in Bethel church.

ROBERT COWLEY,

Secretary of the meeting in Bethel church.

JAMES DEAVER,

Chairman of the meeting in the African church, Sharp street.

REMUS HARVEY,

Secretary of the meeting in the African church, Sharp street.

## ON THE CHARGE OF CORRUPTION.

AT LEXINGTON, KENTUCKY, JULY 12, 1827.

[In June, 1827, Mr. Carter Beverley, of Virginia, published in the United States Telegraph, printed at Washington, a letter from general Jackson, charging Mr. Clay with corrupt motives in having voted for his competitor, Mr. Adams, for president of the United States, in the election by congress, in 1825. Mr. Clay being on a visit to Kentucky during the same summer, attended various meetings of his former constituents and friends, who were desirous of testifying their continued regard for him. At a public dinner given him at Lexington, the following toast was given, in the course of his answer to which, Mr. Clay takes the opportunity to refute the charges of general Jackson against him, as will be seen in the subjoined remarks.]

*Our distinguished guest, HENRY CLAY.* The furnace of persecution may be heated seven times hotter, and seventy times more he will come out unscathed by the fire of malignity, brighter to all and dearer to his friends: while his enemies shall sink with the dross of their own vile materials.'

MR. PRESIDENT, FRIENDS, AND FELLOW-CITIZENS,

I beg permission to offer my hearty thanks, and to make my respectful acknowledgments, for the affectionate reception which has been given me during my present visit to my old congressional district, and for this hospitable and honorable testimony of your esteem and confidence. And I thank you especially for the friendly sentiments and feelings expressed in the toast which you have just done me the honor to drink. I always had the happiness of knowing that I enjoyed, in a high degree, the attachment of that portion of my fellow-citizens whom I formerly represented; but I should never have been sensible of the strength and ardor of their affection, except for the extraordinary character of the times. For near two years and a half I have been assailed with a rancor and bitterness which have few examples. I have found myself the particular object of concerted and concentrated abuse; and others, thrusting themselves between you and me, have dared to arraign me for treachery to your interests. But my former constituents, unaffected by the calumnies which have been so perseveringly circulated to my prejudice, have stood by me with a generous confidence and a noble magnanimity. The measure of their regard and confidence has risen with, and even surpassed, that of the malevolence, great as it is, of



my personal and political foes. I thank you, gentlemen, who are a large portion of my late constituents. I thank you, and every one of them, with all my heart, for the manly support which I have uniformly received. It has cheered and consoled me, amidst all my severe trials; and may I not add, that it is honorable to the generous hearts and enlightened heads who have resolved to protect the character of an old friend and faithful servant.

The numerous manifestations of your confidence and attachment will be among the latest and most treasured recollections of my life. They impose upon me obligations which can never be weakened or cancelled. One of these obligations is, that I should embrace every fair opportunity to vindicate that character which you have so generously sustained, and to evince to you and to the world, that you have not yielded to the impulses of a blind and enthusiastic sentiment. I feel that I am, on all fit occasions, especially bound to vindicate myself to my former constituents. It was as *their* representative, it was in fulfilment of a high trust which *they* confided to me, that I have been accused of violating the most sacred of duties—of treating their wishes with contempt, and their interests with treachery. Nor is this obligation, in my conception of its import, at all weakened by the dissolution of the relations which heretofore existed between us. I would instantly resign the place I hold in the councils of the nation, and directly appeal to the suffrages of my late constituents, as a candidate for reelection, if I did not know that my foes are of that class whom one rising from the dead cannot convince, whom nothing can silence, and who wage a war of extermination. On the issue of such an appeal they would redouble their abuse of you and of me, for their hatred is common to us both.

They have compelled me so often to be the theme of my addresses to the people, that I should have willingly abstained, on this festive occasion, from any allusion to this subject, but for a new and imposing form which the calumny against me has recently assumed. I am again put on my defence, not of any new charge, nor by any new adversary; but of the old charges, clad in a new dress, and exhibited by an open and undisguised enemy. The fictitious names have been stricken from the foot of the indictment, and that of a known and substantial prosecutor has been voluntarily offered. Undaunted by the formidable name of that prosecutor, I will avail myself, with your indulgence, of this fit opportunity of free and unreserved intercourse with you, as a large number of my late constituents, to make some observations on the past and present state of the question. When evidence shall be produced, as I have now a clear right to demand, in support of the accusation, it will be the proper time for me to take such notice of it as its nature shall require.

In February, 1825, it was my duty, as the representative of this

district, to vote for some one of the three candidates for the presidency, who were returned to the house of representatives. It has been established, and can be further proved, that, before I left this state the preceding fall, I communicated to several gentlemen of the highest respectability, my fixed determination not to vote for general Jackson. The friends of Mr. Crawford asserted to the last, that the condition of his health was such as to enable him to administer the duties of the office. I thought otherwise, after I reached Washington city, and visited him to satisfy myself; and thought that physical impediment, if there were no other objections, ought to prevent his election. Although the delegations from four states voted for him, and his pretensions were zealously pressed to the very last moment, it has been of late asserted, and I believe by some of the very persons who then warmly espoused his cause, that his incompetency was so palpable as clearly to limit the choice to two of the three returned candidates. In my view of my duty, there was no alternative but that which I embraced. That I had some objections to Mr. Adams, I am ready freely to admit; but these did not weigh a feather in comparison with the greater and insurmountable objections, long and deliberately entertained against his competitor. I take this occasion, with great satisfaction, to state, that my objections to Mr. Adams arose chiefly from apprehensions which have not been realized. I have found him at the head of the government able, enlightened, patient of investigation, and ever ready to receive with respect, and, when approved by his judgment, to act upon, the counsels of his official advisers. I add, with unmixed pleasure, that, from the commencement of the government, with the exception of Mr. Jefferson's administration, no chief magistrate has found the members of his cabinet so united on all public measures, and so cordial and friendly in all their intercourse, private and official, as these are of the present president.

Had I voted for general Jackson, in opposition to the well-known opinions which I entertained of him, one tenth part of the ingenuity and zeal which have been employed to excite prejudices against me, would have held me up to universal contempt; and what would have been worse, *I* should have *felt* that I really deserved it.

Before the election, an attempt was made by an abusive letter, published in the Columbian Observer, at Philadelphia, a paper which, as has since transpired, was sustained by Mr. senator Eaton, the colleague, the friend, and the biographer of general Jackson, to assail my motives, and to deter me in the exercise of my duty. This letter being avowed by Mr. George Kremer, I instantly demanded from the house of representatives an investigation. A committee was accordingly, on the fifth day of February, 1825, appointed in the rare mode of balloting by the house, instead of by selection of the speaker. It was composed of some of the leading

members of that body, not one of whom was my political friend in the preceding presidential canvass. Although Mr. Kremer, in addressing the house, had declared his willingness to bring forward his proofs, and his readiness to abide the issue of the inquiry, his fears, or other counsels than his own, prevailed upon him to take refuge in a miserable subterfuge. Of all possible periods, that was the most fitting to substantiate the charge, if it were true. Every circumstance was then fresh; the witnesses all living and present; the election not yet complete; and therefore the imputed corrupt bargain not fulfilled. All these powerful considerations had no weight with the conspirators and their accessories, and they meanly shrunk from even an attempt to prove their charge, for the best of all possible reasons — because, being false and fabricated, they could adduce no proof which was not false and fabricated.

During two years and a half, which have now intervened, a portion of the press devoted to the cause of general Jackson has been teeming with the vilest calumnies against me, and the charge, under every chameleon form, has been a thousand times repeated. Up to this time, I have in vain invited investigation, and demanded evidence. None, not a particle, has been adduced.

The extraordinary ground has been taken, that the accusers were not bound to establish by proof the guilt of their designated victim. In a civilized, christian, and free community, the monstrous principle has been assumed, that accusation and conviction are synonymous; and that the persons who deliberately bring forward an atrocious charge are exempted from all obligations to substantiate it! And the pretext is, that the crime, being of a political nature, is shrouded in darkness, and incapable of being substantiated. But is there any real difference, in this respect, between political and other offences? Do not all the perpetrators of crime endeavor to conceal their guilt and to elude detection? If the accuser of a political offence is absolved from the duty of supporting his accusation, every other accuser of offence stands equally absolved. Such a principle, practically carried into society, would subvert all harmony, peace, and tranquillity. None — no age, nor sex, nor profession, nor calling — would be safe against its baleful and overwhelming influence. It would amount to a universal license to universal calumny!

No one has ever contended that the proof should be exclusively that of eye-witnesses, testifying from their senses positively and directly to the fact. Political, like other offences, may be established by circumstantial as well as positive evidence. But I do contend, that *some* evidence, be it what it may, ought to be exhibited. If there be none, how do the accusers know that an offence has been perpetrated? If they do know it, let us have the *fact* on which their conviction is based. I will not even assert, that, in public affairs, a citizen has not a right freely to express his

*opinions* of public men, and to speculate upon the motives of their conduct. But if he chooses to promulgate opinions, let them be given as *opinions*. The public will correctly judge of their value and their grounds. No one has a right to put forth a positive assertion, that a political offence has been committed, unless he stands prepared to sustain, by satisfactory proof of some kind, its actual existence.

If he who exhibits a charge of political crime is, from its very nature, disabled to establish it, how much more difficult is the condition of the accused? How can he exhibit negative proof of his innocence, if no affirmative proof of his guilt is or can be adduced?

It must have been a conviction that the justice of the public required a definite charge, by a responsible accuser, that has at last extorted from general Jackson his letter of the sixth of June, lately published. I approach that letter with great reluctance, not on my own account, for on that I do most heartily and sincerely rejoice that it has made its appearance. But it is reluctance, excited by the feelings of respect which I would anxiously have cultivated towards its author. He has, however, by that letter, created such relations between us, that, in any language which I may employ, in examining its contents, I feel myself bound by no other obligations than those which belong to truth, to public decorum, and to myself.

The first consideration which must, on the perusal of the letter, force itself upon every reflecting mind, is that which arises out of the delicate posture in which general Jackson stands before the American public. He is a candidate for the presidency, avowed and proclaimed. He has no competitor at present, and there is no probability of his having any, but one. The charges which he has allowed himself to be the organ of communicating to the very public who is to decide the question of the presidency, though directly aimed at me, necessarily implicate his only competitor. Mr. Adams and myself are both guilty, or we are both innocent of the imputed arrangement between us. *His* innocence is absolutely irreconcilable with *my* guilt. If general Jackson, therefore, can establish my guilt, and, by inference or by insinuation, that of his sole rival, he will have removed a great obstacle to the consummation of the object of his ambition. And if he can, at the same time, make out his own purity of conduct, and impress the American people with the belief, that his purity and integrity alone prevented his success before the house of representatives, his claims will become absolutely irresistible. Were there ever more powerful motives to propagate, was there ever greater interest, at all hazards, to prove the truth of charges?

I state the case, I hope, fairly; I mean to state it fairly and fearlessly. If the position be one which exposes general Jackson

to unfavorable suspicions, it must be borne in mind that he has voluntarily taken it, and he must abide the consequences. I am acting on the defensive, and it is he who assails me, and who has called forth, by the eternal laws of self-protection, the right to use all legitimate means of self-defence.

General Jackson has shown in his letter, that he is not exempt from the influence of that bias towards one's own interest, which is unfortunately the too common lot of human nature. It is *his* interest to make out that he is a person of spotless innocence, and of unsullied integrity; and to establish by direct charge, or by necessary inference, the want of those qualities in his rival. Accordingly, we find, throughout the letter, a labored attempt to set forth his own immaculate purity in striking contrast with the corruption which is attributed to others. We would imagine from his letter, that he very seldom touches a newspaper. The Telegraph is mailed regularly for him at Washington, but it arrives at the Hermitage very irregularly. He would have the public to infer, that the postmaster at Nashville, whose appointment happened not to be upon his recommendation, obstructed his reception of it. In consequence of his not receiving the Telegraph, he had not on the sixth of June, 1827, seen Carter Beverley's famous Fayetteville letter, dated the eighth of the preceding March, published in numerous gazettes, and published, I have very little doubt, although I have not the means of ascertaining the fact, in the gazettes of Nashville. I will not say, contrary to general Jackson's assertion, that he had never read that letter, when he wrote that of the sixth of June, but I must think that it is very strange that he should not have seen it; and I doubt whether there is another man of any political eminence in the United States who has not read it. There is a remarkable coincidence between general Jackson and certain editors who espouse his interest, in relation to Mr. Beverley's letter. They very early took the ground, in respect to it, that I ought, under my *own signature*, to come out and deny the statements. And general Jackson now says, in his letter of the sixth of June, that he 'always intended, should Mr. Clay come out over his own signature, and deny having any knowledge of the communication made by his friends to my friends and to me, that I would give him the name of the gentleman through whom that communication came.'

The distinguished member of congress who bore the alleged overture, according to general Jackson, presented himself with diplomatic circumspection, lest he should wound the very great sensibility of the general. He avers that the communication was intended with the most friendly motives, 'that he came as a friend,' and that he hoped, however it might be received, there would be no alteration in the friendly feelings between them. The general graciously condescends to receive the communication, and, in

consideration of the high standing of the distinguished member, and of his having always been a professed friend, he is promised impunity, and assured that there shall be no change of amicable ties. After all these necessary preliminaries are arranged between the high negotiating powers, the envoy proceeds: 'he had been informed by the friends of Mr. Clay, that the friends of Mr. Adams had made overtures to them, saying if Mr. Clay and his friends would unite in aid of the election of Mr. Adams, Mr. Clay should be secretary of state; that the friends of Mr. Adams were urging, as a reason to induce the friends of Mr. Clay to accede to their proposition, that if I was elected president, Mr. Adams would be continued secretary of state, (inuendo, there would be no room for Kentucky.)' [Is this general Jackson's inuendo, or that of the distinguished member of congress?] 'That the friends of Mr. Clay stated the west does not want to separate from the west, and if I would say, or permit any of my confidential friends to say that, in case I was elected president, Mr. Adams should not be continued secretary of state, by a complete union of Mr. Clay and his friends, they would put an end to the presidential contest in one hour; and he was of opinion it was right to fight such intriguers with their own weapons.' 'To which the general states himself to have replied in substance, 'that in politics, as in every thing else, my guide was principle, and contrary to the expressed and unbiased will of the people or their constituted agents, I never would step into the presidential chair; and requested him to say to Mr. Clay and his friends, (for I did *suppose* he had come from Mr. Clay, *although he used the terms Mr. Clay's friends,*) that before I would reach the presidential chair by such means of bargain and corruption, I would see the earth open and swallow both Mr. Clay and his friends and myself with them.' Now all these professions are very fine, and display admirable purity. But its sublimity would be somewhat more impressive, if some person other than general Jackson had proclaimed it. He would go into the presidential chair, but never, no! never, contrary to 'the expressed and unbiased will of the people, or their constituted agents:' two modes of arriving at it the more reasonable, as there happens to be no other constituted way. He would see 'the earth open and swallow both Mr. Clay and his friends and myself,' before he would reach the presidential chair by 'such means of bargain and corruption.' I hope general Jackson did not intend that the whole human race should be also swallowed up, on the contingency he has stated, or that they were to guaranty that he has an absolute repugnance to the employment of any exceptionable means to secure his elevation to the presidency. If he had rendered the distinguished member of congress a little more distinguished, by instantly ordering him from his presence, and by forthwith denouncing him and the infamous propositions which he bore, to the American

public, we should be a little better prepared to admit the claims of untarnished integrity, which the general so modestly puts forward. But, according to his own account, a corrupt and scandalous proposal is made to him; the person who conveyed it, advises him to accept it, and yet that person still retains the friendship of general Jackson, who is so tender of his character that his name is carefully concealed and reserved to be hereafter brought forward as a witness! A man, who, if he be a member of the house of representatives, is doubly infamous — infamous for the advice which he gave, and infamous for his willingness to connive at the corruption of the body of which he is a sworn member — is the credible witness by whom general Jackson stands ready to establish the corruption of men, whose characters are never questioned!

Of all the properties which belong to honorable men, not one is so highly prized as that of character. General Jackson cannot be insensible to its value, for he appears to be the most anxious to set forth the loftiness and purity of his own. How has he treated mine? During the dispensation of the hospitalities of the hermitage, in the midst of a mixed company of individuals from various states, he permits himself to make certain statements respecting my friends and me, which, if true, would forever dishonor and degrade us. The words are hardly passed from his mouth, before they are committed to paper, by one of his guests, and transmitted in the form of a letter to another state, when they are published in a newspaper, and thence circulated throughout the union. And now he pretends that these statements were made 'without any calculation that they were to be thrown into the public journals.' Does he reprove the indiscretion of this guest who had violated the sanctity of a conversation at the hospitable board? Far from it. The public is incredulous. It cannot be, general Jackson would be so wanting in delicacy and decorum. The guest appeals to him for the confirmation of the published statements; and the general promptly addresses a letter to him, in which 'he unequivocally confirms (says Mr. Carter Beverley,) all I have said regarding the overture made to him pending the last presidential election before congress; and he *asserts a great deal more than he ever told me.*' I should be glad to know if all the versions of the tale have now made their appearance, and whether general Jackson will allege, that he did not 'calculate' upon the publication of his letter of the sixth of June.

The general states that the unknown envoy used the terms, 'Mr. Clay's friends,' to the exclusion, therefore, of myself, but he nevertheless inferred that he had come from me. Now, why did he draw this inference contrary to the import of the statement which he received? Does not this disposition to deduce conclusions unfavorable to me, manifest the spirit which actuates him? And does not general Jackson exhibit throughout his letter a desire to give a

coloring to the statements of his friend, the distinguished member of congress, higher than they would justify? No one should ever resort to implication but from necessity. Why did he not ascertain from the envoy if he had come from me? Was any thing more natural than that general Jackson should ascertain the persons who had deputed the envoy? If his slacked sensibility and indignant virtue and patriotism would not allow him to inquire into particulars, ought he to have hazarded the assertion, that I was privy to the proposal, without assuring himself of the fact; could he not, after rejecting the proposal, continuing, as he did, on friendly terms with the organ of it, have satisfied himself if I were confusant of it? If he had not time then, might he not have ascertained the fact from his friend or from me, during the intervening two and a half years? The compunctions of his own conscience appear for a moment to have visited him towards the conclusion of his letter, for he there does say, 'that in the supposition stated, *I may* have done injustice to Mr. Clay; if so, the gentleman informing me can explain.' No good or honorable man will do another voluntarily any injustice. It was not necessary that general Jackson should have done me any. And he cannot acquit himself of the rashness and iniquity of his conduct towards me, by referring at this late day to a person whose name is withheld from the public. This compendious mode of administering justice, by first hanging and then trying a man, however justifiable it may be, according to the precepts of the Jackson code, is sanctioned by no respectable system of jurisprudence.

It is stated in the letter of the sixth of June, that the overture was made early in January; and that the second day after the communication, it 'was announced in the newspapers, that Mr. Clay had come out openly and avowedly in favor of Mr. Adams.' The object of this statement is obvious. It is to insinuate that the proposal which was rejected with disdain by general Jackson, was accepted with promptitude by Mr. Adams. This renders the fact as to the time of the alleged annunciation very important. It is to be regretted that general Jackson had not been a little more precise. It was *early* in January that the overture was made, and the *second* day after, the annunciation of my intention took place. Now, I will not assert that there may not have been some speculations in the newspapers about that time, (although I do not believe there were any *speculations* so early,) as to the probable vote which I should give; but I should be glad to see any newspaper which the second day after early in January, asserted in its columns, that I had come out 'openly and avowedly in favor of Mr. Adams.' I challenge the production of such a paper. I do not believe my intention so to vote for Mr. Adams was announced in the newspapers openly and avowedly during the whole month of January, or at any rate until late in that month. The only *avowal* of my



intention to vote for him, which was publicly made in the newspapers, prior to the election, is contained in my letter to Judge Brooke, which is dated the twenty-eighth of January. It was first published in the Enquirer at Richmond, some time in the ensuing month. I go further; I do not believe any newspaper at Washington can be produced, announcing, before the latter part of January, the fact, whether upon my avowal or not, of my intention to vote for Mr. Adams. General Jackson's memory must deceive him. He must have confounded events and circumstances. His friend, Mr. George Kremer, in his letter to the Columbian Observer bearing date the twenty-fifth of January, has, according to my recollection of the public prints, a claim to the merit of being the first, or among the first, to announce to the public my intended vote. That letter was first published at Philadelphia, and returned in the Columbian Observer to Washington city, on the thirty-first of January. How long before its date that letter was written to Mr. Kremer, does not appear. Whether there be any connection made by the distinguished member of congress, and that letter, perhaps general Jackson can explain.

At the end of more than two years after a corrupt overture has been made to general Jackson, he now, for the first time, openly proclaims it. It is true, as I have ascertained since the publication of Mr. Beverley's Fayetteville letter, the general has been for a long time secretly circulating the charge. Immediately on the appearance at Washington of that letter in the public prints, the editor of the Telegraph asserted, in his paper, that general Jackson had communicated the overture to him about the period of the election, not as he now states, but according to Mr. Beverley's version of the tale. Since I left Washington on the tenth of last month, I have understood that general Jackson has made a similar communication to several other persons at different and distant points. Why has the overture been thus clandestinely circulated? Was it that through the medium of the Telegraph, the leading paper supporting the interest of general Jackson, and through his other depositories, the belief of the charge should be duly and gradually infused into the public mind, and thus contribute to the support of his cause? The zeal and industry with which it has been propagated, the daily columns of certain newspapers can testify. Finding the public still unconvinced, has the general found it to be necessary to come out in proper person, through the thin veil of Mr. Carter Beverley's agency?

When the alleged overture was made, the election remained undecided. Why did not general Jackson then hold up to universal scorn and indignation the infamous bearer of the proposal, and those who dared to insult his honor, and tamper with his integrity? If he had at that time denounced all the infamous parties concerned, demanded an inquiry in the house of representatives, and estab-

lished by satisfactory proof the truth of his accusation, there might and probably would have been a different result to the election. Why, when at my instance, a committee was on the fifth day of February, 1825, (only four days before the election,) appointed to investigate the charges of Mr. Kremer, did not general Jackson present himself and establish their truth? Why, on the seventh of that month, two days before the election, when the committee reported that Mr. Kremer declined to come forward, and that 'if *they knew* of any reason for such investigation, they would have asked to be clothed with the proper power, but not having themselves any such knowledge, they have felt it to be their duty only to lay before the house the communication which they have received;' why did not general Jackson authorize a motion to recommit the report, and manfully come forward with all his information? The congress of the nation is in session. An important election has devolved on it. All eyes are turned towards Washington. The result is awaited with intense anxiety and breathless expectation. A corrupt proposition, affecting the election, is made to one of the candidates. He receives it, is advised to accept it, deliberates, decides upon it. A committee is in session to investigate the very charge. The candidate, notwithstanding, remains profoundly silent, and, after the lapse of more than two years, when the period of another election is rapidly approaching, in which he is the only competitor for the office, for the first time, announces it to the American republic! They must have more than an ordinary share of credulity who do not believe that general Jackson labors under some extraordinary delusion.

It is possible that he may urge by way of excuse, for what must be deemed his culpable concealment of mediated corruption, that he did not like to volunteer as a witness before the committee, or to transmit to it the name of his friend, the distinguished member of the house of representatives, although it is not very easy to discern any just reason for his volunteering now, which would not have applied with more force at that time. But what apology can be made for his failure to discharge his sacred duty as an American senator? More than two months after the alleged overture, my nomination to the office which I now hold, was made to the senate of the United States, of which general Jackson was then a sworn member. On that nomination he had to deliberate and to act in the most solemn manner. If I were privy to a corrupt proposal to general Jackson, touching the recent election; if I had entered into a corrupt bargain with Mr. Adams to secure his elevation, I was unworthy of the office to which I was nominated; and it was the duty of general Jackson, if he really possessed the information which he now puts forward, to have moved the senate to appoint a committee of inquiry, and by establishing my guilt, to have preserved the national councils from an abominable contamination.

As the conspiracy of George Kremer & Co. had a short time before meanly shrunk from appearing before the committee of the house of representatives, to make good their charges, I requested a senator of the United States, when my nomination should be taken up, to ask of the senate the appointment of a committee of inquiry, unless it should appear to him to be altogether unnecessary. One of our senators was compelled, by the urgency of his private business, to leave Washington before my nomination was disposed of; and as I had but little confidence in the fidelity and professed friendship of the other, I was constrained to present my application to a senator from another state. I was afterwards informed that when it was acted upon, general Jackson, and every other senator present, was silent as to the imputation now made; no one presuming to question my honor or integrity. How can general Jackson justify to his conscience or to his country, this palpable breach of his public duty? It is in vain to say that he gave a silent negative vote. *He* was in possession of information which, if true, must have occasioned the rejection of my nomination. It does not appear that any other senator possessed the same information. Investigation was alike due to the purity of the national councils, to me, and, as an act of strict justice, to all the other parties implicated. It is impossible for him to escape from the dilemma that he has been faithless as a senator of the United States, or has lent himself to the circulation of an atrocious calumny.

After the election, general Jackson was among the first who eagerly pressed his congratulations upon his successful rival. If Mr. Adams had been guilty of the employment of impure means to effect his election, general Jackson ought to have disdained to sully his own hands by touching those of his corrupt competitor.

On the tenth of February, 1825, the very next day after the election, general Jackson was invited to a public dinner at Washington, by some of his friends. He expressed to them his wish that he might be excused from accepting the invitation, because, alluding to the recent election, he said, 'any evidence of kindness and regard, such as you propose, might, by many, be viewed as conveying with it EXCEPTION, murmurings, and feelings of complaint, which I sincerely hope belong to none of my friends.' More than one month after the corrupt proposal is pretended to have been received, and after, according to the insinuation of general Jackson, a corrupt arrangement had been made between Mr. Adams and me: after the actual termination of an election, the issue of which was brought about, according to general Jackson, by the basest means, he was unwilling to accept the honors of a public dinner, lest it should imply even an *exception* against the result of the election.

General Jackson professes in his letter of the sixth of June — I

quote again his words—‘to have always intended, should Mr. Clay come out over his own signature, and deny having any knowledge of the communication made by his friends to my friends, and to me, that I would give him the name of the gentleman through whom that communication came.’ He pretends never to have seen the Fayetteville letter; and yet the pretext of a denial under *my signature* is precisely that which had been urged by the principal editors who sustain his cause. If this be an unconcerted, it is nevertheless a most wonderful coincidence. The general never communicated to me his professed intention, but left me in entire ignorance of his generous purpose; like the overture itself, it was profoundly concealed from me. There was an authorized denial from me, which went to the circle of the public prints, immediately after the arrival at Washington of the Fayetteville letter. In that denial my words are given. They were contained in a letter dated at Washington city on the eighteenth day of April last, and are correctly stated to have been ‘that the statement that his (my) friends had made such a proposition as the latter describes to the friends of general Jackson was, as far as he knew or believed, utterly destitute of foundation; that he was unwilling to believe that general Jackson had made any such statement; but that no matter with whom it had originated, he was fully persuaded it was a gross fabrication of the same calumnious character with the Kremer story, put forth for the double purpose of injuring his public character, and propping the cause of general Jackson; and then for himself and for his friends he *defied* the substantiation of the charge before any fair tribunal whatever.’ Such were my own words, transmitted in the form of a letter from a friend to a *known* person. Whereas the charge which they repelled was contained in a letter written by a person then unknown to some person also unknown. Did I not deny the charge under my own signature, in my card of the thirty-first of January, 1825, published in the National Intelligencer? Was not there a substantial denial of it in my letter to Judge Brooke, dated the twenty-eighth of the same month? In my circular to my constituents? In my Lewisburg speech? And may I not add, in the whole tenor of my public life and conduct? If general Jackson had offered to furnish me the name of a member of congress, who was capable of advising his acceptance of a base and corrupt proposition, ought I to have resorted to his infamous and discredited witness?

It has been a thousand times asserted and repeated, that I violated instructions which I ought to have obeyed. I deny the charge; and I am happy to have this opportunity of denying it in the presence of my assembled constituents. The general assembly requested the Kentucky delegation to vote in a particular way. A majority of that delegation, including myself, voted in opposition to that request. The legislature did not intend to give an *impera-*

*tive* instruction. The distinction between a request and an instruction was familiar to the legislature, and their rolls attest that the former is always addressed to the members of the house of representatives, and the latter only to the senators of the United States.

But I do not rely exclusively on this recognised distinction. I dispute at once the right of the legislature to issue a mandatory instruction to the representatives of the people. Such a right has no foundation in the constitution, in the reason or nature of things, nor in usage of the Kentucky legislature. Its exercise would be a manifest usurpation. The general assembly has the incontrovertible right to express its opinions and to proclaim its wishes on any political subject whatever; and to such an expression great deference and respect are due; but it is not obligatory. The people, when, in August, 1824, they elected members to the general assembly, did not invest them with any power to regulate or control the exercise of the discretion of the Kentucky delegation in the congress of the United States. I put it to the candor of every elector present, if he intended to part with his own right, or anticipated the exertion of any such power, by the legislature, when he gave his vote in August, 1824?

The only instruction which I received from a legitimate source, emanated from a respectable portion of my immediate constituents; and that directed me to exercise my own discretion, regardless of the will of the legislature. You subsequently ratified my vote by unequivocal demonstrations, repeatedly given, of your affectionate attachment and your unshaken confidence. You ratified it two years ago, by the election of my personal and political friend, (judge Clarke) to succeed me in the house of representatives, who had himself subscribed the only legitimate instruction which I received. You ratify it by the presence and the approbation, of this vast and respectable assemblage.

I rejoice again and again, that the contest has at last assumed its present practical form. Heretofore, malignant whispers and dark surmises have been clandestinely circulated, or openly or unblushingly uttered by irresponsible agents. They were borne upon the winds, and like them were invisible and intangible. No responsible man stood forward to sustain them, with his acknowledged authority. They have at last a local habitation and a name. General Jackson has now thrown off the mask and comes confessedly forth from behind his concealed batteries, publicly to accuse and convict me. We stand confronted before the American people. Pronouncing the charges, as I again do, destitute of all foundation, and gross aspersions, whether clandestinely or openly issued from the halls of the capitol, the saloons of the hermitage, or by press, by pen, or by tongue, and safely resting on my conscious integrity, I demanded the witness, and await the event with fearless confidence.

The issue is fairly joined. The imputed offence does not comprehend a single friend, but the collective body of my friends in congress; and it accuses them of offering, and me with sanctioning, corrupt *propositions*, derogating from honor, and in violation of the most sacred of duties. The charge has been made after two years deliberation. General Jackson has voluntarily taken his position, and without provocation. In voting against him as president of the United States, I gave him no just cause of offence. I exercised no more than my indisputable privilege, as, on a subsequent occasion, of which I have never complained, he exercised his in voting against me as secretary of state. Had I voted for him, I must have gone counter to every fixed principle of my public life. I believed him incompetent, and his election fraught with danger. At this early period of the republic, keeping steadily in view the dangers which had overturned every other free state, I believed it to be essential to the lasting preservation of our liberties, that a man, devoid of civil talents, and offering no recommendation but one founded on military service, should not be selected to administer the government. I believe so yet; and I shall consider the days of the commonwealth numbered, when an opposite principle is established. I believed, and still believe, that now, when our institutions are in comparative infancy, is the time to establish the great principle, that military qualification alone is not a sufficient title to the presidency. If we start right, we may run a long race of liberty, happiness, and glory. If we stumble in setting out, we shall fall as others have fallen before us, and fall without even a claim to the regrets or sympathies of mankind.

I have never done general Jackson, knowingly, any injustice. I have taken pleasure, on every proper occasion, to bestow on him merited praise, for the glorious issue of the battle of New Orleans. No American citizen enjoyed higher satisfaction than I did with the event. I heard it for the first time on the boulevards of Paris; and I eagerly perused the details of the actions, with the anxious hope that I should find that the gallant militia of my own state had avenged, on the banks of the Mississippi, the blood which they had so freely spilt on the disastrous field of Raisin. That hope was not then gratified; and although I had the mortification to read in the official statement, that they ingloriously fled, I was nevertheless thankful for the success of the arms of my country, and felt grateful to him who had most contributed to the ever memorable victory. This concession is not now made for the purpose of conciliating the favor or mitigating the wrath of general Jackson. He has erected an impassable barrier between us, and I would scorn to accept any favor at his hands. I thank my God that He has endowed me with a soul incapable of apprehensions from the anger of any being but himself.

## ON HEEDLESS ENTHUSIASM FOR MERE MILITARY RENOWN.

DELIVERED AT BALTIMORE, MAY 13, 1828.

[MR. CLAY having visited Philadelphia in the spring of 1828, for the purpose of consulting a medical gentleman, on the state of his health, which at that period was exceedingly delicate, was invited by a committee, in behalf of his friends in Baltimore, to remain in that city a short time, on his return. He arrived there on Monday afternoon, the twelfth of May, of the above year, and was greeted with even more than usual enthusiasm. The next day, Mr. Clay received the visits and congratulations of his fellow-citizens of Baltimore, who thronged in vast numbers, to press the right hand so often raised in their eloquent defence. Having declined a *public* dinner, he partook of one in company with the committee who attended upon him, and the chairmen of the various ward committees of the city, on which occasion the following, among other toasts, were drank:—

1. The president of the United States.

2. A great statesman has said, 'What is a public man worth, who will not suffer for his country?' We have seen a public man sacrifice much for his country, and rise resplendently triumphant over the calumnies of his enemies.]

MR. CLAY then rose, (evidently laboring under debility from indisposition, probably increased by the ceremonies of the day,) and said, 'Although I have been required, by the advice of my physicians, to abstain from all social entertainments, with their consequent excitements, I cannot leave Baltimore, without saying a few words, by way of public acknowledgment, for the cordial congratulations with which I have been received during my present visit. I am not so vain, indeed, as to imagine that any personal considerations have prompted the enthusiastic demonstrations by which my approach to this city, and my short sojourn, have been so highly distinguished. Their honored object, has, it is true, some claims upon the justice, if not the sympathy, of a generous, intelligent, and high-minded people. Singled out for proscription and destruction, he has sustained all the fury of the most ferocious attacks. Calumnious charges, directed against the honor of his public character, dearer than life itself, sanctioned and republished by one who should have scorned to lend himself to such a vile purpose, have been echoed by a thousand profligate or deluded tongues and presses. Supported by the consciousness of having faithfully discharged his duty, and defended by the virtue and intelligence of an enlightened people, he has stood firm and erect amidst all the bellowings of the political storm. What is a public

man, what is any man worth, who is not prepared to sacrifice himself, if necessary, for the good of his country?

‘But,’ continued Mr. Clay, ‘the demonstrations which I have here witnessed, have a higher and a nobler source, than homage to an individual; they originate from that cause with which I am an humble associate—the cause of the country—the cause of the constitution—the cause of free institutions. They would otherwise be unworthy of freemen, and less gratifying to me. I am not, I hope, so uncharitable as to accuse all the opponents of that cause with designs unfriendly to human liberty. I know that they make, many of them sincerely, other professions. They talk, indeed, of republicanism, and some of them impudently claim to be the exclusive republican party! Yes! we find men who, but yesterday, were the foremost in other ranks, upon whose revolting ears the grating sound of republicanism ever fell, and upon whose lips the exotic word still awkwardly hangs, now exclaiming, or acquiescing in the cry, that *they* are the republican party! I had thought, if any one, more than all other principles, characterized the term republican party, it was their ardent devotion to liberty, to its safety, to all its guarantees. I had supposed, that the doctrines of that school taught us to guard against the danger of standing armies, to profit by the lessons which all history inculcates, and never to forget that liberty, and the predominance of the military principle, were utterly incompatible. The republican party! In this modern, new-fangled, and heterogeneous party, Cromwell and Cæsar have recently found apologists. The judgment of centuries is reversed; long-established maxims are overturned; the Ethiopian is washed white; and the only genuine lovers of liberty were the Philips, the Cæsars, the Cromwells, the Mariuses, and the Syllas, of former ages.

‘It is time for slumbering patriotism to awake, when such doctrines as these are put forth from the capitol, and from popular assemblies. It is time that the *real* republican party, (I speak not of former divisions, springing from causes no longer existing, and which are sought to be kept up by some men in particular places, only for sinister purposes,)—that party, under whatever flag its members may have heretofore acted, that party which loves freedom, for freedom’s sake—justly to estimate the impending perils, and to proceed with an energy, and union, called for by the existing crisis in the republic. Regardless of all imputations, and proud of the opportunity of free and unrestrained intercourse with all my fellow-citizens, if it were physically possible, and compatible with my official duties, I would visit every state, go to every town and hamlet, address every man in the union, and entreat them, by their love of country, by their love of liberty, for the sake of themselves and their posterity—in the name of their venerated ancestors, in the name of the human family, deeply interested in the



fulfilment of the trust committed to their hands — by all the past glory which we have won — by all that awaits us as a nation — if we are true and faithful in gratitude to Him who has hitherto so signally blessed us — to pause — solemnly pause — and contemplate the precipice which yawns before us! If, indeed, we have incurred the divine displeasure, and it be necessary to chastise this people with the rod of his vengeance, I would humbly prostrate myself before Him, and implore his mercy, to visit our favored land with war, with pestilence, with famine, with any scourge other than military rule, or a blind and heedless enthusiasm for mere military renown.

‘Gentlemen, I wish I had strength to expatiate on this interesting subject; but I am admonished by the state of my health, to desist. I pray you to accept my thanks for the sentiment with which you have honored me, and your permission to offer one which I hope will be approved by you.

‘GENUINE REPUBLICANS, of every faith, who, true to the cause of liberty, would guard it against all pernicious examples’

ON THE POLITICAL CONDITION OF THE UNITED STATES  
DURING J. Q. ADAMS'S ADMINISTRATION.

DELIVERED AT CINCINNATI, AUGUST 23, 1828

[On Friday, (twenty-second August,) Mr. Clay arrived in Cincinnati. During the day he was visited by a large number of the citizens. On Saturday, at two o'clock, he met his fellow-citizens at Mr. Ruffner's, where a collation was prepared. A vast concourse of persons were present. The general impression was, that the number exceeded five thousand. Mr. Clay was introduced to the company by a short address from the chairman of the administration committee, S. W. Davies, Esq., to which he replied in the following words.]

Mr. CHAIRMAN,

Although it is not entirely compatible with the precautions which are enjoined by the delicate state of my health, to which you have so obligingly alluded, to present myself in this attitude, I cannot refrain from making a public expression to you, and to my fellow-citizens here assembled, of my profound acknowledgments for the hearty welcome and the cordial, spontaneous, and enthusiastic manifestation of respect and attachment with which my present visit to your city has been attended. It has been frequently, but not less truly said, that the highest reward for public service, is the approbation of the public. The support of public opinion is the greatest incentive to the faithful and beneficial discharge of official duty. If, as you have truly suggested, it has been my misfortune for several years, to have been abused and assailed without example, I have nevertheless had the satisfaction to have been cheered and sustained, in all parts of the union, by some of the best and most virtuous men in it. And I seize with pleasure this occasion to say, that, even among my political opponents, many of the most moderate and intelligent have done me the justice to discredit and discountenance the calumnies of which I have been the object. But nowhere have I found more constant, ardent, and effective friends than in this city. I thank them most heartily for all their friendly sentiments and exertions.

Whatever may be the issue of the contest which at present unhappily divides and distracts our country, I trust that the beneficial system, to which you have referred, will survive the struggle,

and continue to engage the affections, and to cheer and animate the industry of the people of the United States. It has indeed been recently attacked in another quarter of the union, by some of our fellow-citizens, with a harshness and intemperance which must every where excite the patriot's regret. It has been denounced as if it were a new system, that sprung into existence but yesterday, or at least with the present administration, if not during the last session of congress. But it owes its origin to a much earlier date. The present administration, though sincerely attached to it, and most anxious for its preservation, has not the merit of having first proposed or first established it. The manufacturing system was quickened into existence by the commercial restrictions which preceded the late war with Great Britain, and by that greatest of them all, the war itself. Our wants, no longer supplied from abroad, must have been supplied at home, or we must have been deprived of the necessaries and comforts of civilization, if we had not relapsed into a state of barbarism. The policy of Jefferson and Madison fostered, if it did not create, the manufactures of our country. The peace brought with it a glut of foreign fabrics, which would have prostrated our establishments, if government had been capable of unjustly witnessing such a spectacle, without interposing its protective power. Protection, therefore, was not merely called for by the substantial independence of our country, but it was a parental duty of government to those citizens who had been tempted by its restrictive policy to embark all their hopes and fortunes in the business of manufacturing. Twelve years ago congress took up the subject, and after long and mature deliberation, solemnly decided to extend that measure of protection which was alike demanded by sound policy and strict justice. Then the foundations were laid of the American system; and all that has been subsequently done, including the act of the last session of congress, are but the consequences of the policy then deliberately adopted, having for their object the improvement and perfection of the great work then begun. It is not the least remarkable of the circumstances of these strange times, that some who assisted in the commencement, who laid corner-stones of the edifice, are now ready to pull down and demolish it.

It is not the fact of the existence of an opposition to the tariff, that can occasion any inquietude; nor that of large and respectable assemblies of the people, to express their disapprobation of the policy, and their firm resolution to consume only the produce of their own industry. These meetings are in the true spirit of our free institutions, and that resolution is in the true spirit of the American system itself. But what must excite deep regret is, that any persons should allow themselves to speak of open and forcible resistance to the government of their country, and to threaten a dissolution of the union. What is the state of the case? A great

measure of national policy is proposed; it is a subject of discussion for a period of twelve years, in the public prints, in popular assemblies, in political circles, and in the congress of the United States. That body, after hearing the wishes and wants of all parts of the union, fairly stated by their respective representatives, decides by repeated *majorities*, to adopt the measure. It is accordingly put into successful operation, improved from time to time, and is rapidly fulfilling all the hopes and expectations of its friends. In this encouraging condition of things, a small number of the citizens composing the minority, (for I will not impute to the great body of the minority any such violent purposes,) threaten the employment of force, and the dissolution of the union! Can any principle be more subversive of all government, or of a tendency more exceptionable and alarming. It amounts to this, that whenever any portion of the community finds itself in a minority, in reference to any important act of the government, and by high coloring and pictures of imaginary distress, can persuade itself that the measure is oppressive, that minority may appeal to arms, and if it can, dissolve the union. Such a principle would reverse the established maxim of representative government, according to which, the will of the majority must prevail. If it were possible that the minority could govern and control, the union may indeed as well be dissolved; for it would not then be worth preserving. The conduct of an individual would not be more unwise and suicidal, who, because of some trifling disease afflicting his person, should, in a feverish and fretful moment, resolve to terminate his existence.

Nothing can be more unfair and ridiculous, than to compare any of the acts of the congress of the United States, representing all, and acting for all, to any of the acts of the British parliament, which led to our revolution. The principle on which the colonies seceded was, that there should be no taxation without representation. They were not represented in the British parliament, and to have submitted to taxation, would have been to have submitted to slavery, and to have surrendered the most valuable privileges of freemen. If the colonies had been fairly represented in the British parliament, and equal taxes, alike applicable to all parts of the British empire, had been imposed by a majority, a case of remote analogy to any act of congress to which a minority is opposed, might be deduced from the history of the revolution. But every state of this confederacy is fairly represented, and has the faculty of being fully heard in the congress of the United States. The representation has been regulated by a joint principle of distribution, the result of a wise spirit of mutual compromise and concession, which I hope never to see disturbed, of which none can justly complain, and least of all, those citizens who have resorted to threats of an appeal to arms and disunion.

But there is, I hope and believe, no reason to apprehend the

execution of those empty threats. The good sense, the patriotism, and the high character of the people of South Carolina, are sure guarantees for repressing, without aid, any disorders, should any be attempted within her limits. The spirit of Marion, and Pickens, and Sumpter, of the Rutledges, the Pinckneys, and of Lowndes, yet survives, and animates the high-minded Carolinians. The Taylors, and the Williamses, and their compatriots of the present day, will be able to render a just account of all, if there be any who shall dare to raise their parricidal hands against the peace, the constitution, and the union of the states. Rebuked by public opinion — a sufficient corrective — and condemned by their own sober reflections, the treasonable purpose will be relinquished, if it were ever seriously contemplated by any.

I have no fears for the permanency of our union, whilst our liberties are preserved. It is a tough and strong cord, as all will find who shall presumptuously attempt to break it. It has been competent to suppress all the domestic insurrections, and to carry us safely through all the foreign wars with which we have been afflicted since it was formed, and it has come out of each with more strength, and greater promise of durability. It is the choicest political blessing which, as a people, we enjoy, and I trust and hope that Providence will permit us to transmit it, unimpaired, to posterity, through endless generations.

I thank you, Mr. Chairman, for the flattering opinion which you have expressed of my public services, and especially of those which I have endeavored to render to the west. Whilst I am sensible that you appreciate them much too highly, it is at the same time true, that I have sought, on all occasions that appeared to me proper, to advance the interests of that section, of which I am proud to be a citizen, whenever I have thought it could be done without prejudice to the predominant interests of the whole. I have, nevertheless, in several important instances, given my most zealous support to measures, (the navy, and the late war, for example,) in which the west could not be regarded as having any distinct or other interest, than that which belongs to the honor, the prosperity, and the character, of the whole confederacy. During the short period of the present administration, I hope I may be permitted to say, without meaning to claim for it exclusive merit, that more has been done and recommended for the west, than ever was done during the whole preceding period of our present constitution, with the exception only of the acquisition of Louisiana, under the administration of Mr. Jefferson. I have not strength or time to enter into details to establish the general proposition; but those who will take the trouble to examine the appropriations of land and of money, for objects of internal improvement and education, the measures which have been adopted or recommended, in respect to the public domain, the judiciary, and so forth, will find that proposition fully sustained.

There are here many who, by a too flattering estimate of my capacity, decided me worthy of the office of chief magistrate, and, during the last presidential canvass, honored me with their support. To them I take this occasion to say, that, if instead of the present abused chief magistrate, they had obtained the preference, the measures of the administration would not have been, in any essential particular, different from those which have been adopted. All the principal acts and measures of the existing administration, have met with my humble and hearty concurrence.

Cultivating a farm in Kentucky, and having other objects of private concern, I have found it necessary, both on that account, and the relaxation from official business, indispensable to the preservation of health, annually to visit this quarter of the union, during the period of my connection with the executive of the United States. In these visits, I have frequently met large portions of my fellow-citizens, upon their friendly and pressing invitations. My object has been called in question, and my motives assailed. It has been said, that my purpose was electioneering. If it be intended to charge me with employing improper or dishonorable acts, to secure my election, I deny the charge, and disclaim the purpose. I defy my most malignant enemies to show that I ever, during any period of my life, resorted to such acts to promote my own election, or that of any other person. I have availed myself of these assemblies, and of other opportunities, to defend myself against an accusation, publicly made, and a thousand times repeated. I had a right to do this by the immutable laws of self-defence. My addresses to the public, heretofore, have been generally strictly defensive. If they have ever given pain to any of my adversaries, they must reproach themselves with its infliction. There is one way, and but one way, in which they can silence me. My traducers have attributed to me great facility in making a bargain. Whether I possess it or not, there is one *bargain* which, for their accommodation, I am willing to enter into with them. If they will prevail upon their chief to acknowledge that he has been in error, and has done me injustice, and if they will cease to traduce and abuse me, I will no longer present myself before public assemblies, or in public prints, in my own defence. That is one bargain which I have no expectation of being able to conclude; for men who are in a long-established line of business, will not voluntarily quit their accustomed trade, and acknowledge themselves bankrupts to honor, decency, and truth.

Some who have persuaded themselves that they saw in my occasional addresses to the people, incompatibility with the dignity and reserve belonging to the office I hold, I know not according to what standard, (it can hardly be any deduced from a popular representative government,) these gentlemen have regulated their opinions. True dignity appears to me to be independent of office

or station. It belongs to every condition; but if there be a difference between private and public life, the more exalted the station, the greater is the obligation of the public functionary, in my humble judgment, to render himself amiable, affable, and accessible. The public officer who displays a natural solicitude to defend himself against a charge deeply affecting his honor and his character, manifests, at the same time, a just respect for the community. It is, I think, an erroneous judgment of the nature of office, and its relations, to suppose that it imposes the duty on the officer, of abstracting himself from society, and a stiff and stately port. Without, I hope, forgetting what was due to myself, my habit, throughout life, has been that of friendly, free, and frank intercourse with my fellow-citizens. I have not thought it necessary to change my personal identity in any of the various offices through which I have passed, or to assume a new character. It may not be easy to draw the line, as to the occasions in which a man should remain silent, or defend himself. In the general, it is better, perhaps, that he should leave his public acts, and the measures which he espouses or carries, to their own vindication; but if his integrity be questioned, and dishonorable charges, under high and imposing names, be preferred against him, he cannot remain silent without a culpable insensibility to all that is valuable in human life.

Sir, I feel that I have trespassed too much, both upon you and myself. If prudence were a virtue of which I could boast, I should have spared both you and me. But I could not deny myself the gratification of expressing my thanks to my Cincinnati friends, for the numerous instances which I have experienced of their kind and respectful consideration. I beg you, sir, and every gentleman here attending, to accept my acknowledgments; and I especially owe them to the gentlemen of the committee, who did me the honor to meet me at Louisville, and accompany me to this city. Whatever may be my future destiny, whilst my faculties are preserved, I shall cherish a proud and grateful recollection of these testimonies of respect and attachment.

## ON RETIRING FROM OFFICE.

AT WASHINGTON, MARCH 7, 1829

[AT the close of Mr. Adams's administration, Mr. Clay, having resigned his office of secretary of state before the inauguration of general Jackson as president of the United States, was invited to meet his friends at Washington city, and others from various parts of the union, at a public dinner, which he accepted, while preparing to return to the place of his residence at the west. On this occasion the fifth toast was:

'Health, prosperity, and happiness to our highly valued and esteemed guest and fellow-citizen, HENRY CLAY. Whatever the future destination of his life, he has done enough for honor, and need desire no higher reward than the deep seated affection and respect of his friends and his country.'

This having been received with much feeling and applause, Mr. Clay arose and addressed the company as follows: ]

In rising, Mr. President, to offer my respectful acknowledgments for the honors of which I am here the object, I must ask the indulgence of yourself and the other gentlemen now assembled, for an unaffected embarrassment, which is more sensibly felt than it can be distinctly expressed. This city has been the theatre of the greater portion of my public life. You, and others whom I now see, have been spectators of my public course and conduct. You and they are, if I may borrow a technical expression from an honorable profession of which you and I are both members, jurors of the vicinage. To a judgment rendered by those who have thus long known me, and by others though not of the panel, who have possessed equal opportunities of forming correct opinions, I most cheerfully submit. If the weight of human testimony should be estimated by the intelligence and respectability of the witness, and the extent of his knowledge of the matter on which he testifies, the highest consideration is due to that which has been this day spontaneously given. I shall ever cherish it with the most grateful recollection, and look back upon it with proud satisfaction.

I should be glad to feel that I could with any propriety abstain from any allusion at this time and at this place, to public affairs. But considering the occasion which has brought us together, the events which have preceded it, and the influence which they may exert upon the destinies of our country, my silence might be misinterpreted, and I think it therefore proper that I should embrace



this first public opportunity which I have had of saying a few words, since the termination of the late memorable and embittered contest. It is far from my wish to continue or to revive the agitation with which that contest was attended. It is ended, for good or for evil. The nation wants repose. A majority of the people has decided, and from their decision there can and ought to be no appeal. Bowing, as I do, with profound respect to them, and to this exercise of their sovereign authority, I may nevertheless be allowed to retain and to express my own unchanged sentiments, even if they should not be in perfect coincidence with theirs. It is a source of high gratification to me to believe that I share these sentiments in common with more than half a million of freemen, possessing a degree of virtue, of intelligence, of religion, and of genuine patriotism, which, without disparagement to others, is unsurpassed, in the same number of men in this or any other country, in this or any other age.

I deprecated the election of the present president of the United States, because I believed he had neither the temper, the experience, nor the attainments requisite to discharge the complicated and arduous duties of chief magistrate. I deprecated it still more, because his elevation, I believed, would be the result exclusively of admiration and gratitude for military service, without regard to indispensable civil qualifications. I can neither retract, nor alter, nor modify, any opinion which, on these subjects, I have at any time heretofore expressed. I thought I beheld in his election an awful foreboding of the fate which, at some future (I pray to God that, if it ever arrive, it may be some far distant) day, was to befall this infant republic. All past history has impressed on my mind this solemn apprehension. Nor is it effaced or weakened by contemporaneous events passing upon our own favored continent. It is remarkable that, at this epoch, at the head of eight of the nine independent governments established in both Americas, military officers have been placed, or have placed themselves. General Lavalle has, by military force, subverted the republic of La Plata. General Santa Cruz is the chief magistrate of Bolivia; colonel Pinto of Chili; general Lamar of Peru; and general Bolivar of Colombia. Central America, rent in pieces, and bleeding at every pore, from wounds inflicted by contending military factions, is under the alternate sway of their chiefs. In the government of our nearest neighbor, an election, conducted according to all the requirements of their constitution, has terminated with a majority of the states in favor of Pedrazza, the civil candidate. An insurrection was raised in behalf of his military rival; the cry, not exactly of a bargain, but of corruption, was sounded; the election was annulled, and a reform effected by proclaiming general Guerrero, having only a minority of the states, duly elected president. The thunders from the surrounding forts, and the acclama-

tions of the assembled multitude, on the fourth, told us what general was at the head of our affairs. It is true, and in this respect we are happier than some of the American states, that his election has not been brought about by military violence. The forms of the constitution have yet remained inviolate.

In reasserting the opinions which I hold, nothing is further from my purpose than to treat with the slightest disrespect those of my fellow-citizens, here or elsewhere, who may entertain opposite sentiments. The fact of claiming and exercising the free and independent expression of the dictates of my own deliberate judgment, affords the strongest guarantee of my full recognition of their corresponding privilege.

A majority of my fellow-citizens, it would seem, do not perceive the dangers which I apprehended from the example. Believing that they are not real, or that we have some security against their effect, which ancient and modern republics have not found, that majority, in the exercise of their incontestable right of suffrage, have chosen for chief magistrate a citizen who brings into that high trust no qualification other than military triumphs.

That citizen has done much injustice—wanton, unprovoked, and unatoned injustice. It was inflicted, as I must ever believe, for the double purpose of gratifying private resentment and promoting personal ambition. When, during the late canvass, he came forward in the public prints under his proper name, with his charge against me, and summoned before the public tribunal his friend and his only witness to establish it, the anxious attention of the whole American people was directed to the testimony which that witness might render. He promptly obeyed the call and testified to what he knew. He could say nothing, and he said nothing, which cast the slightest shade upon my honor or integrity. What he did say was the reverse of any implication of me. Then all just and impartial men, and all who had faith in the magnanimity of my accuser, believed that he would voluntarily make a public acknowledgment of his error. How far this reasonable expectation has been fulfilled, let his persevering and stubborn silence attest. But my relations to that citizen by a recent event are now changed. He is the chief magistrate of my country, invested with large and extensive powers, the administration of which may conduce to its prosperity or occasion its adversity. Patriotism enjoins as a duty, that whilst he is in that exalted station, he should be treated with decorum, and his official acts be judged of in a spirit of candor. Suppressing, as far as I can, a sense of my personal wrong, willing even to forgive him, if his own conscience and our common God can acquit him; and entertaining for the majority which has elected him, and for the office which he fills, all the deference which is due from a private citizen; I most anxiously hope, that under his guidance the great interests of our country, foreign and domestic,

may be upheld, our free institutions be unimpaired, and the happiness of the nation be continued and increased.

While I am prompted by an ardent devotion to the welfare of my country, sincerely to express this hope, I make no pledges, no promises, no threats, and I must add, I have no confidence. My public life, I trust, furnishes the best guarantee for my faithful adherence to those great principles of external and internal policy, to which it has been hitherto zealously dedicated. Whether I shall ever hereafter take any part in the public councils or not, depends upon circumstances beyond my control. Holding the principle that a citizen, as long as a single pulsation remains, is under an obligation to exert his utmost energies in the service of his country, if necessary, whether in private or public station, my friends, here and every where, may rest assured that, in either condition, I shall stand erect, with a spirit unconquered, whilst life endures, ready to second their exertions in the cause of liberty, the union, and the national prosperity.

Before I sit down, I avail myself with pleasure of this opportunity to make my grateful acknowledgments, for the courtesies and friendly attentions which I have uniformly experienced from the inhabitants of this city. A free and social intercourse with them, during a period of more than twenty years, is about to terminate, without any recollection on my part of a single painful collision, and without leaving behind me, as far as I know, a solitary personal enemy. If, in the sentiment with which I am about to conclude, I do not give a particular expression to the feelings inspired by the interchange of civilities and friendly offices, I hope the citizens of Washington will be assured that their individual happiness and the growth and prosperity of this city will ever be objects of my fervent wishes. In the sentiment which I shall presently offer, they are indeed comprehended. For the welfare of this city is indissolubly associated with that of our union, and the preservation of our liberty. I request permission to propose,

**LET US NEVER DESPAIR OF THE AMERICAN REPUBLIC.**

## ON THE COMMENCEMENT OF JACKSON'S ADMINISTRATION.

AT FOWLER'S GARDEN, LEXINGTON, KENTUCKY, MAY 16, 1829.

[AFTER the election of general Jackson as president of the United States, Mr. Clay having retired to private life at his former residence in Kentucky, was occasionally invited to meet his friends and neighbors at public entertainments, where large concourses always assembled to manifest for him their continued regard and confidence. On one of these occasions he made the following speech, in which he contrasts the proscriptive course of Jackson's administration in removals from office, with that adopted and pursued by previous presidents. He also alludes to other subjects of prominent public interest.]

### TOAST.

Our distinguished guest, friend, and neighbor, HENRY CLAY. With increased proofs of his worth, we delight to renew the assurance of our confidence in his patriotism, talents, and incorruptibility. May health and happiness attend him in retirement, and a grateful nation do justice to his virtues.

AFTER the above, Mr. Clay rose and addressed the immense assemblage of people present, as follows :

I fear, friends and fellow-citizens, that if I could find language to express the feelings which now animate me, I could not be heard throughout this vast assembly. My voice, once strong and powerful, has had its vigor impaired by delicate health and advancing age. You must have been separated, as I have been, for four years past, from some of your best and dearest friends, with whom during the greater part of your lives, you had associated in the most intimate friendly intercourse; you must have been traduced, as I have been, after exerting with zeal and fidelity the utmost of your powers to promote the welfare of our country; and you must have returned among those warm-hearted friends, and been greeted and welcomed and honored by them, as I have recently been; before you could estimate the degree of sensibility which I now feel, or conceive how utterly inadequate all human language is to portray the grateful emotions of my heart. I behold gathered here, as I have seen in other instances since my return among you, sires far advanced in years, endeared to me by an interchange of friendly office and sympathetic feeling, beginning more

than thirty years ago. Their sons, grown up during my absence in the public councils, accompanying them; and all, prompted by ardent attachment, affectionately surrounding and saluting me, as if I belonged to their own household. Considering the multitude here assembled, their standing and respectability, and the distance which many have come personally to see me, and to testify their respect and confidence, I consider this day and this occasion as the proudest of my life. The tribute, thus rendered by my friends, neighbors, and fellow-citizens, flows spontaneously from their hearts, as it penetrates the inmost recesses of mine. Tendered in no servile spirit, it does not aim to propitiate one in authority. Power could not buy or coerce it. The offspring of enlightened and independent freemen, it is addressed to a beloved fellow-citizen in private life, without office, and who can present nothing in return, but his hearty thanks. I pray all of you, gentlemen, to accept these. They are due to every one of you for the sentiment just pronounced, and for the proceedings of this day. And I owe a particular expression of them to that portion of my friends, who, although I had the misfortune to differ from them in the late contest, have honored me by their attendance here. I have no reproaches to make them. Regrets I have; but I give, as I have received from them, the hand of friendship as cordially as it is extended to any of my friends. It is highly gratifying to me to know, that they, and thousands of others who coöperated with them in producing the late political change, were unaffected towards me by the prejudice attempted to be excited against me. I entertain too high respect for the inestimable privilege of freely exercising one's independent judgment on public affairs, to draw in question the right of any of my fellow-citizens to form and to act upon their opinions in opposition to mine. The best and wisest among us are, at best, but weak and fallible human beings. And no man ought to set up his own judgment as an unerring standard, by which the correctness of all others is to be tested and tried.

It cannot be doubted that, with individual exceptions, the great body of every political party that has hitherto appeared in this country, has been honest in its intentions, and patriotic in its aims. Whole parties may have been sometimes deceived and deluded, but without being conscious of it; they no doubt sought to advance the welfare of the country. Where such a contest has existed as that which we have recently witnessed, there will be prejudices on the one side, and predilections on the other. If, during its progress, we cannot calm the passions, and permit truth and reason to have their undisturbed sway, we ought, at least, after it has terminated, to own their empire. Judging of public men and public measures in a spirit of candor, we should strive to eradicate every bias, and to banish from our minds every consideration not connected with the good of our country.

I do not pretend to be, more than other men, exempt from the influence of prejudice and predilection. But I declare most sincerely, that I have sought, in reference to the present administration, and shall continue to strive, to discard all prejudices, and to judge its acts and measures as they appear to me to affect the interests of our country.

A large portion of my friends and fellow-citizens, from whom I differed on the late occasion, did not disagree with me as to the foreign or domestic policy of government. We only differed in the selection of agents to carry that policy into effect. Experience can alone determine who was right. If that policy continues to be pursued under the new administration, it shall have as cordial support from me, as if its care had been confided to agents of my choice. If, on the contrary, it shall be neglected or abandoned, the friends to whom I now refer will be bound by all the obligations of patriotism and consistency to adhere to the policy.

We take a new commencement from the fourth of March last. After that day, those who supported the election of the present chief magistrate were left as free to judge of the conduct of his administration, as those who opposed it. It will be no more inconsistent in them, if it disappoint their expectations, to disapprove his administration, than it will be to support it, if, disappointing ours, he should preserve the established policy of the nation, and introduce no new principles of alarming tendency.

They bestowed their suffrages upon the supposition that the government would be well administered; that public pledges would be redeemed, solemn professions be fulfilled, and the rights and liberties of the people be protected and maintained. If they shall find themselves deceived in any of these respects; should principles avowed during the canvass be violated during the presidency, and new principles of dangerous import, neither avowed nor anticipated by them, be put forth, they will have been betrayed; the distinguished individual for whom they voted will have failed to preserve his identity, and they will be urged by the most sacred of duties to apply the proper corrective.

Government is a trust, and the officers of government are trustees; and both the trust and the trustees are created for the benefit of the people. Official incumbents are bound, therefore, to administer the trust, not for their own private or individual benefits, but so as to promote the prosperity of the people. This is the vital principle of a republic. If a different principle prevail, and a government be so administered as to gratify the passions or to promote the interests of a particular individual, the forms of free institutions may remain, but that government is essentially a monarchy. The great difference between the two forms of government is, that in a republic all power and authority and all public offices and honors emanate from the people, and are exercised and held for their

benefit. In a monarchy, all power and authority, all offices and honors, proceed from the monarch. His interests, his caprices and his passions, influence and control the destinies of the kingdom. In a republic, the people are every thing, and a particular individual nothing. In a monarchy, the monarch is every thing, and the people nothing. And the true character of the government is stamped, not by the forms of the appointment to office alone, but by its practical operation. If in one, nominally free, the chief magistrate, as soon as he is clothed with power, proceeds to exercise it, so as to minister to his passions, and to gratify his favorites, and systematically distributes his rewards and punishments, in the application of the power of patronage, with which he is invested for the good of the whole, upon the principle of devotion and attachment to him, and not according to the ability and fidelity with which the people are or may be served, that chief magistrate, for the time being, and within the scope of his discretionary powers, is in fact, if not in form, a monarch.

It was objected to the late administration, that it adopted and enforced a system of proscription. During the whole period of it, not a solitary officer of the government, from Maine to Louisiana, within my knowledge, was dismissed on account of his political opinions. It was well known to the late president, that many officers, who held their places subject to the power of dismissal, were opposed to his reelection, and were actively employed in behalf of his competitor. Yet not one was discharged from that cause. In the commencement and early part of his administration, appointments were promiscuously made from all the parties in the previous canvass. And this course was pursued until an opposition was organized, which denounced all appointments from its ranks as being made for impure purposes.

I am aware that it may be urged, that a change was made in some of the publishers of the laws. There are about eighty annually designated. Of these, during the four years of the late administration, about twelve or fifteen were changed. Some of the changes were made from geographical or other local considerations. In several instances one friend was substituted for another. In others, one opponent for another.

Several papers, among the most influential in the opposition, but otherwise conducted with decorum, were retained. Of the entire number of changes, not more than four or five were made because of the scurrilous character of their papers, and not on account of the political sentiments of the editors. It was deemed injurious to the respect and moral influence, which the laws should always command, that they should be promulgated in the columns of a public paper, parallel with which were other columns, in the same paper, of the grossest abuse of the government and its functionaries.

On this subject I can speak with certainty, and I embrace with pleasure this opportunity for explanation. The duty of designating the printers of the laws appertains to the office which I lately filled. The selection is usually made at the commencement of every session of congress. It was made by me, without any particular consultation with the president, or any member of his cabinet. In making it, I felt under no greater obligation to select the publisher of the laws of the previous year, than an individual feels himself bound to insert a succeeding advertisement in the same paper which published his last. The law does not require it, but leaves the secretary of state at liberty to make the selection according to his sense of propriety. A publisher of the laws is not an officer of the government. It has been judicially so decided. He holds no commission. The accuracy of the statement, therefore, that no officer of the government was dismissed by the late administration, in consequence of his political opinions, is not impaired by the few changes of publishers of the laws which were made.

But if they had been officers of government, who could have imagined that those who objected to the removal, would so soon have themselves put in practice a general and sweeping system of exclusion.

The president is invested with the tremendous power of dismissal, to be exercised for the public good, and not to gratify any private passions or purposes. It was conferred to prevent the *public* from suffering through faithless or incompetent officers. It was made summary because, if the slow progress of trial before a judicial tribunal were resorted to, the public might be greatly injured during the progress and prior to the decision of the case. But it never was in the contemplation of congress, that the power would or could be applied to the removal of competent, diligent, and faithful officers. Such an application of it is an act of arbitrary power, and a great abuse.

I regret extremely that I feel constrained to notice the innovation upon the principles and practice of our institutions now in progress. I had most anxiously hoped, that I could heartily approve the acts and measures of the new administration. And I yet hope that it will pause, and hereafter pursue a course more in unison with the spirit of a free government. I entreat my friends and fellow-citizens, here and elsewhere, to be persuaded that I now perform a painful duty; and that it is far from my wish to say one word that can inflict any wound upon the feelings of any of them. I think, indeed, that it is the duty of all of them to exercise their judgments freely and independently on what is passing; and that none ought to feel themselves restrained, by false pride, or by any part which they took in the late election, from condemning what their hearts cannot approve.

Knowing the imputations to which I expose myself, I would



remain silent if I did not solemnly believe that there was serious cause of alarm in the principle of removal, which has been recently acted on. Hitherto, the uniform practice of the government has been, where charges are preferred against public officers, foreign or domestic, to transmit to them a copy of the charges, for the purpose of refutation or explanation. This has been considered an equitable substitute to the more tedious and formal trials before judicial tribunals. But now, persons are dismissed, not only without trial of any sort, but without charge. And, as if the intention were to defy public opinion, and to give to the acts of power a higher degree of enormity, in some instances the persons dismissed have carried with them, in their pockets, the strongest testimonials to their ability and integrity, furnished by the very instruments employed to execute the purposes of oppression. If the new administration had found these discharged officers wanting in a zealous coöperation to execute the laws, in consequence of their preference at the preceding election, there would have been ground for their removal. But this has not been pretended; and to show that it formed no consideration, they have been dismissed among its first acts, without affording them an opportunity of manifesting that their sense of public duty was unaffected by the choice which they had at the preceding election.

I will not dwell on the injustice and individual distress which are the necessary consequences of these acts of authority. Men who accepted public employments entered on them with the implied understanding, that they would be retained as long as they continued to discharge their duties to the public honestly, ably, and assiduously. All their private arrangements are made accordingly. To be dismissed without fault, and without trial; to be expelled, with their families, without the means of support, and in some instances disqualified by age or by official habits from the pursuit of any other business, and all this to be done upon the will of one man, in a free government, was surely intolerable oppression.

Our institutions proclaim, reason enjoins, and conscience requires, that every freeman shall exercise the elective franchise freely and independently; and that among the candidates for his suffrage, he shall fearlessly bestow it upon him who will best advance the interests of his country. The presumption is, that this is always done, unless the contrary appears. But if the consequence of such a performance of patriotic duty is to be punishment; if an honest and sincere preference of A. to J. is to be treated as a crime, then our dearest privilege is a mockery, and our institutions are snares.

During the reign of Bonaparte, upon one of those occasions in which he affected to take the sense of the French people as to his being made consul for life, or emperor, an order was sent to the French armies to collect their suffrages. They were told in a

public proclamation, that they were authorized and requested to vote freely, according to the dictates of their best judgments, and their honest convictions. But a mandate was privately circulated among them, importing that if any soldier voted against Bonaparte, he should be instantly shot.

Is there any other difference, except in the mode of punishment, between that case and the arbitrary removal of men from their public stations, for no other reasons, than that of an honest and conscientious preference of one presidential candidate to another? And can it be doubted, that the spirit which prompts these removals is restrained from being extended to all, in private life, who manifested a similar preference, only by barriers which it dare not yet break down? But should public opinion sanction them, how long will these barriers remain?

One of the worst consequences of the introduction of this tenure of public office will be, should it be permanently adopted, to substitute for a system of responsibility, founded upon the ability and integrity with which public officers discharge their duties to the community, a system of universal rapacity. Incumbents, feeling the instability of their situations, and knowing their liability to periodical removals, at short terms, without any regard to the manner in which they have executed their trusts, will be disposed to make the most of their uncertain offices while they hold them. And hence we may expect innumerable cases of fraud, peculation, and corruption.

President Jackson commenced his official career on the fourth of March last, with every motive which should operate on the human heart to urge him to forget the prejudices and passions which had been exhibited in the previous contest, and to practice dignified moderation and forbearance. He had been the choice of a considerable majority of the people, and was elected by a large majority of the electoral votes. He had been elected mainly from the all-powerful influence of gratitude for his brilliant military services, in spite of doubts and fears entertained by many who contributed to his elevation. He was far advanced in years, and if fame speak true, was suffering under the joint infirmities of age and disease. He had recently been visited by one of the severest afflictions of Providence, in the privation of the partner of his bosom, whom he is represented to have tenderly loved, and who warmly returned all his affection. He had no child on whom to cast his honors. Under such circumstances, was ever man more imperiously called upon to stifle all the vindictive passions of his nature, to quell every rebellious feeling of his heart, and to dedicate the short residue of his life to the God who had so long blessed and spared him, and to the country which had so greatly honored him?

I sincerely hope that he will yet do this. I hope so for the sake of human nature, and for the sake of his own reputation. Whether

he has, during the two months of his administration, so conducted himself, let facts tell and history pronounce. Truth is mighty, and will prevail.

It was objected to Mr. Adams, that by appointing several members of congress to public places, he endangered the purity of the body, and established a precedent fraught with the most dangerous consequences. And president Jackson, (no, he begged his pardon, it was candidate Jackson,) was so much alarmed by these appointments, for the integrity and permanency of our institutions, that in a solemn communication which he made to the legislature of Tennessee, he declared his firm conviction to be, that no member of congress ought to be appointed to any office except a seat upon the bench. And he added, that he himself would conform to that rule.

During the four years of Mr. Adams's administration, the whole number of appointments made by him from congress, did not exceed four or five. In the first four weeks of that of his successor, more than double that number have been appointed by him. In the first two months of president Jackson's administration, he has appointed more members of congress to public office, than I believe were appointed by any one of his predecessors during their whole period of four or eight years. And it appears, that no office is too high or too low to be bestowed by him on this favored class, from that of a head of a department, down to an inconsiderable collectorship, or even a subordinate office under a collector. If I have not been misinformed, a representative from the greatest commercial metropolis in the United States, has recently been appointed to some inferior station, by the collector of the port of New York.

Without meaning to assert as a general principle, that in no case would it be proper that a resort should be had to the halls of congress, to draw from them tried talents, and experienced public servants, to aid in the executive or judicial departments, all must agree, that such a resort should not be too often made and that there should be some limit both as to the number and the nature of the appointments. And I do sincerely think, that this limit has, in both particulars, been transcended beyond all safe bounds, and so as to excite serious apprehensions.

It is not, however, my opinion, but that of president Jackson, which the public has now to consider. Having declared to the American people, through the Tennessee legislature, the danger of the practice; having deliberately committed himself to act in consonance with that declared opinion, how can he now be justified in violating this solemn pledge, and in entailing upon his country a perilous precedent, fraught with the corrupting tendency which he described?

It is in vain to say, that the constitution, as it now stands, does not forbid these appointments. It does not enjoin them. If there

be an inherent defect in the theoretical character of the instrument, president Jackson was bound to have redeemed his pledge, and employed the whole influence and weight of his name to remedy the defect in its practical operation. The constitution admitted of the service of one man in the presidential office, during his life, if he could secure successive elections. That great reformer, as president Jackson describes him, whom he professes to imitate, did not wait for an amendment of the constitution, to correct that defect; but after the example of the father of his country, by declining to serve longer than two terms, established a practical principle which is not likely to be violated.

There was another class of citizens upon whom public offices had been showered in the greatest profusion. I do not know the number of editors of newspapers that have been recently appointed, but I have noticed in the public prints, some fifteen or twenty. And they were generally of those whose papers had manifested the greatest activity in the late canvass, the most vulgar abuse of opponents, and the most fulsome praise of their favorite candidate. Editors are as much entitled to be appointed as any other class of the community; but if the number and the quality of those promoted, be such as to render palpable the motive of their appointment; if they are preferred, not on account of their fair pretensions, and their ability and capacity to serve the public, but because of their devotion to a particular individual, I ask if the necessary consequence must not be to render the press venal, and in time to destroy this hitherto justly cherished palladium of our liberty.

If the *principle* of all these appointments, this monopoly of public trusts by members of congress and particular editors, be exceptionable, (and I would not have alluded to them but from my deliberate conviction that they are essentially vicious,) their effects are truly alarming. I will not impute to president Jackson any design to subvert our liberties. I hope and believe, that he does not now entertain any such design. But I must say, that if an ambitious president sought the overthrow of our government, and ultimately to establish a different form, he would, at the commencement of his administration, proclaim by his official acts, that the greatest public virtue was ardent devotion to him. That no matter what had been the character, the services, or the sacrifices of incumbents or applicants for office, what their experience or ability to serve the republic, if they did not bow down and worship him, they possessed no claim to his patronage. Such an ambitious president would say, as monarchs have said, 'I am the state.' He would dismiss all from public employment who did not belong to the true faith. He would stamp upon the whole official corps of government one homogeneous character, and infuse into it one uniform principle of action. He would scatter, with an open and

liberal hand, offices among members of congress, giving the best to those who had spoken, and written, and *franked*, most in his behalf. He would subsidize the press. It would be his earnest and constant aim to secure the two greatest engines of operation upon public opinion — congress and the press. He would promulgate a new penal code, the rewards and punishments of which, would be distributed and regulated exclusively by devotion or opposition to him. And when all this powerful machinery was put in operation, if he did not succeed in subverting the liberties of his country, and in establishing himself upon a throne, it would be because some new means or principle of resistance had been discovered, which was unknown in other times or to other republics.

But if an administration, conducted in the manner just supposed, did not aim at the destruction of public liberty, it would engender evils of a magnitude so great as gradually to alienate the affections of the people from their government, and finally to lead to its overthrow. According to the principle now avowed and practiced, all offices, vacant and filled, within the compass of the Executive power, are to be allotted among the partisans of the successful candidate. The people and the service of the state are to be put aside, and every thing is to be decided by the zeal, activity, and attachment, in the cause of a particular candidate, which were manifested during the preceding canvass. The consequence of these principles would be to convert the nation into one perpetual theatre for political gladiators. There would be one universal scramble for the public offices. The termination of one presidential contest would be only the signal for the commencement of another. And on the conclusion of each we should behold the victor distributing the prizes and applying his punishments, like a military commander, immediately after he had won a great victory. Congress corrupted, and the press corrupted, general corruption would ensue, until the substance of free government having disappeared, some pretorian band would arise, and with the general concurrence of a distracted people, put an end to useless forms.

I am aware that the late acts of administration on which it has been my disagreeable duty to animadvert, (I hope without giving pain to any of my fellow-citizens, as I most sincerely wish to give none,) were sustained upon some vague notion or purpose of reform. And it was remarkable that among the loudest trumpeters of reform were some who had lately received appointments to lucrative offices. Now it must be admitted that, as to them, a most substantial and valuable *reform* had taken place; but I trust that something more extensively beneficial to the people at large was intended by that sweet sounding word. I know that, at the commencement, and throughout nearly the whole progress of the late administration, a reform in the constitution was talked of, so as to exclude from public office members of congress, during the

periods for which they were elected, and a limited term beyond them. The proposition appeared to be received with much favor, was discussed in the house of representatives, session after session, at great length, and with unusual eloquence and ability. A majority of that body seemed disposed to accede to it, and I thought for some time, that there was high probability of its passage, at least, through that house. Its great champion (general Smyth, of Virginia,) pressed it with resolute perseverance. But unfortunately, at the last session, after the decision of the presidential question, it was manifest that the kindness with which it had been originally received had greatly abated. Its determined patron found it extremely difficult to engage the house to consider it. When, at length, he prevailed by his frequent and earnest appeals to get it taken up, new views appeared to have suddenly struck the reformists. It was no longer an amendment in their eyes, so indispensable to the purity of our constitution; and the majority which had appeared to be so resolved to carry it, now, by a direct or indirect vote, gave it the go-by. That majority, I believe, was composed in part of members who, after the fourth of March last, gave the best practical recantation of their opinions, by accepting from the new president lucrative appointments, in direct opposition to the principle of their own amendment. And now general Smyth would find it even more impracticable to make amongst them proselytes to his conservative alteration in the constitution, than he did to gain any to his exposition of the Apocalypse.

Reform, such as alone could interest a whole people, can only take place in the constitution, or laws, or policy of the government. Now and then, under every administration, and at all times, a faithless or incompetent officer may be discovered, who ought to be displaced. And that, in all the departments of the government. But I presume that the correction of such occasional abuses could hardly be expected to fulfil the promise of reform which had been so solemnly made. I would then ask, what was *the reform* intended? What part of the constitution was to be altered? what law repealed? what branch of the settled policy of the country was to be changed? The people have a right to know what great blessing was intended by their rulers for them, and to demand some tangible practical good, in lieu of a general, vague, and undefined assurance of reform.

I know that the recent removals from office are attempted to be justified by a precedent drawn from Mr. Jefferson's administration. But there was not the most distant analogy between the two cases. Several years prior to his election, the public offices of the country had been almost exclusively bestowed upon the party to which that at the head of which he stood was opposed. When he commenced his administration he found a complete monopoly of them in the hands of the adverse party. He dismissed a few incumbents for

the purpose of introducing in their places others of his own party, and thus doing equal justice to both sects. But the number of removals was far short of those which are now in progress. When president Jackson entered on his administration, he found a far different state of things. There had been no previous monopoly. Public offices were alike filled by his friends and opponents in the late election. If the fact could be ascertained, I believe it would be found that there was a larger number of officers under the government attached than opposed to his late election.

Further, in the case of Mr. Jefferson's election, it was the consequence of the people having determined on a radical change of system. There was a general belief among the majority who brought about that event, that their opponents had violated the constitution in the enactment of the alien and sedition laws; that they had committed other great abuses, and that some of them contemplated an entire change in the character of our government, so as to give it a monarchical cast. I state the historical fact, without intending to revive the discussion, or deeming it necessary to examine whether such a design existed or not. But those who at that day did believe it, could hardly be expected to acquiesce in the possession by their opponents, the minority of the nation, of all the offices of a government to which some of them were believed to be hostile in principle. The object of Mr. Jefferson was, to break down a preëxisting monopoly in the hands of one party, and to establish an equilibrium between the two great parties. The object of president Jackson appears to be, to destroy an existing equilibrium between the two parties to the late contest, and to establish a monopoly. The object of president Jefferson was the republic, and not himself. That of president Jackson is himself, and not the state.

It never was advanced under Mr. Jefferson's administration, that devotion and attachment to him were an indispensable qualification, without which no one could hold or be appointed to office. The contrast between the inaugural speech of that great man, and that of his present successor, was remarkable in every respect. Mr. Jefferson's breathed a spirit of peace. It breathed a spirit of calm philosophy and dignified moderation. It treated the nation as one family. 'We are all republicans, all federalists.' It contained no denunciations; no mysterious or ambiguous language; no reflections upon the conduct of his great rival and immediate predecessor. What is the character of the inaugural speech of the present chief magistrate, I shall not attempt to sketch. Mr. Jefferson, upon the solemn occasion of his installation into office, laid down his rule for appointment to office — 'is he honest? is he capable? is he faithful to the constitution?' But capacity and integrity and fidelity, according to the modern rule, appear to count for nothing, without the all-absorbing virtue of fidelity to president Jackson.

I will not consume the time of my friends and fellow-citizens with observations upon many of the late changes.

My object has been, to point your attention to the principle which appears to have governed all of them, and to classes. I would not have touched this unpleasant topic, but that it seems to me to furnish much and just occasion for serious alarm. I hope that I have treated it in a manner becoming me, without incurring the displeasure of any one now present. I believe the times require all the calm heads and sound hearts of the country. And I would not intentionally say one word to excite the passions.

But there are a few cases of recent removal of such flagrant impropriety, as I sincerely think, that I cannot forbear alluding to them. Under no administration prior to the present, from the commencement of the government, have our diplomatic representatives been recalled from abroad, on account of the political opinions they entertained in regard to a previous presidential election. Within my recollection, at this time, there has been but one instance of recall of a foreign minister under the present constitution, on account of any dissatisfaction with him. But president Washington did not recall colonel Monroe (the case referred to) from France, on his individual account, but because he was not satisfied with the manner in which he performed the duties of the mission. President Jackson has ordered home two of our foreign ministers, one filling the most important European mission, and the other the most important of our missions on this continent. In both cases the sole ground of recall is, that they were opposed to his election as president. And as if there should be no possible controversy on this head, one of them was recalled before it was known at Washington that he had reached Bogota, the place of his destination; and consequently before he could have possibly disobeyed any instruction, or violated any duty.

The pecuniary effect of these changes, is the certain expenditure, in outfits, of eighteen thousand dollars, and perhaps more than triple that sum in contingences. Now it does seem to me, that (and I put it to your candid judgments whether) this is too large a sum for the public to pay, because two gentlemen had made a mistake of the name which they should have written on a little bit of paper thrown into the ballot-boxes. Mistake! They had, in fact, made no practical mistake. They had not voted at all, one being out of the United States, and the other out of his own state at the time of the election. The money is therefore to be paid because they made a mistake in the abstract opinions which they held, and might possibly, if they had been at home, have erroneously inscribed one name instead of another on their ballots.

There would be some consolation for this waste of public treasure, if it were compensated by the superiority of qualification



on the part of the late appointments, in comparison with the previous. But I know all four of the gentlemen perfectly well, and my firm conviction is, that in neither change has the public gained any intellectual advantage. In one of them, indeed, the victor of Tippecanoe and of Thames, of whose gallantry many who are now here were witnesses, is replaced by a gentleman who, if he possesses one single attainment to qualify him for the office, I solemnly declare it has escaped my discernment.

There was another class of persons whose expulsion from office was marked by peculiar hardship and injustice. Citizens of the District of Columbia were deprived of all actual participation in the elections of the United States. They are debarred from voting for a president, or any member of congress. Their sentiments, therefore, in relation to any election of those officers, are perfectly abstract. To punish them, as in numerous instances has been done, by dismissing them from their employments, not for what they *did*, but for what they *thought*, is a cruel aggravation of their anomalous condition. I know well those who have been discharged from the department of state, and I take great pleasure in bearing testimony to their merits. Some of them would have done honor to any bureau in any country.

We may worship God according to the dictates of our own consciences. No man's right, in that respect, can be called in question. The constitution secures it. Public offices are happily, according to the theory of our constitution, alike accessible to all, protestants and catholics, and to every denomination of each. But if our homage is not paid to a mortal, we are liable to a punishment which an erroneous worship of God does not bring upon us. Those public officers, it seems, who have failed to exhibit their devotion to that mortal, are to be visited by all the punishment which he can inflict, in virtue of laws, the execution of which was committed to his hands for the public good, and not to subserve his private purposes.

At the most important port of the United States, the office of collector was filled by Mr. Thompson, whose removal was often urged upon the late administration by some of its friends, upon the ground of his alleged attachment to general Jackson. But the late president was immovable in his resolution to deprive no man of his office, in consequence of his political opinions, or preferences. Mr. Thompson's removal was so often and so strongly pressed, for the reason just stated, that an inquiry was made of the secretary of the treasury, into the manner in which the duties of the office were discharged. The secretary stated, that there was no better collector in the public service; and that his returns and accounts were regularly and neatly rendered, and all the duties of his office ably and honestly performed, as far as he knew or believed. This meritorious officer has been removed to provide a place for Mr.

Swartwout, whose association with colonel Burr is notorious throughout the United States. I put it to the candor of all who are here, to say if *such* a change can be justified in the port of New York, the revenue collected at which amounts to about ten millions of dollars, or more than one third of the whole revenue of the United States.

I will detain the present assembly no longer, upon subjects connected with the general government. I hope that I shall find, in the future course of the new administration, less cause for public disapprobation. I most anxiously hope, that when its measures come to be developed, at the next and succeeding sessions of congress, they shall be perceived to be such as are best adapted to promote the prosperity of the country. I will say, with entire sincerity, that I shall be most happy to see it sustaining the American system, including internal improvements, and upholding the established policy of the government at home and abroad. And I shall ever be as ready to render praise where praise is due, as it is now painful to me, under existing circumstances, to participate in the disapprobation which recent occurrences have produced.

No occasion can be more appropriate than the present, when surrounded by my former constituents, to say a few words upon the unimportant subject of myself. Prior to my return home I had stated, in answer to all inquiries whether I should be again presented as a candidate to represent my old district in the house of representatives, that I should come to no absolute decision, until I had taken time for reflection, and to ascertain what might be the feelings and wishes of those who had so often honored me with their suffrages. The present representative of the district has conducted himself towards me with the greatest liberality, and I take pleasure now in making my public acknowledgments, so justly due to him. He had promptly declined being a candidate, if I would offer, and he warmly urged me to offer.

Since my return home, I have mixed freely as I could with my friends and fellow-citizens of the district. They have met me with the greatest cordiality. Many of them have expressed a wish that I would again represent them. Some of the most prominent and respectable of those who voted for the present chief magistrate, have also expressed a similar wish. I have every reason to believe, that there would be no opposition to me, from any quarter or any party, if I were to offer. But if I am not greatly deceived in the prevailing feeling throughout the district, it is one more delicate and respectful towards me, and I appreciate it much higher, than if it had been manifested in loud calls upon me to return to my old post. It referred the question to my own sober judgment. My former constituents were generally ready to acquiesce in any decision I might think proper to make. If I were to offer for

congress, they were prepared to support me with their accustomed zeal and true-heartedness. I thank them all, from the very bottom of my heart, whether they agreed or differed with me in the late contest, for this generous confidence.

I have deliberated much on the question. My friends in other parts of the union, are divided in opinion about the utility of any services which I could render, at the present period, in the national legislature. This state of things, at home and abroad, left me free to follow the impulse of my own feelings, and the dictates of my own judgment. These prompted me to remain in private life. In coming to this resolution, I did not mean to impair the force of the obligation under which every citizen, in my opinion, stood, to the last flickering of human life, to dedicate his best exertions to the service of the republic. I am ready to act in conformity with that obligation, whenever it shall be the pleasure of the people; and such a probability of usefulness shall exist as will justify my acceptance of any service which they may choose to designate.

I have served my country now near thirty years. My constitution, never very vigorous, requires repose. My health, always of late years very delicate, demands care. My private affairs want my attention. Upon my return home, I found my house out of repair; my farm not in order, the fences down, the stock poor, the crop not set, and late in April the corn-stalks of the year's growth yet standing in the field — a sure sign of slovenly cultivation.

Under all circumstances, I think that, without being liable to the reproach of dereliction of any public duty to my country or to my friends, I may continue at home for a season, if not during the remainder of my life, among my friends and old constituents, cheering and cheered by them, and interchanging all the kind and friendly offices incident to private life. I wished to see them all; to shake hands cordially with them; to inquire into the deaths, births, marriages, and other interesting events among them; to identify myself in fact, as I am in feeling, with them, and with the generation which has sprung up whilst I have been from home, serving them. I wish to put my private affairs to rights, and if I can, with the blessing of Providence, to reëstablish a shattered constitution and enfeebled health.

It has been proposed to me to offer for a seat in the legislature of the state. I should be proud of the selection, if I believed I could be useful at Frankfort. I see, I think, very clearly, the wants of Kentucky. Its finances are out of order, but they could be easily put straight, by a little moral courage, on the part of the general assembly, and a small portion of candor and good will among the people. Above all, we want an efficient system of internal improvements adopted by the state. No Kentuckian who travelled in or out of it, could behold the wretched condition of our roads, without the deepest mortification. We are greatly in

the rear of almost all the adjacent states, some of which sprung into existence long after we were an established commonwealth. Whilst they are obeying the spirit of the age, and nobly marching forward in the improvement of their respective territories, we are absolutely standing still, or rather going backwards. It is scarcely credible, but nevertheless true, that it took my family, in the month of April, nearly four days to travel, through mud and mire, a distance of only sixty-four miles, over one of the most frequented roads in the state.

And yet our wants, on this subject, are perfectly within the compass of our means, judiciously applied. An artificial road from Maysville to the Tennessee line, one branch in the direction of Nashville, and a second to strike the mouth of Cumberland or Tennessee river; an artificial road extending from Louisville to intersect the other, somewhere about Bowling Green; one passing by Shelbyville and Frankfort, to the Cumberland gap; and an artificial road extending from Frankfort to the mouth of Big Sandy; compose all the leading roads which at present need the resources of the state. These might be constructed, partly upon the Mc Adams method, and partly by simply graduating and bridging them, which latter mode can be performed at an expense less than one thousand dollars per mile. Other lateral connecting these main roads, might be left to the public spirit of the local authorities and of private companies.

Congress, without doubt, would aid the state, if we did not call upon Hercules without putting our shoulders to the wheel. But without that aid we could ourselves accomplish all the works which I have described. It would not be practicable to complete them in a period of less than seven or eight years, and of course not necessary to raise the whole sum requisite to the object in one year. Funds drawn from executed parts of the system might be applied to the completion of those that remained. This auxiliary source, combined with the ample means of the state, properly developed, and faithfully appropriated, would enable us to construct all the roads which I have sketched, without burdening the people.

But, solicitous as I feel on this interesting subject, I regret that I have not yet seen sufficient demonstrations of the public will, to assure me that the judgment of the people had carried them to the same or similar conclusions to which my mind has conducted me. We have been, for years past, unhappily greatly distracted and divided. These dissensions have drawn us off from a view of greater to less important concerns. They have excited bitter feelings and animosities, and created strong prejudices and jealousies. I fear that from these causes the public is not yet prepared dispassionately to consider and adopt a comprehensive, I think the only practical, system of internal improvements, in this state. A premature effort might retard, instead of accelerating, the object. And I

must add, that I fear extraneous causes would bias and influence the judgment of the legislature.

Upon the whole, I must decline acceding to the wishes of those who desired to see me in the legislature. Retirement, unqualified retirement, from all public employment, is what I unaffectedly desire. I would hereafter, if my life and health are preserved, be ready at all times to act on the principles I have avowed, and whenever, at a more auspicious period, there shall appear to be a probability of my usefulness to the union or to the state, I will promptly obey any call which the people may be pleased to make.

And now, my friends and fellow-citizens, I cannot part from you, on possibly this last occasion of my ever publicly addressing you, without reiterating the expression of my thanks from a heart overflowing with gratitude. I came among you, now more than thirty years ago, an orphan boy, penniless, stranger to you all, without friends, without the favor of the great. You took me up, cherished me, caressed me, protected me, honored me. You have constantly poured upon me a bold and unabated stream of innumerable favors. Time, which wears out every thing, has increased and strengthened your affection for me. When I seem deserted by almost the whole world, and assailed by almost every tongue, and pen, and press, you have fearlessly and manfully stood by me, with unsurpassed zeal and undiminished friendship. When I felt as if I should sink beneath the storm of abuse and detraction, which was violently raging around me, I have found myself upheld and sustained by your encouraging voices, and your approving smiles. I have doubtless committed many faults and indiscretions, over which you have thrown the broad mantle of your charity. But I can say, and in the presence of my God and of this assembled multitude, I will say, that I have honestly and faithfully served my country; that I have never wronged it; and that, however unprepared I lament that I am to appear in the Divine presence on other accounts, I invoke the stern justice of his judgment on my public conduct, without the smallest apprehension of his displeasure.

Mr. Clay concluded by proposing the following toast:

**THE STATE OF KENTUCKY.** A cordial union of all parties in favor of an **efficient system** of internal improvements, adapted to the wants of the state.

# EFFECT OF THE PROTECTIVE SYSTEM ON THE SOUTHERN STATES.

AT NATCHEZ, MISSISSIPPI, MARCH 13, 1830.

[ON this occasion, Mr. Clay (then in private life) being on his return home from a visit to New Orleans, was invited by the citizens of Natchez to partake of a public dinner, which invitation he accepted. A brief sketch of his remarks in reply to a toast in honor of him, taken from a Natchez paper, is given below, in which he shows that the operation of a protective tariff is beneficial to the cotton-growing regions of the south, as well as to the interests of the north, although the latter are more directly employed in manufactures.]

## THE RECEPTION AND ENTERTAINMENT OF MR. CLAY.

'The manner in which Mr. Clay has been received in Natchez, reflects great credit upon the citizens; nothing they could do, becoming a patriotic and hospitable people, was neglected, and the attentions were not confined to his political friends; he accepted private entertainments from others, and was visit'ed by all.

'On Saturday (thirteenth instant) a public dinner was given to Mr. Clay by the people of the city and county, agreeably to previous engagements; on this occasion numbers came to see him from distant counties. But on one occasion of the kind, have we seen in this city a larger assemblage of citizens, and that was in honor of La Fayette.'

'The honorable Edward Turner, judge of the supreme court of this state, presided, assisted by several vice-presidents.'

'Previous to giving the toast in honor of Mr. Clay, judge Turner addressed the company, in which he alluded to his (Mr. Clay's) great public services, and concluded by announcing the following sentiment, which was received with the strongest emotion.

'OUR DISTINGUISHED GUEST—the firm and patriotic statesman; the grandeur and usefulness of his political views can only be surpassed by his *eloquence* and *ability* in advocating them.'

To which Mr. Clay replied in substance, as follows:

MR. PRESIDENT AND FELLOW-CITIZENS,

I not only rise in gratitude for the favorable opinions you entertain of me, but to avail myself of an opportunity to acknowledge my sense of the honors conferred upon me by my fellow-citizens of Mississippi. I did, indeed, expect to receive from them such kind attentions, as they are celebrated for extending to every stranger having had the satisfaction to visit them; but it is my pride to acknowledge, that those paid to me, have far, very far,

exceeded my expectations; to have received and not acknowledge how sensible I am of them, would seem an affectation of concealing feelings, which I ought to rejoice in possessing, and which justice to myself, as well as to those who bestow this kindness, requires of me to avow.

Ere I lauded on your shores, your welcome and congratulations came to meet me; and they came too the more welcome, because I saw commingling around me, citizens, who, though at variance on political subjects, do not suffer their differences to interfere with the claims, which, as friends and as countrymen, they have on each other; and if I have done aught deserving their approbation as well as their censure, believe me, in all that I have done, I have acted in view of the interest and happiness of our common country.

There is nothing in life half so delightful to the heart, as to know, that, notwithstanding all the conflicts that arise among men, yet there comes a time when their passions and prejudices shall slumber, and that the stranger guest shall be cheered in seeing, that whatever differences may arise among them, yet there are moments when they shall cease from troubling, and when all that is turbulent and distrustful among them, shall be sacrificed to the generous and social dictates of their nature; and it would be to me a source of great satisfaction to think, that a recollection of the present would act as a mediator, and soften the asperities of your divisions, as circumstances and events may renew them.

The gentleman who sits at the head of this festive board, and near whose person your kind consideration and courtesy has placed me, was the companion of my early days; and neither time nor distance have weakened in him the feelings which began with our youth, the strong and bright evidences of which are shown in the narration he has given of my public services. But I fear that he has rather conceived me to be what his wishes would have me; and that to these, more than to my own deservings, must I attribute his flattering notice of me.

He then adverted to that part of judge Turner's address which spoke of Mr. Clay as the decided advocate of the late war. We cannot attempt to draw even the outlines of his observations, or to portray the feelings he discovered while depicting the part which Kentucky acted in the war; of the volunteers she sent forth to battle, of the privations she suffered, of the money expended, and of the blood that flowed from her sons, in supporting the nation in the defence of her rights and independence. The expression of his eye, his attitude, and gestures, evinced how deeply the subject affected him. The people of Kentucky, he said, acted nobly throughout the whole contest; and whether in defeat or in victory, she still showed the determination to sustain the American character, and to maintain American independence; and it would be

only to repeat, what was a common observation among the people of his state, to say, that their countrymen of Mississippi, acted with a spirit during the war worthy the best days of the revolution.

In speaking of the invasion of Louisiana, and of the battle of New Orleans, his feelings and his voice seemed to rise with the subject. The encomiums he passed upon the hero who had achieved the victory, though said in a few words, were such as might be expected from a statesman so great in honor, and so exalted in patriotism as Mr. Clay. He concluded this part of his speech, by saying, that, although by the negotiations at Ghent, none of the objects for which the nation went to war, were guaranteed by the treaty of peace; yet they were secured to us by a power much stronger than any treaty stipulations could give; the influence of our arms, the resources and power of the republic, as brought forth and shown in the contest.

He now spoke of the apprehensions entertained by many, that the union would be dissolved; but he considered all apprehensions of this kind, as arising more from our fears than such a misfortune should visit the country, than from any substantial reasons to justify them. Rumors, he said, had gone abroad ever since the adoption of the present constitution, that the republic would be dismembered. Whenever any important question arose, in which the passions and prejudices of party, rather than the reason of the people, was brought to bear on the discussion, the cry would be heard, that the union would fall in the conflict; to-day, the disposition to separate would be charged on the west; to-morrow, against the north or the east; and then it would be returned back again to the south; but as long as I have lived, said Mr. Clay, I have seen nothing to give me any serious fears that such an evil could befall us. First, the people were divided into democrats and federalists; then we had the funding system, and the bank of the United States; then came the Missouri question, and last the *tariff*. On this question my partial friend has honored me with the appellation of the advocate of domestic industry. I am, indeed, from conscientious convictions, the friend of that system of public policy, which has been called the American system; and *here*, among those who honestly differ with me on this question, I would be indulged, by this magnanimous people, in offering a few remarks on this subject.

It has been objected to this policy by a distinguished statesman in congress, that our country was too extended, the lands too cheap and fertile, and our population too sparse to admit of the manufacturing system; that our people were physically incapable of that confined degree of labor, necessary to excellence in manufactures; but experience has surely disproved these positions. We are by nature inferior to no people, physically or mentally, and time has proved and will continue to prove it.



I am aware that the people of this quarter of the union conscientiously believe, that the tariff bears heavily on them; yet I feel also well assured, from a retrospect of the past, that if the laws on this subject were even more severe in their operation than I believe them to be, this patriotic people would endure them patiently. Yes, if the independence of the country, the interests, and above all the *cause* of the union required heavy sacrifices, they would endure them. But whilst claiming no immunity from error, I feel the most sincere, the deepest conviction, that the tariff, so far from having proved injurious to the peculiar interests of this section of country, has been eminently beneficial. I ask leave to put two questions to those interested in your great staple. I would take the common operations of *sale* and of *purchase*; has the operation of the tariff lowered the price of what you sell? The price of every article must be regulated mainly by the demand; has, then, the consumption of cotton diminished since the tariff of 1824, or 1828? No, it has increased, greatly increased; and why? Because the protection extended by this policy, has created a *new customer* in the American manufacturer, who takes two hundred thousand bales, without having lessened the demand for the European market.

British merchants have found new markets for their cotton fabrics, and the competition, thus created, while it has reduced the price of the manufactured article, has increased the consumption of the raw material. Again, has the tariff increased the price of what you buy? Take the article of domestic cottons, for example; has not the American manufacturer, since the adoption of this system, afforded you a better article and at less price than before? Take a familiar instance, one in which having some personal interest, I ought to be acquainted with; take the article manufactured in my own state, for the covering of your cotton bales; take any period, say six years before and six years since the tariff of 1824; has the average price of cotton bagging increased or diminished, in that period? I think I can appeal confidently to those around me, for the reply. We afford you a better article than the European, and at a greatly reduced price. But, I am permitting myself to be carried away by the subject; I will obtrude no longer on the indulgence of this generous people. I feel my inability to express my profound and heartfelt gratitude, for the too flattering reception you have given me, and for the sentiments you have been pleased to honor me with, an humble individual in private life. I ask permission to offer a sentiment.

‘The health and prosperity of the people of the state of Mississippi.’

## ON NULLIFICATION, ETC.

DELIVERED AT CINCINNATI, AUGUST 3, 1830.

[THERE are few, if any, among the numerous addresses with which Mr. Clay has favored the country, on the policy of the government, and the true interests of the people, which more richly deserve careful consideration, than the following speech, delivered at the mechanics collation, in the Apollonian garden, on the third of August, 1830. It embraces almost every exciting topic of the time, including the American system, recharter of the U. S. Bank, and nullification

The eighth toast. — ‘Our valued guest — It is his highest eulogium, that the name of Henry Clay is inseparably associated with the best interests of the country, as their assertor and advocate.’

When the enthusiastic cheering, which followed the reading of this toast, had subsided, Mr. Clay rose and addressed the company as follows.]

MR. PRESIDENT AND FELLOW-CITIZENS,

In rising to make the acknowledgments which are due from me, for the sentiment which has been just drunk, and for the honors which have been spontaneously rendered to me on my approach, and during my visit to this city, I feel more than ever the incompetency of all language adequately to express the grateful feelings of my heart. Of these distinguished honors, crowned heads themselves might well be proud. They indeed possess a value far surpassing that of any similar testimonies which could be offered to the chief of an absolute government. There, they are, not unfrequently, tendered by reluctant subjects, awed by a sense of terror, or impelled by a spirit of servility. Here, in this land of equal laws and equal liberty, they are presented to a private fellow-citizen, possessing neither office nor power, nor enjoying any rights and privileges which are not common to every member of the community. Power could not buy nor deter them. And, what confers an estimable value on them to me — what makes them alone worthy of you, or more acceptable to their object, is that they are offered, not to the man, but to the public principles and public interests, which you are pleased to associate with his name. On this occasion, too, they emanate from one of those great productive classes which form the main pillars of public liberty, and public prosperity. I thank you, fellow-citizens, most cordially, for these endearing proofs of your friendly attachment. They have made an impression of gratitude on my heart, which can never be effaced, during the residue of my life. I avail my-

self of this last opportunity of being present at any large collection of my fellow-citizens of Ohio, during my present visit, to express my respectful acknowledgments for the hospitality and kindness with which I have been every where received and entertained.

Throughout my journey, undertaken solely for private purposes, there has been a constant effort on my side, to repress, and, on that of my fellow-citizens of Ohio, to exhibit public manifestations of their affection and confidence. It has been marked by a succession of civil triumphs. I have been escorted from village to village, and have every where found myself surrounded by large concourses of my fellow-citizens, often of both sexes, greeting and welcoming me. Nor should I do justice to my feelings, if I confined the expression of my obligations to those only with whom I had the happiness to agree, on a late public event. They are equally due to the candid and liberal of those from whom it was my misfortune to differ on that occasion, for their exercise towards me of all the rights of hospitality and neighborly courtesy. It is true, that in one or two of the towns through which I passed, I was informed, that attempts were made, by a few political zealots, to dissuade portions of my fellow-citizens from visiting and saluting me. These zealots seemed to apprehend, that an invading army was about to enter the town; that it was necessary to sound the bells, to beat the drums, to point the cannon, and to make all needful preparations for a resolute assault, and a gallant defence. They were accordingly seen in the streets, and at public places, beating up for recruits, and endeavoring to drill their men. But I believe there were only a few who were awed by their threats, or seduced by their bounty, to enlist in such a cause. The great body of those who thought differently from me, in the instance referred to, remained firm and immovable. They could not comprehend that it was wrong to extend to a stranger from a neighboring state, the civilities which belong to social life. They could not comprehend that it was right to transform political differences into deadly animosities. Seeing that varieties in the mode of worshipping the great Ruler of the universe did not disturb the harmony of private intercourse, they could not comprehend the propriety of extending to mortal man a sacrifice which is not offered to our immortal Father, of all the friendly and social feelings of our nature, because we could not all agree as to the particular exercise of the elective franchise. As independent and intelligent freemen, they would not consent to submit to an arrogant usurpation which assumed the right to control their actions, and to regulate the feelings of their hearts, and they scorned with indignation, to yield obedience to the mandates of would-be dictators. To quiet the apprehensions of these zealots, I assure them, that I do not march at the head of any military force; that I have neither horse, foot, nor dragoon, and that I travel with my friend

Charles, (a black boy, residing in my family, for whom I feel the same sort of attachment that I do for my own children,) without sword, pistol, or musket! Another species of attempted embarrassment has been practiced by an individual of this city. About an hour before I left my lodgings for this spot, he caused a packet to be left in my room by a little boy, who soon made his exit. Upon opening it, I looked at the signature, and *that* was enough for me. It contained a long list of interrogatories, which I was required publicly to answer. I read only one or two of them. There are some men whose contact is pollution. I can recognize no right in the person in question to catechize me. I can have no intercourse with one who is a disgrace to the gallant and generous nation from which he sprang. I cannot stop to be thus interrogated by a man whose nomination to a paltry office, was rejected by nearly the unanimous vote of the senate; I must be excused if, when addressing my friends, the mechanics of Cincinnati, I will not speak from *his* notes. On the renewal of the charter of the present bank of the United States, which I believe formed the subject of one or two of these interrogatories, I will say a few words for your, not his sake. I will observe, in the first place, that I am not in favor of such a bank as was recommended in the message of the president of the United States, at the commencement of the last session of congress; that, with the committee of the two houses, I concur in thinking it would be an institution of a dangerous and alarming character; and that, fraught as it would be with the most corrupting tendencies, it might be made powerfully instrumental in overturning our liberties. As to the existing bank, I think it has been generally administered, and particularly of late years, with great ability and integrity; that it has fulfilled all the reasonable expectations of those who constituted it; and, with the same committees, I think it has made an approximation towards the equalization of the currency, as great as is practicable. Whether the charter ought to be renewed or not, near six years hence, in my judgment, is a question of expediency to be decided by the then existing state of the country. It will be necessary at that time, to look carefully at the condition both of the bank and of the union. To ascertain, if the public debt shall, in the mean time, be paid off, what effect that will produce? What will be our then financial condition? what that of local banks, the state of our commerce, foreign and domestic, as well as the concerns of our currency generally? I am, therefore, not now prepared to say, whether the charter ought, or ought not, to be renewed on the expiration of its present term. The bank may become insolvent, and may hereafter forfeit all pretensions to a renewal. The question is premature. I may not be alive to form any opinion upon it. It belongs to posterity, and if they would have the goodness to decide for us some of the per-

plexing and practical questions of the present day, we might be disposed to decide that remote question for them. As it is, it ought to be indefinitely postponed.

With respect to the American system, which demands your undivided approbation, and in regard to which you are pleased to estimate much too highly my service, its great object is to secure the independence of our country, to augment its wealth, and to diffuse the comforts of civilization throughout society. That object, it has been supposed, can be best accomplished by introducing, encouraging, and protecting the arts among us. It may be called a system of real reciprocity, under the operation of which one citizen or one part of the country, can exchange one description of the produce of labor, with another citizen or another part of the country, for a different description of the produce of labor. It is a system which develops, improves, and perfects the capabilities of our common country, and enables us to avail ourselves of all the resources with which Providence has blest us. To the laboring classes it is invaluable, since it increases and multiplies the demands for their industry, and gives them an option of employments. It adds power and strength to our union, by new ties of interest, blending and connecting together all its parts, and creating an interest with each in the prosperity of the whole. It secures to our own country, whose skill and enterprise, properly fostered and sustained, cannot be surpassed, those vast profits which are made in other countries by the operation of converting the raw material into manufactured articles. It naturalizes and creates within the bosom of our country, all the arts; and, mixing the farmer, manufacturer, mechanic, artist, and those engaged in other vocations, together, admits of those mutual exchanges, so conducive to the prosperity of all and every one, free from the perils of sea and war; — all this it effects, whilst it nourishes and leaves a fair scope to foreign trade. Suppose we were a nation that clad ourselves, and made all the implements necessary to civilization, but did not produce our own bread, which we brought from foreign countries, although our own was capable of producing it, under the influence of suitable laws of protection, ought not such laws to be enacted? The case supposed is not essentially different from the real state of things which led to the adoption of the American system.

That system has had a wonderful success. It has more than realized all the hopes of its founders. It has completely falsified all the predictions of its opponents. It has increased the wealth, and power, and population of the nation. It has diminished the price of articles of consumption, and has placed them within the reach of a far greater number of our people than could have found means to command them, if they had been manufactured abroad instead of at home.

But it is useless to dwell on the argument in support of this

beneficent system before this audience. It will be of more consequence here to examine some of the objections which are still urged against it, and the means which are proposed to subvert it. These objections are now principally confined to its operation upon the great staple of cotton wool, and they are urged with most vehemence in a particular state. If the objections are well founded, the system should be modified, as far as it can consistently with interest, in other parts of the union. If they are not well founded, it is to be hoped they will be finally abandoned.

In approaching the subject, I have thought it of importance to inquire, what was the profit made upon capital employed in the culture of cotton, at its present reduced price. The result has been information, that it nets from seven to eighteen per cent. per annum, varying according to the advantage of situation, and the degree of skill, judgment, and industry, applied to the production of the article. But the lowest rate of profit, in the scale, is more than the greatest amount which is made on capital employed in the farming portions of the union.

If the cotton planter have any just complaint against the expediency of the American system, it must be founded on the fact, that he either sells *less* of his staple, or sells at *lower* prices, or purchases for consumption, articles at *dearer* rates, or of *worse* qualities, in consequence of that system, than he would do, if it did not exist. If he would neither sell more of his staple, nor sell it at better prices, nor could purchase better or cheaper articles for consumption, provided the system did not exist, then he has no cause, on the score of its burdensome operation, to complain of the system, but must look to other sources for the grievances which he supposes afflict him.

As respects the sale of his staple, it would be indifferent to the planter, whether one portion of it was sold in Europe, and the other in America, provided the aggregate of both were equal to all that he could sell in one market, if he had but one, and provided he could command the same price in both cases. The double market would indeed be something better for him, because of its greater security in time of war as well as in peace, and because it would be attended with less perils and less charges. If there be an equal amount of the raw material manufactured, it must be immaterial to the cotton planter, in the sale of the article, whether there be two theatres of the manufacture, one in Europe and the other in America, or but one in Europe; or if there be a difference, it will be in favor of the two places of manufacture, instead of one, for reasons already assigned, and others that will be hereafter stated.

It could be of no advantage to the cotton planter, if all the cotton, now manufactured both in Europe and America, was manufactured exclusively in Europe, and an amount of cotton fabrics

should be brought back from Europe, equal to both what is now brought from there, and what is manufactured in the United States, together. Whilst he would gain nothing, the United States would lose the profit and employment resulting from the manufacture of that portion which is now wrought up by the manufacturers of the United States.

Unless, therefore, it can be shown, that, by the reduction of import duties, and the overthrow of the American system, and by limiting the manufacture of cotton to Europe, a greater amount of the raw material would be consumed than is at present, it is difficult to see what interest, so far as respects the sale of that staple, the cotton planter has in the subversion of that system. If a reduction of duties would admit of larger investments in British or European fabrics of cotton, and their subsequent importation into this country, this additional supply would take the place, if consumed, of an equal amount of American manufactures, and consequently would not augment the general consumption of the raw material. Additional importation does not necessarily imply increased consumption, especially when it is effected by a policy which would impair the ability to purchase and consume.

Upon the supposition just made, of a restriction to Europe of the manufacture of cotton, would more or less of the article be consumed than now is? More could not be, unless, in consequence of such a monopoly of the manufacture, Europe could sell more than she now does. But to what countries could she sell more? She gets the raw material now unburdened by any duties except such moderate ones as her policy, not likely to be changed, imposes. She is enabled thereby to sell as much of the manufactured article as she can find markets for in the states within her own limits, or in foreign countries. The destruction of the American manufacture would not induce her to sell cheaper, but might enable her to sell dearer, than she now does. The ability of those foreign countries, to purchase and consume, would not be increased by the annihilation of our manufactures, and the monopoly of European manufacture. The probability is, that those foreign countries, by the fact of that monopoly, and some consequent increase of price, would be worse and dearer supplied than they now are, under the operation of a competition between America and Europe in their supply.

At most, the United States, after the transfer from their territory to Europe, of the entire manufacture of the article, could not consume, of European fabrics from cotton, a greater amount than they now derive from Europe, and from manufactures within their own limits.

But it is confidently believed, that the consumption of cotton fabrics, on the supposition which has been made, within the United States, would be much less than it is at present. It would be less

because the American consumer would not possess the means or ability to purchase as much of the European fabric as he now does to buy the American. Europe purchases but little of the produce of the northern, middle, and western regions of the United States. The staple productions of those regions are excluded from her consumption by her policy, or by her native supplies of similar productions. The effect, therefore, of obliging the inhabitants of those regions to depend upon the cotton manufactures of Europe for necessary supplies of the article, would be alike injurious to them, and to the cotton grower. They would suffer from their inability to supply their wants, and there would be a consequent diminution of the consumption of cotton. By the location of the manufacture in the United States, the quantity of cotton consumed is increased, and the more numerous portion of their inhabitants, who would not be otherwise sufficiently supplied, are abundantly served. That this is the true state of things, I think cannot be doubted by any reflecting and unprejudiced man. The establishment of manufactures within the United States, enables the manufacturer to sell to the farmer, the mechanic, the physician, the lawyer, and all who are engaged in other pursuits of life; and these, in their turns, supply the manufacturer with subsistence, and whatever else his wants require. Under the influence of the protecting policy, many new towns have been built, and old ones enlarged. The population of these places draw their subsistence from the farming interest of our country, their fuel from our forests and coal mines, and the raw materials from which they fashion and fabricate, from the cotton planter and the mines of our country. These mutual exchanges, so animating and invigorating to the industry of the people of the United States, could not possibly be effected between America and Europe, if the latter enjoyed the monopoly of manufacturing.

It results, therefore, that, so far as the sale of the great southern staple is concerned, a greater quantity is sold and consumed, and consequently better prices are obtained, under the operation of the American system, than would be without it. Does that system oblige the cotton planters to buy dearer or worse articles of consumption than he could purchase, if it did not exist?

The same cause of American and European competition, which enables him to sell more of the produce of his industry, and at better prices, also enables him to buy cheaper and better articles for consumption. It cannot be doubted, that the tendency of the competition between the European and American manufacturer, is to reduce the price and improve the quality of their respective fabrics, whenever they come into collision. This is the immutable law of all competition. If the American manufacture were discontinued, Europe would then exclusively furnish those supplies which are now derived from the establishments in both continents.



and the first consequence would be, an augmentation of the demand, beyond the supply, equal to what is now manufactured in the United States, but which, in the contingency supposed, would be wrought in Europe. If the destruction of the American manufactures were sudden, there would be a sudden and probably a considerable rise in the European fabrics. Although, in the end, they might be again reduced, it is not likely that the ultimate reduction of the prices would be to such rates as if both the workshops of America and Europe remained sources of supply. There would also be a sudden reduction in the price of the raw material, in consequence of the cessation of the American demand. And this reduction would be permanent, if the supposition be correct, that there would be a diminution in the consumption of cotton fabrics, arising out of the inability, on the part of large portions of the people of the United States, to purchase those of Europe.

That the effect of competition between the European and American manufacture, has been to supply the American consumer with cheaper and better articles, since the adoption of the American system, notwithstanding the existence of causes which have obstructed its fair operation, and retarded its full development, is incontestable. Both the freeman and the slave are now better and cheaper supplied than they were prior to the existence of that system. Cotton fabrics have diminished in price, and been improved in their texture, to an extent that it is difficult for the imagination to keep pace with. Those partly of cotton and partly of wool are also better and cheaper supplied. The same observation is applicable to those which are exclusively wrought of wool, iron, or glass. In short, it is believed that there is not one item of the tariff inserted for the protection of native industry, which has not fallen in price. The American competition has tended to keep down the European rival fabric, and the European has tended to lower the American.

Of what then can the South Carolina planter justly complain in the operation of this system? What is there in it which justifies the harsh and strong epithets which some of her politicians have applied to it? What is there in her condition, which warrants their assertion, that she is oppressed by a government to which she stands in the mere relation of a colony?

She is oppressed by a great reduction in the price of manufactured articles of consumption.

She is oppressed by the advantage of two markets for the sale of her valuable staple, and for the purchase of objects required by her wants.

She is oppressed by better prices for that staple than she could command, if the system to which they object did not exist.

She is oppressed by the option of purchasing cheaper and bet

ter articles, the produce of the hands of American freemen, instead of dearer and worse articles, the produce of the hands of British subjects.

She is oppressed by the measures of a government in which she has had, for many years, a larger proportion of power and influence, at home and abroad, than any state in the whole union, in comparison with the population.

A glance at the composition of the government of the union, will demonstrate the truth of this last proposition. In the senate of the United States, South Carolina having the presiding officer, exercises nearly one sixteenth instead of one twenty-fourth part of both its legislative and executive functions.

In both branches of congress, some of her citizens now occupy, as chairmen of committees, the most important and influential stations. In the supreme court of the United States, one of her citizens being a member, she has one seventh part, instead of about one twentieth, her equal proportion of the whole power vested in that tribunal. Until within a few months, she had nearly one third of all the missions of the first grade, from this to foreign countries. In a contingency, which is far from impossible, a citizen of South Carolina would instantly become charged with the administration of the whole of the vast power and patronage of the United States.

Yet her situation has been compared to that of a colony which has *no voice* in the laws enacted by the parent country for its subjection! And to be relieved from this cruel state of vassalage, and to put down a system which has been established by the united voice of all America, some of her politicians have broached a doctrine as new as it would be alarming, if it were sustained by numbers in proportion to the zeal and fervid eloquence with which it is inculcated. I call it a novel doctrine. I am not unaware that attempts have been made to support it on the authority of certain acts of my native and adopted states. Although many of their citizens are much more competent than I am to vindicate them from this imputation of purposes of disunion and rebellion, my veneration and affection for them both, urge me to bear my testimony of their innocence of such a charge. At the epoch of 1798 - 9, I had just attained my majority, and although I was too young to share in the public councils of my country, I was acquainted with many of the actors of that memorable period; I knew their views, and formed and freely expressed my own opinions on passing events. The then administration of the general government was believed to entertain views (whether the belief was right or wrong is not material to this argument, and is now an affair of history,) hostile to the existence of the liberties of this country. The alien and sedition laws, particularly, and other measures, were thought to be the consequences and proofs of those

**views.** If the administration had such a purpose, it was feared that the extreme case, justifying forcible resistance, might arise, but no one believed that, in point of fact, it had arrived. No one contended that a *single* state possessed the power to annul the deliberate acts of the whole. And the best evidence of these remarks is the fact, that the most odious of those laws, (the sedition act,) was peaceably enforced in the capitol of that great state which took the lead in opposition to the existing administration.

The doctrines of that day, and they are as true at this, were, that the federal government is a limited government; that it has no powers but the granted powers. Virginia contended, that in case 'of a *palpable*, deliberate, and dangerous exercise of other powers not granted by said compact, the *states*, who are parties thereto, have the right to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them.' Kentucky declared, that the 'several states, that framed that instrument, the federal constitution, being sovereign and independent, have the unquestionable right to *judge* of its instructions, and a nullification *by those sovereignties*, of all unauthorized acts, done under color of that instrument, is the rightful remedy.'

Neither of these two commonwealths asserted the right of a single state to interpose and annul an act of the whole. This is an inference drawn from the doctrines then laid down, and it is not a principle expressly asserted or fairly deducible from the language of either. Both refer to *the states* collectively, (and not individually,) when they assert their right, in case of federal usurpation, to interpose 'for arresting the progress of evil.' Neither state ever did, no state ever yet has, by its separate legislation, undertaken to set aside an act of congress.

That the states *collectively*, may interpose their authority to check the evils of federal usurpation, is manifest. They may dissolve the union. They may alter, at pleasure, the character of the constitution, by amendment; they may annul any acts purporting to have been passed in conformity to it, or they may, by their elections, change the functionaries to whom the administration of its powers is confided. But no one state, by itself, is competent to accomplish these objects. The power of a single state to annul an act of the whole, has been reserved for the discovery of some politicians in South Carolina.

It is not my purpose, upon an occasion so unfit, to discuss this pretension. Upon another and a more suitable theatre, it has been examined and refuted, with an ability and eloquence, which have never been surpassed on the floor of congress. But, as it is announced to be one of the means which is intended to be employed to break down the American system, I trust that I shall be excused for a few additional passing observations. On a late fes-

tive occasion, in the state where it appears to find most favor, it is said, by a gentleman whom I once proudly called my friend, and towards whom I have done nothing to change that relation,— a gentleman who has been high in the councils and confidence of the nation, that the tariff must be resisted *at all hazards*. Another gentleman, who is a candidate for the chief magistracy of that state, declares that the *time* and the *case* for resistance had arrived. And a third, a senator of the United States, who enjoys unbounded confidence with the American executive, laid down principles and urged arguments tending directly and inevitably to violent resistance, although he did not indicate that as his specific remedy.

The doctrine of some of the South Carolina politicians is, that it is competent to that state to annul, within its limits, the authority of an act deliberately passed by the congress of the United States. They do not appear to have looked much, beyond the simple act of nullification, into the consequences which would ensue, and have not distinctly announced, whether one of them might not necessarily be, to light up a civil war. They seem, however, to suppose, that the state might, after the act was performed, remain a member of the union. Now if one state can, by an act of its separate power, absolve itself from the obligations of a law of congress, and continue a part of the union, it could hardly be expected, that any other state would render obedience to the same law. Either every other state would follow the nullifying example, or congress would feel itself constrained, by a sense of equal duty to all parts of the union, to repeal altogether the nullified law. Thus, the doctrine of South Carolina, although it nominally assumes to act for one state only, in effect, would be legislating for the whole union.

Congress embodies the collective will of the whole union, and that of South Carolina among its other members. The legislation of congress is, therefore, founded upon the basis of the representation of all. In the legislature, or a convention of South Carolina, the will of the people of that state is alone collected. They alone are represented, and the people of no other state have any voice in their proceedings. To set up for that state a claim, by a separate exercise of its power, to legislate, in effect, for the whole union, is to assert a pretension at war with the fundamental principles of all representative and free governments. It would practically subject the unrepresented people of all other parts of the union to the arbitrary and despotic power of one state. It would substantially convert them into colonies, bound by the parental authority of that state.

Nor can this enormous pretension derive any support from the consideration, that the power to annul, is different from the power to originate laws. Both powers are, in their nature, legislative and the mischiefs which might accrue to the republic from the an

nulment of its wholesome laws, may be just as great as those which would flow from the origination of bad laws. There are three things to which, more than all others, mankind in all ages, have shown themselves to be attached; their religion, *their laws*, and their language.

But it has been argued, in the most solemn manner, 'that the acknowledgments of the exclusive right of the federal government to determine the limits of its own powers, amounts to a recognition of its absolute supremacy over the states and the people, and involves the sacrifice not only of our dearest rights and interests, but the very existence of the southern states.'

In cases where there are two systems of government, operating at the same time and place, over the same people, the one general, the other local or particular, one system or the other must possess the right to decide upon the extent of the powers, in cases of collision, which are claimed by the general government. No third party, of sufficient impartiality, weight, and responsibility, other than such a tribunal as a supreme court, has yet been devised, or perhaps can be created.

The doctrine of one side is, that the general government, though limited in its nature, must necessarily possess the power to ascertain what authority it has, and, by consequence, the extent of that authority. And that, if its legislative or executive functionaries, by act, transcend that authority, the question may be brought before the supreme court, and, being affirmatively decided by that tribunal, their act must be obeyed until repealed or altered by competent power.

Against the tendency of this doctrine to absorb all power, those who maintain it, think there are reasonable, and, they hope, sufficient securities. In the first place, all are represented in every legislative or executive act, and of course, each state can exert its proper influence, to prevent the adoption of any that may be deemed prejudicial or unconstitutional. Then, there are sacred oaths, elections, public virtue and intelligence, the power of impeachment, a common subjection to both systems of those functionaries who act under either, the right of the states to interpose and amend the constitution, or to dissolve the union; and, finally, the right, in extreme cases, when all other remedies fail, to resist insupportable oppression.

The necessity being felt, by the framers of the constitution, to declare which system should be supreme, and believing that the securities now enumerated, or some of them, were adequate, they have accordingly provided, that the constitution of the United States, and the laws made in pursuance of it, and all treaties made under the authority of the United States, shall be the *supreme law* of the land; and that the judicial power shall extend to *all* cases arising under the constitution, laws, or treaties, of the United States.

The South Carolina doctrine, on the other side, is, that that state has the right to determine the limits of the powers granted to the general government; and that whenever any of its acts transcend those limits, in the opinion of the state of South Carolina, she is competent to annul them. If the power, with which the federal government is invested by the constitution, to determine the limits of its authority, be liable to the possible danger of ultimate consolidation, and all the safeguards which have been mentioned might prove inadequate, is not this power, claimed for South Carolina, fraught with infinitely more certain, immediate, and fatal danger? It would reverse the rule of supremacy prescribed in the constitution. It would render the authority of a single state paramount to that of the whole union. For undoubtedly, that government, to some extent, must be supreme, which can annul and set aside the acts of another.

The securities which the people of other parts of the United States possess against the abuse of this tremendous power claimed for South Carolina, will be found, on comparison, to be greatly inferior to those which she has against the possible abuses of the general government. They have no voice in her councils; they could not, by the exercise of the elective franchise, change her rulers; they could not impeach her judges, they could not alter her constitution, nor abolish her government.

Under the South Carolina doctrine, if established, the consequence would be a dissolution of the union, immediate, inevitable, irresistible. There would be twenty-four chances to one against its continued existence. The apprehended dangers of the opposite doctrine, remote, contingent, and hardly possible, are greatly exaggerated; and, against their realization, all the precautions have been provided, which human wisdom and patriotic foresight could conceive and devise.

Those who are opposed to the supremacy of the constitution, laws, and treaties of the United States, are adverse to all union, whatever contrary professions they may make. For it may be truly affirmed, that no confederacy of states can exist without a power, somewhere residing in the government of that confederacy, to determine the extent of the authority granted to it by the confederating states.

It is admitted, that the South Carolina doctrine is liable to abuse; but it is contended, that the *patriotism* of each state is an adequate security, and that the nullifying power would only be exercised 'in an extraordinary case, where the powers reserved to the states, under the constitution, are usurped by the federal government.' And is not the *patriotism* of *all* the states, as great a safeguard against the assumption of powers, not conferred upon the general government, as the patriotism of one state is against the denial of powers which are clearly granted? But the nullify

ing power is only to be exercised in an *extraordinary* case. Who is to judge of this extraordinary case? What security is there, especially in moments of great excitement, that a state may not pronounce the plainest and most common exercise of federal power an *extraordinary case*? The expressions in the constitution, 'general welfare,' have been often justly criticised, and shown to convey, in themselves, no power, although they may indicate how the delegated power should be exercised. But this doctrine of an extraordinary case, to be judged of and applied by one of the twenty-four sovereignties, is replete with infinitely more danger, than the doctrine of the 'general welfare,' in the hands of all.

We may form some idea of future abuses under the South Carolina doctrine, by the application which is now proposed to be made of it. The American system is said to furnish an *extraordinary case*, justifying that state to nullify it. The power to regulate foreign commerce, by a tariff, so adjusted as to foster our domestic manufactures, has been exercised from the commencement of our present constitution down to the last session of congress. I have been a member of the house of representatives at three different periods, when the subject of the tariff was debated at great length, and on neither, according to my recollection, was the want of a constitutional power in congress, to enact it, dwelt on as forming a serious and substantial objection to its passage. On the last occasion (I think it was) in which I participated in the debate, it was incidentally said to be against the spirit of the constitution. Whilst the authority of the father of the constitution is invoked to sanction, by a perversion of his meaning, principles of disunion and rebellion, it is rejected to sustain the controverted power, although his testimony in support of it has been clearly and explicitly rendered. This power, thus asserted, exercised, and maintained, in favor of which leading politicians in South Carolina have themselves voted, is alleged to furnish 'an *extraordinary case*,' where the powers reserved to the states, under the constitution, are usurped by the general government. If it be, there is scarcely a statute in our code which would not present a case equally extraordinary, justifying South Carolina or any other state to nullify it.

The United States are not only threatened with the nullification of numerous acts, which they have deliberately passed, but with a withdrawal of one of the members from the confederacy. If the unhappy case should ever occur, of a state being really desirous to separate itself from the union, it would present two questions. The first would be, whether it had a right to withdraw, without the common consent of the members; and supposing, as I believe, no such right to exist, whether it would be expedient to yield consent. Although there may be power to prevent a secession, it might be deemed politic to allow it. It might be considered expedient to permit the refractory state to take the portion of goods that falleth

to her, to suffer her to gather her all together, and to go off with her living. But, if a state should be willing, and allowed thus to depart, and to renounce her future portion of the inheritance of this great, glorious, and prosperous republic, she would speedily return, and, in language of repentance, say to the other members of this union, brethren, 'I have sinned against heaven and before thee.' Whether they would kill the fatted calf, and, chiding any complaining member of the family, say, 'this thy sister was dead, and is alive again; and was lost, and is found,' I sincerely pray the historian may never have occasion to record.

But nullification and disunion are not the only, nor the most formidable, means of assailing the tariff. Its opponents opened the campaign at the last session of congress, and, with the most obliging frankness, have since publicly exposed their plan of operations. It is, to divide and conquer; to attack and subdue the system in detail. They began by reducing the duty on salt and molasses, and, restoring the drawback of the duty on the latter article, allowed the exportation of spirits distilled from it. To all who are interested in the distillation of spirits from native materials, whether fruit, molasses, or grain, this latter measure is particularly injurious. During the administration of Mr. Adams, the duty on foreign molasses was augmented, and the drawback, which had been previously allowed of the duty upon the exportation of spirits distilled from it, was repealed. The object was to favor native produce, and to lessen the competition of foreign spirits, or spirits distilled from foreign materials, with spirits distilled from domestic material. It was deemed to be especially advantageous to the western country, a great part of whose grain can only find markets at home and abroad by being converted into distilled spirits. Encouraged by this partial success, the foes of the tariff may next attempt to reduce the duties on iron, woollens, and cotton fabrics, successively. The American system of protection should be regarded, as it is, an entire and comprehensive system, made up of various items, and aiming at the prosperity of the whole union, by protecting the interests of each part. Every part, therefore, has a direct interest in the protection which it enjoys of the articles, which its agriculture produces, or its manufactories fabricate, and also a collateral interest in the protection which other portions of the union derive from their peculiar interests. Thus, the aggregate of the prosperity of all is constituted by the sums of the prosperity of each.

Take any one article of the tariff, (iron, for example,) and there is no such *direct* interest in its protection, pervading the major part of the United States, as would induce congress to encourage it, if it stood alone. The states of Pennsylvania, New Jersey, New York, and Kentucky, which are most concerned, are encouraged in the production or manufacture of this article, in consequence of



the adoption of a general principle, which extends protection to other interests in other parts of the union.

The stratagem which has been adopted by the foes of the system, to destroy it, requires the exercise of constant vigilance and firmness, to prevent the accomplishment of the object. They have resolved to divide and conquer — the friends of the system should assume the revolutionary motto of our ancestors, 'united we stand, divided we fall.' They should allow no alteration in any part of the system, as it now exists, which did not aim at rendering more efficacious the system of protection, on which the whole is founded. Every one should reflect, that it is not equal, to have a particular interest which he is desirous should be fostered, in his part of the country, protected against foreign competition, without his being willing to extend the principle to other interests, deserving protection, in other parts of the union.

But the measure of reducing the duty on salt and molasses, and reviving the drawback on the importation of spirits distilled from molasses, was an attack on the system, less alarming than another which was made during the last session of congress, on a kindred system.

If any thing could be considered as settled, under the present constitution of our government, I had supposed that it was its authority to construct such internal improvements as may be deemed by congress necessary and proper to carry into effect the power granted to it. For nearly twenty-five years, the power has been asserted and exercised by the government. For the last fifteen years it has been often controverted in congress, but it has been invariably maintained, in that body, by repeated decisions, pronounced, after full and elaborate debate, and at intervals of time implying the greatest deliberation. Numerous laws attest the existence of the power; and no less than twenty-odd laws have been passed in relation to a single work. This power, necessary to all parts of the union, is indispensable to the west. Without it, this section can never enjoy any part of the benefit of a regular disbursement of the vast revenues of the United States. I recollect perfectly well, that, at the last great struggle for the power, in 1824, Mr. P. P. Barbour, of Virginia, the principal champion against it, observed to me, that if it were affirmed on that occasion, (Mr. Hemphill's survey bill,) he should consider the question settled. And it was affirmed.

Yet we are told, that this power can no longer be exercised without an amendment of the constitution! On the occasion in South Carolina, to which I have already adverted, it was said, that the tariff and internal improvements are intimately connected, and that the death-blow which it was hoped the one had received, will finally destroy the other. I concur in the opinion, that they are intimately, if not indissolubly, united. Not connected together,

with the fraudulent intent which has been imputed, but by their nature, by the tendency of each to advance the objects of the other, and of both to augment the sum of national prosperity.

If I could believe that the executive message, which was communicated to congress upon the application of the veto to the Maysville road, really expressed the opinion of the president of the United States, in consequence of the unfortunate relations which have existed between us, I would forbear to make any observation upon it. It has his name affixed to it; but it is not every paper which bears the name of a distinguished personage, that is his, or expresses his opinions. We have been lately informed, that the unhappy king of England, in perhaps his last illness, transmitted a paper to parliament, with his royal signature attached to it, which became an object of great curiosity. Can any one believe, that that paper conveyed any other sentiments than those of his majesty's ministers? It is impossible, that the veto message should express the opinions of the president, and I prove it by evidence derived from himself. Not forty days before that message was sent to congress, he approved a bill embracing appropriations to various objects of internal improvement, and among others, to improve the navigation of Conneaut creek. Although somewhat acquainted with the geography of our country, I declare, I did not know of the existence of such a stream until I read the bill. I have since made it an object of inquiry, and have been told, that it rises in one corner of Pennsylvania, and is discharged into lake Erie, in a corner of the state of Ohio; and that the utmost extent, to which its navigation is susceptible of improvement, is about seven miles. Is it possible, that the president could conceive *that a national* object, and that the improvement of a great thoroughfare, on which the mail is transported for some eight or ten states and territories, is not a national consideration? The power to improve the navigation of watercourses, nowhere expressly recognised in the constitution, is infinitely more doubtful than the establishment of mail roads, which is explicitly authorized in that instrument! Did not the president, during the canvass which preceded his election, in his answer to a letter from governor Ray, of Indiana, written at the instance of the senate of that respectable state, expressly refer to his votes given in the senate of the United States, for his opinion as to the power of the general government, and inform him that his opinion remained unaltered? And do we not find, upon consulting the journals of the senate, that among other votes affirming the existence of the power, he voted for an appropriation to the Chesapeake and Delaware canal, which is only about fourteen miles in extent? And do we not know, that it was at that time, like the Maysville road now, in progress of execution under the direction of a company incorporated by a state? And that, whilst the Maysville road had a

connection with roads east of Maysville and southwest of Lexington, the turupiking of which was contemplated, that canal had no connection with any other existing canal.

The veto message is perfectly irreconcilable with the previous acts, votes, and opinions of General Jackson. It does not express *his* opinions, but those of his advisers and counsellors, and especially those of his cabinet. If we look at the composition of that cabinet, we cannot doubt it. Three of the five who, I believe, compose it, (whether the postmaster-general be one or not, I do not know,) are known to be directly and positively opposed to the power; a fourth, to use a term descriptive of the favorite policy of one of them, is a *non-committal*, and as to the fifth, good Lord deliver us from such friendship as *his* to internal improvements. Further, I have heard it from good authority, (but I will not vouch for it, although I believe it to be true,) that some of the gentlemen from the south waited upon the president, whilst he held the Maysville bill under consideration, and told him if he approved of that bill, the south would no longer approve of him, but oppose his administration.

I cannot, therefore, consider the message as conveying the sentiments and views of the president. It is impossible. It is the work of his cabinet; and if, unfortunately, they were not practically irresponsible to the people of the United States, they would deserve severe animadversions for having prevailed upon the president, in the precipitation of business, and perhaps without his spectacles, to put his name to *such* a paper, and send it forth to congress and to the nation. Why, I have read that paper again and again; and I never can peruse it without thinking of diplomacy, and the name of Talleyrand, Talleyrand, Talleyrand, perpetually recurring. It seems to have been written in the spirit of an accommodating soul, who, being determined to have fair weather in any contingency, was equally ready to cry out, good lord, good devil. Are you for internal improvements? you may extract from the message texts enough to support your opinion. Are you against them? the message supplies you with abundant authority to countenance your views. Do you think that a long and uninterrupted current of concurring decisions ought to settle the question of a controverted power? so the authors of the message affect to believe. But ought any precedents, however numerous, to be allowed to establish a doubtful power? the message agrees with him who thinks not.

I cannot read this regular document without thinking of Talleyrand. That remarkable person was one of the most eminent and fortunate men of the French revolution. Prior to its commencement, he held a bishoprick under the ill-fated Louis the sixteenth. When that great political storm showed itself above the horizon, he saw which way the wind was going to blow, and trimmed his

sails accordingly. He was in the majority of the convention, of the national assembly, and of the party that sustained the bloody Robespierre and his cut-throat successor. He belonged to the party of the consuls, the consul for life, and finally the emperor. Whatever party was uppermost, you would see the head of Talleyrand always high among them, never down. Like a certain dexterous animal, throw him as you please, head or tail, back or belly uppermost, he is always sure to light upon his feet. During a great part of the period described, he was minister of foreign affairs, and although totally devoid of all principle, no man ever surpassed him in adroitness of his diplomatic notes. He is now, at an advanced age, I believe, grand chamberlain of his majesty, Charles the tenth.

I have lately seen an amusing anecdote of this celebrated man, which forces itself upon me whenever I look at the cabinet message. The king of France, like our president, towards the close of the last session of congress, found himself in a minority. A question arose, whether, in consequence, he should dissolve the chamber of deputies, which resembles our house of representatives. All France was agitated with the question. No one could solve it. At length, they concluded to go to that sagacious, cunning old fox, Talleyrand, to let them know what should be done. I tell you what, gentlemen, said he, (looking very gravely, and taking a pinch of snuff,) in the morning I think his majesty will dissolve the deputies; at noon I have changed that opinion; and at night I have no opinion at all. Now, on reading the first column of this message, one thinks that the cabinet have a sort of an opinion in favor of internal improvements, with some limitations. By the time he has read to the middle of it, he concludes they have adopted the opposite opinion; and when he gets to the end of it, he is perfectly persuaded, they have no opinion of their own whatever!

Let us glance at a few only of the reasons, if reasons they can be called, of this piebald message. The first is, that the exercise of the power has produced discord, and, to restore harmony to the national councils, it should be abandoned, or, which is tantamount, the constitution must be amended. The president is therefore advised to throw himself into the minority. Well — did that revive harmony? When the question was taken in the house of the people's representatives, an obstinate majority still voted for the bill, the objections in the message notwithstanding. And in the senate, the representatives of the states, a refractory majority, stood unmoved. But does the message mean to assert, that no great measure, about which public sentiment is much divided, ought to be adopted in consequence of that division? Then none can ever be adopted. Apply this new rule to the case of the American revolution. The colonies were rent into implacable parties — the

ories every where abounded, and in some places outnumbered the whigs. This continued to be the state of things throughout the revolutionary contest. Suppose some timid, time-serving whig had, during its progress, addressed the public, and, adverting to the discord which prevailed, and to the expediency of restoring harmony in the land, had proposed to abandon or postpone the establishment of our liberty and independence, until all should agree in asserting them? The late war was opposed by a powerful and talented party; what would have been thought of president Madison, if, instead of a patriotic and energetic message, recommending it, as the only alternative, to preserve our honor and vindicate our right, he had come to congress with a proposal that we should continue to submit to the wrongs and degradation inflicted upon our country by a foreign power, because we were, unhappily, greatly divided? What would have become of the settlement of the Missouri question, the tariff, the Indian bill of the last session, if the existence of a strong and almost equal division in the public councils ought to have prevented their adoption? The principle is nothing more nor less than a declaration, that the right of the majority to govern, must yield to the perseverance, respectability, and numbers of the minority. It is in keeping with the nullifying doctrines of South Carolina, and is such a principle as might be expected to be put forth by such a cabinet. The government of the United States, at this juncture, exhibits a most remarkable spectacle. *It is that of a majority of the nation having put the powers of government into the hands of the minority.* If any one can doubt this, let him look back at the elements of the executive, at the presiding officers of the two houses, at the composition and the chairmen of the most important committees, who shape and direct the public business in congress. Let him look, above all, *at measures*, the necessary consequences of such an anomalous state of things — internal improvements gone, or going; the whole American system threatened, and the triumphant shouts of anticipated victory sounding in our ears. Georgia, extorting from the fears of an affrighted majority of congress an Indian bill, which may prostrate all the laws, treaties, and policy which have regulated our relations with the Indians from the commencement of our government; and politicians in South Carolina, at the same time, brandishing the torch of civil war, and pronouncing unbounded eulogiums upon the president, for the good he has done, and the still greater good which they expect at his hands, and the sacrifice of the interests of the majority.

Another reason assigned in the Maysville message is, the desire of paying the national debt. By an act passed in the year 1817, an annual appropriation was made of ten millions of dollars, which were vested in the commissioners of the sinking fund, to pay the principal and interest of the public debt. That act was

prepared and carried through congress by one of the most estimable and enlightened men that this country ever produced, whose premature death is to be lamented on every account, but especially because, if he were now living, he would be able, more than any other man, to check the extravagance and calm the violence raging in South Carolina, his native state. Under the operation of that act, nearly one hundred and fifty millions of the principal and interest of the public debt were paid, prior to the commencement of the present administration. During that of Mr. Adams, between forty and fifty were paid, whilst larger appropriations of money and land were made, to objects of internal improvements, than ever had been made by all preceding administrations together. There only remained about fifty millions to be paid, when the present chief magistrate entered on the duties of that office, and a considerable portion of that cannot be discharged during the present official term.

The redemption of the debt is, therefore, the work of congress; the president has nothing to do with it, the secretary of the treasury being directed annually to pay the ten millions to the commissioners of the sinking fund, whose duty it is to apply the amount to the extinguishment of the debt. The secretary himself has no more to do with the operation, than the hydrants through which the water passes to the consumption of the population of this city. He turns the cock on the first of January, and the first of July, in each year, and the public treasure is poured out to the public creditor from the reservoir, filled by the wisdom of congress. It is evident, from this just view of the matter, that congress, to which belongs the care of providing the ways and means, was as competent as the president to determine what portion of their constituents' money could be applied to the improvement of their condition. As much of the public debt as can be paid, will be discharged in four years by the operation of the sinking fund. I have seen, in some late paper, a calculation of the delay which would have resulted, in its payment, from the appropriation to the Maysville road, and it was less than one week! How has it happened, that, under the administration of Mr. Adams, and during every year of it, such large and liberal appropriations could be made for internal improvements, without touching the fund devoted to the public debt, and that this administration should find itself balked in its first year?

The veto message proceeds to insist, that the Maysville and Lexington road is not a national, but a local road, of sixty miles in length, and confined within the limits of a particular state. If, as that document also asserts, the power can, in *no case*, be exercised until it shall have been explained and defined by an amendment of the constitution, the discrimination of national and local roads would seem to be altogether unnecessary. What is or is

not a national road, the message supposes may admit of controversy, and is not susceptible of precise definition. The difficulty which its authors imagine, grows out of their attempt to substitute a rule founded upon the extent and locality of the road, instead of the *use* and *purposes* to which it is applicable. If the road facilitates, in a considerable degree, the transportation of the mail to a considerable portion of the union, and at the same time promotes internal commerce among several states, and may tend to accelerate the movement of armies, and the distribution of the munitions of war, it is of national consideration. Tested by this, the true rule, the Maysville road was undoubtedly national. It connects the largest body, perhaps, of fertile land in the union, with the navigation of the Ohio and Mississippi rivers, and with the canals of the states of Ohio, Pennsylvania, and New York. It begins on the line which divides the state of Ohio and Kentucky, and, of course, quickens trade and intercourse between them. Tested by the character of other works, for which the president, as a senator, voted, or which were approved by him only about a month before he rejected the Maysville bill, the road was undoubtedly national.

But this view of the matter, however satisfactory it ought to be, is imperfect. It will be admitted, that the Cumberland road is national. It is completed no farther than Zanesville, in the state of Ohio. On reaching that point, two routes present themselves for its further extension, both national, and both deserving of execution. One leading northwestwardly, through the states of Ohio, Indiana, and Illinois, to Missouri, and the other southwestwardly, through the states of Ohio, Kentucky, Tennessee, and Alabama, to the Gulf of Mexico. Both have been long contemplated. Of the two, the southwestern is the most wanted, in the present state of population, and will probably always be of the greatest use. But the northwestern route is in progress of execution beyond Zanesville, and appropriations towards part of it, were sanctioned by the president at the last session. National highways can only be executed in sections, at different times. So the Cumberland road was and continues to be constructed. Of all the parts of the southwestern route, the road from Maysville to Lexington is most needed, whether we regard the amount of transportation and travelling upon it, or the impediments which it presents in the winter and spring months. It took my family four days to reach Lexington from Maysville, in April, 1829.

The same scheme which has been devised and practiced to defeat the tariff, has been adopted to undermine internal improvements. They are to be attacked in detail. Hence the rejection of the Maysville road, the Fredericktown road, and the Louisville canal. But is this fair? Ought each proposed road to be viewed separately and detached? Ought it not to be considered in connection with other great works which are in progress of execution,

or are projected? The policy of the foes indicates what ought to be the policy of the friends of the power.

The blow aimed at internal improvements has fallen with unmerited severity upon the state of Kentucky. No state in the union has ever shown more generous devotion to its preservation and to the support of its honor and its interest, than she has. During the late war, her sons fought gallantly by the side of the president, on the glorious eighth of January, when he covered himself with unfading laurels. Wherever the war raged, they were to be found among the foremost in battle, freely bleeding in the service of their country. They have never threatened nor calculated the value of this happy union. Their representatives in congress have constantly and almost unanimously supported the power, cheerfully voting for large appropriations to works of internal improvements in other states. Not one cent of the common treasure has been expended on any public road in that state. They contributed to the elevation of the president, under a firm conviction, produced by his deliberate acts, and his solemn assertions, that he was friendly to the power. Under such circumstances, have they not just and abundant cause of surprise, regret, and mortification, at the late unexpected decision?

Another mode of destroying the system, about which I fear I have detained you too long, which its foes have adopted, is to assail the character of its friends. Can you otherwise account for the spirit of animosity with which I am pursued? A sentiment this morning caught my eye, in the shape of a fourth of July toast, proposed at the celebration of that anniversary in South Carolina, by a gentleman whom I never saw, and to whom I am a total stranger. With humanity, charity, and christian benevolence, unexampled, he wished that I might be driven so far beyond the frigid regions of the northern zone, that all hell could not thaw me! Do you believe it was against *me*, this feeble and frail form, tottering with age, this lump of perishing clay, that all this kindness was directed? No, no, no. It was against the measures of policy which I have espoused, against the system which I have labored to uphold, that it was aimed. If I had been opposed to the tariff, and internal improvements, and in favor of the South Carolina doctrine of nullification, the same worthy gentleman would have wished that I might be ever fanned by soft breezes, charged with aromatic odors — that my path might be strewn with roses, and my abode be an earthly paradise. I am now a private man, the humblest of the humble, possessed of no office, no power, no patronage, no subsidized press, no postoffice department to distribute its effusions, no army, no navy, no official corps to chant my praises, and to drink, in flowing bowls, my health and prosperity. I have nothing but the warm affections of a portion of the people, and a fair reputation, the only inheritance derived from my



father, and almost the only inheritance which I am desirous of transmitting to my children.

The present chief magistrate has done me much wrong, but I have freely forgiven him. He believed, no doubt, that I had done him previous wrong. Although I am unconscious of it, he had *that* motive for his conduct towards me. But others, who had joined in the hue and cry against me, had no such pretext. Why then am I thus pursued, my words perverted and distorted, my acts misrepresented? Why do more than a hundred presses daily point their cannon at me, and thunder forth their peals of abuse and detraction? It is not against me. That is impossible. A few years more, and this body will be where all is still and silent. It is against the principles of civil liberty, against the tariff and internal improvements, to which the better part of my life has been devoted, that this implacable war is waged. My enemies flatter themselves, that those systems may be overthrown by my destruction. Vain and impotent hope! My existence is not of the smallest consequence to their preservation. They will survive me. Long, long after I am gone, whilst the lofty hills encompass this fair city, the offspring of those measures shall remain; whilst the beautiful river that sweeps by its walls, shall continue to bear upon its proud bosom the wouders which the immortal genius of Fulton, with the blessings of Providence, has given; whilst truth shall hold its sway among men, those systems will invigorate the industry, and animate the hopes, of the farmer, the mechanic, the manufacturer, and all other classes of our countrymen.

People of Ohio here assembled — mothers — daughters — sons, and sires, when reclining on the peaceful pillow of repose, and communing with your own hearts, ask yourselves, if I ought to be the unremitting object of perpetual calumny? If, when the opponents of the late president gained the victory on the fourth of March, 1829, the war ought not to have ceased, quarters been granted, and prisoners released? Did not those opponents obtain all the honors, offices, and emoluments of government; the power, which they have frequently exercised, of rewarding whom they pleased, and punishing whom they could? Was not all this sufficient? Does it all avail not, while Mordecai, the Jew, stands at the king's gate?

I thank you, fellow-citizens, again and again, for the numerous proofs you have given me of your attachment and confidence. And may your fine city continue to enjoy the advantages of the enterprise, industry, and public spirit of its mechanics and other inhabitants, until it rises in wealth, extent, and prosperity, with the largest of our Atlantic capitals.

## ON THE REDUCTION OF DUTIES ON IMPORTS.

IN THE SENATE OF THE UNITED STATES, JANUARY 11, 1832.

[THE following resolution, previously offered by Mr. Clay, was taken up for consideration :

‘Resolved, that the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced within the United States, ought to be forthwith abolished, except the duties upon wines and silks, and that those ought to be reduced. And that the committee on finance be instructed to report a bill accordingly.’

To meet the approaching crisis of the extinguishment of the national debt, and to endeavor to allay the hostility to a protective tariff, then existing in the southern states, Mr. Clay offered the above proposition, which he supported in the following speech. The discussion of the subject, in the senate, led to a debate which was not terminated until late in the month of March, when the resolution was referred to the committee on manufactures. Mr. Clay having given his views in part in this opening of the debate, followed it up in February by a more elaborate speech in defence of the American system (as will be seen by the one which we have given under that head). The resolution having been read, Mr. Clay rose and addressed the senate as follows.]

I HAVE a few observations, Mr. President, and only a few, to submit to the senate, on the measure now before you, in doing which I have to ask all your indulgence. I am getting old; I feel but too sensibly and unaffectedly the effects of approaching age, and I have been for some years very little in the habit of addressing deliberative assemblies. I am told that I have been the cause — the most unwilling cause, if I have been — of exciting expectations, the evidence of which is around us. I regret it; for, however the subject on which I am to speak, in other hands, might be treated, to gratify or to reward the presence and attention now given in mine, I have nothing but a plain, unvarnished, and unambitious exposition to make.

It forms no part of my present purpose to enter into a consideration of the *established policy of protection*. Strong in the convictions and deeply seated in the affections of a large majority of the people of the United States, it stands self-vindicated in the general prosperity, in the rich fruits which it has scattered over the land, in the experience of all prosperous and powerful nations, present and past, and now in that of our own. Nor do I think it necessary to discuss that policy on this resolution. Other gentlemen may think

differently, and may choose to argue and assail it. If they do, I have no doubt that in all parts of the senate, members more competent than I am, will be ready to support and defend it. My object now is to limit myself to a presentation of certain views and principles connected with the present financial condition of the country.

A consideration of the state of the public revenue has become necessary in consequence of the near approach of the entire extinction of the public debt; and I concur with you, sir, in believing that no season could be more appropriate than the present session of congress, to endeavor to make a satisfactory adjustment of the tariff. The public debt chiefly arose out of the late war, justly denominated the second contest for national independence. An act, commonly called the sinking fund act, was passed by congress nearly fifteen years ago, providing for its reimbursement. That act was prepared by a friend of yours and mine, and proposed by him, whose premature death was not a loss merely to his native state, of which he was one of its brightest ornaments, but to the whole nation. No man with whom I ever had the honor to be associated in the legislative councils, combined more extensive and useful information, with more firmness of judgment, and blandness of manner, than did the lamented Mr. Lowndes. And when in the prime of life, by the dispensation of an all-wise Providence, he was taken from us, his country had reason to anticipate the greatest benefits from his wisdom and discretion. By that act an annual appropriation was made, of ten millions of dollars, towards the payment of the principal and interest of the public debt, and also any excess which might yearly be in the treasury, beyond two millions of dollars, which it was thought prudent to reserve for unforeseen exigences.

But this system of regular and periodical application of public revenue to the payment of the public debt, would have been unavailing if congress had neglected to provide the necessary ways and means. Congress did not, however, neglect the performance of that duty. By various acts, and more especially by the tariff of 1824—the abused tariff of 1824—the public coffers were amply replenished, and we have been enabled to reach our present proud eminence of financial prosperity. After congress had thus abundantly provided funds, and directed their systematical application, the duty remaining to be performed by the executive was one simply ministerial. And no executive, and no administration, can justly claim for itself any other merit in the discharge of the public debt, than that of a faithful execution of the laws; no other merit than that similar one to which it is entitled, for directing a regular payment of what is due from time to time to the army and navy, or to the officers of the civil government, for their salaries.

The operation of the sinking fund act commenced with the

commencement of Mr. Monroe's administration. During its continuance, of eight years, in consequence of the embarrassments of the treasury, the ten millions were not regularly applied to the payment of the debt, and upon the termination of that administration the treasury stood largely in arrear to the sinking fund. During the subsequent administration of four years, not only were the ten millions faithfully applied during each year, but those arrears were brought up, and all previous deficiencies made good. So that, when the present administration began, a plain, unincumbered, and well-defined path lay directly before it. Under the measures which have been devised in the short term of fifteen years, the government has paid nearly one hundred millions of principal, and about an equal sum of interest, leaving the small remnant behind, of twenty-four millions. Of that amount, thirteen millions consist of three per cent. stock, created by the act of 1790, which the government does not stand bound to redeem at any prescribed time, but which it may discharge whenever it may suit its own convenience, and when it is discharged it must be done by the payment of dollar for dollar. I cannot think, and I should suppose congress can hardly believe with the secretary of the treasury, that it would be wise to pay off a stock of thirteen millions, entitling its holders to but three per cent., with a capital of thirteen millions, worth an interest of six per cent. In other words, to take from the pockets of the people two dollars, to pay one in the hands of the stockholder.

The moral value of the payment of a national debt consists in the demonstration which it affords of the ability of a country to meet, and its integrity in fulfilling, all its engagements. That the resources of this country, increasing, as it constantly is, in population and wealth, are abundantly sufficient to meet any debt, which it may ever prudently contract, cannot be doubted. And its punctuality and probity, from the period of the assumption, in 1790, of the debt of the revolution, down to the present time, rest upon a solid and incontestable foundation. The danger is not, perhaps, that it will not fairly meet its engagements, but that, from an inordinate avidity, arising from temporary causes, it may bring discredit upon itself by improvident arrangement, which no prudent man, in the management of his private affairs, would ever think of adopting.

Of the residue of that twenty-four millions of debt, after deducting the thirteen millions of three per cent., less than two millions are *due*, and of *right* payable within the present year. If to that sum be added the moiety which becomes due on the thirty-first of December next, of the four million four hundred and fifty-four thousand seven hundred and twenty-seven dollars, created by the act of the twenty-sixth of May, 1824, we have but a sum of about four millions, which the public creditor can lawfully demand, or which the government is bound to pay in the

course of this year. If more is paid, it can only be done by anticipating the period of its payment, and going into the public market to purchase the stock. Can it be doubted that, if you do so, the vigilant holder of the stock, taking advantage of your anxiety, will demand a greater price than its value? Already we perceive, that the three per cent. have risen to the extraordinary height of ninety-six per cent. The difference between a payment of the inconsiderable portion remaining of the public debt in one, two, or three years, is certainly not so important as to justify a resort to highly disadvantageous terms.

Whoever may be entitled to the credit of the payment of the public debt, I congratulate you, sir, and the country, most cordially, that it is so near at hand. It is so nearly being totally extinguished, that we may now safely inquire whether, without prejudice to any established policy, we may not relieve the consumption of the country, by the repeal or reduction of duties, and curtail considerably the public revenue. In making this inquiry, the first question that presents itself is, whether it is expedient to preserve the existing duties in order to accumulate a *surplus* in the treasury, for the purpose of subsequent distribution among the several states. I think not. If the collection for the purpose of such a surplus is to be made from the pockets of one portion of the people, to be ultimately returned to the same pockets, the process would be attended with the certain loss arising from the charges of collection, and with the loss also of interest while the money is performing the unnecessary circuit, and it would therefore be unwise. If it is to be collected from one portion of the people and given to another, it would be unjust. If it is to be given to the states in their corporate capacity, to be used by them in their public expenditure, I know of no principle in the constitution that authorizes the federal government to become *such* a collector for the states, nor of any principle of safety or propriety which admits of the states becoming such recipients of gratuity from the general government.

The public revenue, then, should be regulated and adapted to the proper service of the general government. It should be ample; for a deficit in the public income, always to be deprecated, is sometimes attended, as we know well from history and from what has happened in our own time, with fatal consequences. In a country so rapidly growing as this is, with such diversified interests, new wants and unexpected calls upon the public treasury must frequently occur. Take some examples from this session. The state of Virginia has presented a claim for an amount but little short of a million, which she presses with an earnestness demonstrating her conviction of its justice. The state of South Carolina has also a claim for no inconsiderable sum, being upwards of one hundred thousand dollars, which she urges with equal earnestness. The gentleman from Pennsylvania (Mr. Wilkins) has brought forward a

claim arising out of French spoliations previous to the convention of 1800, which is perhaps not short of five millions, and to some extent I have no doubt it has a just foundation. In any provision of public revenue, congress ought so to fix it as to admit of the payment of honest and proper demands, which its justice cannot reject or evade.

I hope, too, that either in the adjustment of the public revenue, or what would be preferable, in the appropriation of the proceeds of the public lands, effectual and permanent provision will be made for *such internal improvements* as may be sanctioned by congress. This is due to the American people, and emphatically due to the *western people*. Sir, temporary causes may exact a reluctant acquiescence from the people of the west in the suspension of appropriations to objects of internal improvement, but as certain as you preside in that chair, or as the sun performs its diurnal revolution, they will not be satisfied with an abandonment of the policy. They will come here and tell you, not in a tone of menace or supplication, but in the language of conscious right, that they must share with you in the benefits, as they divide with you the burdens and the perils, of a common government. They will say that they have no direct interest in the expenditures for the navy, the fortifications, nor even the army, those greatest absorbents of the public treasure. That they are not indifferent, indeed, to the safety and prosperity of any part of our common country. On the contrary, that every portion of the republic is indirectly, at least, interested in the welfare of the whole, and that they ever sympathize in the distresses and rejoice in the happiness of the most distant quarter of the union. And to demonstrate that they are not careless or indifferent to interests not directly their own, they may proudly and triumphantly appeal to the gallant part which they bore in the late war, and point to the bloody fields on which some of their most patriotic sons nobly fell fighting in the common cause. But they will also say, that these paternal and just sentiments ought to be reciprocated by their Atlantic brethren. That these ought not to be indifferent to the welfare of the west, and that they have the same collateral or indirect interest in its success and advancement that the west has in theirs. That it does not ask internal improvements to be confined exclusively to itself, but that it may receive, in common with the rest of the union, a practical benefit in the only form compatible with its interior condition.

The appropriation of the proceeds of the public lands, or a considerable portion of them, to that object, would be a most natural and suitable disposition. And I do hope, sir, that that great resource will be cherished and dedicated to some national purpose, worthy of the republic. Utterly opposed as I trust congress will show itself to be, to all the mad and wild schemes—and to that latest, but maddest and wildest of all, recommended by the

secretary of the treasury — for squandering the public domain, I hope it will be preserved for the present generation and for posterity, as it has been received from our ancestors, a rich and bountiful inheritance. In these halcyon days of peace and plenty and an overflowing treasury, we appear to embarrass ourselves in devising visionary schemes for casting away the bounties with which the goodness of Providence has blessed us. But, sir, the storm of war will come when we know not, the day of trial and difficulty will assuredly come, and now is the time, by a prudent forecast, to husband our resources, and this, the greatest of them all. Let them not be hoarded and hugged with a miser's embrace, but liberally used. Let the public lands be administered in a generous spirit; and especially towards the states within which they are situated. Let the proceeds of the sales of the public lands be applied in a season of peace to some great object, and when war does come, by suspending that application of them during its continuance, you will be at once put in possession of means for its vigorous prosecution. More than twenty-five years ago, when first I took a seat in this body, I was told by the fathers of the government, that if we had any thing perfect in our institutions, it was the system for disposing of the public lands, and I was cautioned against rash innovations in it. Subsequent experience fully satisfied me of the wisdom of their counsels, and that all vital changes in it ought to be resisted.

Although it may be impracticable to say what the exact amount of the public revenue should be for the future, and what would be the precise produce of any given system of imports, we may safely assume that the revenue may now be reduced, and considerably reduced. This reduction may be effected in various ways and on different principles. Only three modes shall now be noticed.

First, to reduce duties on all articles in the same ratio, without regard to the principle of protection.

Second, to retain them on the unprotected articles, and augment them on the protected articles. And,

Third, to abolish and reduce the duties on unprotected articles, retaining and enforcing the faithful collection of those on the protected articles.

To the first mode there are insuperable objections. It would lead inevitably to the destruction of our home manufactures. It would establish a sort of bed of Procrustes, by which the duties on all articles should be blindly measured, without respect to their nature or the extent of their consumption. And it would be derogatory to every principle of theory or practice on which the government has hitherto proceeded.

The second would be still more objectionable to the foes of the tariff than either of the others. But it cannot be controverted, that, by augmenting considerably the duties on the protected class, so as

to carry them to the point, or near to the confines, of absolute prohibition, the object in view, of effecting the necessary reduction of the public revenue, may be accomplished without touching the duties on the unprotected class. The consequence of such an augmentation would be, a great diminution in the importation of the foregoing article, and of course in the duties upon it. But against entire prohibition, except perhaps in a few instances, I have been always and still am opposed. By leaving the door open to the foreign rival article, the benefit is secured of a salutary competition. If it be hermetically closed, the danger is incurred of monopoly.

The third mode is the most equitable and reasonable, and it presents an undebatable ground, on which I had hoped we all could safely tread without difficulty. It exacts no sacrifice of principle from the opponent of the *American system*, it comprehends none on the part of its friends. The measure before you embraces this mode. It is simple, and free from all complexity. It divides the whole subject of imports according to its nature. It settles at once what ought not to be disputed, and leaves to be settled hereafter, if necessary, what may be controverted.

A certain part of the south has hitherto complained, that it pays a disproportionate amount of the imports. If the complaint be well founded, by the adoption of this measure it will be relieved at once, as will be hereafter shown, from at least a fourth of its burdens. The measure is in conformity with the uniform practice of the government from its commencement, and with the professions of all the eminent politicians of the south until of late. It assumes the right of the government, in the assessment of duties, to discriminate between those articles which sound policy requires it to foster and those which it need not encourage. This has been the invariable principle on which the government has proceeded, from the act of congress of the fourth of July, 1789, down to the present time. And has it not been admitted by almost every prominent southern politician? Has it not even been acknowledged by the fathers of the free-trade church, in their late address promulgated from Philadelphia to the people of the United States? If we never had a system of foreign imports, and were now called upon for the first time to originate one, should we not discriminate between the objects of our own industry and those produced by foreigners? And is there any difference in its application between the modification of an existing system and the origination of a new one? If the gentlemen of the south, opposed to the tariff, were to obtain complete possession of the powers of government, would they hazard their exercise on any other principle? If it be said that *some* of the articles that would by this measure be liberated from duties, are luxuries, the remark is equally true of some of the articles remaining subject to duties. In the present advanced stage



of civilization and comfort, it is not easy to draw the line between luxuries and necessaries. It will be difficult to make the people believe that bohea tea is a luxury, and the article of fine broadcloth is a necessary, of life.

In stating that the duties on the protected class ought to be retained, it has been far from my wish to preclude inquiry into their adequacy or propriety. If it can be shown that in any instance they are excessive or disproportionately burdensome on any section of the union, for one I am ready to vote for their reduction, or modification. The system contemplates an *adequate* protection; beyond that it is not necessary to go. Short of that its operation will be injurious to all parties.

The people of this country, or a large majority of them, expect that the system will be preserved. And its abandonment would produce general surprise, spread desolation over the land, and occasion as great a shock as a declaration of war forthwith against the most powerful nation of Europe.

But if the system be preserved, it ought to be honestly, fairly, and faithfully enforced. That there do exist the most scandalous violations of it, and the grossest frauds upon the public revenue in regard to some of the most important articles, cannot be doubted. As to iron, objects really belonging to one denomination to which a higher duty is attached, are imported under another name, to which a lower duty is assigned, and thus the law is evaded. False invoices are made as to woollens, and the classifications into mininums is constantly eluded. The success of the American manufacture of cotton bagging has been such that, by furnishing a better and cheaper article, the bagging of Inverness and Dundee has been almost excluded from the consumption of the states bordering on the Mississippi and its tributaries. There has not yet been sufficient time to fabricate and transport the article in necessary quantities from the western states to the southern Atlantic states, which have therefore been almost exclusively supplied from the Scottish manufactories. The payment of the duty is evaded by the introduction of the foreign fabric, under the name of burlops, or some other mercantile phrase, and instead of paying five cents the square yard, it is entered with a duty of only fifteen per centum *ad valorem*. That this practice prevails is demonstrated by the treasury report of the duties accruing on cotton bagging for the years 1828, 1829-30. During the first year the amount was one hundred thirty-seven thousand five hundred and six dollars, the second, one hundred and six thousand and sixty-eight dollars, and the third it sank down to fourteen thousand one hundred and forty-one dollars.

The time has arrived when the inquiry ought to be seriously made, whether it be not practicable to arrest this illegitimate course of trade, and secure the faithful execution of the laws. No time

could be more suitable than that at which it is contemplated to make a great reduction of the public revenue. Two radical changes have presented themselves to my mind, and which I will now suggest for consideration and investigation. On such a subject, I would, however, seek from the mercantile community and practical men, all the light which they are so capable of affording, and should be reluctant to act on my own convictions, however strong.

The first is, to make a total change in the place of valuation. Now the valuation is made in foreign countries. We fix the duties, and we leave to foreigners to assess the value on articles paying *ad valorem* duties. That is, we prescribe the rule and leave its execution to the foreigner. This is an anomaly, I believe, peculiar to this country. It is evident that the amount of duty payable on a given article, subject to an *ad valorem* duty, may be effected as much by the fixation of the value, as by the specification of the duty. And, for all practical purposes, it would be just as safe to retain to ourselves the ascertainment of the value, and leave to the foreigner to prescribe the duty, as it is to reserve to ourselves the right to declare the duty and allow to him the privilege to assess the value.

The effect of this vicious condition of the law has been, to throw almost the whole import trade of the country, as to some important articles, into the hands of the foreigner. I have been informed that seven eighths of the importation of woollens into the port of New York, where more is received than in all the other ports of the United States together, are in his hands. This has not proceeded from any want of enterprise, intelligence, or capital, on the part of the American merchant; for in these particulars he is surpassed by the merchant of no country. It has resulted from his probity, his character, and his respect to the laws and institutions of his country—a respect which does not influence the foreigner. I am aware that it is made, by law, the duty of the appraiser to ascertain the value of the goods in certain cases. But what is his chief guide. It is the foreign invoice, made by whom he knows not; certainly by no person responsible to our laws. And if its fairness be contested, they will bring you cart-loads of certificates and affidavits, from unknown persons, to verify its exactness and the first cost of the article.

Now, sir, it seems to me that this is a state of things to which we should promptly apply an efficient remedy; and no other appears to me but that of taking into our own hands both parts of the operation—the ascertainment of the value as well as the duty to be paid on the goods. If it be said that we might have in different ports different rules, the answer is, that there could be no diversity greater than that to which we are liable, from the fact of the valuation being now made in all the ports of foreign countries.

from which we make our importations. And that it is better to have the valuations made by persons responsible to our own government, and regulated by one head, than by unknown foreigners, standing under no responsibility whatever to us. The other change to which I allude, is, to reduce the credits allowed for the payment of duties, and to render them uniform. It would be better, if not injurious to commerce, to abolish them altogether. Now we have various periods of credit, graduated according to the distance of the foreign port, and the nature of the trade. These credits operate as so much capital, on which the foreign merchant can sometimes make several adventures, before the day of payment arrives. There is no reciprocal advantage afforded to the American merchant, I believe, in any foreign port. As we shall probably abolish, or greatly reduce the duties on all articles imported beyond the cape of Good Hope, on which the longest credits are allowed, the moment would seem to be propitious for restricting the other credits in such manner, that while they afforded a reasonable facility to the merchant, they should not supply the foreigner, at the instance of the public, with capital for his mercantile operations. If the laws can be strictly enforced, and some such alterations as have been suggested can be carried into effect, it is quite probable that a satisfactory reduction may be made, on some of the articles falling within the system of protection. And without impairing its principle, other modes of relief may probably be devised to some of those interests upon which it is suffered to press most heavily.

There remains one view to present to the senate, in respect to the amount of reduction of the revenue which will be produced by the proposed measure, if adopted, and its influence upon the payment of the public debt within the time suggested by the secretary of the treasury. The estimate which I have made of that amount, is founded upon treasury returns prior to the late reduction of duties on tea, coffee, and cocoa. Supposing the duties on wines and silks to be reduced as low as I think they may be, the total amount of revenue with which the proposed measure will dispense, will be about seven millions of dollars. The secretary of the treasury estimates the receipts of the present year, from all sources, at thirty million one hundred thousand dollars; and he supposes those of the next year will be of an equal amount. He acknowledges that the past year has been one of extraordinary commercial activity, but on what principles does he anticipate that the present will also be? The history of our commerce demonstrates that it alternates, and that a year of intemperate speculation, is usually followed by one of more guarded importation. That the importations of the last year have been excessive, I believe is generally confessed, and is demonstrated by two unerring facts. The first is, that the imports have exceeded the

exports, by about seventeen millions of dollars. Whatever may be the qualifications to which the theory of the balance of trade may be liable, it may be safely affirmed, that when the aggregate of the importations from all foreign countries exceeds the aggregate of the exportations to all foreign countries, considerably, the unfavorable balance must be made up by a remittance of the precious metals to some extent. Accordingly we find the existence of the other fact to which I allude, the high price of bills of exchange on England. It is, therefore, fairly to be anticipated, that the duties accruing this year will be less in amount than those of the past year. And I think it would be unwise to rely upon our present information, as to the income of either of these two years, as furnishing a safe guide for the future. The years 1829-30 will supply a surer criterion. There is a remarkable coincidence in the amount of the receipts into the treasury during those two years, it having been the first, from all sources, twenty-four million eight hundred and twenty-seven thousand six hundred and twenty-seven dollars and thirty-eight cents, and the second, twenty-four million eight hundred and forty-four thousand one hundred and sixteen dollars and fifty-one cents, differing only about seventeen thousand dollars.

The mode recommended by the secretary for the modification of the tariff is, to reduce no part of the duties on the unprotected articles prior to March, 1833, and then to retain a considerable portion of them. And as to the protected class, he would make a gradual but prospective reduction of the duties. The effect of this would be, to destroy the protecting system, by a slow but certain poison. The object being to reduce the revenue, every descending degree in the scale of his plan of gradual reduction, by letting in more of the foreign article to displace the domestic rival fabric, would increase the revenue, and create the necessity for further and further reduction of duties, until they would be carried so low as to end in the entire subversion of the system of protection.

For the reasons which have been assigned, it would, I think, be unwise in congress at this time to assume for the future, that there would be a greater amount of net annual revenue from all sources, including the public lands, than twenty-five millions of dollars. Deducting from that sum the amount of seven millions of dollars, which it has been supposed ought to be subtracted, if the resolution before you should be adopted, there would remain eighteen millions of dollars, as the probable revenue for future years. This includes the sum of three millions of dollars, estimated as the future annual receipt from the sale of the public lands—an estimate which I presume will be demonstrated by experience to be much too large.

If a reduction so large as seven millions be made at this session, and if the necessary measures be also adopted to detect and punish frauds, and insure a faithful execution of the laws, we may safely

make a temporary pause, and await the development of the effect of these arrangements upon the revenue. That the authority of the laws should be vindicated, all ought to agree. Now the fraudulent importer, after an exposure of his fraud, by a most strange treasury construction of the law, (made, I understand, however, not by the present secretary,) eludes all punishment, and is only required to pay those very duties which he was originally bound for, but which he dishonestly sought to evade. Other measures, with a view to a further reduction of the revenue, may be adopted. In some instances there might be an augmentation of duties for that purpose. I will mention the article of foreign distilled spirits. In no other country upon earth is there so much of the foreign article imported, as in this. The duties ought to be doubled, and the revenue thereby further reduced from six hundred thousand, to a million of dollars. The public morals, the grain-growing country, the fruit-raising and the cane-planting country, would be all benefited by rendering the duty prohibitory. I have not proposed the measure, because it ought to originate, perhaps, in the other house.

That the measure which I have proposed may be adopted, without interfering with the plan of the secretary of the treasury for the payment of the public debt by the fourth of March next, I will now proceed to show. The secretary estimates that the receipts of the present year, after meeting all other just engagements, will leave a surplus of fourteen millions of dollars, applicable to the payment of the principal of the debt. With this sum, eight millions of dollars, which he proposes to derive from the sale of the bank stock, and two millions of dollars, which he would anticipate from the revenue of the next year, he suggests that the whole of the debt remaining, may be discharged by the time indicated. The fourteen millions, I understand, (although on this subject the report is not perfectly explicit,) are receipts anticipated this year, from duties which *accrued* last year. If this be the secretary's meaning, it is evident that he wants no part of the duties which may accrue during the current year, to execute his plan. But if his meaning be, that the fourteen millions will be composed, in part, of duties *accruing and payable* within the present year, then the measure proposed might prevent the payment of the whole of the remnant of the debt by the exact day which has been stated. If, however, the entire seven millions embraced by the resolution on your table were subtracted from the fourteen, it would still leave him seven millions, besides the bank stock to be applied to the debt, and that, of itself, would be three millions more than can be properly applied to the object in the course of this year, as I have already endeavored to show.

I came here, sir, most anxiously desiring that an arrangement of the public revenue should be made, which, without sacrificing any of the great interests of the country, would reconcile and

satisfy all its parts. I thought I perceived, in the class of objects not produced within the country, a field on which we could all enter, in a true and genuine spirit of compromise and harmony, and agree upon an amicable adjustment. Why should it not be done? Why should those who are opposed to the American system, demand of its friends an unconditional surrender? Our common object should be, so to reduce the public revenue as to relieve the burdens of the people, if the people of this country can be truly said to be burdened. The government *must* have a certain amount of revenue, and that amount must be collected from the imports. Is it material to the consumer, wherever situated, whether the collection be made upon a few, or many objects, provided, whatever be the mode, the amount of his contribution to the public exchequer remains the same? If the assessment can be made on objects which will greatly benefit large portions of the union, without injury to him, why should he object to the selection of those objects? Yes, sir, I came here in a spirit of warm attachment to all parts of our beloved country, with a lively solicitude to restore and preserve its harmony, and with a firm determination to pour oil and balm into existing wounds, rather than further to lacerate them. For the truth and sincerity of these declarations, I appeal to Him whom none can deceive. I expected, to be met by corresponding dispositions, and hoped that our deliberations, guided by fraternal sentiments and feelings, would terminate in diffusing contentment and satisfaction throughout the land. And that such may be the spirit presiding over them, and such **their** issue, I yet most fervently hope.

## ON THE NOMINATION OF MR. VAN BUREN AS MINISTER TO GREAT BRITAIN.

IN SECRET SESSION IN THE U. S. SENATE, JANUARY 24, 1832.

[In April, 1831, a rupture in the cabinet of president Jackson terminated in the resignation of the four secretaries, and the attorney general. Among them was Mr. Martin Van Buren, who resigned the office of secretary of state, which he had held a little over two years. General Jackson soon afterwards appointed Mr. Van Buren minister to Great Britain, and he took his departure for London during the recess of the senate; of course, before the nomination could be submitted to that body, for their action. At the ensuing session of congress, the president sent in his name to the senate, and the subject was as usual acted upon in secret session, but the injunction of secrecy was afterwards removed, which enables us to give Mr. Clay's brief but pointed remarks on the occasion. The principal ground of opposition to the confirmation of the nomination, was, that Mr. Van Buren, while secretary of state, in July, 1829, had instructed Mr. McLane, then minister to Great Britain, to represent to the British government that a change of administration in the United States had produced a change of policy; thus bringing our party politics into our negotiations with a foreign power. The senate, therefore, rebuked Mr. Van Buren and the president, by rejecting his nomination on this occasion, by an equal vote of the senators, and the casting vote of the vice-president (Mr. Calhoun).

MR. PRESIDENT,

I regret that I find myself utterly unable to reconcile with the duty I owe to my country a vote in favor of this nomination. I regret it, because in all the past strife of party the relations of ordinary civility and courtesy were never interrupted between the gentleman whose name is before us and myself. But I regard my obligations to the people of the United States, and to the honor and character of their government, as paramount to every private consideration. There was no necessity known to us for the departure of this gentleman from the United States, prior to the submission of his name to the senate. Great Britain was represented here by a diplomatic agent, having no higher rank than that of a *chargé des affaires*. We were represented in England by one of equal rank; one who had shed lustre upon his country by his high literary character, and of whom it may be justly said, that in no respect was he inferior to the gentleman before us. Although I shall not controvert the right of the president, in an extraordinary case, to send abroad a public minister without the advice and

consent of the senate, I do not admit that it ever ought to be done without the existence of some special cause, to be communicated to the senate. We have received no communication of the existence of any such special cause. This view of the matter might not have been sufficient alone to justify a rejection of this nomination; but it is sufficient to authorize us to examine the subject with as perfect freedom as we could have done if the minister had remained in the United States, and awaited the decision of the senate. I consider myself, therefore, not committed by the separate and unadvised act of the president in despatching Mr. Van Buren in the vacation of the senate, and not a very long time before it was to assemble.

My main objection to the confirmation of his appointment arises out of his instructions to the late minister of the United States at the court of Great Britain. The attention of the senate has been already called to parts of those instructions, but there are other parts of them, in my opinion, highly reprehensible. Speaking of the colonial question, he says, 'in reviewing the events which have preceded, and more or less contributed, to a result so much to be regretted, there will be found three grounds, on which we are most *assailable*. First, in our *too long* and *too tenaciously* resisting the *right* of Great Britain to impose protecting duties in her colonies.' \* \* \* \* 'And, thirdly, in omitting to accept the terms offered by the act of parliament of July, 1825, after the subject had been brought before congress, and deliberately acted upon by our government. \* \* \* \* You will, therefore, see the propriety of possessing yourself of all the explanatory and *mitigating* circumstances connected with them, that you may be enabled to obviate, as far as practicable, the unfavorable impression which they have produced.' And after reproaching the late administration with setting up *claims* for the *first* time, which they *explicitly* abandoned, he says, in conclusion, 'I will add nothing as to the impropriety of suffering any *feelings*, that find their origin in the past *pretensions* of this government, to have adverse influence upon the present conduct of Great Britain.'

On our side, according to Mr. Van Buren, all was wrong; on the British side, all was right. We brought forward nothing but *claims* and *pretensions*. The British government asserted, on the other hand, a clear and incontestable *right*. We erred in too tenaciously and too long insisting upon our *pretensions*, and not yielding at once to the force of their *just* demands. And Mr. McLane was commanded to avail himself of all the circumstances in his power to *mitigate* our *offence*, and to dissuade the British government from allowing their feelings, justly incurred by the past conduct of the party driven from power, to have an adverse influence towards the American party now in power. Sir, was this becoming language from one independent nation to another?



Was it proper, in the mouth of an American minister? Was it in conformity with the high, unsullied, and dignified character of our previous diplomacy? Was it not, on the contrary, the language of an humble vassal to a proud and haughty lord? Was it not prostrating and degrading the American eagle before the British lion?

Let us examine a little those *pretensions* which the American government so unjustly put forward, and so pertinaciously maintain. The American government contended, that the produce of the United States ought to be admitted into the British West Indies, on the same terms as similar produce of the British American continental possessions; that without this equality our produce could not maintain in the British West Indies a fair competition with the produce of Canada, and that British preference given to the Canadian produce in the West Indies would draw from the western part of New York, and the northern part of Ohio, American produce into Canada, aggrandizing Montreal and Quebec, and giving employment to British shipping, to the prejudice of the canals of New York, the port of New York, and American shipping.

This was the offence of the American government, and we are at this moment realizing the evils which it foresaw. Our produce is passing into Canada, enriching her capitals, and nourishing British navigation. Our own wheat is transported from the western part of New York into Canada, there manufactured, and then transported in British ships in the form of Canadian flour. We are thus deprived of the privilege even of manufacturing our own grain. And when the produce of the United States, shipped from the Atlantic ports, arrives at the British West Indies, it is unable, in consequence of the heavy duties with which most of it is burdened, to sustain a competition with British or colonial produce, freely admitted.

The general rule may be admitted, that every nation has a right to favor its own productions, by protecting duties, or other regulations; but, like all general rules, it must have its exceptions. And the relation in which Great Britain stands to her continental and West India colonies, from which she is separated by a vast sea, and the relations in which the United States stand to those colonies, some of which are in juxtaposition with them, constitute a fit case for such an exception.

It is true, that the late administration did authorize Mr. Gallatin to treat with Great Britain on the basis of the rule which has been stated, but it was with the express understanding, that some competent provision should be made in the treaty to guard against the British monopoly of the transportation of our own produce passing through Canada. Mr. Gallatin was informed, 'that the United States consent to the demand which they have heretofore

made of the admission of their productions into British colonies, at the same and no higher rate of duty as similar productions are chargeable with when imported from one into another British colony, *with the exception of our produce descending the St. Lawrence and the Sorell?*

There was no abandonment of our right, no condemnation of the previous conduct of our government, no humiliating admission, that we had put forth and too tenaciously clung to unsustainable pretensions, and that Great Britain had all along been in the right. We only forebore for the present to assert a *right*, leaving ourselves at liberty subsequently to resume it. What Mr. Gallatin was authorized to do was, to make a temporary concession, and it was proposed with this preliminary annunciation. 'But, notwithstanding on a full consideration of the whole subject, the president, anxious to give a strong proof to Great Britain of the desire of the government of the United States to arrange this long *contested* matter of the colonial intercourse in a manner mutually satisfactory, authorizes you,' &c. And Mr. Gallatin was required 'to endeavor to make a lively impression on the British government of the conciliatory spirit of that of the United States, which has dictated the present liberal offer, and of their expectation to meet, in the progress of the negotiations, with a corresponding friendly disposition.'

Now, sir, keeping sight of the object which the late secretary of state had in view, the opening of the trade with the British colonies, which was the best mode to accomplish it—to send our minister to prostrate himself as a suppliant before the British throne, and to say to the British king, we have offended your majesty! the late American administration brought forward *pretensions* which we cannot sustain, and they too *long* and too *tenaciously* adhered to them! your majesty was always in the right; but we hope that your majesty will be graciously pleased to recollect, that it was not we who are now in possession of the American power, but those who have been expelled from it, that wronged your majesty, and that we, when out of power, were on the side of your majesty; and we do humbly pray, that your majesty, taking all mitigating circumstances into consideration, will graciously condescend to extend to us the privileges of the British act of parliament of 1825, and to grant us the boon of a trade with your majesty's West India colonies—or to have presented himself before the British monarch in the manly and dignified attitude of a minister of this republic, and, abstaining from all condemnation or animadversion upon the past conduct of *his own* government, to have placed the withdrawal of our former demand upon the ground of concession in a spirit of amity and compromise?

But the late secretary of state, the appointed organ of the American people to vindicate their rights with all foreign powers, and to

expose the injustice of any unfounded demands which they might assert, was not content to exert his own ingenuity to put his own country in the wrong, and the British government in the right. He endeavored to attach to the late administration the discredit of bringing forward unfounded *pretensions*, and by disclaiming them, to propitiate the favor of the British king. He says, that the views of the present administration upon the subject of the colonial trade 'have been submitted to the people of the United States, and the counsels by which your conduct is now directed are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient, that the claims set up by *them*, and what caused the interruption of the trade in question, have been explicitly abandoned by those who *first* asserted them, and are not revived by their successors.' The late secretary of state — the gentleman under consideration — here makes the statement, that the late administration were the *first* to set up the claims to which he refers. Now, under all the high responsibility which belongs to the seat which I occupy, I deliberately pronounce that this statement is untrue, and that the late secretary either must have known it to be untrue, or he was culpably negligent of his duty in not ascertaining what had been done under prior administrations. I repeat the charge, the statement must have been known to be untrue, or there was culpable negligence. If it were material, I believe it could be shown, that the claim in question — the right to the admission into the British West Indies of the produce of the United States upon an equal footing with similar produce of the British continental colonies — is coeval with the existence of our present constitution, and that whenever the occasion arose for asserting the claim, it was asserted. But I shall go no further back than to Mr. Madison's administration. Mr. Monroe, the then secretary of state, instructed our then minister at London upon this subject. He negotiated with lord Castlereagh in respect to it, and this very claim prevented an adjustment at that time of the colonial question. It was again brought forward under Mr. Monroe's administration, when Mr. Rush was our minister at London. He opened a long and protracted negotiation upon this and other topics, which was *suspended* in the summer of 1824, principally because the parties could not agree on any satisfactory arrangement of this very colonial question.

Thus, at least, two administrations prior to that of Mr. Adams's had brought forward this identical claim or *pretension*, which his was the *first* to assert, according to the late secretary of state.

The next charge which the late secretary of state — the official defender of the rights of the American people — preferred against his own government, was that of 'omitting to accept the terms offered by the act of parliament, of July, 1825, after the subject had been *brought* before congress, and deliberately acted upon by

our government.' Never was there a more unfounded charge brought forward by any native against *his own* government, and never was there a more unwarranted apology set up for a foreign government; and a plain, historical narrative, will demonstrate the truth of both these propositions.

It has been already stated, that the negotiations of Mr. Rush, *embracing the precise colonial claim under consideration, was suspended* in 1824, with an understanding between the two governments, that it was to be resumed on *all points*, at some future convenient period. Early in July, 1825, neither government having then proposed a resumption of the negotiation, the British parliament passed an act to regulate the colonial trade with foreign powers. This act was never, during the late administration, either at London or Washington, officially communicated by the British to the American government, and we only obtained it through other channels. Now if it had been the purpose of the British government, by the passage of that act, to withdraw the colonial question from the negotiation, it ought to have communicated that purpose to this government, and at the same time, the act of parliament, as supplanting and substituting the negotiation. But it never did communicate such purpose. The act itself did not specifically embrace the United States, and offered terms, which, upon the face of the act, it was impossible for the United States to accede to. It required, for example, that, to entitle powers not possessing colonies, to the benefit of the act, they must place the navigation and commerce of Great Britain upon the footing of the most *favoured* nations. To have done this, would have admitted British shipping to import into the United States, on the same conditions with native shipping, the productions of any quarter of the globe, *without a reciprocal liberty, on the part of the shipping of the United States, in British ports.* The act itself was differently construed, in different colonial ports of Great Britain, and an order of the local government of Halifax, closing that port against our vessels from the fifth of January, was subsequently revoked, thereby confirming the impression, that the act of parliament was not intended to dispense with the previous negotiation. And to conclude this part of the narrative, as late as the twentieth of October, 1826, Mr. Vaughan, the British minister, upon being interrogated by the then secretary of state, was totally uninstructed to afford any information, as to the meaning or intent of the act of July, 1825.

Meantime, in March, more than six months after the passage of the act of parliament, Mr. Vaughan notified the department of state, that he had 'received instructions from his majesty's government, to acquaint you that it is *preparing* to proceed to the important *negotiations* between that country and the United States, now placed in the hands of the American minister, in London.' \* \* \*

‘The negotiations will therefore be forthwith resumed.’ \* \* \* Here the *negotiations* were spoken of without exception of the colonial question, the most important of them. If it had been intended to withdraw that, no time could have been more suitable to announce that intention, but no such annunciation was made. Mr. Vaughan was informed, that we also would prepare for the negotiation, (including, of course, the colonial question,) and Mr. Gallatin was accordingly shortly after sent out, with full powers and instructions, amicably to settle that question. On his arrival in England, in the summer of 1826, he was told by the British government, that they would not negotiate on the colonial question; that they had made up their mind, from the passage of the act of July, 1825, not to negotiate about it; and he was informed by the sarcastic Mr. Canning, that as we had failed to accept the *boon* which the British government had then offered, we were then too late!

Such is the state of the case on which the late secretary of state so authoritatively pronounces judgment against his own government, for ‘*omitting to accept* the terms offered by the act of parliament, of July, 1825!’ He adds, indeed, ‘after the subject had been brought before congress, and deliberately acted upon by our government.’ It was brought before congress in the session of 1825-6, not at the instance of the American executive, but upon the spontaneous and ill-judged motion of the gentleman from Maryland, (Mr. Smith), and Mr. Gallatin was informed that if the bill proposed by that gentleman had been passed, it would have been unsatisfactory to the British government.

I have another objection to this nomination. I believe, upon circumstances which satisfy my mind, that to this gentleman is principally to be ascribed the introduction of the odious system of proscription, for the exercise of the elective franchise, in the government of the United States. I understand that it is the system on which the party in his own state, of which he is the reputed head, constantly acts. He was among the first of the secretaries, to apply that system to the dismissal of clerks in his department, known to me to be highly meritorious, and among them one who is now a representative in the other house. It is a detestable system, drawn from the worst periods of the Roman republic, and if it were to be perpetuated—if the offices, honors, and dignities of the people were to be put up to a scramble, and to be decided by the results of every presidential election—our government and institutions, becoming intolerable, would finally end in a despotism as inexorable as that at Constantinople.

Sir, the necessity under which we are placed is painful. But it is no fault of the senate, whose consent and advice are required by the constitution, to consummate this appointment, that the minister has been sent out of the United States, without their concurrence

I hope that the public will not be prejudiced by his rejection, if he should be rejected. And I feel perfectly assured, that if the government to which he has been deputed, shall learn that he has been rejected, because he has *there*, by his instructions to Mr. McLane, stained the character of our country, the moral effect of our decision will greatly outweigh any advantages to be derived from *his* negotiations, whatever they may have been intended to be.

**END OF VOLUME FIRST.**

THE  
LIFE AND SPEECHES  
OF THE  
HON. HENRY CLAY.

COMPILED AND EDITED BY DANIEL MALLORY.

EMBRACING AN EPITOME OF

THE COMPROMISE MEASURES.

AND A FULL REPORT OF

*The Obituary Addresses and Funeral Sermon,*

DELIVERED IN THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES

VOLUME II.

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# S P E E C H E S .

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## IN DEFENCE OF THE AMERICAN SYSTEM.

IN THE SENATE OF THE UNITED STATES, FEB. 2D, 3D, AND 6TH, 1832

[DURING the session of congress in 1832, in consequence of the violent opposition to the protective tariff then in operation, by South Carolina and other southern states, various propositions were introduced for the reduction of duties on imported articles, which finally resulted in the passage of a new tariff law, in July, 1832. This bill, which was reported in the house of representatives by Mr. John Quincy Adams, although it was voted for by many southern members, on the ground of its being a reduction of the former scale of duties, was not satisfactory to them, and the controversy on the subject of the tariff was not settled until the following year, when Mr. Clay's compromise bill was adopted, providing for a gradual diminution of the tariff of 1832.

In the following speech, Mr. Clay, in reply to Mr. Hayne, of South Carolina, and others, enters into a minute and careful examination of the American system, and its effects on the interests of the country; defending, with his usual skill and eloquence, the doctrine of protection to domestic industry. This effort adds another monument to his wisdom and fame, which will, we believe, be referred to by statesmen, who seek the true interests of the country, through all future ages of the republic.

The resolution offered by Mr. Clay in January, proposing a reduction of duties on certain imported articles not coming in competition with our manufactures, which he had supported in the foregoing speech of January eleventh, was still under consideration.]

In one sentiment, Mr. President, expressed by the honorable gentleman from South Carolina (general Hayne), though perhaps not in the sense intended by him, I entirely concur. I agree with him, that the decision on the system of policy embraced in this debate, involves the future destiny of this growing country. One way, I verily believe, it would lead to deep and general distress, general bankruptcy, and national ruin, without benefit to any part of the union; the other, the existing prosperity will be preserved and augmented, and the nation will continue rapidly to advance in wealth, power, and greatness, without prejudice to any section of the confederacy.

Thus viewing the question, I stand here as the humble but zealous advocate, not of the interests of one state, or seven states only, but of the whole union. And never before have I felt, more intensely, the overpowering weight of that share of responsibility which belongs to me in these deliberations. Never before have I had more occasion than I now have, to lament my want of those intellectual powers, the possession of which might enable me to unfold to this senate and to illustrate to this people great truths, intimately connected with the lasting welfare of my country. I should, indeed, sink overwhelmed and subdued beneath the appalling magnitude of the task which lies before me, if I did not feel myself sustained and fortified by a thorough consciousness of the justness of the cause which I have espoused, and by a persuasion, I hope not presumptuous, that it has the approbation of that Providence who has so often smiled upon these United States.

Eight years ago, it was my painful duty to present to the other house of congress an unexaggerated picture of the general distress pervading the whole land. We must all yet remember some of its frightful features. We all know that the people were then oppressed, and borne down by an enormous load of debt; that the value of property was at the lowest point of depression; that ruinous sales and sacrifices were every where made of real estate; that stop laws, and relief laws, and paper money were adopted, to save the people from impending destruction; that a deficit in the public revenue existed, which compelled government to seize upon, and divert from its legitimate object, the appropriations to the sinking fund, to redeem the national debt; and that our commerce and navigation were threatened with a complete paralysis. In short, sir, if I were to select any term of seven years since the adoption of the present constitution which exhibited a scene of the most wide-spread dismay and desolation, it would be exactly that term of seven years which immediately preceded the establishment of the tariff of 1824.

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 of 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 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.

This transformation of the condition of the country from gloom and distress to brightness and prosperity, has been mainly the work of American legislation, fostering American industry, instead of allowing it to be controlled by foreign legislation, cherishing foreign industry. The foes of the American system, in 1824, with great boldness and confidence, predicted, first, the ruin of the public revenue, and the creation of a necessity to resort to direct taxation; the gentleman from South Carolina (general Hayne), I believe, thought that the tariff of 1824 would operate a reduction of revenue to the large amount of eight millions of dollars; secondly, the destruction of our navigation; thirdly, the desolation of commercial cities; and, fourthly, the augmentation of the price of objects of consumption, and further decline in that of the articles of our exports. Every prediction which they made has failed, utterly failed. Instead of the ruin of the public revenue, with which they then sought to deter us from the adoption of the American system, we are now threatened with its subversion, by the vast amount of the public revenue produced by that system. Every branch of our navigation has increased. As to the desolation of our cities, let us take, as an example, the condition of the largest and most commercial of all of them, the great northern capital. I have, in my hands, the assessed value of real estate in the city of New York, from 1817 to 1831. This value is canvassed, contested, scrutinized, and adjudged, by the proper sworn authorities. It is, therefore, entitled to full credence. During the first term, commencing with 1817, and ending in the year of the passage of the tariff of 1824, the amount of the value of real estate was, the first year, fifty-seven million seven hundred and ninety-nine thousand four hundred and thirty-five dollars, and, after various fluctuations in the intermediate period, it settled down at fifty-two million nineteen thousand seven hundred and thirty dollars, exhibiting a decrease, in seven years, of five million seven hundred and seventy-nine thousand seven hundred and five dollars. During the first year, of 1825, after the passage of the tariff, it rose, and, gradually ascending throughout the whole of the latter period of seven years, it finally, in 1831, reached the astonishing height of ninety-

five million seven hundred and sixteen thousand four hundred and eighty-five dollars! Now, if it be said, that this rapid growth of the city of New York was the effect of *foreign commerce*, then it was not correctly predicted, in 1824, that the tariff would destroy foreign commerce, and desolate our commercial cities. If, on the contrary, it be the effect of internal trade, then internal trade cannot be justly chargeable with the evil consequences imputed to it. The truth is, it is the joint effect of both principles, the domestic industry nourishing the foreign trade, and the foreign commerce in turn nourishing the domestic industry. Nowhere more than in New York is the combination of both principles so completely developed. In the progress of my argument, I will consider the effect upon the price of commodities produced by the American system, and show that the very reverse of the prediction of its foes, in 1824, actually happened.

Whilst we thus behold the entire failure of all that was foretold against the system, it is a subject of just felicitation to its friends, that all their anticipations of its benefits have been fulfilled, or are in progress of fulfilment. The honorable gentleman from South Carolina has made an allusion to a speech made by me, in 1824, in the other house, in support of the tariff, and to which, otherwise, I should not have particularly referred. But I would ask any one, who can now command the courage to peruse that long production, what principle there laid down is not true? what prediction then made has been falsified by practical experience?

It is now proposed to abolish the system, to which we owe so much of the public prosperity, and it is urged that the arrival of the period of the redemption of the public debt has been confidently looked to as presenting a suitable occasion to rid the country of the evils with which the system is alleged to be fraught. Not an inattentive observer of passing events, I have been aware that, among those who were most early pressing the payment of the public debt, and, upon that ground, were opposing appropriations to other great interests, there were some who cared less about the debt than the accomplishment of other objects. But the people of the United States have not coupled the payment of *their* public debt with the destruction of the protection of *their* industry, against foreign laws and foreign industry. They have been accustomed to regard the extinction of the public debt as relief from a burden, and not as the infliction of a curse. If it is to be attended or followed by the subversion of the American system, and an exposure of our establishments and our productions to the unguarded consequences of the selfish policy of foreign powers, the payment of the public debt will be the bitterest of curses. Its fruit will be like the fruit

‘Of that forbidden tree, whose mortal taste  
Brought death into the world, and all our woe,  
With loss of Eden.’

If the system of protection be founded on principles erroneous in theory, pernicious in practice, above all, if it be unconstitutional, as is alleged, it ought to be forthwith abolished, and not a vestige of it suffered to remain. But, before we sanction this sweeping denunciation, let us look a little at this system, its magnitude, its ramifications, its duration, and the high authorities which have sustained it. We shall see that its foes will have accomplished comparatively nothing, after having achieved their present aim of breaking down our iron-founderies, our woollen, cotton, and hemp manufactories, and our sugar-plantations. The destruction of these would, undoubtedly, lead to the sacrifice of immense capital, the ruin of many thousands of our fellow-citizens, and incalculable loss to the whole community. But their prostration would not disfigure nor produce greater effect upon the *whole* system of protection, in all its branches, than the destruction of the beautiful domes upon the capitol would occasion to the magnificent edifice which they surmount. Why, sir, there is scarcely an interest, scarcely a vocation in society, which is not embraced by the beneficence of this system.

It comprehends our coasting tonnage and trade, from which all foreign tonnage is absolutely excluded.

It includes all our foreign tonnage, with the inconsiderable exception made by treaties of reciprocity with a few foreign powers.

It embraces our fisheries, and all our hardy and enterprising fishermen.

It extends to almost every mechanic art — to tanners, cordwainers, tailors, cabinet-makers, hatters, tinners, brass-workers, clock-makers, coach-makers, tallow-chandlers, trace-makers, rope-makers, cork-cutters, tobacconists, whip-makers, paper-makers, umbrella-makers, glass-blowers, stocking-weavers, butter-makers, saddle and harness-makers, cutlers, brush-makers, book-binders, dairy-men, milk-farmers, black-smiths, type-founders, musical instrument-makers, basket-makers, milliners, potters, chocolate-makers, floor-cloth-makers, bonnet-makers, hair-cloth-makers, copper-smiths, pencil-makers, bellows-makers, pocket-book-makers, card-makers, glue-makers, mustard-makers, lumber-sawyers, saw-makers, scale-beam-makers, sith-makers, wood-saw-makers, and many others. The mechanics enumerated, enjoy a measure of protection adapted to their several conditions, varying from twenty to fifty per cent. The extent and importance of some of these artisans, may be estimated by a few particulars. The tanners, curriers, boot and shoe makers, and other workers in hides, skins, and leather, produce an ultimate value per annum of forty millions of dollars; the manufacturers of hats and caps, produce an annual value of fifteen millions; the cabinet-makers, twelve millions; the manufacturers of bonnets and hats for the female sex, lace, artificial flowers, combs, and so forth, seven millions; and the manufacturers of glass, five millions.

It extends to all lower Louisiana, the delta of which might as well be submerged again in the Gulf of Mexico, from which it has been a gradual conquest, as now to be deprived of the protecting duty upon its great staple.

It affects the cotton-planter\* himself, and the tobacco-planter, both of whom enjoy protection.

The total amount of the capital vested in sheep, the land to sustain them, wool, woollen manufactures, and woollen fabrics, and the subsistence of the various persons directly or indirectly employed in the growth and manufacture of the article of wool, is estimated at one hundred and sixty-seven millions of dollars, and the number of persons at one hundred and fifty thousand.

The value of iron, considered as a raw material, and of its manufactures, is estimated at twenty-six millions of dollars per annum. Cotton goods, exclusive of the capital vested in the manufacture, and of the cost of the raw material, are believed to amount, annually, to about twenty millions of dollars.

These estimates have been carefully made, by practical men of undoubted character, who have brought together and embodied their information. Anxious to avoid the charge of exaggeration, they have sometimes placed their estimates below what was believed to be the actual amount of these interests. With regard to the quantity of bar and other iron annually produced, it is derived from the known works themselves; and I know some in western states which they have omitted in their calculations.

Such are some of the items of this vast system of protection, which it is now proposed to abandon. We might well pause and contemplate, if human imagination could conceive the extent of mischief and ruin from its total overthrow, before we proceed to the work of destruction. Its duration is worthy also of serious consideration. Not to go behind the constitution, its date is coeval with that instrument. It began on the ever-memorable fourth day of July—the fourth day of July, 1789. The second act which stands recorded in the statute-book, bearing the illustrious signature of George Washington, laid the corner-stone of the whole system. That there might be no mistake about the matter, it was then solemnly proclaimed to the American people and to the world, that it was *necessary* for ‘the encouragement and *protection* of manufactures,’ that duties should be laid. It is in vain to urge the small amount of the measure of the protection then extended. The great principle was then established by the fathers of the constitution, with the father of his country at their head. And it cannot now be questioned, that, if the government had not then been new

\* To say nothing of cotton produced in other foreign countries, the cultivation of this article, of a very superior quality, is constantly extending in the adjacent Mexican provinces, and but for the duty, probably, a large amount would be introduced into the United States, down Red river and along the coast of the Gulf of Mexico.



and the subject untried, a greater measure of protection would have been applied, if it had been supposed necessary. Shortly after, the master minds of Jefferson and Hamilton were brought to act on this interesting subject. Taking views of it appertaining to the departments of foreign affairs and of the treasury, which they respectively filled, they presented, severally, reports which yet remain monuments of their profound wisdom, and came to the same conclusion of protection to American industry. Mr. Jefferson argued that foreign restrictions, foreign prohibitions, and foreign high duties, ought to be met at home by American restrictions, American prohibitions, and American high duties. Mr. Hamilton, surveying the entire ground, and looking at the inherent nature of the subject, treated it with an ability, which, if ever equalled, has not been surpassed, and earnestly recommended protection.

The wars of the French revolution commenced about this period, and streams of gold poured into the United States through a thousand channels, opened or enlarged by the successful commerce which our neutrality enabled us to prosecute. We forgot or overlooked, in the general prosperity, the necessity of encouraging our domestic manufactures. Then came the edicts of Napoleon, and the British orders in council; and our embargo, non-intercourse, non-importation, and war, followed in rapid succession. These national measures, amounting to a total suspension, for the period of their duration, of our foreign commerce, afforded the most efficacious encouragement to American manufactures; and accordingly they every where sprung up. While these measures of restriction and this state of war continued, the manufacturers were stimulated in their enterprise by every assurance of support, by public sentiment, and by legislative resolves. It was about that period (1808) that South Carolina bore her high testimony to the wisdom of the policy, in an act of her legislature, the preamble of which, now before me, reads:

‘Whereas, the establishment and *encouragement* of domestic manufactures, is conducive to the interests of a state, by adding new *incentives to industry*, and as being the means of disposing to advantage the surplus productions of the *agriculturist*: and whereas, in the present unexampled state of the world, their establishment in our country is not only *expedient*, but politic, in rendering us *independent* of foreign nations’.

The legislature, not being competent to afford the most efficacious aid, by imposing duties on foreign rival articles, proceeded to incorporate a company.

Peace, under the treaty of Ghent, returned in 1815 but there did not return with it the golden days which preceded the edicts levelled at our commerce by Great Britain and France. It found all Europe tranquilly resuming the arts and the business of civil life. It found Europe no longer the consumer of our surplus, and the employer of our navigation, but excluding, or heavily

burdening, almost all the productions of our agriculture, and our rivals in manufactures, in navigation, and in commerce. It found our country, in short, in a situation totally different from all the past—new and untried. It became necessary to adapt our laws, and especially our laws of impost, to the new circumstances in which we found ourselves. Accordingly, that eminent and lamented citizen, then at the head of the treasury, (Mr. Dallas,) was required, by a resolution of the house of representatives, under date of the twenty-third of February, 1815, to prepare and report to the succeeding session of congress, a system of revenue conformable with the actual condition of the country. He had the circle of a whole year to perform the work, consulted merchants, manufacturers, and other practical men, and opened an extensive correspondence. The report which he made at the session of 1816, was the result of his inquiries and reflections, and embodies the principles which he thought applicable to the subject. It has been said, that the tariff of 1816 was a measure of mere revenue, and that it only reduced the war duties to a peace standard. It is true, that the question then was, how much and in what way should the double duties of the war be reduced? Now, also, the question is, on what articles shall the duties be reduced so as to subject the amounts of the future revenue to the wants of the government? Then it was deemed an inquiry of the first importance, as it should be now, how the reduction should be made, so as to secure proper encouragement to our domestic industry. That this was a leading object in the arrangement of the tariff of 1816, I well remember, and it is demonstrated by the language of Mr. Dallas. He says, in his report:

‘There are few, if any governments, which do not regard the establishment of domestic manufactures as a chief object of public policy. The United States have *always* so regarded it. \* \* \* \* \* The demands of the country, while the acquisitions of supplies from foreign nations was either prohibited or impracticable, may have afforded a sufficient inducement for this investment of capital, and this application of labor: but the inducement, in its necessary extent, must fail when the day of *competition* returns. Upon that change in the condition of the country, the preservation of the manufactures, which private citizens under favorable auspices have constituted the property of the nation, becomes a consideration of general policy, to be resolved by a recollection of past embarrassments; by the certainty of an increased difficulty of reinstating, upon any emergency, the manufactures which shall be allowed to perish and pass away,’ and so forth.

The measure of protection which he proposed was not adopted, in regard to some leading articles, and there was great difficulty in ascertaining what it ought to have been. But the *principle* was then distinctly asserted and fully sanctioned.

The subject of the American system was again brought up in 1820, by the bill reported by the chairman of the committee of manufactures, now a member of the bench of the supreme court of the United States, and the principle was successfully maintained

by the representatives of the people; but the bill which they passed was defeated in the senate. It was revived in 1824; the whole ground carefully and deliberately explored, and the bill then introduced, receiving all the sanctions of the constitution, became the law of the land. An amendment of the system was proposed in 1828, to the history of which I refer with no agreeable recollections. The bill of that year, in some of its provisions, was framed on principles directly adverse to the declared wishes of the friends of the policy of protection. I have heard, without vouching for the fact, that it was so framed, upon the advice of a prominent citizen, now abroad, with the view of ultimately defeating the bill, and with assurances that, being altogether unacceptable to the friends of the American system, the bill would be lost. Be that as it may, the most exceptionable features of the bill were stamped upon it, against the earnest remonstrances of the friends of the system, by the votes of southern members, upon a principle, I think, as unsound in legislation as it is reprehensible in ethics. The bill was passed, notwithstanding, it having been deemed better to take the bad along with the good which it contained, than reject it altogether. Subsequent legislation has corrected the error then perpetrated, but still that measure is vehemently denounced by gentlemen who contributed to make it what it was.

Thus, sir, has this great system of protection been gradually built, stone upon stone, and step by step, from the fourth of July, 1789, down to the present period. In every stage of its progress it has received the deliberate sanction of congress. A vast majority of the people of the United States has approved and continue to approve it. Every chief magistrate of the United States, from Washington to the present, in some form or other, has given to it the authority of his name; and, however the opinions of the existing president are interpreted south of Mason and Dixon's line, on the north they are at least understood to favor the establishment of a *judicious* tariff.

The question, therefore, which we are now called upon to determine, is not, whether we shall establish a new and doubtful system of policy, just proposed, and for the first time presented to our consideration, but whether we shall break down and destroy a long established system, patiently and carefully built up and sanctioned, during a series of years, again and again, by the nation and its highest and most revered authorities. And are we not bound deliberately to consider whether we can proceed to this work of destruction without a violation of the public faith? The people of the United States have justly supposed that the policy of protecting their industry against foreign legislation and foreign industry was fully settled, not by a single act, but by repeated and deliberate acts of government, performed at distant and frequent intervals. In full confidence that the policy was firmly and unchangeably fixed.

thousands upon thousands have invested their capital, purchased a vast amount of real and other estate, made permanent establishments, and accommodated their industry. Can we expose to utter and irretrievable ruin this countless multitude, without justly incurring the reproach of violating the national faith?

I shall not discuss the constitutional question. Without meaning any disrespect to those who raise it, if it be debatable, it has been sufficiently debated. The gentleman from South Carolina suffered it to fall unnoticed from his budget; and it was not until after he had closed his speech and resumed his seat, that it occurred to him that he had forgotten it, when he again addressed the senate, and, by a sort of protestation against any conclusion from his silence, put forward the objection. The recent free-trade convention at Philadelphia, it is well known, were divided on the question; and although the topic is noticed in their address to the public, they do not avow their own belief that the American system is unconstitutional, but represent that such is the opinion of respectable portions of the American people. Another address to the people of the United States, from a high source, during the past year, treating this subject, does not assert the opinion of the distinguished author, but states that of others to be, that it is unconstitutional. From which I infer that he did not himself believe it to be unconstitutional.

[Here the vice-president interposed, and remarked, that, if the senator from Kentucky alluded to him, he must say that his opinion was, that the measure was unconstitutional.]

When, sir, I contended with you, side by side, and with perhaps less zeal than you exhibited, in 1816, I did not understand you then to consider the policy forbidden by the constitution.

[The vice-president again interposed, and said, that the constitutional question was not debated at that time, and that he had never expressed an opinion contrary to that now intimated.]

I give way with pleasure to these explanations, which I hope will always be made when I say any thing bearing on the individual opinions of the chair. I know the delicacy of the position, and sympathize with the incumbent, whoever he may be. It is true, the question was not debated in 1816; and why not? Because it was not debatable; it was then believed not fairly to arise. It never has been made as a distinct, substantial, and leading point of objection. It never was made until the discussion of the tariff of 1824, when it was rather hinted at as against the *spirit* of the constitution, than formally announced as being contrary to the provisions of that instrument. What was not dreamed of before, or in 1816, and scarcely thought of in 1824, is now made, by excited

imaginations, to assume the imposing form of a serious constitutional barrier.

Such are the origin, duration, extent, and sanctions, of the policy which we are now called upon to subvert. Its beneficial effects, although they may vary in degree, have been felt in all parts of the union. To none, I verily believe, has it been prejudicial. In the north, every where, testimonials are borne to the high prosperity which it has diffused. There, all branches of industry are animated and flourishing. Commerce, foreign and domestic, active; cities and towns springing up, enlarging and beautifying; navigation fully and profitably employed, and the whole face of the country smiling with improvement, cheerfulness, and abundance. The gentleman from South Carolina has supposed that we in the west derive no advantages from this system. He is mistaken. Let him visit us, and he will find, from the head of La Belle Riviere, at Pittsburgh, to America, at its mouth, the most rapid and gratifying advances. He will behold Pittsburgh itself, Wheeling, Portsmouth, Maysville, Cincinnati, Louisville, and numerous other towns, lining and ornamenting the banks of the noble river, daily extending their limits, and prosecuting, with the greatest spirit and profit, numerous branches of the manufacturing and mechanic arts. If he will go into the interior, in the state of Ohio, he will there perceive the most astonishing progress in agriculture, in the useful arts, and in all the improvements to which they both directly conduce. Then let him cross over into my own, my favorite state, and contemplate the spectacle which is there exhibited. He will perceive numerous villages, not large, but neat, thriving, and some of them highly ornamented; many manufactories of hemp, cotton, wool, and other articles. In various parts of the country, and especially in the Elkhorn region, an endless succession of natural parks; the forests thinned; fallen trees and undergrowth cleared away; large herds and flocks feeding on luxuriant grasses; and interspersed with comfortable, sometimes elegant mansions, surrounded by extensive lawns. The honorable gentleman from South Carolina says, that a profitable trade was carried on from the west, through the Selenda gap, in mules, horses, and other live stock, which has been checked by the operation of the tariff. It is true, that such a trade was carried on between Kentucky and South Carolina, mutually beneficial to both parties; but, several years ago, resolutions, at popular meetings, in Carolina, were adopted, not to purchase the produce of Kentucky, by way of punishment for her attachment to the tariff. They must have supposed us as stupid as the sires of one of the descriptions of the stock of which that trade consisted, if they imagined that their resolutions would affect *our* principles. Our drovers cracked their whips, blew their horns, and passed the Selenda gap, to other markets, where better humors existed, and equal or greater profits

were made. I have heard, of your successor in the house of representatives, Mr. President, this anecdote: that he joined in the adoption of those resolutions, but when, about Christmas, he applied to one of his South Carolina neighbors, to purchase the regular supply of pork for the ensuing year, he found that he had to pay two prices for it; and he declared, if *that* were the patriotism on which the resolutions were based, he would not conform to them, and, in point of fact, laid in his annual stock of pork by purchase from the first passing Kentucky drover. The trade, now partially resumed, was maintained by the sale of western productions, on the one side, and Carolina money on the other. From that condition of it, the gentleman from South Carolina might have drawn this conclusion, that an advantageous trade may exist, although one of the parties to it pays in specie for the production which he purchases from the other; and consequently that it does not follow, if we did not purchase British fabrics, that it might not be the interest of England to purchase our raw material of cotton. The Kentucky drover received the South Carolina specie, or, taking bills, or the evidences of deposit in the banks, carried these home, and, disposing of them to the merchant, he brought out goods, of foreign or domestic manufacture, in return. Such is the circuitous nature of trade and remittance, which no nation understands better than Great Britain.

Nor has the system which has been the parent source of so much benefit to other parts of the union, proved injurious to the cotton-growing country. I cannot speak of South Carolina itself, where I have never been, with so much certainty; but of other portions of the union in which cotton is grown, especially those bordering on the Mississippi, I can confidently speak. If cotton-planting is less profitable than it was, that is the result of increased production; but I believe it to be still the most profitable investment of capital of any branch of business in the United States. And if a committee were raised, with power to send for persons and papers, I take it upon myself to say, that such would be the result of the inquiry. In Kentucky, I know many individuals who have their cotton-plantations below, and retain their residence in that state, where they remain during the sickly season; and they are all, I believe, without exception, doing well. Others, tempted by their success, are constantly engaging in the business, while scarcely any comes from the cotton region to engage in western agriculture. A friend, now in my eye, a member of this body, upon a capital of less than seventy thousand dollars, invested in a plantation and slaves, made, the year before last, sixteen thousand dollars. A member of the other house, I understand, who, without removing himself, sent some of his slaves to Mississippi, made last year about twenty per cent. Two friends of mine, in the latter state, whose annual income is from thirty to sixty thousand dollars, being desirous to

curtail their business, have offered estates for sale which they are willing to show, by regular vouchers of receipt and disbursement, yield eighteen per cent per annum. One of my most opulent acquaintances, in a county adjoining that in which I reside, having married in Georgia, has derived a large portion of his wealth from a cotton estate there situated.

The loss of the tonnage of Charleston, which has been dwelt on, does not proceed from the tariff; it never had a very large amount, and it has not been able to retain what it had, in consequence of the operation of the principle of free trade on its navigation. Its tonnage has gone to the more enterprising and adventurous tars of the northern states, with whom those of the city of Charleston could not maintain a successful competition, in the freedom of the coasting trade, existing between the different parts of the union. That this must be the true cause, is demonstrated by the fact, that, however it may be with the port of Charleston, our coasting tonnage, generally, is constantly increasing. As to the foreign tonnage, about one half of that which is engaged in the direct trade between Charleston and Great Britain, is English; proving that the tonnage of South Carolina cannot maintain itself in a competition, under the free and equal navigation secured by our treaty with that power.

When gentlemen have succeeded in their design of an immediate or gradual destruction of the American system, what is their substitute? Free trade? Free trade! The call for free trade is as unavailing, as the cry of a spoiled child in its nurse's arms, for the moon, or the stars that glitter in the firmament of heaven. It never has existed, it never will exist. Trade implies at least two parties. To be free, it should be fair, equal, and reciprocal. But if we throw our ports wide open to the admission of foreign productions, free of all duty, what ports of any other foreign nation shall we find open to the free admission of our surplus produce? We may break down all barriers to free trade on our part, but the work will not be complete, until foreign powers shall have removed theirs. There would be freedom on one side, and restrictions, prohibitions, and exclusions, on the other. The bolts and the bars and the chains of all other nations will remain undisturbed. It is, indeed, possible, that our industry and commerce would accommodate themselves to this unequal and unjust state of things; for, such is the flexibility of our nature, that it bends itself to all circumstances. The wretched prisoner incarcerated in a jail, after a long time, becomes reconciled to his solitude, and regularly notches down the passing days of his confinement.

Gentlemen deceive themselves. It is not free trade that they are recommending to our acceptance. It is, in effect, the British colonial system that we are invited to adopt; and, if their policy prevail, it will lead substantially to the recolonization of these

states, under the commercial dominion of Great Britain. And whom do we find some of the principal supporters, out of congress, of this foreign system? Mr. President, there are some foreigners who always remain exotics, and never become naturalized in our country; whilst, happily, there are many others who readily attach themselves to our principles and our institutions. The honest, patient, and industrious German, readily unites with our people; establishes himself upon some of our fat land, fills his capacious barn, and enjoys in tranquillity the abundant fruits which his diligence gathers around him; always ready to fly to the standard of his adopted country, or of its laws, when called by the duties of patriotism. The gay, the versatile, the philosophic Frenchman, accommodating himself cheerfully to all the vicissitudes of life, incorporates himself without difficulty, in our society. But, of all foreigners, none amalgamate themselves so quickly with our people as the natives of the Emerald isle. In some of the visions which have passed through my imagination, I have supposed that Ireland was originally part and parcel of this continent, and that, by some extraordinary convulsion of nature, it was torn from America, and, drifting across the ocean, was placed in the unfortunate vicinity of Great Britain. The same open-heartedness; the same generous hospitality; the same careless and uncalculating indifference about human life; characterize the inhabitants of both countries. Kentucky has been sometimes called the Ireland of America. And I have no doubt, that if the current of emigration were reversed, and set from America upon the shores of Europe instead of bearing from Europe to America, every American emigrant to Ireland would there find, as every Irish emigrant here finds, a hearty welcome and a happy home!

But, sir, the gentleman to whom I am about to allude, although long a resident of this country, has no feelings, no attachments, no sympathies, no principles, in common with our people. Nearly fifty years ago, Pennsylvania took him to her bosom, and warmed, and cherished, and honored him; and how does he manifest his gratitude? By aiming a vital blow at a system endeared to her by a thorough conviction that it is indispensable to her prosperity. He has filled, at home and abroad, some of the highest offices under this government, during thirty years, and he is still at heart an alien. The authority of his name has been invoked, and the labors of his pen, in the form of a memorial to congress, have been engaged, to overthrow the American system, and to substitute the foreign. Go home to your native Europe, and there inculcate upon her sovereigns your Utopian doctrines of free trade, and when you have prevailed upon them to unseal their ports, and freely admit the produce of Pennsylvania and other states, come back, and we shall be prepared to become converts, and to adopt your faith.



A Mr. Sarchet also makes no inconsiderable figure in the common attack upon our system. I do not know the man, but I understand he is an unnaturalized emigrant, from the island of Guernsey, situated in the channel which divides France and England. The principal business of the inhabitants is that of driving a contraband trade with the opposite shores, and Mr. Sarchet, educated in that school, is, I have been told, chiefly engaged in employing his wits to elude the operation of our revenue laws, by introducing articles at less rates of duty than they are justly chargeable with, which he effects by varying the denominations, or slightly changing their forms. This man, at a former session of the senate, caused to be presented a memorial, signed by some one hundred and fifty pretended workers in iron. Of these, a gentleman made a careful inquiry and examination, and he ascertained that there were only about ten of the denomination represented; the rest were tavern keepers, porters, merchants' clerks, hackney coachmen, and so forth. I have the most respectable authority, in black and white, for this statement.

[Here general Hayne asked, who? and was he a manufacturer? Mr. Clay replied, colonel Murray, of New York, a gentleman of the highest standing, for honor, probity, and veracity; that he did not know whether he was a manufacturer or not, but the gentleman might take him as one.\*]

Whether Mr. Sarchet got up the late petition presented to the senate, from the journeymen tailors of Philadelphia, or not, I do not know. But I should not be surprised if it were a movement of his, and if we should find that he has *cabbaged* from other classes of society to swell out the number of signatures.

To the facts manufactured by Mr. Sarchet, and the theories by Mr. Gallatin, there was yet wanting one circumstance to recommend them to favorable consideration, and that was, the authority of some high name. There was no difficulty in obtaining one from a British repository. The honorable gentleman has cited a speech of my lord Goderich, addressed to the British parliament, in favor of free trade, and full of deep regret that old England *could not* possibly conform her practice of rigorous restriction and exclusion to her liberal *doctrines* of unfettered commerce, so earnestly recommended to foreign powers. Sir, I know my lord Goderich very well, although my acquaintance with him was prior to his being summoned to the British house of peers. We both signed the convention between the United States and Great Britain, of 1815. He is an honorable man, frank, possessing but ordinary business talents, about the stature and complexion of the honorable gentleman from South Carolina, a few years older than he, and every drop of blood running in his veins being

\* Mr. Clay subsequently understood that colonel Murray was a merchant.

pure and unadulterated Anglo-Saxon blood. If he were to live to the age of Methuselah, he could not make a speech of such ability and eloquence as that which the gentleman from South Carolina recently delivered to the senate; and there would be much more fitness in my lord Goderich making quotations from the speech of the honorable gentleman, than his quoting, as authority, the theoretical doctrines of my lord Goderich. We are too much in the habit of looking abroad, not merely for manufactured articles, but for the sanction of high names, to support favorite theories. I have seen and closely observed the British parliament, and, without derogating from its justly elevated character, I have no hesitation in saying, that in all the attributes of order, dignity, patriotism, and eloquence, the American congress would not suffer, in the smallest degree, by a comparison with it.

I dislike this resort to authority, and especially *foreign* and *interested* authority, for the support of principles of public policy. I would greatly prefer to meet gentlemen upon the broad ground of fact, of experience, and of reason; but, since they will appeal to British names and authority, I feel myself compelled to imitate their bad example. Allow me to quote from the speech of a member of the British parliament, bearing the same family name with my lord Goderich, but whether or not a relation of his, I do not know. The member alluded to, was arguing against the violation of the treaty of Methuen—that treaty not less fatal to the interests of Portugal than would be the system of gentlemen to the best interests of America—and he went on to say:

*'It was idle for us to endeavor to persuade other nations to join with us in adopting the principles of what was called 'free trade.' Other nations knew, as well as the noble lord opposite, and those who acted with him, what we meant by 'free trade,' was nothing more nor less than, by means of the great advantages we enjoyed, to get a monopoly of all their markets for our manufactures, and to prevent them, one and all, from ever becoming manufacturing nations. When the system of reciprocity and free trade had been proposed to a French ambassador, his remark was, that the plan was excellent in theory, but, to make it fair in practice, it would be necessary to defer the attempt to put it in execution for half a century, until France should be on the same footing with Great Britain, in marine, in manufactures, in capital, and the many other peculiar advantages which it now enjoyed. The policy that France acted on, was that of encouraging its native manufactures, and it was a wise policy; because, if it were freely to admit our manufactures, it would speedily be reduced to the rank of an agricultural nation, and therefore, a poor nation, as all must be that depend exclusively upon agriculture. America acted, too, upon the same principle with France. America legislated for futurity—legislated for an increasing population. America, too, was prospering under this system. In twenty years, America would be independent of England for manufactures altogether. \* \* \* \* But since the peace, France, Germany, America, and all the other countries of the world, had proceeded upon the principle of encouraging and protecting native manufactures.'*

But I have said, that the system nominally called 'free trade,' so earnestly and eloquently recommended to our adoption, is a mere revival of the British colonial system, forced upon us by Great Britain during the existence of our colonial vassalage. The whole

system is fully explained and illustrated in a work published as far back as the year 1750, entitled 'the trade and navigation of Great Britain considered, by Joshua Gee,' with extracts from which I have been furnished by the diligent researches of a friend. It will be seen from these, that the South Carolina policy now, is identical with the long-cherished policy of Great Britain, which remains the same as it was when the thirteen colonies were part of the British empire. In that work the author contends :

'First, that manufactures, in American colonies, should be discouraged or prohibited.

'Great Britain, with its dependencies, is doubtless as well able to subsist within itself, as any nation in Europe. We have an enterprising people, fit for all the arts of peace and war. We have provisions in abundance, and those of the best sort, and are able to raise sufficient for double the number of inhabitants. We have the very best materials for clothing, and want nothing, either for use, or even for luxury, but what we have at home, or might have from our colonies; so that we might make such an intercourse of trade among ourselves, or between us and them, as would maintain a vast navigation. But we ought always to keep a watchful eye over our colonies, to restrain them from setting up any of the manufactures which are carried on in Great Britain; and any such attempts should be crushed in the beginning; for if they are suffered to grow up to maturity, it will be difficult to suppress them.' Pages 177, 8, 9.

'Our colonies are much in the same state Ireland was in, when they began the woollen manufactory, and as their numbers increase, will fall upon manufactures for clothing themselves, if due care be not taken to find employment for them, in raising such productions as may enable them to furnish themselves with all their necessaries from us.'

Then it was the object of the British economists to adapt the means or wealth of the colonists to the supply required by their necessities, and to make the mother country the source of that supply. Now it seems the policy is only so far to be reversed, that we must continue to import necessaries from Great Britain, in order to enable her to purchase raw cotton from us.

'I should, therefore, think it worthy the care of the government, to endeavor, by all possible means, to encourage them in raising of silk, hemp, flax, iron, [only pig, to be hammered in England.] potash, and so forth, by giving them competent bounties in the beginning, and sending over judicious and skilful persons at the public charge, to assist and instruct them in the most proper methods of management, which, in my apprehension, would lay a foundation for establishing the most profitable trade of any we have. And considering the commanding situation of our colonies along the sea-coast, the great convenience of navigable rivers in all of them, the cheapness of land, and the easiness of raising provisions, great numbers of people would transport themselves thither, to settle upon such improvements. Now, as people have been filled with fears that the colonies, if encouraged to raise rough materials, would set up for themselves, a *little regulation* would remove all those jealousies out of the way. They have never thrown or wove any silk, as yet, that we have heard of. Therefore, if a law was made to prohibit the use of every throwster's mill, of doubling or horsling silk with any machine whatever, they would then *send it to us raw*. And as they will have the providing rough materials to themselves, so shall we have the manufacturing of them. If encouragement be given for raising hemp, flax, and so forth, doubtless they will soon begin to manufacture, if not *prevented*. Therefore, to stop the progress of any such manufacture, it is proposed, that no weaver shall have *liberty* to set up any looms, without first registering, at an office kept for that purpose, and the name and place of abode of any journeyman that shall work for him. But if any *particular inhabitant* shall be inclined to have any linen or woollen made of their own spinning, they should not be abridged of the same liberty that they now make

use of, namely, to carry to a weaver, (who shall be *licensed* by the governor,) and have it wrought up for the use of the family, but not to be sold to any person in a private manner, nor exposed to any market or fair, upon pain of forfeiture.

‘And, inasmuch as they have been supplied with all their manufactures from hence, except what is used in building of ships, and other country work, one half of our exports being supposed to be in *NAILS*—a manufacture which they allow has never hitherto been carried on among them—it is proposed they shall, *for time to come*, never erect the manufacture of any, under the size of a two-shilling nail, horse-nails excepted; that all slitting mills and engines, for drawing wire, or weaving stockings, *be put down*, and that every smith who keeps a common forge or shop, shall register his name and place of abode, and the name of every *servant* which he shall employ, which license shall be renewed once every year, and *pay for the liberty* of working at such trade. That all negroes shall be prohibited from weaving either linen or woollen, or spinning or combing of wool, or working at any manufacture of iron, further than making it into pig or bar iron. That they also be prohibited from manufacturing hats, stockings, or *leather* of any kind. This limitation will not abridge the planters of any privilege they now enjoy. On the contrary, it will turn their industry to promoting and raising those rough materials.’

The author then proposes, that the board of trade and plantations should be furnished with statistical accounts of the various *permitted* manufactures, to enable them to encourage or depress the industry of the colonists, and prevent the danger of interference with British industry.

‘It is hoped that this method would allay the *heat* that *some people* have shown for destroying the iron-works on the plantations, and pulling down all their forges, taking away, in a violent manner, their estates and properties, preventing the husbandmen from getting their ploughshares, carts, and other utensils mended, destroying the manufacture of ship-building, by depriving them of the liberty of making bolts, spikes, and other things proper for carrying on that work, by which article returns are made for purchasing our woollen manufactures.’ Pages 57, 58, 59.

Such is the picture of colonists dependent upon the mother country for their necessary supplies, drawn by a writer who was not among the number of those who desired to debar them the means of building a vessel, erecting a forge, or mending a ploughshare, but who was willing to promote their growth and prosperity as far as was consistent with the paramount interests of the manufacturing or parent state.

‘Secondly, the advantages to Great Britain, from keeping the colonists dependent on her for their essential supplies.

‘If we examine into the circumstances of the inhabitants of our plantations, and our own, it will appear, that not one fourth part of their product redounds to their *own profit*; for, out of all that comes here, they only carry back clothing, and other accommodations for their families, all of which is of the merchandise and manufacture of this kingdom.’

After showing how this system tends to concentrate all the surplus of acquisition over absolute expenditure in England, he says:

‘All these advantages we receive by the plantations, besides the mortgages on the planters’ estates, and the high interest they pay us, which is very considerable; and therefore very great care ought to be taken in regulating all the affairs of the colonists, that the planters be not put under *too many difficulties*, but encouraged to go on cheerfully.

'New England, and the northern colonies, have not commodities and products enough to send us, in return, for purchasing their necessary clothing, but are under very great difficulties, and therefore any ordinary sort sell with them. And when they have grown out of fashion with us, they are new-fashioned enough there.'

Sir, I cannot go on with this disgusting detail. Their refuse goods, their old shop-keepers, their cast-off clothes good enough for us! Was there ever a scheme more artfully devised, by which the energies and faculties of one people should be kept down, and rendered subservient to the pride and the pomp and the power of another? The system then proposed differs only from that which is now recommended in one particular — that was intended to be enforced by power; this would not be less effectually executed by the force of circumstances. A gentleman in Boston (Mr. Lee), the agent of the free-trade convention, from whose exhaustless mint there is a constant issue of reports, seems to envy the blessed condition of dependent Canada, when compared to the oppressed state of this union; and it is a fair inference from the view which he presents, that he would have us hasten back to the golden days of that colonial bondage, which is so well depicted in the work from which I have been quoting. Mr. Lee exhibits two tabular statements, in one of which he presents the high duties which he represents to be paid in the ports of the United States, and in the other, those which are paid in Canada, generally about two per centum *ad valorem*. But did it not occur to him, that the duties levied in Canada are paid chiefly in British manufactures, or on articles passing from one part to another of a common empire? and that, to present a parallel case in the United States, he ought to have shown, that importations made into one state from another, which are now free, are subject to the same or higher duties than are paid in Canada?

I will now, Mr. President, proceed to a more particular consideration of the arguments urged against the protective system, and an inquiry into its practical operation, especially on the cotton-growing country. And as I wish to state and meet the argument fairly, I invite the correction of my statement of it, if necessary. It is alleged, that the system operates prejudicially to the cotton planter, by diminishing the foreign demand for his staple; that we cannot sell to Great Britain unless we buy from her, that the import duty is equivalent to an export duty, and falls upon the cotton grower; that South Carolina pays a disproportionate quota of the public revenue; that an abandonment of the protective policy would lead to an augmentation of our exports, of an amount not less than one hundred and fifty millions of dollars; and, finally, that the south cannot partake of the advantages of manufacturing, if there be any. Let us examine these various propositions in detail. First, that the foreign demand for cotton is diminished, and that we cannot sell to Great Britain unless we buy from her.

The demand of both our great foreign customers is constantly and annually increasing. It is true, that the ratio of the increase may not be equal to that of production; but this is owing to the fact, that the power of producing the raw material is much greater, and is, therefore, constantly in advance of the power of consumption. A single fact will illustrate. The average produce of laborers engaged in the cultivation of cotton, may be estimated at five bales, or fifteen hundred weight to the hand. Supposing the annual average consumption of each individual who uses cotton cloth, to be five pounds, one hand can produce enough of the raw material to clothe three hundred.

The argument comprehends two errors, one of fact and the other of principle. It assumes that we do not in fact purchase of Great Britain. What is the true state of the case? There are certain, but very few articles which it is thought sound policy requires that we should manufacture at home, and on these the tariff operates. But, with respect to all the rest, and much the larger number of articles of taste, fashion, and utility, they are subject to no other than revenue duties, and are freely introduced. I have before me from the treasury a statement of our imports from England, Scotland, and Ireland, including ten years, preceding the last, and three quarters of the last year, from which it will appear that, although there are some fluctuations in the amount of the different years, the largest amount imported in any one year has been since the tariff of 1824, and that the last year's importation, when the returns of the fourth quarter shall be received, will probably be the greatest in the whole term of eleven years.

Now, if it be admitted that there is a less amount of the protected articles imported from Great Britain, she may be, and probably is, compensated for the deficiency, by the increased consumption in America of the articles of her industry not falling within the scope of the policy of our protection. The establishment of manufactures among us excites the creation of wealth, and this gives new powers of consumption, which are gratified by the purchase of foreign objects. A poor nation can never be a great consuming nation. Its poverty will limit its consumption to bare subsistence.

The croneous principle which the argument includes, is, that it devolves on us the duty of taking care that Great Britain shall be enabled to purchase from us without exacting from Great Britain the corresponding duty. If it be true on one side that nations are bound to shape their policy in reference to the ability of foreign powers, it must be true on both sides, of the Atlantic. And this reciprocal obligation ought to be emphatically regarded towards the nation supplying the raw material, by the manufacturing nation, because the industry of the latter gives four or five values to what had been produced by the industry of the former.

But, does Great Britain practice towards us upon the principles

which we are now required to observe in regard to her? The exports to the united kingdom, as appears from the same treasury statement just adverted to, during eleven years, from 1821 to 1831, and exclusive of the fourth quarter of the last year, fall short of the amount of imports by upwards of forty-six millions of dollars, and the total amount, when the returns of that quarter are received, will exceed fifty millions of dollars! It is surprising how we have been able to sustain, for so long a time, a trade so very unequal. We must have been absolutely ruined by it, if the unfavorable balance had not been neutralized by more profitable commerce with other parts of the world. Of all nations, Great Britain has the least cause to complain of the trade between the two countries. Our imports from that single power are nearly one third of the entire amount of our importations from all foreign countries together. Great Britain constantly acts on the maxim of buying only what she wants and cannot produce, and selling to foreign nations the utmost amount she can. In conformity with this maxim, she excludes articles of prime necessity produced by us, equally if not more necessary than any of her industry which we tax, although the admission of those articles would increase our ability to purchase from her, according to the argument of gentlemen.

If we purchased still less from Great Britain than we do, and our conditions were reversed, so that the value of her imports from this country exceeded that of her exports to it, she would only then be compelled to do what we have so long done, and what South Carolina does, in her trade with Kentucky, make up for the unfavorable balance by trade with other places and countries. How does she now dispose of the one hundred and sixty millions of dollars worth of cotton fabrics, which she annually sells? Of that amount the United States do not purchase five per centum. What becomes of the other ninety-five per centum? Is it not sold to other powers, and would not their markets remain, if ours were totally shut? Would she not continue, as she now finds it her interest, to purchase the raw material from us, to supply those markets? Would she be guilty of the folly of depriving herself of markets to the amount of upwards of one hundred and fifty millions of dollars, because we refused her a market for some eight or ten millions?

But if there were a diminution of the British demand for cotton equal to the loss of a market for the few British fabrics which are within the scope of our protective policy, the question would still remain, whether the cotton-planter is not amply indemnified by the creation of additional demand elsewhere? With respect to the cotton-grower, it is the *totality* of the demand, and not its *distribution*, which affects his interests. If any system of policy will augment the aggregate of the demand, that system is favorable to his interests, although its tendency may be to vary the theatre of the demand. It could not, for example, be injurious to him, if,

instead of Great Britain continuing to receive the entire quantity of cotton which she now does, two or three hundred thousand bales of it were taken to the other side of the channel, and increased to that extent the French demand. It would be better for him, because it is always better to have several markets than one. Now if, instead of a transfer to the opposite side of the channel, of those two or three hundred thousand bales, they are transported to the northern states, can that be injurious to the cotton-grower? Is it not better for him? Is it not better to have a market at home, unaffected by war, or other foreign causes, for that amount of his staple?

If the establishment of American manufactures, therefore, had the sole effect of creating a new and an American demand for cotton, *exactly* to the same extent in which it lessened the British demand, there would be no just cause of complaint against the tariff. The gain in one place would precisely equal the loss in the other. But the true state of the matter is much more favorable to the cotton-grower. It is calculated that the cotton manufactories of the United States absorb at least two hundred thousand bales of cotton annually. I believe it to be more. The two ports of Boston and Providence alone received during the last year near one hundred and ten thousand bales. The amount is annually increasing. The raw material of that two hundred thousand bales is worth six millions, and there is an additional value conferred by the manufacturer of eighteen millions; it being generally calculated that, in such cotton fabrics as we are in the habit of making, the manufacture constitutes three fourths of the value of the article. If, therefore, these twenty-four millions worth of cotton fabrics were not made in the United States, but were manufactured in Great Britain, in order to obtain them, we should have to add to the already enormous disproportion between the amount of our imports and exports, in the trade with Great Britain, the further sum of twenty-four millions, or, deducting the price of the raw material, eighteen millions! And will gentlemen tell me how it would be possible for this country to sustain such a ruinous trade? From all that portion of the United States lying north and east of James river, and west of the mountains, Great Britain receives comparatively nothing. How would it be possible for the inhabitants of that largest portion of our territory, to supply themselves with cotton fabrics, if they were brought from England exclusively? They could not do it. But for the existence of the American manufacture, they would be compelled greatly to curtail their supplies, if not absolutely to suffer in their comforts. By its existence at home, the circle of those exchanges is created, which reciprocally diffuses among all who are embraced within it the productions of their respective industry. The cotton-grower sells the raw material to the manufacturer; he buys the iron, the bread, the meal, the coal, and the countless



number of objects of his consumption from his fellow-citizens, and they in turn purchase his fabrics. Putting it upon the ground merely of supplying those with necessary articles who could not otherwise obtain them, ought there to be from any quarter an objection to the only system by which that object can be accomplished? But can there be any doubt, with those who will reflect, that the actual amount of cotton consumed is increased by the home manufacture? The main argument of gentlemen is founded upon the idea of mutual ability resulting from mutual exchanges. They would furnish an ability to foreign nations by purchasing from them, and I, to our own people, by exchanges at home. If the American manufacture were discontinued, and that of England were to take its place, how would she sell the additional quantity of twenty-four millions of cotton goods, which we now make? To us? That has been shown to be impracticable. To other foreign nations? She has already pushed her supplies to them to the utmost extent. The ultimate consequence would then be, to diminish the total consumption of cotton, to say nothing now of the reduction of price that would take place by throwing into the ports of Great Britain the two hundred thousand bales, which, no longer being manufactured in the United States, would go thither. Second, that the import duty is equivalent to an export duty, and falls on the producer of cotton.

[Here general Hayne explained, and said, that he never contended that an import duty was equivalent to an export duty, under all circumstances; he had explained in his speech his ideas of the precise operation of the existing system. To which Mr. Clay replied, that he had seen the argument so stated in some of the ingenious essays from the South Carolina press, and would therefore answer it.]

The framers of our constitution, by granting the power to congress to lay imports, and prohibiting that of laying an export duty, manifested that they did not regard them as equivalent. Nor does the common sense of mankind. An export duty fastens upon, and incorporates itself with, the article on which it is laid. The article cannot escape from it—it pursues and follows it, wherever the article goes; and if, in the foreign market, the supply is above or just equal to the demand, the amount of the export duty will be a clear deduction to the exporter from the price of the article. But an import duty on a foreign article leaves the exporter of the domestic article free, first, to import specie; secondly, goods which are free from the protecting duty; or, thirdly, such goods as, being chargeable with the protecting duty, he can sell at home, and throw the duty on the consumer.

But, it is confidently argued that the import duty falls upon the grower of cotton; and the case has been put in debate, and again and again in conversation, of the South Carolina planter, who exports one hundred bales of cotton to Liverpool, exchanges them

for one hundred bales of merchandise, and when he brings them home, being compelled to leave at the custom-house forty bales in the form of duties. The argument is founded on the assumption that a duty of forty per centum amounts to a subtraction of forty from the one hundred bales of merchandise. The first objection to it is, that it supposes a case of barter, which never occurs. If it be replied, that it nevertheless occurs in the operations of commerce, the answer would be that, since the export of Carolina cotton is chiefly made by New York or foreign merchants, the loss stated, if it really accrued, would fall upon them, and not upon the planter. But, to test the correctness of the hypothetical case, let us suppose that the duty, instead of forty per centum, should be one hundred and fifty, which is asserted to be the duty in some cases. Then, the planter would not only lose the whole hundred bales of merchandise, which he had gotten for his hundred bales of cotton, but he would have to purchase, with other means, an additional fifty bales, in order to enable him to pay the duties accruing on the proceeds of the cotton. Another answer is, that if the *producer* of cotton in America, exchanged against English fabrics, pays the duty, the *producer* of those fabrics also pays it, and then it is twice paid. Such must be the consequence, unless the principle is true on one side of the Atlantic, and false on the other. The true answer is, that the exporter of an article, if he invests its proceeds in a foreign market, takes care to make the investment in such merchandise as, when brought home, he can sell with a fair profit; and, consequently, the consumer would pay the original cost and charges, and profit.

Third. The next objection to the American system is, that it subjects South Carolina to the payment of an undue proportion of the public revenue. The basis of this objection is the assumption, shown to have been erroneous, that the producer of the exports from this country pays the duty on its imports, instead of the consumer of those imports. The amount which South Carolina really contributes to the public revenue, no more than that of any other state, can be precisely ascertained. It depends upon her consumption of articles paying duties, and we may make an approximation sufficient for all practical purposes. The cotton-planters of the valley of the Mississippi with whom I am acquainted, generally expend about one third of their income in the support of their families and plantations. On this subject I hold in my hands a statement from a friend of mine, of great accuracy, and a member of the senate. According to this statement, in a crop of ten thousand dollars, the expenses may fluctuate between two thousand eight hundred dollars and three thousand two hundred dollars. Of this sum, about one fourth, from seven to eight hundred dollars, may be laid out in articles paying the protective duty; the residue is disbursed for provisions, mules,

horses, oxen, wages of overseer, &c. Estimating the exports of South Carolina at eight millions, one third is two million six hundred and sixty-six thousand six hundred and sixty-six dollars; of which one fourth will be six hundred and sixty-six thousand six hundred and sixty-six and two thirds dollars. Now, supposing the protecting duty to be fifty per centum, and that it all enters into the price of the article, the amount paid by South Carolina would only be three hundred and thirty-three thousand three hundred and thirty-three and one third dollars. But the total revenue of the United States may be stated at twenty-five millions, of which the proportion of South Carolina, whatever standard, whether of wealth or population, be adopted, would be about one million. Of course, on this view of the subject, she actually pays only about one third of her fair and legitimate share. I repeat, that I have no personal knowledge of the habits of actual expenditure in South Carolina; they may be greater than I have stated, in respect to other parts of the cotton country; but if they are, that fact does not arise from any defect in the system of public policy.

Fourth. An abandonment of the American system, it is urged, would lead to an addition to our exports of one hundred and fifty millions of dollars. The amount of one hundred and fifty millions of cotton in the raw state, would produce four hundred and fifty millions in the manufactured state, supposing no greater measure of value to be communicated, in the manufactured form, than that which our industry imparts. Now sir, where would markets be found for this vast addition to the supply? Not in the United States, certainly, nor in any other quarter of the globe, England having already everywhere pressed her cotton manufactures to the utmost point of repletion. We must look out for new worlds, seek for new and unknown races of mortals, to consume this immense increase of cotton fabrics.

[General Hayne said, that he did not mean that the increase of one hundred and fifty millions to the amount of our exports would be of cotton alone, but of other articles.]

What *other articles*? Agricultural produce — bread-stuffs, beef and pork, and so forth? *Where* shall we find markets for them? *Whither* shall we go? To *what* country, whose ports are not hermetically sealed against their admission? Break down the home-market and you are without resource. Destroy all other interests in the country, for the imaginary purpose of advancing the cotton-planting interest, and you inflict a positive injury, without the smallest practical benefit to the cotton-planter. Could Charleston, or the whole south, when all other markets are prostrated, or shut against the reception of the surplus of our farmers, receive that surplus? Would they buy more than they might want for their own consumption? Could they find markets which other parts of the

union could not? Would gentlemen *force* the freemen of all north of James river, east and west, like the miserable slave, on the Sabbath day, to repair to Charleston, with a turkey under his arm, or a pack upon his back, and beg the clerk of some English or Scotch merchant, living in his gorgeous palace, or rolling in his splendid coach in the streets, to exchange his '*truck*' for a bit of flannel to cover his naked wife and children! No! I am sure that I do no more than justice to their hearts, when I believe that they would reject what I believe to be the inevitable effects of their policy.

Fifth. But it is contended, in the last place, that the south cannot, from physical and other causes, engage in the manufacturing arts. I deny the premises, and I deny the conclusion. I deny the fact of inability; and, if it existed, I deny the conclusion, that we must, therefore, break down our manufactures, and nourish those of foreign countries. The south possesses, in an extraordinary degree, two of the most important elements of manufacturing industry—water-power and labor. The former gives to our whole country a most decided advantage over Great Britain. But a single experiment, stated by the gentleman from South Carolina, in which a faithless slave put the torch to a manufacturing establishment, has discouraged similar enterprises. We have in Kentucky the same description of population, and we employ them, almost exclusively, in many of our hemp manufactories. A neighbor of mine, one of our most opulent and respectable citizens, has had one, two, if not three, manufactories burnt by incendiaries; but he persevered, and his perseverance has been rewarded with wealth. We found that it was less expensive to keep night-watches than to pay premiums for insurance, and we employed them.

Let it be supposed, however, that the south cannot manufacture; must those parts of the union which can, be therefore prevented? Must we support those of foreign countries? I am sure that injustice would be done to the generous and patriotic nature of South Carolina, if it were believed that she envied or repined at the success of other portions of the union in branches of industry to which she might happen not to be adapted. Throughout her whole career she has been liberal, national, high-minded.

The friends of the American system have been reminded by the honorable gentleman from Maryland (general Smith), that they are the majority, and he has admonished them to exercise their power in moderation. The majority ought never to trample upon the feelings, or violate the just rights, of the minority. They ought never to triumph over the fallen, nor to make any but a temperate and equitable use of their power. But these counsels come with an ill grace from the gentleman from Maryland. He, too, is a member of a majority—a political majority. And how has the administration of that majority exercised their power in this

country? Recall to your recollection the fourth of March, 1829, when the lank, lean, famished forms, from fen and forest, and the four quarters of the union, gathered together in the halls of patronage; or stealing by evening's twilight into the apartments of the president's mansion, cried out, with ghastly faces, and in sepulchral tones, 'give us bread! give us treasury pap! give us our reward!' England's bard was mistaken; ghosts will sometimes come, called or uncalled. Go to the families who were driven from the employments on which they were dependent for subsistence, in consequence of their exercise of the dearest right of freemen. Go to mothers, while hugging to their bosoms their starving children. Go to fathers, who, after being disqualified by long public service for any other business, were stripped of their humble places, and then sought, by the minions of authority, to be stripped of all that was left them—their good names—and ask, what mercy was shown to them! As for myself, born in the midst of the revolution, the first air that I ever breathed on my native soil of Virginia having been that of liberty and independence, I never expected justice, nor desired mercy, at their hands; and scorn the wrath and defy the oppression of power.

I regret, Mr. President, that one topic has, I think, unnecessarily been introduced into this debate. I allude to the charge brought against the manufacturing system, as favoring the growth of aristocracy. If it were true, would gentlemen prefer supporting foreign accumulations of wealth, by that description of industry, rather than in their own country? But is it correct? The joint stock companies of the north, as I understand them, are nothing more than associations, sometimes of hundreds, by means of which the small earnings of many are brought into a common stock, and the associates, obtaining corporate privileges, are enabled to prosecute, under one superintending head, their business to better advantage. Nothing can be more essentially democratic or better devised to counterpoise the influence of individual wealth. In Kentucky, almost every manufactory known to me, is in the hands of enterprising and self-made men, who have acquired whatever wealth they possess by patient and diligent labor. Comparisons are odious, and but in defence would not be made by me. But is there more tendency to aristocracy in a manufactory, supporting hundreds of freemen, or in a cotton plantation, with its not less numerous slaves, sustaining perhaps only two white families—that of the master and the overseer?

I pass, with pleasure, from this disagreeable topic, to two general propositions which cover the entire ground of debate. The first is, that, under the operation of the American system, the objects which it protects and fosters are brought to the consumer at cheaper prices than they commanded prior to its introduction, or, than they would command if it did not exist. If that be true, ought not the

country to be contented and satisfied with the system, unless the second proposition, which I mean presently also to consider, is unfounded? And that is, that the tendency of the system is to sustain, and that it has upheld, the prices of all our agricultural and other produce, including cotton.

And is the fact not indisputable, that all essential objects of consumption affected by the tariff, are cheaper and better since the act of 1824, than they were for several years prior to that law? I appeal for its truth to common observation, and to all practical men. I appeal to the farmer of the country, whether he does not purchase on better terms his iron, salt, brown sugar, cotton goods, and woollens, for his laboring people? And I ask the cotton-planter if he has not been better and more cheaply supplied with his cotton-bagging? In regard to this latter article, the gentleman from South Carolina was mistaken, in supposing that I complained that, under the existing duty, the Kentucky manufacturer could not compete with the Scotch. The Kentuckian furnishes a more substantial and a cheaper article, and at a more uniform and regular price. But it was the frauds, the violations of law, of which I did complain; not smuggling, in the common sense of that practice, which has something bold, daring, and enterprising in it, but mean, barefaced cheating, by fraudulent invoices and false denominations.

I plant myself upon this fact, of cheapness and superiority, as upon impregnable ground. Gentlemen may tax their ingenuity, and produce a thousand speculative solutions of the fact, but the fact itself will remain undisturbed. Let us look into some particulars. The total consumption of bar-iron in the United States is supposed to be about one hundred and forty-six thousand tons, of which one hundred and twelve thousand eight hundred and sixty-six tons are made within the country, and the residue imported. The number of men employed in the manufacture is estimated at twenty-nine thousand two hundred and fifty-four, and the total number of persons subsisted by it, at one hundred and forty-six thousand two hundred and seventy-three. The measure of protection extended to this necessary article, was never fully adequate until the passage of the act of 1828; and what has been the consequence? The annual increase of quantity, since that period, has been in a ratio of near twenty-five per centum, and the wholesale price of bar-iron in the northern cities was, in 1828, one hundred and five dollars per ton; in 1829, one hundred dollars; in 1830, ninety dollars; and in 1831, from eighty-five to seventy-five dollars—constantly diminishing. We import very little English iron, and that which we do is very inferior, and only adapted to a few purposes. In instituting a comparison between that inferior article and our superior iron, subjects entirely different are compared. They are made by different processes. The English cannot make iron of equal quality to ours, at a less price than we do. They

have three classes, best-best, and best, and ordinary. It is the latter which is imported. Of the whole amount imported, there is only about four thousand tons of foreign iron that pays the high duty, the residue paying only a duty of about thirty per centum, estimated on the prices of the importation of 1829. Our iron ore is superior to that of Great Britain, yielding often from sixty to eighty per centum, while theirs produces only about twenty-five. This fact is so well known, that I have heard of recent exportations of iron ore to England.

It has been alleged, that bar iron, being a raw material, ought to be admitted free, or with low duties, for the sake of the manufacturers themselves. But I take this to be the true principle, that if our country is producing a raw material of prime necessity, and with reasonable protection, can produce it in sufficient quantity to supply our wants, that raw material ought to be protected, although it may be proper to protect the article also out of which it is manufactured. The tailor will ask protection for himself, but wishes it denied to the grower of wool and the manufacturer of broadcloth. The cotton planter enjoys protection for the raw material, but does not desire it to be extended to the cotton manufacturer. The ship builder will ask protection for navigation, but does not wish it extended to the essential articles which enter into the construction of his ship. Each in his proper vocation solicits protection, but would have it denied to all other interests which are supposed to come into collision with his.

Now the duty of the statesman is, to elevate himself above these petty conflicts; calmly to survey all the various interests, and deliberately to proportion the measures of protection to each, according to its nature and to the general wants of society. It is quite possible that, in the degree of protection which has been afforded to the various workers in iron, there may be some error committed, although I have lately read an argument of much ability, proving that no injustice has really been done to them. If there be, it ought to be remedied.

The next article to which I would call the attention of the senate, is that of cotton fabrics. The success of our manufacture of coarse cottons is generally admitted. It is demonstrated by the fact that they meet the cotton fabrics of other countries in foreign markets, and maintain a successful competition with them. There has been a gradual increase of the exports of this article, which is sent to Mexico and the South American republics, to the Mediterranean, and even to Asia. The remarkable fact was lately communicated to me, that the same individual, who twenty-five years ago was engaged in the importation of cotton cloth from Asia for American consumption, is now engaged in the exportation of coarse American cottons to Asia, for Asiatic consumption! And my honorable friend from Massachusetts, now

in my eye, (Mr. Silsbee,) informed me, that on his departure from home, among the last orders which he gave, one was for the exportation of coarse cottons to Sumatra, in the vicinity of Calcutta! I hold in my hand a statement, derived from the most authentic source, showing that the identical description of cotton cloth, which sold in 1817 at twenty-nine cents per yard, was sold in 1819 at twenty-one cents, in 1821 at nineteen and a half cents, in 1823 at seventeen cents, in 1825 at fourteen and a half cents, in 1827 at thirteen cents, in 1829 at nine cents, in 1830 at nine and a half cents, and in 1831 at from ten and a half to eleven. Such is the wonderful effect of protection, competition, and improvement in skill, combined! The year 1829 was one of some suffering to this branch of industry, probably owing to the principle of competition being pushed too far. Hence we observe a small rise in the article of the next two years. The introduction of calico printing into the United States, constitutes an important era in our manufacturing industry. It commenced about the year 1825, and has since made such astonishing advances, that the whole quantity now annually printed is but little short of forty millions of yards—about two thirds of our whole consumption. It is a beautiful manufacture, combining great mechanical skill with scientific discoveries in chemistry. The engraved cylinders for making the impression require much taste, and put in requisition the genius of the fine arts of design and engraving. Are the fine graceful forms of our fair countrywomen less lovely when enveloped in the chintzes and calicoes produced by native industry, than when clothed in the tinsel of foreign drapery?

Gentlemen are no doubt surprised at these facts. They should not underrate the energies, the enterprise, and the skill of our fellow-citizens. I have no doubt they are every way competent to accomplish whatever can be effected by any other people, if encouraged and protected by the fostering care of our own government. Will gentlemen believe the fact, which I am authorized now to state, that the United States, at this time, manufacture one half the quantity of cotton which Great Britain did in 1816! We possess three great advantages; first, the raw material; second, water-power instead of that of steam, generally used in England; and, third, the cheaper labor of females. In England, males spin with the mule and weave; in this country, women and girls spin with the throstle, and superintend the power-loom. And can there be any employment more appropriate? Who has not been delighted with contemplating the clock-work regularity of a large cotton manufactory? I have often visited them at Cincinnati and other places, and always with increased admiration. The women, separated from the other sex, work in apartments, large, airy, well warmed, and spacious. Neatly dressed, with ruddy complexions, and happy countenances, they watch the work before them, mend the broken



threads, and replace the exhausted balls or broaches. At stated hours they are called to their meals, and go and return with light and cheerful step. At night they separate, and repair to their respective houses, under the care of a mother, guardian, or friend. 'Six days shalt thou labor and do all that thou hast to do, but the seventh day is the sabbath of the Lord thy God.' Accordingly, we behold them, on that sacred day, assembled together in His temples, and in devotional attitudes and with pious countenances offering their prayers to heaven for all its blessings; of which it is not the least, that a system of policy has been adopted by their country, which admits of their obtaining a comfortable subsistence. Manufactures have brought into profitable employment a vast amount of female labor, which, without them, would be lost to the country.

In respect to woollens, every gentleman's own observation and experience will enable him to judge of the great reduction of price which has taken place in most of these articles, since the tariff of 1824. It would have been still greater, but for the high duty on the raw material, imposed for the particular benefit of the farming interest. But, without going into particular details, I shall limit myself to inviting the attention of the senate to a single article of general and necessary use. The protection given to flannels in 1828 was fully adequate. It has enabled the American manufacturer to obtain complete possession of the American market; and now, let us look at the effect. I have before me a statement from a highly respectable mercantile house, showing the price of four descriptions of flannel during six years. The average price of them, in 1826, was thirty-eight cents and three quarters; in 1827, thirty-eight; in 1828, (the year of the tariff,) forty-six; in 1829, thirty-six; in 1830, (notwithstanding the advance in the price of wool,) thirty-two; and in 1831, thirty-two and one quarter. These facts require no comments. I have before me another statement of a practical and respectable man, well versed in the flannel manufacture in America and England, demonstrating that the cost of manufacture is precisely the same in both countries; and that, although a yard of flannel which would sell in England at fifteen cents, would command here twenty-two, the difference of seven cents is the exact difference between the cost in the two countries, of the six ounces of wool contained in a yard of flannel.

Brown sugar, during ten years, from 1792 to 1802, with a duty of one and a half cents per pound, averaged fourteen cents per pound. The same article, during ten years, from 1820 to 1830, with a duty of three cents, has averaged only eight cents per pound. Nails, with a duty of five cents per pound, are selling at six cents. Window glass, eight by ten, prior to the tariff of 1824, sold at twelve or thirteen dollars per hundred feet; it now sells for three dollars seventy-five cents.

The gentleman from South Carolina, sensible of the incontestable fact of the very great reduction in the price of the necessaries of life, protected by the American system, has felt the full force of it, and has presented various explanations of the causes to which he ascribes it. The first is, the diminished production of the precious metals, in consequence of the distressed state of the countries in which they are extracted, and the consequent increase of their value, relative to that of the commodities for which they are exchanged. But, if this be the true cause of the reduction of price, its operation ought to have been general, on all objects, and of course upon cotton among the rest. And, in point of fact, the diminished price of that staple is not greater than the diminution of the value of other staples of our agriculture. Flour, which commanded some years ago, ten or twelve dollars per barrel, is now sold for five. The fall of tobacco has been still more. The kite-foot of Maryland, which sold at from sixteen to twenty dollars per hundred, now produces only four or five. That of Virginia has sustained an equal decline. Beef, pork, every article almost, produced by the farmer, has decreased in value. Ought not South Carolina, then, to submit quietly to a state of things which is general, and proceeds from an uncontrollable cause? Ought she to ascribe to the 'accursed' tariff, what results from the calamities of civil and foreign war, raging in many countries?

But, sir, I do not subscribe to this doctrine, implicitly. I do not believe that the diminished production of the precious metals, if that be the fact, satisfactorily accounts for the fall in prices; for I think that the augmentation of the currency of the world, by means of banks, public stocks, and other facilities arising out of exchange and credit, has more than supplied any deficiency in the amount of the precious metals.

It is further urged, that the restoration of peace in Europe, after the battle of Waterloo, and the consequent return to peaceful pursuits of large masses of its population, by greatly increasing the aggregate amount of effective labor, had a tendency to lower prices; and undoubtedly such ought to have been its natural tendency. The same cause, however, must also have operated to reduce the price of our agricultural produce, for which there was no longer the same demand in peace as in war; and it did so operate. But its influence on the price of manufactured articles, between the general peace of Europe in 1815, and the adoption of our tariff in 1824, was less sensibly felt, because, perhaps, a much larger portion of the labor, liberated by the disbandment of armies, was absorbed by manufactures than by agriculture. It is also contended, that the invention and improvement of labor-saving machinery, have tended to lessen the prices of manufactured objects of consumption; and undoubtedly this cause has had some effect. Ought not America to contribute her quota of this cause, and has

she not by her skill and extraordinary adaptation to the arts, in truth, largely contributed to it?

This brings me to consider what I apprehend to have been the most efficient of all the causes in the reduction of the prices of manufactured articles, and that is COMPETITION. By competition, the total amount of the supply is increased, and by increase of the supply, a competition in the sale ensues, and this enables the consumer to buy at lower rates. Of all human powers operating on the affairs of mankind, none is greater than that of competition. It is action and reaction. It operates between individuals in the same nation, and between different nations. It resembles the meeting of the mountain torrent, grooving, by its precipitous motion, its own channel, and ocean's tide. Unopposed, it sweeps every thing before it; but, counterpoised, the waters become calm, safe, and regular. It is like the segments of a circle or an arch; aken separately, each is nothing; but in their combination they produce efficiency, symmetry, and perfection. By the American system this vast power has been excited in America, and brought into being to act in coöperation or collision with European industry. Europe acts within itself, and with America; and America acts within itself, and with Europe. The consequence is the reduction of prices in both hemispheres. Nor is it fair to argue from the reduction of prices in Europe, to her own presumed skill and labor exclusively. We affect her prices, and she affects ours. This must always be the case, at least in reference to any articles as to which there is not a total non-intercourse; and if our industry, by diminishing the demand for her supplies, should produce a diminution in the price of those supplies, it would be very unfair to ascribe that reduction to her ingenuity, instead of placing it to the credit of our own skill and *excited* industry.

Practical men understand very well this state of the case, whether they do or do not comprehend the causes which produce it. I have in my possession a letter from a respectable merchant, well known to me, in which he says, after complaining of the operation of the tariff of 1828, on the articles to which it applies, some of which he had imported, and that his purchases having been made in England, before the passage of that tariff was known, it produced such an effect upon the English market, that the articles could not be resold without loss, he adds: 'for it *really* appears that, when *additional* duties are laid upon an article, it then becomes *lower* instead of *higher*.' This would not probably happen, where the supply of the foreign article did not exceed the home demand, unless upon the supposition of the increased duty having *excited* or *stimulated* the measure of the home production.

The great law of *price* is determined by supply and demand. Whatever affects either, affects the price. If the supply is increased, the demand remaining the same, the price declines; if the demand

is increased, the supply remaining the same, the price advances; if both supply and demand are undiminished, the price is stationary, and the price is influenced exactly in proportion to the degree of disturbance to the demand or supply. It is, therefore, a great error to suppose that an existing or new duty *necessarily* becomes a component element to its exact amount of price. If the proportions of demand and supply are varied by the duty, either in augmenting the supply, or diminishing the demand, or *vice versa*, price is affected to the extent of that variation. But the duty never becomes an integral part of the price, except in the instances where the demand and the supply remain after the duty is imposed, precisely what they were before, or the demand is increased, and the supply remains stationary.

Competition, therefore, wherever existing, whether at home or abroad, is the parent cause of cheapness. If a high duty excites production at home, and the quantity of the domestic article exceeds the amount which had been previously imported, the price will fall. This accounts for an extraordinary fact stated by a senator from Missouri. Three cents were laid as a duty upon a pound of lead, by the act of 1828. The price at Galena, and the other lead mines, afterwards fell to one and a half cents per pound. Now it is obvious that the duty did not, in this case, enter into the price; for it was twice the amount of the price. What produced the fall? It was *stimulated* production at home, excited by the temptation of the exclusive possession of the home market. This state of things could not last. Men would not continue an unprofitable pursuit; some abandoned the business, or the total quantity produced was diminished, and living prices have been the consequence. But break down the domestic supply, place us again in a state of dependence on the foreign source, and can it be doubted that we should ultimately have to supply ourselves at dearer rates? It is not fair to credit the foreign market with the depression of prices produced there by the influence of our competition. Let the competition be withdrawn, and their prices would instantly rise. On this subject, great mistakes are committed. I have seen most erroneous reasoning in a late report of Mr. Lee, of the free-trade convention in regard to the article of sugar. He calculates the total amount of brown sugar produced in the world, and then states, that what is made in Louisiana is not more than two and a half per centum of that total. Although his data may be questioned, let us assume their truth, and what might be the result? Price being determined by the proportions of supply and demand, it is evident that when the supply *exceeds* the demand, the price will fall. And the fall is not always regulated by the amount of that excess. If the market at a given price, required five or fifty millions of hogsheads of sugar, a surplus of only a few hundred might materially influence the price, and diffuse itself throughout

the whole mass. Add, therefore, the eighty or one hundred thousand hogsheads of Louisiana sugar to the entire mass produced in other parts of the world, and it cannot be doubted that a material reduction of the price of the article, throughout Europe and America, would take place. The Louisiana sugar substituting foreign sugar in the home market, to the amount of its annual produce, would force an equal amount of foreign sugar into other markets, which being glutted, the price would necessarily decline, and this decline of price would press portions of the foreign sugar into competition in the United States with Louisiana sugar, the price of which would also be brought down. The fact has been in exact conformity with this theory. But now let us suppose the Louisiana sugar to be entirely withdrawn from the general consumption, what then would happen? A new demand would be created in America for foreign sugar, to the extent of the eighty or one hundred thousand hogsheads made in Louisiana; a less amount by that quantity, would be sent to the European markets, and the price would consequently every where rise. It is not, therefore, those who, by keeping on duties, keep down prices, that tax the people, but those who, by repealing duties, would raise prices, that really impose burdens upon the people.

But it is argued, that if, by the skill, experience, and perfection, which we have acquired in certain branches of manufacture, they can be made as cheap as similar articles abroad, and enter fairly into competition with them, why not repeal the duties as to those articles? And why should we? Assuming the truth of the supposition, the foreign article would not be introduced in the regular course of trade, but would remain excluded by the possession of the home market, which the domestic article had obtained. The repeal, therefore, would have no legitimate effect. But might not the foreign article be imported in vast quantities, to glut our markets, break down our establishments, and ultimately to enable the foreigner to monopolize the supply of our consumption? America is the greatest foreign market for European manufactures. It is that to which European attention is constantly directed. If a great house becomes bankrupt there, its store-houses are emptied, and the goods are shipped to America, where, in consequence of our auctions, and our custom-house credits, the greatest facilities are afforded in the sale of them. Combinations among manufacturers might take place, or even the operations of foreign governments might be directed to the destruction of our establishments. A repeal, therefore, of one protecting duty, from some one or all of these causes, would be followed by flooding the country with the foreign fabric, surcharging the market, reducing the price, and a complete prostration of our manufactories; after which the foreigner would leisurely look about to indemnify himself in the increased prices which he would be enabled to command by his

monopoly of the supply of our consumption: What American citizen, after the government had displayed this vascillating policy, would be again tempted to place the smallest confidence in the public faith, and adventure once more in this branch of industry?

Gentlemen have allowed to the manufacturing portions of the community no peace; they have been constantly threatened with the overthrow of the American system. From the year 1820, if not from 1816, down to this time, they have been held in a condition of constant alarm and insecurity. Nothing is more prejudicial to the great interests of a nation than unsettled and varying policy. Although every appeal to the national legislature has been responded to in conformity with the wishes and sentiments of the great majority of the people, measures of protection have only been carried by such small majorities as to excite hopes on the one hand, and fears on the other. Let the country breathe, let its vast resources be developed, let its energies be fully put forth, let it have tranquillity, and my word for it, the degree of perfection in the arts which it will exhibit, will be greater than that which has been presented, astonishing as our progress has been. Although some branches of our manufactures might, and in foreign markets now do, fearlessly contend with similar foreign fabrics, there are many others yet in their infancy, struggling with the difficulties which encompass them. We should look at the whole system, and recollect that time, when we contemplate the great movements of a nation, is very different from the short period which is allotted for the duration of individual life. The honorable gentleman from South Carolina well and eloquently said, in 1824, 'no great interest of any country ever yet grew up in a day; no new branch of industry can become firmly and profitably established but in a long course of years; every thing, indeed, great or good, is matured by slow degrees: that which attains a speedy maturity is of small value, and is destined to a brief existence. It is the order of Providence, that powers gradually developed, shall alone attain permanency and perfection. Thus must it be with our national institutions, and national character itself.'

I feel most sensibly, Mr. President, how much I have trespassed upon the senate. My apology is a deep and deliberate conviction, that the great cause under debate involves the prosperity and the destiny of the union. But the best requital I can make, for the friendly indulgence which has been extended to me by the senate, and for which I shall ever retain sentiments of lasting gratitude, is to proceed with as little delay as practicable, to the conclusion of a discourse which has not been more tedious to the senate than exhausting to me. I have now to consider the remaining of the two propositions which I have already announced. That is,

Second, that under the operation of the American system, the products of our agriculture command a higher price than they

would do without it, by the creation of a home market; and by the augmentation of wealth produced by manufacturing industry, which enlarges our powers of consumption both of domestic and foreign articles. The importance of the home market is among the established maxims which are universally recognised by all writers and all men. However some may differ as to the relative advantages of the foreign and the home market, none deny to the latter great value and high consideration. It is nearer to us; beyond the control of foreign legislation; and undisturbed by those vicissitudes to which all international intercourse is more or less exposed. The most stupid are sensible of the benefit of a residence in the vicinity of a large manufactory, or of a market town, of a good road, or of a navigable stream, which connects their farms with some great capital. If the pursuits of all men were perfectly the same, although they would be in possession of the greatest abundance of the particular produce of their industry, they might, at the same time, be in extreme want of other necessary articles of human subsistence. The uniformity of the general occupation would preclude all exchanges, all commerce. It is only in the diversity of the vocations of the members of a community that the means can be found for those salutary exchanges which conduce to the general prosperity. And the greater that diversity, the more extensive and the more animating is the circle of exchange. Even if foreign markets were freely and widely open to the reception of our agricultural produce, from its bulky nature, and the distance of the interior, and the dangers of the ocean, large portions of it could never profitably reach the foreign market. But let us quit this field of theory, clear as it is, and look at the practical operation of the system of protection, beginning with the most valuable staple of our agriculture.

In considering this staple, the first circumstance that excites our surprise, is the rapidity with which the amount of it has annually increased. Does not this fact, however, demonstrate that the cultivation of it could not have been so very unprofitable? If the business were ruinous, would more and more have annually engaged in it? The quantity in 1816, was eighty-one millions of pounds; in 1826, two hundred and four millions; and in 1830, near three hundred millions! The ground of greatest surprise is, that it has been able to sustain even its present price with such an enormous augmentation of quantity. It could not have been done but for the combined operation of three causes, by which the consumption of cotton fabrics has been greatly extended, in consequence of their reduced prices: first, competition; second, the improvement of labor-saving machinery; and, thirdly, the low price of the raw material. The crop of 1819, amounting to eighty-eight millions of pounds, produced twenty-one millions of dollars; the crop of 1823, when the amount was swelled to one hundred

and seventy-four millions, (almost double that of 1819,) produced a less sum by more than half a million of dollars; and the crop of 1824, amounting to thirty millions of pounds less than that of the preceding year, produced a million and a half of dollars more.

If there be any foundation for the established law of price, supply, and demand, ought not the fact of this great increase of the supply to account satisfactorily for the alleged low price of cotton? Is it necessary to look beyond that single fact to the tariff, to the diminished price of the mines furnishing the precious metals, or to any other cause, for the solution? This subject is well understood in the south, and although I cannot approve the practice which has been introduced of quoting authority, and still less the authority of newspapers, for favorite theories, I must ask permission of the senate to read an article from a southern newspaper.

[Here general Hayne requested Mr. Clay to give the name of the authority, that it might appear whether it was not some other than a southern paper expressing southern sentiments. Mr. Clay stated that it was from the Charleston City Gazette, one, he believed, of the oldest and most respectable prints in that city, although he was not sure what might be its sentiments on the question which at present divides the people of South Carolina. The article comprises a full explanation of the low price of cotton, and assigns to it its true cause—increased production.]

Let us suppose that the home demand for cotton, which has been created by the American system, were to cease, and that the two hundred thousand\* bales, which the home market now absorbs, were now thrown into the glutted markets of foreign countries; would not the effect inevitably be to produce a further and great reduction in the price of the article? If there be any truth in the facts and principles which I have before stated and endeavored to illustrate, it cannot be doubted that the existence of American manufactures has tended to increase the demand, and extend the consumption of the raw material; and that, but for this increased demand, the price of the article would have fallen, possibly one half lower than it now is. The error of the opposite argument is, in assuming one thing, which being denied, the whole fails; that is, it assumes that the *whole* labor of the United States would be

\* Mr. Clay stated that he assumed the quantity which was generally computed, but he believed it much greater, and subsequent information justifies his belief. It appears from the report of the cotton committee appointed by the New York convention, that *partial* returns show a consumption of upwards of two hundred and fifty thousand bales; that the cotton manufacture employs nearly forty thousand females, and about five thousand children; that the total dependants on it are one hundred and thirty-one thousand four hundred and eighty-nine; that the annual wages paid are twelve million one hundred and fifty-five thousand seven hundred and twenty-three dollars; the annual value of its products thirty-two million three hundred and six thousand and seventy-six dollars; the capital forty-four million nine hundred and fourteen thousand nine hundred and eighty-four dollars; the number of mills seven hundred and ninety-five; of spindles one million two hundred and forty-six thousand five hundred and three; and of cloth made, two hundred and sixty million four hundred and sixty-one thousand nine hundred and ninety yards. This statement does not comprehend the western manufactures.



profitably employed without manufactures. Now, the truth is, that the system *excites* and *creates* labor, and this labor creates wealth, and this new wealth communicates additional ability to consume, which acts on all the objects contributing to human comfort and enjoyment. The amount of cotton imported into the two ports of Boston and Providence alone during the last year, (and it was imported exclusively for the home manufacture,) was one hundred and nine thousand five hundred and seventeen bales.

On passing from that article to others of our agricultural productions, we shall find not less gratifying facts. The total quantity of flour imported into Boston, during the same year, was two hundred and eighty-four thousand five hundred and four barrels, and three thousand nine hundred and fifty-five half barrels; of which, there were from Virginia, Georgetown, and Alexandria, one hundred and fourteen thousand two hundred and twenty-two barrels; of Indian corn, six hundred and eighty-one thousand one hundred and thirty-one bushels; of oats, two hundred and thirty-nine thousand eight hundred and nine bushels; of rye, about fifty thousand bushels; and of shorts, thirty-three thousand four hundred and eighty-nine bushels; into the port of Providence, seventy-one thousand three hundred and sixty-nine barrels of flour; two hundred and sixteen thousand six hundred and sixty-two bushels of Indian corn, and seven thousand seven hundred and seventy-two bushels of rye. And there were discharged at the port of Philadelphia, four hundred and twenty thousand three hundred and fifty-three bushels of Indian corn; two hundred and one thousand eight hundred and seventy-eight bushels of wheat, and one hundred and ten thousand five hundred and fifty-seven bushels of rye and barley. There were slaughtered in Boston during the same year, 1831, (the only northern city from which I have obtained returns,) thirty-three thousand nine hundred and twenty-two beef cattle; fifteen thousand and four hundred calves; eighty-four thousand four hundred and fifty-three sheep, and twenty-six thousand eight hundred and seventy-one swine. It is confidently believed, that there is not a less quantity of southern flour consumed at the north than eight hundred thousand barrels, a greater amount, probably, than is shipped to all the foreign markets of the world together.

What would be the condition of the farming country of the United States — of all that portion which lies north, east, and west of James river, including a large part of North Carolina — if a home market did not exist for this immense amount of agricultural produce? Without that market, where could it be sold? In foreign markets? If their restrictive laws did not exist, their capacity would not enable them to purchase and consume this vast addition to their present supplies, which must be thrown in, or thrown away, but for the home market. But their laws exclude us from their markets. I shall content myself by calling the attention

of the senate to Great Britain only. The duties in the ports of the united kingdom on bread-stuffs are prohibitory, except in times of dearth. On rice, the duty is fifteen shillings sterling per hundred weight, being more than one hundred per centum. On manufactured tobacco it is nine shillings sterling per pound, or about two thousand per centum. On leaf tobacco three shillings per pound, or one thousand two hundred per centum. On lumber, and some other articles, they are from four hundred to fifteen hundred per centum more than on similar articles imported from British colonies. In the British West Indies the duty on beef, pork, hams, and bacon, is twelve shillings sterling per hundred, more than one hundred per centum on the first cost of beef and pork in the western states. And yet Great Britain is the power in whose behalf we are called upon to legislate, so that *we* may enable *her* to purchase our cotton! — Great Britain, that thinks only of herself in her own legislation! When have we experienced justice, much less favor, at her hands? When did she shape her legislation in reference to the interests of any foreign power? She is a great, opulent, and powerful nation; but haughty, arrogant, and supercilious; not more separated from the rest of the world by the sea that girts her island, than she is separated in feeling, sympathy, or friendly consideration of their welfare. Gentlemen, in supposing it impracticable that we should successfully compete with her in manufactures, do injustice to the skill and enterprise of their own country. Gallant as Great Britain undoubtedly is, we have gloriously contended with her, man to man, gun to gun, ship to ship, fleet to fleet, and army to army. And I have no doubt we are destined to achieve equal success in the more useful, if not nobler contest for superiority in the arts of civil life.

I could extend and dwell on the long list of articles — the hemp, iron, lead, coal, and other items — for which a demand is created in the home market by the operation of the American system; but I should exhaust the patience of the senate. *Where, where* should we find a market for all these articles, if it did not exist at home? What would be the condition of the largest portion of our people, and of the territory, if this home market were annihilated? How could they be supplied with objects of prime necessity? What would not be the certain and inevitable decline in the price of all these articles, but for the home market? And allow me, Mr. President, to say, that of all the agricultural parts of the United States which are benefited by the operation of this system, none are equally so with those which border the Chesapeake bay, the lower parts of North Carolina, Virginia, and the two shores of Maryland. Their facilities of transportation, and proximity to the north, give them decided advantages.

But if all this reasoning were totally fallacious; if the price of manufactured articles were really higher, under the American

system, than without it; I should still argue that high or low prices were themselves relative — relative to the ability to pay them. It is in vain to tempt, to tantalize us with the lower prices of European fabrics than our own, if we have nothing wherewith to purchase them. If, by the home exchanges, we can be supplied with necessary, even if they are dearer and worse articles of American production than the foreign, it is better than not to be supplied at all. And how would the large portion of our country, which I have described, be supplied, but for the home exchanges? A poor people, destitute of wealth or of exchangeable commodities, has nothing to purchase foreign fabrics with. To them they are equally beyond their reach, whether their cost be a dollar or a guinea. It is in this view of the matter that Great Britain, by her vast wealth, her *excited* and *protected* industry, is enabled to bear a burden of taxation, which, when compared to that of other nations, appears enormous; but which, when her immense riches are compared to theirs, is light and trivial. The gentleman from South Carolina has drawn a lively and flattering picture of our coasts, bays, rivers, and harbors; and he argues that these proclaimed the design of Providence, that we should be a commercial people. I agree with him. We differ only as to the means. He would cherish the foreign, and neglect the internal trade. I would foster both. What is navigation without ships, or ships without cargoes? By penetrating the bosoms of our mountains, and extracting from them their precious treasures; by cultivating the earth, and *securing* a home market for its rich and abundant products; by employing the wai'er power with which we are blessed; by stimulating and protecting our native industry, in all its forms; we shall but nourish and promote the prosperity of commerce, foreign and domestic.

I have hitherto considered the question, in reference only to a state of peace; but a season of war ought not to be entirely overlooked. We have enjoyed near twenty years of peace; but who can tell when the storm of war shall again break forth? Have we forgotten, so soon, the privations to which not merely our brave soldiers and our gallant tars were subjected, but the whole community, during the last war, for the want of absolute necessities? To what an enormous price they rose! And how inadequate the supply was, at any price! The statesman who justly elevates his views, will look behind as well as forward, and at the existing state of things; and he will graduate the policy, which he recommends, to all the probable exigences which may arise in the republic. Taking this comprehensive range, it would be easy to show that the higher prices of peace, if prices were higher in peace, were more than compensated by the lower prices of war, during which, supplies of all essential articles are indispensable to its vigorous, effectual, and glorious prosecution. I conclude this part of the argument with the hope that my humble exertions have not been altogether unsuccessful in showing,

First, that the policy which we have been considering ought to continue to be regarded as the genuine American system.

Secondly, that the free trade system, which is proposed as its substitute, ought really to be considered as the British colonial system.

Thirdly, that the American system is beneficial to all parts of the union, and absolutely necessary to much the larger portion.

Fourthly, that the price of the great staple of cotton, and of all our chief productions of agriculture, has been sustained and upheld, and a decline averted, by the protective system.

Fifthly, that if the foreign demand for cotton has been at all diminished, by the operation of that system, the diminution has been more than compensated, in the additional demand created at home.

Sixthly, that the constant tendency of the system, by creating competition among ourselves, and between American and European industry, reciprocally acting upon each other, is to reduce prices of manufactured objects.

Seventhly, that, in point of fact, objects within the scope of the policy of protection, have greatly fallen in price.

Eighthly, that if, in a season of peace, these benefits are experienced, in a season of war, when the foreign supply might be cut off, they would be much more extensively felt.

Ninthly, and finally, that the substitution of the British colonial system for the American system, without benefiting any section of the union, by subjecting us to a foreign legislation, regulated by foreign interests, would lead to the prostration of our manufactories, general impoverishment, and ultimate ruin.

And now, Mr. President, I have to make a few observations on a delicate subject, which I approach with all the respect that is due to its serious and grave nature. They have not, indeed, been rendered necessary by the speech from the gentleman from South Carolina, whose forbearance to notice the topic was commendable, as his argument throughout was characterized by an ability and dignity worthy of him, and of the senate. The gentleman made one declaration, which might possibly be misinterpreted, and I submit to him whether an explanation of it be not proper. The declaration, as reported in his printed speech, is, 'the instinct of self-interest might have taught us an easier way of relieving ourselves from this oppression. It wanted but the will to have supplied ourselves with every article embraced in the protective system, free of duty, without any other participation on our part than a simple consent to receive them.'

[Here general Hayne rose and remarked, that the passages which immediately preceded and followed the paragraph cited, he thought plainly indicated his meaning, which related to evasions of the system, by illicit introduction of goods, which they were not disposed to countenance in South Carolina.]

I am happy to hear this explanation. But, sir, it is impossible to conceal from our view the facts, that there is a great excitement in South Carolina; that the protective system is openly and violently denounced in popular meetings; and that the legislature itself has declared its purpose of resorting to counteracting measures, a suspension of which has only been submitted to, for the purpose of allowing congress time to *retrace* its steps. With respect to this union, Mr. President, the truth cannot be too generally proclaimed, nor too strongly inculcated, that it is necessary to the *whole* and to all the *parts* — necessary to those parts, indeed, in different degrees, but vitally necessary to *each* — and that threats to disturb or dissolve it, coming from any of the parts, would be quite as indiscreet and improper as would be threats from the residue to exclude those parts from the pale of its benefits. The great principle, which lies at the foundation of all free governments, is, that the majority must govern; from which there is or can be no appeal but to the sword. That majority ought to govern wisely, equitably, moderately, and constitutionally, but govern *it must*, subject only to that terrible appeal. If ever one or several states, being a minority, can, by menacing a dissolution of the union, succeed in forcing an abandonment of great measures, deemed essential to the interests and prosperity of the whole, the union, from that moment, is practically gone. It may linger on, in form and name, but its vital spirit has fled for ever! Entertaining these deliberate opinions, I would entreat the patriotic people of South Carolina — the land of Marion, Sumpter, and Pickens; of Rutledge, Laurens, the Pinkneys and Lowndes; of living and present names, which I would mention if they were not living or present — to pause, solemnly pause! and contemplate the frightful precipice which lies directly before them. To retreat may be painful and mortifying to their gallantry and pride, but it is to retreat to the union, to safety, and to those brethren with whom, or with whose ancestors, they, or their ancestors, have won, on fields of glory, imperishable renown. To advance, is to rush on certain and inevitable disgrace and destruction.

We have been told of deserted castles, of uninhabited halls, and of mansions, once the seats of opulence and hospitality, now abandoned and mouldering in ruins. I never had the honor of being in South Carolina, but I have heard and read of the stories of its chivalry, and of its generous and open-hearted liberality. I have heard, too, of the struggles for power, between the lower and upper country. The same causes which existed in Virginia, with which I have been acquainted, I presume, have had their influence in Carolina. In whose hands now are the once proud seats of Westover Curl, Maycox, Shirley,\* and others, on James river, and

\* As to Shirley, Mr. Clay acknowledges his mistake, made in the warmth of debate. It is yet the abode of the respectable and hospitable descendants of its former opulent proprietor.

in lower Virginia? Under the operation of laws, abolishing the principle of primogeniture, and providing the equitable rule of an equal distribution of estates, among those in equal degree of consanguinity, they have passed into other and stranger hands. Some of the descendants of illustrious families have gone to the far west, while others, lingering behind, have contrasted their present condition with that of their venerated ancestors. They behold themselves excluded from their fathers' houses, now in the hands of those who were once their fathers' overseers, or sinking into decay; their imaginations paint ancient renown, the fading honors of their name—glories gone by; too poor to live, too proud to work, too high-minded and honorable to resort to ignoble means of acquisition; brave, daring, chivalrous; *what* can be the cause of their present unhappy state? The 'accursed' tariff presents itself to their excited imaginations, and they blindly rush into the ranks of those who, unfurling the banner of nullification, would place a state upon its sovereignty!

The danger to our union does not lie on the side of persistence in the American system, but on that of its abandonment. If, as I have supposed and believe, the inhabitants of all north and east of James river, and all west of the mountains, including Louisiana, are deeply interested in the preservation of that system, would they be reconciled to its overthrow? Can it be expected that two thirds, if not three fourths, of the people of the United States, would consent to the destruction of a policy, believed to be indispensably necessary to their prosperity? When, too, the sacrifice is made at the instance of a single interest, which they verily believe will not be promoted by it? In estimating the degree of peril which may be incident to two opposite courses of human policy, the statesman would be short-sighted who should content himself with viewing only the evils, real or imaginary, which belong to that course which is in practical operation. He should lift himself up to the contemplation of those greater and more certain dangers which might inevitably attend the adoption of the alternative course. What would be the condition of this union, if Pennsylvania and New York, those mammoth members of our confederacy, were firmly persuaded that their industry was paralysed, and their prosperity blighted, by the enforcement of the British colonial system, under the delusive name of free trade? They are now tranquil and happy, and contented, conscious of their welfare, and feeling a salutary and rapid circulation of the products of home manufactures and home industry, throughout all their great arteries. But let that be checked, let them feel that a foreign system is to predominate, and the sources of their subsistence and comfort dried up; let New England and the west, and the middle states, all feel that they too are the victims of a mistaken policy, and let these vast portions of our country despair of any favorable change, and then

indeed might we tremble for the continuance and safety of this union!

And need I remind you, sir, that this dereliction of the duty of protecting our domestic industry, and abandonment of it to the fate of foreign legislation, would be directly at war with leading considerations which prompted the adoption of the present constitution? The states respectively surrendered to the general government the whole power of laying imposts on foreign goods. They stripped themselves of all power to protect their own manufactures, by the most efficacious means of encouragement—the imposition of duties on rival foreign fabrics. Did they create that great trust, did they voluntarily subject themselves to this self-restriction, that the power should remain in the federal government inactive, unexecuted, and lifeless? Mr. Madison, at the commencement of the government, told you otherwise. In discussing at that early period this very subject, he declared that a failure to exercise this power would be a ‘*fraud*’ upon the northern states, to which may now be added the middle and western states.

[Governor Miller asked to what expression of Mr. Madison’s opinion Mr. Clay referred; and Mr. Clay replied, his opinion, expressed in the house of representatives in 1789, as reported in Lloyd’s Congressional Debates.]

Gentlemen are greatly deceived as to the hold which this system has in the affections of the people of the United States. They represent that it is the policy of New England, and that she is most benefited by it. If there be any part of this union which has been most steady, most unanimous, and most determined in its support, it is Pennsylvania. Why is not that powerful state attacked? Why pass her over, and aim the blow at New England? New England came reluctantly into the policy. In 1824, a majority of her delegation was opposed to it. From the largest state of New England there was but a solitary vote in favor of the bill. That enterprising people can readily accommodate their industry to any policy, provided it be *settled*. They supposed this was fixed, and they submitted to the decrees of government. And the progress of public opinion has kept pace with the developments of the benefits of the system. Now, all New England, at least in this house, (with the exception of one small still voice,) is in favor of the system. In 1824, all Maryland was against it; now the majority is for it. Then, Louisiana, with one exception, was opposed to it; now, without any exception, she is in favor of it. The march of public sentiment is to the south. Virginia will be the next convert; and in less than seven years, if there be no obstacles from political causes, or prejudices industriously instilled, the majority of eastern Virginia will be, as the majority of western Virginia now is, in favor of the American system. North Carolina

will follow later, but not less certainly. Eastern Tennessee is now in favor of the system. And, finally, its doctrines will pervade the whole union, and the wonder will be, that they ever should have been opposed.

I have now to proceed to notice some objections which have been urged against the resolution under consideration. With respect to the amendment which the gentleman from South Carolina has offered, as he has intimated his purpose to modify it, I shall forbear for the present to comment upon it. It is contended that the resolution proposes the repeal of duties on luxuries, leaving those on necessaries to remain, and that it will, therefore, relieve the rich without lessening the burdens of the poor. And the gentleman from South Carolina has carefully selected, for ludicrous effect, a number of the unprotected articles, cosmetics, perfumes, oranges, and so forth. I must say, that this exhibition of the gentleman is not in keeping with the candor which he has generally displayed; that he knows very well that the duties upon these articles are trifling, and that it is of little consequence whether they are repealed or retained. Both systems, the American and the foreign, comprehend some articles which may be deemed luxuries. The senate knows that the unprotected articles which yield the principal part of the revenue, with which this measure would dispense, are coffee, tea, spices, wines, and silks. Of all these articles, wines and silks alone can be pronounced to be luxuries; and as to wines, we have already ratified a treaty, not yet promulgated, by which the duties on them are to be considerably reduced. If the universality of the use of objects of consumption determines their classification, coffee, tea, and spices, in the present condition of civilized society, may be considered necessaries. Even if they were luxuries, why should not the poor, by cheapening their prices, if that can be effected, be allowed to use them? Why should not a poor man be allowed to tie a silk handkerchief on his neck, occasionally regale himself with a glass of cheap French wine, or present his wife or daughter with a silk gown, to be worn on sabbath or gala days? I am quite sure that I do not misconstrue the feelings of the gentleman's heart, in supposing that he would be happy to see the poor as well as the rich moderately indulging themselves in those innocent gratifications. For one, I am delighted to see the condition of the poor attracting the consideration of the opponents of the tariff. It is for the great body of the people, and especially for the poor, that I have ever supported the American system. It affords them profitable employment, and supplies the means of comfortable subsistence. It *secures* to them, certainly, necessaries of life, manufactured at home and places within their reach, and enables them to acquire a reasonable share of foreign luxuries; while the system of gentlemen *promises* them necessaries made in foreign countries, and which are beyond their



power, and *denies* to them luxuries, which they would possess no means to purchase.

The constant complaint of South Carolina against the tariff, is, that it checks importations, and disables foreign powers from purchasing the agricultural productions of the United States. The effect of the resolution will be to increase importations, not so much, it is true, from Great Britain, as from the other powers, but not the less acceptable on that account. It is a misfortune that so large a portion of our foreign commerce concentrates in one nation; it subjects us too much to the legislation and the policy of that nation, and exposes us to the influence of her numerous agents, factors, and merchants. And it is not among the smallest recommendations of the measure before the senate, that its tendency will be to expand our commerce with France, our great revolutionary ally, the land of our Lafayette. There is much greater probability also, of an enlargement of the present demand for cotton in France, than in Great Britain. France engaged later in the manufacture of cotton, and has made, therefore, less progress. She has, moreover, no colonies producing the article in abundance, whose industry she might be tempted to encourage.

The honorable gentleman from Maryland (general Smith), by his reply to a speech which, on the opening of the subject of this resolution, I had occasion to make, has rendered it necessary that I should take some notice of his observations. The honorable gentleman stated that he had been *accused* of partiality to the manufacturing interest. Never was there a more groundless and malicious charge preferred against a calumniated man. Since this question has been agitated in the public councils, although I have often heard from him professions of attachment to this branch of industry, I have never known any member a more uniform, determined, and uncompromising opponent of them, than the honorable senator has invariably been. And if, hereafter, the calumny should be repeated, of his friendship to the American system, I shall be ready to furnish to him, in the most solemn manner, my testimony to his innocence. The honorable gentleman supposed that I had advanced the idea that the *permanent* revenue of this country should be fixed at eighteen millions of dollars. Certainly I had no intention to announce such an opinion, nor do my expressions, fairly interpreted, imply it. I stated, on the occasion referred to, that, estimating the ordinary revenue of the country at twenty-five millions, and the amount of the duties on the unprotected articles proposed to be repealed by the resolution, at seven millions, the latter sum taken from the former would leave eighteen. But I did not intimate any belief that the revenue of the country ought, for the future, to be permanently fixed at that or any other precise sum. I stated that, after having effected so great a reduction, we might pause, cautiously survey the whole ground, and deliberately deter-

mine upon other measures of reduction, some of which I indicated. And I now say, preserve the protective system in full vigor; give us the proceeds of the public domain for internal improvements, or, if you please, partly for that object, and partly for the removal of the free blacks, with their own consent, from the United States; and for one, I have no objection to the reduction of the public revenue to fifteen, to thirteen, or even to nine millions of dollars.

In regard to the scheme of the secretary of the treasury for paying off the whole of the remaining public debt, by the fourth day of March, 1833, including the three per centum, and for that purpose selling the bank stock, I had remarked that, with the exception of the three per centum, there were not more than about four millions of dollars of the debt due and payable within this year, that, to meet this, the secretary had stated in his annual report, that the treasury would have, from the receipts of this year, fourteen millions of dollars, applicable to the principal of the debt; that I did not perceive any urgency for paying off the three per centum by the precise day suggested; and that there was no necessity, according to the plans of the treasury, assuming them to be expedient and proper, to postpone the repeal of the duties on unprotected articles. The gentleman from Maryland imputed to me ignorance of the act of the twenty-fourth of April, 1830, according to which in his opinion the secretary was obliged to purchase the three per centum. On what ground the senator supposed I was ignorant of that act he has not stated. Although when it passed I was at Ashland, I assure him that I was not there altogether uninformed of what was passing in the world. I regularly received the Register of my excellent friend (Mr. Niles), published in Baltimore, the National Intelligencer, and other papers. There are two errors to which gentlemen are sometimes liable; one is to magnify the amount of knowledge which they possess themselves, and the second is to depreciate that which others have acquired. And will the gentleman from Maryland excuse me for thinking that no man is more prone to commit both errors than himself? I will not say that he is ignorant of the true meaning of the act of 1830, but I certainly place a different construction upon it from what he does. It does not oblige the secretary of the treasury, or rather the commissioners of the sinking fund, to apply the surplus of any year to the purchase of the three per centum stock particularly, but leaves them at liberty 'to apply such surplus to the purchase of any portion of the public debt, at such rates as, in their opinion, may be advantageous to the United States.' This vests a discretionary authority, to be exercised under official responsibility. And if any secretary of the treasury, when he had the option of purchasing a portion of the debt, bearing a higher rate of interest at par or about par, were to execute the act by purchasing the three per centums at their present price, he would merit

impeachment. Undoubtedly a state of fact may exist, such as there being no public debt remaining to be paid, but the three per centum stock, with a surplus in the treasury, idle and unproductive, in which it might be expedient to apply that surplus to the reimbursement of the three per centums. But whilst the interest of money is at a greater rate than three per centum, it would not, I think, be wise to produce an accumulation of public treasure for such a purpose. The postponement of any reduction of the amount of the revenue, at this session, must, however, give rise to that very accumulation; and it is, therefore, that I cannot perceive the utility of the postponement.

We are told by the gentleman from Maryland, that offers have been made to the secretary of the treasury to exchange three per centums, at their market price of ninety-six per centum, for the bank stock of the government at its market price, which is about one hundred and twenty-six, and he thinks it would be wise to accept them. If the charter of the bank is renewed, that stock will be probably worth much more than its present price; if not renewed, much less. Would it be fair in government, while the question is pending and undecided, to make such an exchange? The difference in value between a stock bearing three per centum and one bearing seven per centum must be really much greater than the difference between ninety-six and one hundred and twenty-six per centum. Supposing them to be perpetual annuities, the one would be worth more than twice the value of the other. But my objection to the treasury plan is, that it is not necessary to execute it—to continue these duties as the secretary proposes. The secretary has a debt of twenty-four millions to pay; he has from the accruing receipts of this year fourteen millions, and we are now told by the senator from Maryland, that this sum of fourteen millions is exclusive of any of the duties accruing this year. He proposes to raise eight millions by sale of the bank stock, and to anticipate from the revenue receivable next year, two millions more. These three items, then, of fourteen millions, eight millions, and two millions, make up the sum required, of twenty-four millions, without the aid of the duties to which the resolution relates.

The gentleman from Maryland insists that the general government has been liberal towards the west in its appropriations of public lands for internal improvements; and, as to fortifications, he contends that the expenditures near the mouth of the Mississippi are for its especial benefit. The appropriations of land to the states of Ohio, Indiana, Illinois, and Alabama, have been liberal; but it is not to be overlooked, that the general government is itself the greatest proprietor of land, and that a tendency of the improvements, which these appropriations were to effect, is to increase the value of the unsold public domain. The erection of the fortifications for the defence of Louisiana, was highly proper; but the

gentleman might as well place to the account of the west, the disbursement for the fortifications intended to defend Baltimore, Philadelphia, and New York, to all which capitals western produce is sent, and in the security of all of which the western people feel a lively interest. They do not object to expenditures for the army, for the navy, for fortifications, or for any other offensive or commercial object on the Atlantic, but they do think that their condition ought also to receive friendly attention from the general government. With respect to the state of Kentucky, not one cent of money, or one acre of land, has been applied to any object of internal improvement within her limits. The subscription to the stock of the canal at Louisville was for an object in which many states were interested. The senator from Maryland complains that he has been unable to obtain any aid for the railroad which the enterprise of Baltimore has projected, and in part executed. That was a great work, the conception of which was bold, and highly honorable, and it deserves national encouragement. But how has the committee of roads and canals, at this session, been constituted? The senator from Maryland possessed a brief authority to organize it, and, if I am not misinformed, a majority of the members composing it, appointed by him, are opposed both to the constitutionality of the power, and the expediency of exercising it.

And now, sir, I would address a few words to the friends of the American system in the senate. The revenue must, ought to be reduced. The country will not, after by the payment of the public debt ten or twelve millions of dollars become unnecessary, bear such an annual surplus. Its distribution would form a subject of perpetual contention. Some of the opponents of the system understand the stratagem by which to attack it, and are shaping their course accordingly. It is to crush the system by the accumulation of revenue, and by the effort to persuade the people that they are unnecessarily taxed, while those would really tax them who would break up the native sources of supply, and render them dependent upon the foreign. But the revenue ought to be reduced, so as to accommodate it to the fact of the payment of the public debt. And the alternative is or may be, to preserve the protecting system, and repeal the duties on the unprotected articles, or to *preserve* the duties on *unprotected* articles, and endanger if not destroy the system. Let us then adopt the measure before us, which will benefit all classes; the farmer, the professional man, the merchant, the manufacturer, the mechanic; and the cotton planter more than all. A few months ago there was no diversity of opinion as to the expediency of this measure. All, then, seemed to unite in the selection of these objects for a repeal of duties which were not produced within the country. Such a repeal did not touch our domestic industry, violated no principle, offended no prejudice.

Can we not all, whatever may be our favorite theories, cordially unite on this neutral ground? When that is occupied, let us look beyond it, and see if any thing can be done in the field of protection, to modify, to improve it, or to satisfy those who are opposed to the system. Our southern brethren believe that it is injurious to them, and ask its repeal. We believe that its abandonment will be prejudicial to them, and ruinous to every other section of the union. However strong their convictions may be, they are not stronger than ours. Between the points of the preservation of the system and its absolute repeal, there is no principle of union. If it can be shown to operate immoderately on any quarter; if the measure of protection to any article can be demonstrated to be undue and inordinate; it would be the duty of congress to interpose and apply a remedy. And none will coöperate more heartily than I shall in the performance of that duty. It is quite probable that beneficial modifications of the system may be made without impairing its efficacy. But to make it fulfil the purposes of its institution, the measure of protection ought to be adequate. If it be not, all interests will be injuriously affected. The manufacturer, crippled in his exertions, will produce less perfect and dearer fabrics, and the consumer will feel the consequence. This is the spirit, and these are the principles only, on which it seems to me that a settlement of the great question can be made, satisfactorily to all parts of our union.

## ON THE PUBLIC LANDS.

IN THE SENATE OF THE UNITED STATES, JUNE 20, 1832.

[THE immense tracts of public lands possessed by the United States, situated in the western states and territories, had been acquired by cessions to the general government from the original Atlantic states claiming them; by the purchase of Louisiana and Florida; and by treaties of purchase with the Indians. The principal inducement to their cession by the states was to aid in the payment of the revolutionary war debt, for which they were at first pledged. The prospect of the extinguishment of the public debt during general Jackson's administration induced him, while president, to recommend to congress the cession of the lands unsold to the states in which they were situated; which would have been an act of injustice to the original thirteen states, and some of the others. President Jefferson had in 1806 suggested the appropriation of the proceeds of the sales of the lands to works of internal improvement, and to the support of education.

It will be recollected that in 1832, general Jackson was a candidate for reelection as president, and Mr. Clay had been nominated in opposition. The opponents of Mr. Clay, having a majority in the senate, referred to the committee on *manufactures*, of which Mr. Clay was chairman, an inquiry respecting the proper disposition of the public lands. This was done for the purpose of embarrassing Mr. Clay, and injuring him either in the old or new states, whichever way he might report on the subject. The result was a severe disappointment to his enemies, by his devising and reporting a *plan for the distribution of the proceeds of the sales of the public lands* among all the several states; the principles of which report, being founded in wisdom and justice, could not well be resisted, and have been repeatedly since adopted by congress, although prevented from being carried into effect by the vetoes of presidents Jackson and Tyler. This report, and the bill which accompanied it, were supported by Mr. Clay in the following speech, giving the most interesting views of a subject of vast importance to his countrymen, and with which his fame as a statesman and public benefactor must ever stand identified ]

IN rising to address the senate, I owe, in the first place, the expression of my hearty thanks to the majority, by whose vote, just given, I am indulged in occupying the floor on this most important question. I am happy to see that the days when the sedition acts and gag laws were in force, and when screws were applied for the suppression of the freedom of speech and debate, are not yet to return; and that, when the consideration of a great question has been specially assigned to a particular day, it is not allowed to be arrested and thrust aside by any unexpected and unprecedented parliamentary manœuvre. The decision of the majority demonstrates that feelings of liberality, and courtesy, and kindness, still prevail in the senate; and that they will be extended even to one

of the humblest members of the body ; for such, I assure the senate, I feel myself to be.\*

It may not be amiss again to allude to the extraordinary reference of the subject of the public lands to the committee of manufactures. I have nothing to do with the motives of honorable senators who composed the majority by which that reference was ordered. The decorum proper in this hall obliges me to consider their motives to have been pure and patriotic. But still I must be permitted to regard the proceeding as very unusual. The senate has a standing committee on the public lands, appointed under long established rules. The members of that committee are presumed to be well acquainted with the subject ; they have some of them occupied the same station for many years, are well versed in the whole legislation on the public lands, and familiar with every branch of it ; and four out of five of them come from the new states. Yet, with a full knowledge of all these circumstances, a reference was ordered by a majority of the senate to the committee on manufactures — a committee than which there is not another standing committee of the senate, whose prescribed duties are more incongruous with the public domain. It happened, in the constitution of the committee of manufactures, that there was not a solitary senator from the new states, and but one from any western state. We earnestly protested against the reference, and insisted upon its impropriety ; but we were overruled by the majority, including a majority of senators from the new states. I will not attempt an expression of the feelings excited in my mind on that occasion. Whatever may have been the intention of honorable senators, I could not be insensible to the embarrassment in which the committee of manufactures was placed, and especially myself. Although any other member of that committee could have rendered himself, with appropriate researches and proper time, more competent than I was to understand the subject of the public lands, it was known that, from my local position, I alone was supposed to have any particular knowledge of them. Whatever emanated from the committee was likely, therefore, to be ascribed to me. If the committee should propose a measure of great liberality towards the new states, the old states might complain. If the measure should seem to lean towards the old states, the new might be dissatisfied. And if it inclined to neither class of states, but recommended a plan according to which there would be distributed impartial justice

\* This subject had been set down for this day. It was generally expected, in and out of the senate, that it would be taken up and that Mr. Clay would address the senate. The members were generally in their seats, and the gallery and lobbies crowded. At the customary hour, he moved that the subject pending should be laid on the table, *to take up the land bill*. It was ordered accordingly. At this point of time Mr. Forsyth made a motion, supported by Mr. Tazwell, that the senate proceed to executive business. The motion was overruled.

among all the states, it was far from certain that any would be pleased.

Without venturing to attribute to honorable senators the purpose of producing this personal embarrassment, I felt it as a necessary consequence of their act, just as much as if it had been in their contemplation. Nevertheless, the committee of manufactures cheerfully entered upon the duty which, against its will, was thus assigned to it by the senate. And, for the causes already noticed, that of preparing a report and suggesting some measure embracing the whole subject, devolved in the committee upon me. The general features of our land system were strongly impressed on my memory; but I found it necessary to reëxamine some of the treaties, deeds of cession, and laws, which related to the acquisition and administration of the public lands; and then to think of, and, if possible, strike out some project, which, without inflicting injury upon any of the states, might deal equally and justly with all of them. The report and bill, submitted to the senate, after having been previously sanctioned by a majority of the committee, were the results of this consideration. The report, with the exception of the principle of distribution which concludes it, obtained the unanimous concurrence of the committee of manufactures.

This report and bill were hardly read in the senate before they were violently denounced. And they were not considered by the senate before a proposition was made to refer the report to that very committee of the public lands to which, in the first instance, I contended the subject ought to have been assigned. It was in vain that we remonstrated against such a proceeding, as unprecedented, as implying unmerited censure on the committee of manufactures, as leading to interminable references; for what more reason could there be to refer the report of the committee of manufactures to the land committee, than would exist for a subsequent reference of the report of this committee, when made, to some third committee, and so on in an endless circle? In spite of all our remonstrances, the same majority, with but little if any variation, which had originally resolved to refer the subject to the committee of manufactures, now determined to commit its bill to the land committee. And this not only without particular examination into the merits of that bill, but without the avowal of any specific amendment which was deemed necessary! The committee of public lands, after the lapse of some days, presented a report, and recommended a reduction of the price of the public lands immediately to one dollar per acre, and eventually to fifty cents per acre; and the grant to the new states of fifteen per centum on the net proceeds of the sales, instead of ten, as proposed by the committee of manufactures, and nothing to the old states.

And now, Mr. President, I desire, at this time, to make a few observations in illustration of the original report; to supply some



omissions in its composition; to say something as to the power and rights of the general government over the public domain; to submit a few remarks on the counter report; and to examine the assumptions which it contained, and the principles on which it is founded.

No subject which had presented itself to the present, or perhaps any preceding congress, was of greater magnitude than that of the public lands. There was another, indeed, which possessed a more exciting and absorbing interest; but the excitement was happily but temporary in its nature. Long after we shall cease to be agitated by the tariff, ages after our manufactures shall have acquired a stability and perfection which will enable them successfully to cope with the manufactures of any other country, the public lands will remain a subject of deep and enduring interest. In whatever view we contemplate them, there is no question of such vast importance. As to their extent, there is public land enough to found an empire; stretching across the immense continent, from the Atlantic to the Pacific ocean, from the Gulf of Mexico to the northwestern lakes, the quantity, according to official surveys and estimates, amounting to the prodigious sum of one billion and eighty millions of acres! As to the duration of the interest regarded as a source of comfort to our people, and of public income — during the last year, when the greatest quantity was sold that ever, in one year, had been previously sold, it amounted to less than three millions of acres, producing three millions and a half of dollars. Assuming that year as affording the standard rate at which the lands will be annually sold, it would require three hundred years to dispose of them. But the sales will probably be accelerated from increased population and other causes. We may safely, however, anticipate that long, if not centuries, after the present day, the representatives of our children's children may be deliberating in the halls of congress, on laws relating to the public lands.

The subject in other points of view, challenged the fullest attention of an American statesman. If there were any one circumstance more than all others which distinguished our happy condition from that of the nations of the old world, it was the possession of this vast national property, and the resources which it afforded to our people and our government. No European nation, (possibly with the exception of Russia,) commanded such an ample resource. With respect to the other republics of this continent, we have no information that any of them have yet adopted a regular system of previous survey and subsequent sale of their wild lands, in convenient tracts, well defined, and adapted to the wants of all. On the contrary, the probability is, that they adhere to the ruinous and mad system of old Spain, according to which large unsurveyed districts are granted to favorite individuals,

prejudicial to them, who often sink under the incumbrance, and die in poverty, whilst the regular current of emigration is checked and diverted from its legitimate channels.

And if there be in the operations of this government one which more than any other displays consummate wisdom and statesmanship, it is that system by which the public lands have been so successfully administered. We should pause, solemnly pause, before we subvert it. We should touch it hesitatingly, and with the gentlest hand. The prudent management of the public lands, in the hands of the general government, will be more manifest by contrasting it with that of several of the states, which had the disposal of large bodies of waste lands. Virginia possessed an ample domain west of the mountains, and in the present state of Kentucky, over and above her munificent cession to the general government. Pressed for pecuniary means, by the revolutionary war, she brought her wild lands, during its progress, into market, receiving payment in paper money. There were no previous surveys of the waste lands; no townships, no sections, no official definition or description of tracts. Each purchaser made his own location, describing the land bought as he thought proper. These locations or descriptions were often vague and uncertain. The consequence was, that the same tract was not unfrequently entered at various times by different purchasers, so as to be literally shingled over with conflicting claims. The state perhaps sold in this way much more land than it was entitled to, but then it received nothing in return that was valuable; whilst the purchasers, in consequence of the clashing and interference between their rights, were exposed to tedious, vexatious, and ruinous litigation. Kentucky suffered long and severely from this cause; and is just emerging from the troubles brought upon her by improvident land legislation. Western Virginia has also suffered greatly, though not to the same extent.

The state of Georgia had large bodies of waste lands, which she disposed of in a manner satisfactory, no doubt, to herself, but astonishing to every one out of that commonwealth. According to her system, waste lands are distributed in lotteries, among the people of the state, in conformity with the enactments of the legislature. And when one district of country is disposed of, as there are many who do not draw prizes, the unsuccessful call out for fresh distributions. These are made from time to time, as lands are acquired from the Indians; and hence one of the causes of the avidity with which the Indian lands are sought. It is manifest, that neither the present generation, nor posterity, can derive much advantage from this mode of alienating public lands. On the contrary, I should think, it cannot fail to engender speculation and a spirit of gambling.

The state of Kentucky, in virtue of a compact with Virginia,

acquired a right to a quantity of public lands south of Green river. Neglecting to profit by the unfortunate example of the parent state, she did not order the country to be surveyed previous to its being offered to purchasers. Seduced by some of those wild land projects, of which at all times there have been some afloat, and which, hitherto, the general government alone has firmly resisted, she was tempted to offer her waste lands to settlers, at different prices, under the name of head-rights or preëmptions. As the laws, like most legislation upon such subjects, were somewhat loosely worded, the keen eye of the speculator soon discerned the defects, and he took advantage of them. Instances had occurred, of masters obtaining certificates of head-rights in the name of their slaves, and thus securing the land, in contravention of the intention of the legislature. Slaves, generally, have but one name, being called Tom, Jack, Dick, or Harry. To conceal the fraud, the owner would add Black, or some other cognomination, so that the certificate would read Tom Black, Jack Black, and so forth. The gentleman from Tennessee, (Mr. Grundy,) will remember, some twenty-odd years ago, when we were both members of the Kentucky legislature, that I took occasion to animadvert upon these fraudulent practices, and observed, that when the names came to be alphabeted, the truth would be told, whatever might be the language of the record; for the alphabet would read *Black Tom*, *Black Harry*, and so forth. Kentucky realized more in her treasury than the parent state had done, considering that she had but a remnant of public lands, and she added somewhat to her population. But they were far less available than they would have been under a system of previous survey and regular sale.

These observations, in respect to the course of the respectable states referred to, in relation to their public lands, are not prompted by any unkind feelings towards them, but to show the superiority of the land system of the United States.

Under the system of the general government, the wisdom of which, in some respects, is admitted, even by the report of the land committee, the country subject to its operation, beyond the Alleghany mountains, has rapidly advanced in population, improvement, and prosperity. The example of the state of Ohio was emphatically relied on by the report of the committee of manufactures — its million of people, its canals, and other improvements, its flourishing towns, its highly-cultivated fields, all put there within less than forty years. To weaken the force of this example, the land committee deny that the population of the state is principally settled upon public lands derived from the general government. But, Mr. President, with great deference to that committee, I must say, that it labors under misapprehension. Three fourths, if not four fifths of the population of that state, are settled upon public lands purchased from the United States, and they are the most

flourishing parts of the state. For the correctness of this statement, I appeal to my friend from Ohio, (Mr. Ewing,) near me. He knows, as well as I do, that the rich valleys of the Miami of Ohio, and the Maumee of the Lake, the Sciota and the Muskingum, are principally settled by persons deriving titles to their lands from the United States.

In a national point of view, one of the greatest advantages which these public lands in the west, and this system of selling them, affords, is the resource which they present against pressure and want, in other parts of the union, from the vocations of society being too closely filled, and too much crowded. They constantly tend to sustain the price of labor, by the opportunity which they offer, of the acquisition of fertile land at a moderate price, and the consequent temptation to emigrate from those parts of the union where labor may be badly rewarded.

The progress of settlement, and the improvement in the fortunes and condition of individuals, under the operation of this beneficent system, are as simple as they are manifest. Pioneers of a more adventurous character, advancing before the tide of emigration, penetrate into the uninhabited regions of the west. They apply the axe to the forest, which falls before them, or the plough to the prairie, deeply sinking its share in the unbroken wild grasses in which it abounds. They build houses, plant orchards, enclose fields, cultivate the earth, and rear up families around them. Meantime, the tide of emigration flows upon them, their improved farms rise in value, a demand for them takes place, they sell to the new comers, at a great advance, and proceed further west, with ample means to purchase from government, at reasonable prices, sufficient land for all the members of their families. Another and another tide succeeds, the first pushing on westwardly the previous settlers, who, in their turn, sell out their farms, constantly augmenting in price, until they arrive at a fixed and stationary value. In this way, thousands, and tens of thousands, are daily improving their circumstances, and bettering their condition. I have often witnessed this gratifying progress. On the same farm you may sometimes behold, standing together, the first rude cabin of round and unhewn logs, and wooden chimneys, the hewed log house, chinked and shingled, with stone or brick chimneys, and, lastly, the comfortable brick or stone dwelling, each denoting the different occupants of the farm, or the several stages of the condition of the same occupant. What other nation can boast of such an outlet for its increasing population, such bountiful means of promoting their prosperity, and securing their independence?

To the public lands of the United States, and especially to the existing system by which they are distributed with so much regularity and equity, are we indebted for these signal benefits in our national condition. And every consideration of duty, to ourselves,

and to posterity, enjoins that we should abstain from the adoption of any wild project that would cast away this vast national property, holden by the general government in sacred trust for the whole people of the United States, and forbids that we should rashly touch a system which has been so successfully tested by experience.

It has been only within a few years, that restless men have thrown before the public their visionary plans for squandering the public domain. With the existing laws, the great state of the west is satisfied and contented. She has felt their benefit, and grown great and powerful under their sway. She knows and testifies to the liberality of the general government, in the administration of the public lands, extended alike to her and to the other new states. There are no petitions from, no movements in Ohio, proposing vital and radical changes in the system. During the long period, in the house of representatives, and in the senate, that her upright and unambitious citizen, the first representative of that state, and afterwards successively senator and governor, presided over the committee of public lands, we heard of none of these chimerical schemes. All went on smoothly, and quietly, and safely. No man, in the sphere within which he acted, ever commanded or deserved the implicit confidence of congress, more than Jeremiah Morrow. There existed a perfect persuasion of his entire impartiality and justice between the old states and the new. A few artless but sensible words, pronounced in his plain Scotch Irish dialect, were always sufficient to insure the passage of any bill or resolution which he reported. For about twenty-five years, there was no essential change in the system; and that which was at last made, varying the price of the public lands from two dollars, at which it had all that time remained, to one dollar and a quarter, at which it has been fixed only about ten or twelve years, was founded mainly on the consideration of abolishing the previous credits.

Assuming the duplication of our population in terms of twenty-five years, the demand for waste land, at the end of every term, will at least be double what it was at the commencement. But the ratio of the increased demand will be much greater than the increase of the *whole* population of the United States, because the western states nearest to, or including the public lands, populate much more rapidly than other parts of the union; and it will be from them that the greatest current of emigration will flow. At this moment, Ohio, Kentucky, and Tennessee, are the most migrating states in the union.

To supply this constantly augmenting demand, the policy, which has hitherto characterized the general government, has been highly liberal both towards individuals and the new states. Large tracts, far surpassing the demand of purchasers, in every climate and situation, adapted to the wants of all parts of the union, are brough

into market at moderate prices, the government having sustained all the expense of the original purchase, and of surveying, marking, and dividing the land. For fifty dollars any poor man may purchase forty acres of first-rate land; and, for less than the wages of one year's labor he may buy eighty acres. To the new states, also, has the government been liberal and generous in the grants for schools and for internal improvements, as well as in reducing the debt, contracted for the purchase of lands, by the citizens of those states, who were tempted, in a spirit of inordinate speculation, to purchase too much, or at too high prices.

Such is a rapid outline of this invaluable national property, of the system which regulates its management and distribution, and of the effects of that system. We might here pause, and wonder that there should be a disposition with any to waste or throw away this great resource, or to abolish a system which has been fraught with so many manifest advantages. Nevertheless, there are such, who, impatient with the slow and natural operation of wise laws, have put forth various pretensions and projects concerning the public lands, within a few years past. One of these pretensions is, an assumption of the sovereign right of the new states to all the lands within their respective limits, to the exclusion of the general government, and to the exclusion of all the people of the United States, those in the new states only excepted. It is my purpose now to trace the origin, examine the nature, and expose the injustice, of this pretension.

This pretension may be fairly ascribed to the propositions of the gentleman from Missouri, (Mr. Benton,) to graduate the public lands, to reduce the price, and cede the 'refuse' lands, (a term which I believe originated with him,) to the states within which they lie. Prompted, probably, by these propositions, a late governor of Illinois, unwilling to be outdone, presented an elaborate message to the legislature of that state, in which he gravely and formally asserted the right of that state to all the land of the United States, comprehended within its limits. It must be allowed that the governor was a most impartial judge, and the legislature a most disinterested tribunal, to decide such a question.

The senator from Missouri was chanting most sweetly to the tune, 'refuse lands,' 'refuse lands,' 'refuse lands,' on the Missouri side of the Mississippi, and the soft strains of his music, having caught the ear of his excellency, on the Illinois side, he joined in chorus, and struck an octave higher. The senator from Missouri wished only to pick up some crumbs which fell from Uncle Sam's table; but the governor resolved to grasp the whole loaf. The senator modestly claimed only an old, smoked, rejected joint; but the stomach of his excellency yearned after the whole hog! The governor peeped over the Mississippi into Missouri, and saw the senator leisurely roaming in some rich pastures, on bits of refuse

lands. He returned to Illinois, and, springing into the grand prairie, determined to claim and occupy it, in all its boundless extent.

Then came the resolution of the senator from Virginia, (Mr. Tazewell,) in May, 1826, in the following words :

‘ Resolved, that it is expedient for the United States to cede and surrender to the several states, within whose limits the same may be situated, all the right, title, and interest of the United States, to any lands lying and being within the boundaries of such states, respectively, upon such terms and conditions as may be consistent with the due observance of the public faith, and with the general interest of the United States.’

The latter words rendered the resolution somewhat ambiguous ; but still it contemplated a cession and surrender. Subsequently, the senator from Virginia proposed, after a certain time, a gratuitous surrender of all unsold lands, to be applied by the legislature, *in support of education* and the *internal improvement* of the state.

[Here Mr. Tazewell controverted the statement. Mr. Clay called to the secretary to hand him the journal of April, 1828, which he held up to the senate, and read from it the following :

‘ The bill to graduate the price of the public lands, to make donations thereof to actual settlers, and to cede the refuse to the states in which they lie, being under consideration —

‘ Mr. Tazewell moved to insert the following as a substitute :

‘ That the lands which shall have been subject to sale under the provisions of this act, and shall remain unsold for two years, after having been offered at twenty-five cents per acre, shall be, and the same is, ceded to the state in which the same may lie, to be applied by the legislature thereof in support of education, and the internal improvement of the state.’]

Thus it appears not only that the honorable senator proposed the cession, but showed himself the friend of education and internal improvements, by means derived from the general government. For this liberal disposition on his part, I believe it was, that the state of Missouri honored a new county with his name. If he had carried his proposition, that state might well have granted a principality to him.

The memorial of the legislature of Illinois, probably produced by the message of the governor already noticed, had been presented, asserting a claim to the public lands. And it seems, (although the fact had escaped my recollection until I was reminded of it by one of her senators, (Mr. Hendricks,) the other day,) that the legislature of Indiana had instructed her senators to bring forward a similar claim. At the last session, however, of the legislature of that state, resolutions had passed, instructing her delegation to obtain from the general government *cessions* of the unappropriated public lands, on the most favorable terms. It is clear from this last expression of the will of that legislature, that, on reconsideration, it believed the right to the public lands to be in the general government, and not in the state of Indiana. For, if they did not belong

to the general government, it had nothing to cede; if they belonged already to the state, no cession was necessary to the perfection of the right of the state.

I will here submit a passing observation. If the general government had the power to cede the public lands to the new states for particular purposes, and on prescribed conditions, its power must be unquestionable to make some reservations for similar purposes in behalf of the old states. Its power cannot be without limit as to the new states, and circumscribed and restricted as to the old. Its capacity to bestow benefits or dispense justice is not confined to the new states, but is coextensive with the whole union. It may grant to all, or it can grant to none. And this comprehensive equity is not only in conformity with the spirit of the cessions in the deeds from the ceding states, but is expressly enjoined by the terms of those deeds.

Such is the probable origin of the pretension which I have been tracing; and now let us examine its nature and foundation. The argument in behalf of the new states, is founded on the notion, that as the old states, upon coming out of the revolutionary war, had or claimed a right to all the lands within their respective limits; and as the new states have been admitted into the union on the same footing and condition in all respects with the old, therefore they are entitled to all the waste lands embraced within their boundaries. But the argument forgets that all the revolutionary states had not waste lands; that some had but very little, and others none. It forgets that the right of the states to the waste lands within their limits was controverted; and that it was insisted that, as they had been conquered in a common war, waged with common means, and attended with general sacrifices, the public lands should be held for the common benefit of all the states. It forgets that in consequence of this right, asserted in behalf of the whole union, the states that contained any large bodies of waste lands (and Virginia, particularly, that had the most) ceded them to the union, for the equal benefit of all the states. It forgets that the very equality, which is the basis of the argument, would be totally subverted by the admission of the validity of the pretension. For how would the matter then stand? The revolutionary states will have divested themselves of the large districts of vacant lands which they contained, for the common benefit of all the states; and those same lands will enure to the benefit of the new states exclusively. There will be, on the supposition of the validity of the pretension, a reversal of the condition of the two classes of states. Instead of the old having, as is alleged, the wild lands which they included at the epoch of the revolution, they will have none, and the new states *all*. And this in the name and for the purpose of equality among all the members of the confederacy! What, especially, would be the situation of Virginia? She magnanimously ceded



an empire in extent for *the common benefit*. And now it is proposed not only to withdraw that empire from the object of its solemn dedication, to the use of all the states, but to deny her any participation in it, and appropriate it exclusively to the benefit of the new states carved out of it.

If the new states had any right to the public lands, in order to produce the very equality contended for, they ought forthwith to cede that right to the union, for the common benefit of all the states. Having no such right, they ought to acquiesce cheerfully in an equality which does, in fact, now exist between them and the old states.

The committee of manufactures has clearly shown, that if the right were recognised in the new states now existing, to the public lands within their limits, each of the new states, as they might hereafter be successively admitted into the union, would have the same right; and, consequently, that the pretension under examination embraces, in effect, the whole public domain, that is, a billion and eighty millions of acres of land.

The right of the union to the public lands is incontestable. It ought not to be considered debatable. It never was questioned but by a few, whose monstrous heresy, it was probably supposed, would escape animadversion from the enormity of the absurdity, and the utter impracticability of the success of the claim. The right of the whole is sealed by the blood of the revolution, founded upon solemn deeds of cession from sovereign states, deliberately executed in the face of the world, or resting upon national treaties concluded with foreign powers, on ample equivalents contributed from the common treasury of the people of the United States.

This right of the whole was stamped upon the face of the new states at the very instant of their parturition. They admitted and recognised it with their first breath. They hold their stations, as members of the confederacy, in virtue of that admission. The senators who sit here and the members in the house of representatives from the new states, deliberate in congress with other senators and representatives, under that admission. And since the new states came into being, they have recognised this right of the general government by innumerable acts —

By their concurrence in the passage of hundreds of laws respecting the public domain, founded upon the incontestable right of the whole of the states;

By repeated applications to extinguish Indian titles, and to survey the lands which they covered;

And by solicitation and acceptance of extensive grants of the public lands from the general government.

The existence of the new state is a falsehood, or the right of all the states to the public domain is an undeniable truth. They have no more right to the public lands, within their particular jurisdic-

tion, than other states have to the mint, the forts and arsenals, or public ships, within theirs, or than the people of the District of Columbia have to this magnificent capitol, in whose splendid halls we now deliberate.

The equality contended for between all the states now exists. The public lands are now held, and ought to be held and administered for the common benefit of all. I hope our fellow-citizens of Illinois, Indiana, and Missouri, will reconsider the matter; that they will cease to take counsel from demagogues who would deceive them, and instil erroneous principles into their ears; and that they will feel and acknowledge that their brethren of Kentucky and of Ohio, and of all the states in the union, have an equal right with the citizens of those three states, in the public lands. If the possibility of an event so direful as a severance of this union were for a moment contemplated, what would be the probable consequence of such an unspeakable calamity; if three confederacies were formed out of its fragments, do you imagine that the western confederacy would consent to have the states including the public lands hold them exclusively for themselves? Can you imagine that the states of Ohio, Kentucky, and Tennessee, would quietly renounce their right in all the public lands west of them? No, sir! No, sir! They would wade to their knees in blood, before they would make such an unjust and ignominious surrender.

But this pretension, unjust to the old states, unequal as to all, would be injurious to the new states themselves, in whose behalf it has been put forth, if it were recognised. The interests of the new states is not confined to the lands within their limits, but extends to the whole billion and eighty millions of acres. Sanction the claims, however, and they are cut down and restricted to that which is included in their own boundaries. Is it not better for Ohio, instead of the five millions and a half, or Indiana, instead of the fifteen millions, or even for Illinois, instead of the thirty-one or thirty-two millions, or Missouri, instead of the thirty-eight millions, within their respective limits, to retain their interest in those several quantities, and also to retain their interest, in common with the other members of the union, in the countless millions of acres that lie west, or northwest, beyond them?

I will now proceed, Mr. President, to consider the expediency of a reduction of the price of the public lands, and the reasons assigned by the land committee, in their report, in favor of that measure. They are presented there in formidable detail, and spread out under seven different heads. Let us examine them; the first is, 'because the new states have a clear right to participate in the benefits of a reduction of the revenue to the wants of the government, *by getting the reduction extended to the article of revenue chiefly used by them.*' Here is a renewal of the attempt made early in the session, to confound the public lands with foreign

imports, which was so successfully exposed and refuted by the report of the committee on manufactures. Will not the new states participate in any reduction of the revenue, in common with the old states, without touching the public lands? As far as they are consumers of objects of foreign imports, will they not equally share the benefit with the old states? What right, over and above that equal participation, have the new states, to a reduction of the price of the public lands? As *states*, what right, much less what 'clear right' have they, to any such reduction? In their sovereign or corporate capacities, what right? Have not all the stipulations between them, *as states*, and the general government, been fully complied with? Have the people within the new states, considered distinct from the states themselves, any right to such a reduction? Whence is it derived? They went there in pursuit of their own happiness. They bought lands from the public because it was their interest to make the purchase, and they enjoy them. Did they, because they purchased some land, which they possess peacefully, acquire any, and what right, in the land which they did not buy? But it may be argued, that by settling and improving these lands, the adjacent public lands are enhanced. True; and so are their own. The enhancement of the public lands was not a consequence which they went there to produce, but was a collateral effect, as to which they were passive. The public does not seek to avail itself of this augmentation in value, by augmenting the price. It leaves that where it was; and the demand for reduction is made in behalf of those who say their labor has increased the value of the public lands, and the claim to reduction is founded upon the fact of enhanced value? The public, like all other landholders, had a right to anticipate that the sale of a part would communicate, incidentally, greater value upon the residue. And, like all other land proprietors, it has the right to ask more for that residue; but it does not, and, for one, I should be as unwilling to disturb the existing price by augmentation as by reduction. But the public lands is the article of revenue which the people of the new states chiefly *consume*. In another part of this report, liberal grants of the public lands are recommended, and the idea of holding the public lands as a source of revenue is scouted; because, it is said, more revenue could be collected from the settlers as consumers, than from the lands. Here it seems that the public lands are the articles of revenue chiefly consumed by the new states.

With respect to lands yet to be sold, they are open to the purchase alike of emigrants from the old states, and settlers in the new. As the latter have most generally supplied themselves with lands, the probability is, that the emigrants are more interested in the question of reduction than the settlers. At all events, there can be no peculiar right to such reduction existing in the new states. It is a question common to all, and to be decided in reference to the interest of the whole union.

Second. 'Because the public debt being now paid, the public lands are entirely released from the pledge they were under to that object, and are free to receive a new and liberal destination, for the relief of the states in which they lie.'

The payment of the public debt is conceded to be near at hand; and it is admitted that the public lands, being liberated, may now receive a new and liberal destination. Such an appropriation of their proceeds is proposed by the bill reported by the committee of manufactures, and to which I shall hereafter more particularly call the attention of the senate. But it did not seem just to that committee, that this new and liberal destination of them should be restricted 'for the relief of the states in which they lie,' exclusively, but should extend to all the states indiscriminately, upon principles of equitable distribution.

Third. 'Because nearly one hundred millions of acres of the land now in market are the refuse of sales and donations, through a long series of years, and are of very little actual value, and only fit to be given to settlers, or abandoned to the states in which they lie.'

According to an official statement, the total quantity of public land which has been surveyed up to the thirty-first of December last, was a little upwards of one hundred and sixty-two millions of acres. Of this, a large proportion, perhaps even more than the one hundred millions of acres stated in the land report, has been a long time in market. The entire quantity which has ever been sold by the United States, up to the same day, after deducting lands relinquished and lands reverted to the United States, according to an official statement, also, is twenty-five million two hundred forty-two thousand five hundred and ninety acres. Thus after the lapse of thirty-six years, during which the present land system has been in operation, a little more than twenty-five millions of acres have been sold, not averaging a million per annum, and upwards of one hundred millions of the surveyed lands remain to be sold. The argument of the report of the land committee assumes, that 'nearly one hundred millions are the refuse of sales, and donations,' are of very little actual value, and only fit to be given to settlers, or abandoned to the states in which they lie.

Mr. President, let us define as we go—let us analyze. What do the land committee mean by 'refuse land?' Do they mean worthless, inferior, rejected land, which nobody will buy at the present government price? Let us look at facts, and make them our guide. The government is constantly pressed by the new states to bring more and more lands into the market; to extinguish more Indian titles; to survey more. The new states themselves are probably urged to operate upon the general government by emigrants and settlers, who see still before them, in their progress west, other new lands which they desire. The general government yields to the solicitations. It throws more land into the market,

and it is annually and daily preparing additional surveys of fresh lands. It has thrown and is preparing to throw open to purchasers already one hundred and sixty-two millions of acres. And now, because the capacity to purchase, in its nature limited by the growth of our population, is totally incompetent to absorb this immense quantity, the government is called upon, by some of the very persons who urged the exhibition of this vast amount to sale, to consider all that remains unsold as refuse! Twenty-five millions in thirty-six years only are sold, and all the rest is to be looked upon as refuse. Is this right? If there had been five hundred millions in market, there probably would not have been more or much more sold. But I deny the correctness of the conclusion that it is worthless because not sold. It is not sold, because there were not people to buy it. You must have gone to other countries, to other worlds, to the moon, and drawn from thence people to buy the prodigious quantity which you offered to sell.

Refuse land! A purchaser goes to a district of country and buys out of a township a section which strikes his fancy. He exhausts his money. Others might have preferred other sections. Other sections may even be better than his. He can with no more propriety be said to have 'refused' or rejected all the other sections, than a man who, attracted by the beauty, charms, and accomplishments of a particular lady, marries her, can be said to have rejected or refused all the rest of the sex.

Is it credible, that out of one hundred and fifty or one hundred and sixty millions of acres of land in a valley celebrated for its fertility, there are only about twenty-five millions of acres of good land, and that all the rest is refuse? Take the state of Illinois as an example. Of all the states in the union, that state probably contains the greatest proportion of rich, fertile lands; more than Ohio, more than Indiana, abounding as they both do in fine lands. Of the thirty-three millions and a half of public lands in Illinois, a little more only than two millions have been sold. Is the residue of thirty-one millions all refuse land? Who that is acquainted in the west can assert or believe it? No, sir; there is no such thing. The unsold lands are unsold because of the reasons already assigned. Doubtless there is much inferior land remaining, but a vast quantity of the best of lands also. For its timber, soil, water-power, grazing, minerals, almost all land possesses a certain value. If the lands unsold are refuse and worthless in the hands of the general government, why are they sought after with so much avidity? If in our hands they are good for nothing, what more would they be worth in the hands of the new states? 'Only fit to be given to settlers!' What settlers would thank you? what settlers would not scorn a gift of *refuse*, worthless land? If you mean to be generous, give them what is valuable; be manly in your generosity.

But let us examine a little closer this idea of refuse land. If there be any state in which it is to be found in large quantities, that state would be Ohio. It is the oldest of the new states. There the public lands have remained longer exposed in the market. But there we find only five millions and a half to be sold. And I hold in my hand an account of sales in the Zanesville district, one of the oldest in that state, made during the present year. It is in a paper, entitled the 'Ohio Republican,' published at Zanesville, the twenty-sixth of May, 1832. The article is headed 'refuse land,' and it states: 'it has suited the interest of some to represent the lands of the United States which have remained in market for many years, as mere 'refuse' which cannot be sold; and to urge a rapid reduction of price, and the cession of the residue, in a short period, to the states in which they are situated. It is strongly urged against this plan, that it is a speculating project, which, by alienating a large quantity of land from the United States, will cause a great increase of price to actual settlers, in a few years; instead of their being able for ever, as it may be said is the case under the present system of land sales, to obtain a farm at a reasonable price. To show how far the lands unsold are from being worthless, we copy from the Gazette the following statement of recent sales in the Zanesville district, one of the oldest districts in the west. The sales at the Zanesville land-office, since the commencement of the present year, have been as follows; January, seven thousand one hundred and twenty dollars and eighty cents; February, eight thousand five hundred and forty-two dollars and sixty-seven cents; March, eleven thousand seven hundred and forty-four dollars and seventy-five cents; April, nine thousand two hundred and nine dollars and nineteen cents; and since the first of the present month about nine thousand dollars worth have been sold, more than half of which was in forty acre lots.' And there cannot be a doubt that the act, passed at this session, authorizing sales of forty acres, will, from the desire to make additions to farms, and to settle young members of families, increase the sales very much, at least during this year.

A friend of mine in this city bought in Illinois, last fall, about two thousand acres of this refuse land, at the minimum price, for which he has lately refused six dollars per acre. An officer of this body, now in my eye, purchased a small tract of this same refuse land, of one hundred and sixty acres, at second or third hand, entered a few years ago, and which is now estimated at one thousand and nine hundred dollars. It is a business, a very profitable business, at which fortunes are made in the new states, to purchase these refuse lands, and, without improving them, to sell them at large advances.

Far from being discouraged by the fact of so much surveyed public land remaining unsold, we should rejoice that this bountiful resource, possessed by our country, remains in almost undiminished quantity, notwithstanding so many new and flourishing states

have sprung up in the wilderness, and so many thousands of families have been accommodated. It might be otherwise, if the public land was dealt out by government with a sparing, grudging, gripping hand. But they are liberally offered, in exhaustless quantities, and at moderate prices, enriching individuals, and tending to the rapid improvement of the country. The two important facts brought forward and emphatically dwelt on by the committee of manufactures, stand in their full force, unaffected by any thing stated in the report of the land committee. These facts must carry conviction to every unbiased mind, that will deliberately consider them. The first is, the rapid increase of the new states, far outstripping the old, averaging annually an increase of eight and a half per centum, and doubling of course in twelve years. One of these states, Illinois, full of refuse land, increasing at the rate of eighteen and a half per centum! Would this astonishing growth take place if the lands were too high, or all the good land sold? The other fact is, the vast increase in the annual sales—in 1830, rising of three millions. Since the report of the committee of manufactures, the returns have come in of the sales of last year, which had been estimated at three millions. They were, in fact, three million five hundred and sixty-six thousand one hundred and twenty-seven dollars and ninety-four cents! Their progressive increase baffles all calculation. Would this happen, if the price were too high?

It is argued, that the value of different townships and sections is various; and that it is, therefore, wrong to fix the same price for all. The variety in the quality, situation, and advantages, of different tracts, is no doubt great. After the adoption of any system of classification, there would still remain very great diversity in the tracts belonging to the same class. This is the law of nature. The presumption of inferiority, and of refuse land, founded upon the length of time that the land has been in market, is denied, for reasons already stated. The offer, at public auction, of all lands to the highest bidder, previous to their being sold at private sale, provides in some degree for the variety in the value, since each purchaser pushes the land up to the price which, according to his opinion, it ought to command. But if the price demanded by government is not too high for the good land, (and no one can believe it,) why not wait until that is sold, before any reduction in the price of the bad? And that will not be sold for many years to come. It would be quite as wrong to bring the price of good land down to the standard of the bad, as it is alleged to be, to carry the latter up to that of the former. Until the good land is sold there will be no purchasers of the bad; for, as has been stated in the report of the committee of manufactures, a discreet farmer would rather give a dollar and a quarter per acre for first-rate land, than accept refuse and worthless land as a present.

'Fourth. Because the speedy extinction of the *federal* title within their limits is necessary to the *independence* of the new states, to their *equality* with the elder states; to the *development* of their resources; to the *subjection* of their soil to *taxation, cultivation, and settlement*, and to the *proper* enjoyment of their jurisdiction and sovereignty.'

All this is mere assertion and declamation. The general government, at a moderate price, is selling the public land as fast as it can find purchasers. The new states are populating with unexampled rapidity; their condition is now much more eligible than that of some of the old states. Ohio, I am sorry to be obliged to confess, is, in internal improvement and some other respects, fifty years in advance of her elder sister and neighbor, Kentucky. How have her growth and prosperity, her independence, her equality with the elder states, the development of her resources, the taxation, cultivation, and settlement of her soil, or the proper enjoyment of her jurisdiction and sovereignty, been affected or impaired by the federal title within her limits? The federal title! It has been a source of blessings and of bounties, but not one of real grievance. As to the exemption from taxation of the public lands, and the exemption for five years of those sold to individuals, if the public land belonged to the new states, would they tax it? And as to the latter exemption, it is paid for by the general government, as may be seen by reference to the compacts; and it is, moreover, beneficial to the new states themselves, by holding out a motive to emigrants to purchase and settle within their limits.

'Sixth. Because the ramified machinery of the land-office department, and the ownership of so much soil, extends the patronage and authority of the general government into the *heart* and *corners* of the new states, and subjects their *policy* to the danger of a *foreign* and *powerful* influence.'

A foreign and powerful influence! The federal government a foreign government! And the exercise of a legitimate control over the national property, for the benefit of the whole people of the United States, a deprecated penetration into the heart and corners of the new states! As to the calamity of the land offices, which are held within them, I believe that is not regarded by the people of these states with quite as much horror as it is by the land committee. They justly consider that they ought to hold those offices themselves, and that no persons ought to be sent from the other *foreign* states of this union to fill them. And, if the number of the offices were increased, it would not be looked upon by them as a grievous addition to the calamity.

But what do the land committee mean by the authority of this foreign, federal government? Surely, they do not desire to get rid of the federal government. And yet the final settlement of the land question will have effected but little in expelling its authority from the bosoms of the new states. Its action will still remain in a thousand forms, and the *heart* and *corners* of the new states will



still be invaded by post-offices and post-masters, and post-roads, and the Cumberland road, and various other modifications of its power.

'Because the sum of four hundred and twenty-five millions of dollars, proposed to be drawn from the new states and territories, by the sale of their soil, at one dollar and twenty-five cents per acre, is unconscionable and impracticable — such as never can be paid — and the bare attempt to raise which, must drain, exhaust, and impoverish these states, and give birth to the feelings, which a sense of injustice and oppression never fail to excite, and the excitement of which should be so carefully avoided in a confederacy of free states.'

In another part of this report the committee say, speaking of the immense revenue alleged to be derivable from the public lands, 'this ideal revenue is estimated at four hundred and twenty-five millions of dollars, for the lands now within the limits of the states and territories, and at one billion three hundred and sixty-three million five hundred and eighty-nine thousand six hundred and ninety-one dollars for the whole federal domain. Such *chimerical* calculations preclude the propriety of argumentative answers.' Well, if these calculations are all chimerical, there is no danger, from the preservation of the existing land system, of draining, exhausting and impoverishing the new states, and of exciting them to rebellion.

The manufacturing committee did not state what the public lands would, in fact, produce. They could not state it. It is hardly a subject of approximate estimate. The committee stated what would be the proceeds, estimated by the minimum price of the public lands; what, at one half of that price; and added, that, although there might be much land that would never sell at one dollar and a quarter per acre, 'as fresh lands are brought into market and exposed to sale at auction, many of them sell at prices exceeding one dollar and a quarter per acre.' They concluded by remarking, that the least favorable view of regarding them, was to consider them a capital yielding an annuity of three millions of dollars at this time; that, in a few years, that annuity would probably be doubled, and that the capital might then be assumed as equal to one hundred millions of dollars.

Whatever may be the sum drawn from the sales of the public lands, it will be contributed, not by citizens of the states alone in which they are situated, but by emigrants from all the states. And it will be raised, not in a single year, but in a long series of years. It would have been impossible for the state of Ohio to have paid, in one year, the millions that have been raised in that state, by the sale of public lands; but in a period of upwards of thirty years, the payment has been made, not only without impoverishing, but with the constantly increasing prosperity of the state.

Such, Mr. President, are the reasons of the land committee, for the reduction of the price of the public lands. Some of them had

been anticipated and refuted in the report of the manufacturing committee; and I hope that I have now shown the insolidity of the residue.

I will not dwell upon the consideration urged in that report, against any large reduction, founded upon its inevitable tendency to lessen the value of the landed property throughout the union, and that in the western states especially. That such would be the necessary consequence, no man can doubt, who will seriously reflect upon such a measure as that of throwing into market, immediately, upwards of one hundred and thirty millions of acres, and at no distant period upwards of two hundred millions more, at greatly reduced rates.

If the honorable chairman of the land committee, (Mr. King,) had relied upon his own sound practical sense, he would have presented a report far less objectionable than that which he has made. He has availed himself of another's aid, and the hand of the senator from Missouri, (Mr. Benton,) is as visible in the composition, as if his name had been subscribed to the instrument. We hear again, in this paper, of that which we have so often heard repeated before in debate, by the senator from Missouri—the sentiments of Edmund Burke. And what was the state of things in England, to which those sentiments were applied?

England has too little land, and too many people. America has too much land, for the present population of the country, and wants people. The British crown had owned, for many generations, large bodies of land, preserved for game and forest, from which but small revenues were derived. It was proposed to sell out the crown lands, that they might be peopled and cultivated, and that the royal family should be placed on the civil list. Mr. Burke supported the proposition by convincing arguments. But what analogy is there between the crown lands of the British sovereign, and the public lands of the United States? Are they here locked up from the people, and, for the sake of their game or timber, excluded from sale? Are not they freely exposed in market, to all who want them, at moderate prices? The complaint is, that they are not sold fast enough, in other words, that people are not multiplied rapidly enough to buy them. Patience, gentlemen of the land committee, patience! The new states are daily rising in power and importance. Some of them are already great and flourishing members of the confederacy. And, if you will only acquiesce in the certain and quiet operation of the laws of God and man, the wilderness will quickly teem with people, and be filled with the monuments of civilization.

The report of the land committee proceeds to notice and to animadvert upon certain opinions of a late secretary of the treasury, contained in his annual report, and endeavors to connect them with some sentiments expressed in the report of the committee of

manufactures. That report has before been the subject of repeated commentary in the senate, by the senator from Missouri, and of much misrepresentation and vituperation in the public press. Mr. Rush showed me the rough draft of that report, and I advised him to expunge the paragraphs in question, because I foresaw that they would be misrepresented, and that he would be exposed to unjust accusation. But knowing the purity of his intentions, believing in the soundness of the views which he presented, and confiding in the candor of a just public, he resolved to retain the paragraphs. I cannot suppose the senator from Missouri ignorant of what passed between Mr. Rush and me, and of his having, against my suggestions, retained the paragraphs in question, because these facts were all stated by Mr. Rush himself, in a letter addressed to a late member of the house of representatives, representing the district in which I reside, which letter, more than a year ago, was published in the western papers.

I shall say nothing in defence of myself, nothing to disprove the charge of my cherishing unfriendly feelings and sentiments towards any part of the west. If the public acts in which I have participated, if the uniform tenor of my whole life, will not refute such an imputation, nothing that I could here say would refute it.

But I *will* say something in defence of the opinions of my late patriotic and enlightened colleague, not here to speak for himself; and I will vindicate his official opinions from the erroneous glosses and interpretations which have been put upon them.

Mr. Rush, in an official report which will long remain a monument of his ability, was surveying, with a statesman's eye, the condition of America. He was arguing in favor of the protective policy — the American system. He spoke of the limited vocations of our society, and the expediency of multiplying the means of increasing subsistence, comfort, and wealth. He noticed the great and the constant tendency of our fellow-citizens to the cultivation of the soil, the want of a market for their surplus produce, the inexpediency of all blindly rushing to the same universal employment, and the policy of dividing ourselves into various pursuits. He says:

'The manner in which the remote lands of the United States are selling and settling, whilst it possibly may tend to increase more quickly the aggregate population of the country, and the mere means of subsistence, does not increase capital in the same proportion. \* \* \* \* Anything that may serve to hold back this tendency to diffusion from running *too far and too long into an extreme*, can scarcely prove otherwise than salutary \* \* \* \* If the population of these, (a majority of the states, including some western states,) not yet redundant in fact, though appearing to be so, under this legislative incitement to emigrate, remain fixed in more instances, as it probably would be by extending the *motives* to manufacturing labor, it is believed that the nation would gain in two ways: first, by the more rapid accumulation of capital, and next, by the gradual reduction of the *excess* of its agricultural population over that engaged in other vocations. It is not imagined that it ever would be practicable, even if it were desirable, to turn this *stream* of emigration aside; but resources, opened through the influence of the laws, in new fields of industry, to the inhabitants of the states already sufficiently peopled to enter upon them, might operate to lessen, in some degree, and usefully lessen, its absorbing force.'

Now, Mr. President, what is there in this view adverse to the west, or unfavorable to its interests? Mr. Rush is arguing on the tendency of the people to engage in agriculture, and the incitement to emigration produced by our laws. Does he propose to change those laws in that particular? Does he propose any new measure? So far from suggesting any alteration of the conditions on which the public lands are sold, he expressly says, that it is not desirable, if it were practicable, to turn this stream of emigration aside. Leaving all the laws in full force, and all the motives to emigration arising from fertile and cheap lands, untouched, he recommends the encouragement of a new branch of business, in which all the union, the west as well as the rest, is interested; thus presenting an option to population to engage in manufactures or in agriculture, at its own discretion. And does such an option afford just ground of complaint to any one? Is it not an advantage to all? Do the land committee desire (I am sure they do not) to create starvation in one part of the union, that emigrants may be forced into another? If they do not, they ought not to condemn a multiplication of human employments, by which, as its certain consequence, there will be an increase in the means of subsistence and comfort. The objection to Mr. Rush, then, is, that he looked at his *whole* country, and at all parts of it; and that, whilst he desired the prosperity and growth of the west to advance undisturbed, he wished to build up, on deep foundations, the welfare of all the people.

Mr. Rush knew that there were thousands of the poorer classes who never would emigrate; and that emigration, under the best auspices, was far from being unattended with evil. There are moral, physical, pecuniary obstacles to all emigration; and these will increase, as the good vacant lands of the west are removed, by intervening settlements further and further from society, as it is now located. It is, I believe, Dr. Johnson who pronounces, that of all vegetable and animal creation, man is the most difficult to be uprooted and transferred to a distant country; and he was right. Space itself, mountains, and seas, and rivers, are impediments. The want of pecuniary means, the expenses of the outfit, subsistence and transportation of a family, is no slight circumstance. When all these difficulties are overcome, (and how few, comparatively, can surmount them!) the greatest of all remains—that of being torn from one's natal spot—separated, for ever, from the roof under which the companions of his childhood were sheltered, from the trees which have shaded him from summer's heats, the spring from whose gushing fountain he has drunk in his youth, the tombs that hold the precious relic of his venerated ancestors!

But I have said, that the land committee had attempted to confound the sentiments of Mr. Rush with some of the reasoning employed by the committee of manufactures against the proposed

reduction of the price of the public lands. What is that reasoning? Here it is; it will speak for itself; and without a single comment will demonstrate how different it is from that of the late secretary of the treasury, unexceptionable as that has been shown to be.

'The greatest emigration, (says the manufacturing committee,) that is believed now to take place from any of the states, is from Ohio, Kentucky, and Tennessee. The effects of a material reduction in the price of the public lands, would be, first, to lessen the value of real estate in those three states; secondly, to diminish their interest in the public domain, as a common fund for the benefit of all the states; and, thirdly, to offer what would operate as a bounty to further emigration from those states, occasioning more and more lands, situated within them, to be thrown into the market, thereby not only lessening the value of their lands, but draining them, both of their population and labor.'

There are good men in different parts, but especially in the Atlantic portion, of the union, who have been induced to regard lightly this vast national property; who have been persuaded that the people of the west are dissatisfied with the administration of it; and who believe that it will, in the end, be lost to the nation, and that it is not worth present care and preservation. But these are radical mistakes. The great body of the west are satisfied, perfectly satisfied, with the general administration of the public lands. They would indeed like, and are entitled to, a more liberal expenditure among them of the proceeds of the sales. For this provision is made by the bill to which I will hereafter call the attention of the senate. But the great body of the west have not called for, and understand too well their real interest to desire, any essential change in the system of survey, sale, or price of the lands. There may be a few, stimulated by demagogues, who desire change; and what system is there, what government, what order of human society, in which a few do not desire change?

It is one of the admirable properties of the existing system, that it contains within itself and carries along principles of conservation and safety. In the progress of its operation, new states become identified with the old, in feeling, in thinking, and in interest. Now, Ohio is as sound as any old state in the union, in all her views relating to the public lands. She feels that her share in the exterior domain is much more important than would be an exclusive right to the few millions of acres left unsold, within her limits, accompanied by a virtual surrender of her interest in all the other public lands of the United States. And I have no doubt, that now, the people of the other new states, left to their own unbiased sense of equity and justice, would form the same judgment. They cannot believe that what they have not bought, what remains the property of themselves and all their brethren of the United States, in common, belongs to them exclusively. But if I am mistaken, if they have been deceived by erroneous impressions on their mind, made by artful men, as the sales proceed, and the land is exhausted,

and their population increased, like the state of Ohio, they will feel that their true interest points to their remaining copartners in the whole national domain, instead of bringing forward an unfounded pretension to the inconsiderable remnant which will be then left in their own limits.

And now, Mr. President, I have to say something in respect to the particular plan brought forward by the committee of manufactures, for a temporary appropriation of the proceeds of the sales of the public lands.

The committee say that this fund is not wanted by the general government; that the peace of the country is not likely, from present appearances, to be speedily disturbed; and that the general government is absolutely embarrassed in providing against an enormous surplus in the treasury. While this is the condition of the federal government, the states are in want of, and can most beneficially use, that very surplus with which we do not know what to do. The powers of the general government are limited; those of the states are ample. If those limited powers authorized an application of the fund to some objects, perhaps there are some others, of more importance, to which the powers of the states would be more competent, or to which they may apply a more provident care.

But the government of the whole and of the parts, at last is but one government of the same people. In form they are two, in substance one. They both stand under the same solemn obligation to promote, by all the powers with which they are respectively intrusted, the happiness of the people; and the people, in their turn, owe respect and allegiance to both. Maintaining these relations, there should be mutual assistance to each other afforded by these two systems. When the states are full-handed, and the coffers of the general government are empty, the states should come to the relief of the general government, as many of them did, most promptly and patriotically, during the late war. When the conditions of the parties are reversed, as is now the case, the states wanting what is almost a burden to the general government, the duty of this government is to go to the relief of the states.

They were views like these which induced a majority of the committee to propose the plan of distribution, contained in the bill now under consideration. For one, however, I will again repeat the declaration, which I made early in the session, that I unite cordially with those who condemn the application of any principle of distribution among the several states, to surplus revenue derived from taxation. I think income derived from taxation stands upon ground totally distinct from that which is received from the public lands. Congress can prevent the accumulation, at least for any considerable time, of revenue from duties, by suitable legislation, lowering or augmenting the imposts; but it cannot stop the sales of the public lands, without the exercise of arbitrary and intolerable

ble power. The powers of congress over the public lands are broader and more comprehensive, than those which they possess over taxation, and the money produced by it.

This brings me to consider, first, the power of congress to make the distribution. By the second part of the third section of the fourth article of the constitution, congress 'have power to *dispose of* and make all needful rules and regulations respecting the territory or other property of the United States.' The power of disposition is plenary, unrestrained, unqualified. It is not limited to a specified object or to a defined purpose, but left applicable to any object or purpose which the wisdom of congress shall deem fit, acting under its high responsibility.

The government purchased Louisiana and Florida. May it not apply the proceeds of lands within those countries, to any object which the good of the union may seem to indicate? If there be a restraint in the constitution, where is it, what is it?

The uniform practice of the government has conformed to the idea of its possessing full powers over the public lands. They have been freely granted, from time to time, to communities and individuals, for a great variety of purposes. To states for education, internal improvements, public buildings; to corporations for education; to the deaf and dumb; to the cultivators of the olive and the vine; to preëmptioners; to general Lafayette, and so forth.

The deeds from the ceding states, far from opposing, fully warrant the distribution. That of Virginia ceded the land as '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.' The cession was for the benefit of all the states. It may be argued, that the fund must be retained in the common treasury, and thence paid out. But by the bill reported, it will come into the common treasury, and then the question, how it shall be subsequently applied for the use and benefit of *such* of the United States as compose the confederacy, is one of *modus* only. Whether the money is disbursed by the general government directly, or is paid out upon some equal and just principle, to the states, to be disbursed by them, cannot affect the right of distribution. If the general government retained the power of ultimate disbursement, it could execute it only by suitable agents; and what agency is more suitable than that of the states themselves? If the states expend the money, as the bill contemplates, the expenditure will, in effect, be a disbursement for the benefit of the whole, although the several states are organs of the expenditure; for the whole and all the parts are identical. And, whatever redounds to the benefit of all the parts, necessarily contributes, in the same measure, to the benefit of the whole. The great question should be, is the distribution upon equal and just principles? And this brings me to consider,

Secondly, the terms of the distribution proposed by the bill of the committee of manufactures. The bill proposes a division of the net proceeds of the sales of the public lands, among the several states composing the union, according to their federal representative population, as ascertained by the last census; and it provides for new states, that may hereafter be admitted into the union. The basis of the distribution, therefore, is derived from the constitution itself, which has adopted the same rule, in respect to representation and direct taxes. None could be more just and equitable.

But it has been contended in the land report, that the revolutionary states which did not cede their public lands, ought not to be allowed to come into the distribution. This objection does not apply to the purchases of Louisiana and Florida, because the consideration for them was paid out of the common treasury, and was consequently contributed by all the states. Nor has the objection any just foundation, when applied to the public lands derived from Virginia, and the other ceding states; because, by the terms of the deeds, the cessions were made for the use and benefit of all the states. The ceding states having made no exception of any state, what right has the general government to interpolate in the deeds, and now create an exception? The general government is a mere trustee, holding the domain in virtue of those deeds, according to the terms and conditions which they expressly describe; and it is bound to execute the trust accordingly. But how is the fund produced by the public lands now expended? It comes into the common treasury, and is disbursed for the common benefit, without exception of any state. The bill only proposes to substitute to that object, now no longer necessary, another and more useful common object. The general application of the fund will continue, under the operation of the bill, although the particular purposes may be varied.

The equity of the proposed distribution, as it respects the two classes of states, the old and the new, must be manifest to the senate. It proposes to assign to the new states, besides the five per centum stipulated for in their several compacts with the general government, the further sum of ten per centum upon the net proceeds. Assuming the proceeds of the last year, amounting to three millions five hundred and sixty-six thousand one hundred and twenty-seven dollars and ninety-four cents, as the basis of the calculation, I hold in my hand a paper which shows the sum that each of the seven new states would receive. They have complained of the exemption from taxation of the public lands sold by the general government for five years after the sale. If that exemption did not exist, and they were to exercise the power of taxing those lands, as the average increase of their population is only eight and a half per centum per annum, the additional revenue



which they would raise, would be only eight and a half per centum per annum; that is to say, a state now collecting a revenue of one hundred thousand dollars per annum, would collect only one hundred and eight thousand five hundred, if it were to tax the lands recently sold. But by the bill under consideration, each of the seven new states will annually receive, as its distributive share, more than the whole amount of its annual revenue.

It may be thought, that to set apart ten per centum to the new states, in the first instance, is too great a proportion, and is unjust towards the old states. But it will be recollected that, as they populate much faster than the old states, and as the last census is to govern in the apportionment, they ought to receive more than the old states. If they receive too much at the commencement of the term, it may be neutralized by the end of it.

After the deduction shall have been made of the fifteen per centum allotted to the new states, the residue is to be divided among the twenty-four states, old and new, composing the union. What each of the states would receive, is shown by a table annexed to the report. Taking the proceeds of the last year as the standard, there must be added one sixth to what is set down in that table as the proportion of the several states.

If the power and the principle of the proposed distribution be satisfactory to the senate, I think the objects cannot fail to be equally so. They are education, internal improvements, and colonization, all great and beneficent objects, all national in their nature. No mind can be cultivated and improved; no work of internal improvement can be executed in any part of the union, nor any person of color transported from any of its ports, in which the whole union is not interested. The prosperity of the whole is an aggregate of the prosperity of the parts.

The states, each judging for itself, will select among the objects enumerated in the bill, that which comports best with its own policy. There is no compulsion in the choice. Some will prefer, perhaps, to apply the fund to the extinction of debt, now burdensome, created for internal improvement; some to new objects of internal improvement; others to education; and others again to colonization. It may be supposed possible that the states will divert the fund from the specified purposes. But against such a misapplication we have, in the first place, the security which arises out of their presumed good faith; and, in the second, the power to withhold subsequent, if there has been any abuse in previous appropriations.

It has been argued that the general government has no power in respect to colonization. Waiving that, as not being a question at this time, the real inquiry is, have the states themselves any such power? For it is to the states that the subject is referred. The evil of a free black population, is not restricted to particular states,

but extends to and is felt by all. It is not, therefore, the slave question, but totally distinct from and unconnected with it. I have heretofore often expressed my perfect conviction, that the general government has no constitutional power which it can exercise in regard to African slavery. That conviction remains unchanged. The states in which slavery is tolerated, have exclusively in their own hands the entire regulation of the subject. But the slave states differ in opinion as to the expediency of African colonization. Several of them have signified their approbation of it. The legislature of Kentucky, I believe unanimously, recommended the encouragement of colonization to congress.

Should a war break out during the term of five years, that the operation of the bill is limited to, the fund is to be withdrawn and applied to the vigorous prosecution of the war. If there be no war, congress, at the end of the term, will be able to ascertain whether the money has been beneficially expended, and to judge of the propriety of continuing the distribution.

Three reports have been made, on this great subject of the public lands, during the present session of congress, besides that of the secretary of the treasury at its commencement—two in the senate and one in the house. All three of them agree, first, in the preservation of the control of the general government over the public lands; and, secondly, they concur in rejecting the plan of a cession of the public lands to the states in which they are situated, recommended by the secretary. The land committee of the senate propose an assignment of fifteen per centum of the net proceeds, besides the five per centum stipulated in the compacts, (making together twenty per centum,) to the new states, and *nothing to the old*.

The committee of manufactures of the senate, after an allotment of an additional sum of ten per centum to the new states, propose an equal distribution of the residue among all the states, old and new, upon equitable principles.

The senate's land committee, besides the proposal of a distribution, restricted to the new states, recommends an immediate reduction of the price of 'fresh lands,' to a minimum of one dollar per acre, and to fifty cents per acre for lands which have been five years or upwards in market.

The land committee of the house is opposed to all distribution, general or partial, and recommends a reduction of the price to one dollar per acre.

And now, Mr. President, I have a few more words to say, and shall be done. We are admonished by all our reflections, and by existing signs, of the duty of communicating strength and energy to the glorious union which now encircles our favored country. Among the ties which bind us together, the public domain merits high consideration. And if we appropriate, for a limited time, the

proceeds of that great resource, among the several states, for the important objects which have been enumerated, a new and powerful bond of affection and of interest will be added. The states will feel and recognise the operation of the general government, not merely in power and burdens, but in benefactions and blessings. And the general government in its turn will feel, from the expenditure of the money which it dispenses to the states, the benefits of moral and intellectual improvement of the people, of greater facility in social and commercial intercourse, and of the purification of the population of our country, themselves the best parental sources of national character, national union, and national greatness. Whatever may be the fate of the particular proposition now under consideration, I sincerely hope that the attention of the nation may be attracted to this most interesting subject; that it may justly appreciate the value of this immense national property; and that, preserving the regulation of it by the will of the whole, for the advantage of the whole, it may be transmitted, as a sacred and inestimable succession, to posterity, for its benefit and blessing for ages to come.

# ON THE NORTHEASTERN BOUNDARY OF THE UNITED STATES.

IN THE SENATE OF THE UNITED STATES, JULY 10, 1832.

[THE disputed question of the northeastern boundary of the United States, between the state of Maine and the British provinces, had been referred, in pursuance of an article of the treaty of Ghent, to the king of the Netherlands, for his opinion as to the true boundary line. That monarch having made his award, recommending the River St. John as the proper boundary line, (with some variations;) president Jackson communicated the decision to the senate, asking their advice thereon, as part of the treaty-making power. The subject being under discussion, (in secret session,) Mr. Clay made the following remarks, in which he shows that the advice asked of the senate was premature on the part of the president, with whom the responsibility should rest, until a treaty respecting the boundary should be concluded. This view of the matter was sustained by the subsequent course of the government, which resulted in the final settlement of this boundary question, concluded in 1842, by lord Ashburton and Mr. Webster, secretary of state, and afterwards confirmed by the senate.]

INTENDING to express, in a few words, my sentiments on this subject, I have thought I might as well embrace this occasion to do it. The president has called upon the senate for its advice, as to the award of the king of the Netherlands, respecting the northeastern boundary of the United States. This call upon the senate is made, not in its legislative character, but as a component part of the treaty-making power. If the senate, therefore, should give any advice on the matter, it must act in its executive capacity, and according to those rules which govern it when so acting. Among these, is that which requires the concurrence of two thirds of the senators present.

The language of the constitution, taken literally, would perhaps require a participation of the senate in the original formation of all treaties. The words are, 'he, (the president,) shall have power, by and with the advice and consent of the senate, to *make* treaties; provided two thirds of the senators present concur.' In the early stages of his administration, general Washington endeavored to execute this part of the constitution according to its literal interpretation; but he soon found it impracticable, and abandoned it. The

difficulty of consulting so large a body as to the instructions to be given to a foreign minister; the variety of propositions which may be interchanged in the progress of a negotiation, and the inconvenience of a perpetual recurrence to the senate for its opinion upon each of them, besides other considerations, rendered it altogether inexpedient to take the advice and consent of the senate previously to the conclusion of treaties. When concluded, president Washington thought the purport of the constitution would be satisfied by submitting them to the senate; as they could not be said to be *made*, in the language of the constitution, until the senate gave its constitutional concurrence to their becoming obligatory national compacts.

Accordingly, from an early period, in the first term of his administration, down to the present time, the settled and uniform practice of the executive government has been, to open negotiations with foreign powers, and to conclude such treaties as the president conceives the interests of this country demand. When so concluded, they are submitted to the senate for its constitutional advice and consent. And the extent of any agency which the senate exercises, in the formation of a treaty, is limited to proposing, as was done in the treaty of Mr. Jay, in 1794, amendments to the treaty. These become the subject of future negotiation.

To this established practice of the government, the present administration has hitherto, itself, conformed. And I presume it is not intended to change it, and to revive the impracticable course which general Washington was compelled to abandon, from experience.

What, then, are the circumstances of the case which the president has brought here for the consideration of the senate? In virtue of several treaties between the United States and Great Britain, on all of which treaties the senate had regularly acted and given its advice and consent, the disputed northeastern boundary was submitted to the decision of the king of the Netherlands, as the arbitrator between the two contracting parties, to decide the controversy. The king has pronounced his judgment, and communicated his award to each of the parties. Various questions have been started as to the validity of this instrument. Such as, whether it was intended as a decision binding the parties; whether it does not transcend the authority vested in the king, by the terms of the submission; whether it can be regarded as any thing more than the advice or recommendation of the king as to a suitable boundary, which either party is at liberty to adopt or not, at his discretion.

Whatever may be the real character of this royal act, no treaty, in consequence of it, has been concluded between the United States and Great Britain, as far as the senate is advised. It stands upon its own isolated ground. The president has asked the senate to advise him whether he shall sanction the award, and the report

of the committee of foreign relations, now before us, recommends that the government of Great Britain be notified of the acquiescence in it by the government of the United States.

Now, Mr. President, it seems to me, that, in the present state of the transaction, there is nothing brought by the president to our consideration, on which the senate, as a part of the treaty-making or executive power, can constitutionally act. There is no treaty presented to us for our advice and consent, not even a negotiation proposed, nor, in short, any basis whatever for the action of the senate. If the award of the king of the Netherlands be binding, it derives its validity from the consent of the parties referring the question to him, and from his having decided the case, in conformity with the terms of the submission. If he has not decided it, or if in deciding it he has transcended the terms of the submission, it is not binding and obligatory. The president being the only constitutional organ of the people of the United States, in all communications with foreign powers, and moreover charged with the execution of the laws and treaties of the United States, is bound to notify the British government what are the executive views in relation to the award. If he tells that government that this does not hold itself bound by the award, a negotiation would probably take place between the parties. If, on the contrary, the president notifies the British government that the United States are bound by the award, he would have to come to congress for its *legislative* aid in carrying into effect the award. And should he so come, the question of the validity of the award would be as open to the examination of congress as it had been to the president. So, if any negotiation which may be opened with Great Britain, in relation to the award, should terminate in the conclusion of a treaty, the president would be bound to submit that treaty to the senate for its constitutional advice and consent. The president not having applied to congress for any act of legislation, and having submitted no treaty or national compact, in any form, to this body, I think there is nothing before us on which we can constitutionally act; and that any advice which, under these circumstances, we might offer to the president, would have no warrant or authority in the constitution of the United States. I cannot, therefore, consent to vote for the resolution reported by the committee of foreign relations, or to concur in the adoption of any other resolution which would imply the right of the senate to express any opinion on the matter in its present state and condition.

Whilst this is my deliberate judgment, I have no hesitation to offer to the president, if he would attach any consequence to them, my views and opinions, as a private citizen, on the whole matter of the northeastern boundary. At Ghent, Great Britain did not assert any right to the territory to which she subsequently set up a

claim. She sought there to obtain by negotiation, and exchange of territory with the United States, a passage within her own jurisdiction from Nova Scotia and New Brunswick to Quebec. The British commissioners were told by the American, on that occasion, that they had no power to cede away or exchange any part of the territory of Massachusetts, which then included Maine. As there were many parts of the long line of boundary between the United States and Great Britain unsettled and unmarked, it became necessary to have it correctly ascertained and defined. For this purpose several boards of commissioners were provided for by the treaty of Ghent, in the same manner as a similar board had been created by a previous treaty. Most of these boards have amicably and satisfactorily settled the questions respectively submitted to them. That to which was referred the boundary now in dispute could not agree. Before this board, Great Britain brought forward and claimed as her right, that which she had sought to obtain by negotiation only, at the conferences of Ghent. And the perseverance with which she has prosecuted her pretensions, and the apparent success with which they have been so far finally crowned, demonstrate that there never need be despair in any cause, however bad.

During my service in an executive department, it became my duty to examine into this claim asserted by Great Britain; and the result was a firm persuasion and a strong conviction that it was unfounded, and that the right to the disputed territory was in the state of Maine. It is true that, in the treaty of peace of 1783, owing to the imperfect knowledge possessed of the country through which the boundary runs, there is some defective description, but the intention of the parties I think is clear, and according to that intention the right is with Maine, and not in Great Britain. It is altogether unnecessary, upon this occasion, to proceed to state all the grounds and considerations which brought my mind to that conclusion. By doing so, I should be trespassing upon the senate too much.

The commissioners not having been able to settle the question, the *casus fœderis*, provided for in former treaties, arose, and it became necessary to submit the question to an arbiter. The king of the Netherlands was selected for that purpose, and we all know the subsequent events. The statements, arguments, and papers of the parties, were all prepared within the two countries respectively, and transmitted to Holland, where they were submitted to the king. In consenting to refer the question, the late administration was impelled by the duty of respecting the national faith, as pledged in solemn treaties. And although the king of the Netherlands, was not the first choice of either party, high confidence was reposed in his independence, and in his ability, and integrity, by the late president of the United States.

With respect to the conduct of the arbitration, on the part of our government, there are some circumstances I think deeply to be regretted. The plan adopted by the late administration was to have retained Mr. Hughes at the Hague, elevated him to the rank of minister plenipotentiary, and send out Mr. Preble as a public agent to be associated with him. I scarcely know any man so well qualified for such a service as Mr. Hughes. He had the benefit of much diplomatic experience, and he had been very successful in various negotiations which he had conducted. Commencing his career as secretary of the commission at Ghent, he subsequently had creditably represented his government at Stockholm, and at St. Petersburg, and at Copenhagen, on temporary missions; and he had been some time at the court of the Netherlands. Wherever he had been, he uniformly made good impressions, and conciliated the esteem and friendship of all whose acquaintance he formed. He was well versed in the language of the court of the Hague, and well acquainted with all the persons having access to, or surrounding the king. Of pleasing and winning manners, a general favorite, he was exactly such a person as was well fitted for the service. The rank of minister plenipotentiary was necessary to entitle him to approach the person of the king, according to established usage. It was a point of more importance that this government should have had such a representative at Holland, as the British government was there represented by an accomplished ambassador, (sir Charles Bagot,) well known here. Mr. Hughes, intimately acquainted with the corps diplomatique, with all the avenues of access to the king, and with all persons likely to influence the mind or judgment of the monarch or his ministers, would have been able to discover and avert the exercise of any undue influence, if any should be brought to bear upon the government of the Netherlands, in this delicate transaction.

It was among the early acts of this administration, to overturn the plan which had been thus resolved on by its predecessors, and, in place of Mr. Hughes, to send out Mr. Preble, in the sole charge of conducting a difficult arbitration. I have had only a limited acquaintance with this gentleman; but he was destitute of all diplomatic experience, had never been in the councils of the general government, and I understand could not either speak or write the language of the court to which he was sent, and where he was a total stranger. He was indeed a respectable lawyer in his own state, but of what avail would professional eminence be, where tact, insinuating manners, and thorough acquaintance with the persons of the court, were indispensable?

The result of an arbitration conducted under such auspices was to be feared. During its progress, and before the king's decision, he was stripped, by the revolution in Belgium, of the better half of his dominions. Had he been monarch of Holland alone, I think



I hazard nothing in saying, that, notwithstanding the confidence which Mr. Adams reposed in his personal character, he would not have been selected, with the concurrence of the late administration, as the sovereign arbiter. It was to an independent sovereign, one the extent of whose power and dominions placed him at the head of the second-rate states of the continent of Europe, that the controversy was submitted. It was not to the king of Holland, but to the king of Holland and Belgium, that the question was referred. It was to a monarch supposed to be unbiased, powerful, and independent, that the question was referred, and not to a sovereign, who, whilst he was arbitrating between Great Britain and the United States as to the territory of Maine, by the uncontrollable force of events found one half of his own dominions the subject of British arbitration or decision, in conjunction with the other allied powers.

By the loss of Belgium, the political character of the king was entirely changed, his identity altered, and he ceased to be that monarch, whose friendly arbitration had been solicited. Mr. Preble saw the matter in its true light, and expected to have been notified by the minister of foreign affairs of the king's declining to proceed in the arbitration. But he said nothing, and did nothing, to produce that result. Had Mr. Hughes been there, he would, by a suggestion or a hint, not at all offensive, (such as, whether the critical condition of his own domestic affairs did not afford sufficient occupation for his majesty, without troubling himself with the concerns of foreign governments, in which his own subjects had no interest,) have prevailed on the king to give up the papers; or, at least, to suspend proceeding in the arbitration until he could receive fresh instructions from his own government, adapted to the great event which had happened.

But nothing was done at the Hague or at Washington to arrest or suspend the progress of the arbitration. We have neither seen nor heard of any instructions from our secretary of state, founded on the event just mentioned. A senator (now in my eye) informed me, that he had conversed with the late secretary of state about the revolt of Belgium, and asked him, if it would not put a stop to the arbitration. To which the secretary answered, that he supposed of course it would; and yet, as far as we know, he gave no instruction whatever in relation to that event!

Under all these circumstances, our surprise at the issue of the arbitration ought to be less than it otherwise would have been. If the king of the Netherlands had definitively decided the questions actually submitted to him, in consequence of the silent acquiescence of our government in the progress of the arbitration, the honor and faith of the nation might have bound us to submit to the decision, however unjust we deem it. But, Mr. President, I cannot concur with the committee of foreign relations, in considering the paper

communicated by the king of Holland to the two governments as containing a decision. It seems to me to express only the opinion of that monarch, as to what he thinks might be a suitable boundary, and to operate as a recommendation to the parties to adopt it; but leaving them, at the same time, at full liberty to adopt it or not, at their discretion. So far from being a decision, the king professes his inability to *decide* the question submitted to him, for reasons which he states, and he does not decide it, according to the terms of the submission.

Nor can I concur with that committee in believing, that we shall be in danger of incurring the reproaches of the world for not submitting to such an award, if award it can be called. I am quite sure, that the chairman of the committee of foreign affairs, or the present secretary of state, would be fully competent to make out an argument in behalf of the rights of Maine, that would fully vindicate them, and vindicate the course of government, from all reproaches, founded on noncompliance with the advice and recommendation of the sovereign arbiter.

Entertaining these sentiments, as a private citizen, I have no hesitation in expressing my opinion that the American government, disregarding, and declining to be bound by, the award, ought to open a negotiation with Great Britain on the subject of this disputed boundary. I have no apprehensions that such a step would, necessarily, bring on war. Great Britain might have adopted one of two courses; either to proceed to occupy the territory which the sovereign arbiter thinks it would be suitable for her to possess, and signified her determination to do so; or, to communicate to our government her willingness to be governed by the advice of the arbiter, and inquired as to the intentions, on that subject, of this government. The former course would have been harsh, and might have involved the two countries in war. The latter was more respectful, and, having been adopted by Great Britain, it will be natural and easy to return an answer to the diplomatic note which has been received, stating the grounds and arguments which induce the American government to believe itself not bound by what has been done by the king of Holland. Such an answer would be preliminary to a negotiation, which would necessarily follow. It is desirable, undoubtedly, to have all controversies between nations settled, and amicably, if possible. But this is not the only question remaining to be decided between the two powers, and if that mutual respect and friendly disposition which, it is to be hoped, may predominate in the official intercourse between the two countries, should prevail, although the dispute, by the intervention of the Dutch king, has been somewhat complicated, we need not, I think, despair finally of some satisfactory arrangement.

These are my private views, Mr. President. But I think the president has come to the senate too soon, or come to it in a wrong

character. As a part of the executive government, I think the senate has nothing to do with the question, in the present state of it. Holding this opinion, I shall vote against the resolution reported by the committee of foreign affairs, and I shall vote against any other resolution or proposition which may imply or assume a power in the senate of the United States to act in the case. The president, it seems to me, is invested, exclusively, with the power of deciding, in the first instance, whether any and what obligations, if any, have been created upon the American government, in consequence of the act of the king of the Netherlands; and whether it be expedient or not to open a negotiation with Great Britain. And I think he should be left to his constitutional responsibility, to pursue such a course as a sense of duty may prompt.

## ON PRESIDENT JACKSON'S VETO OF THE BILL TO RECHARTER THE UNITED STATES BANK.

IN THE SENATE OF THE UNITED STATES, JULY 12, 1832.

[THE charter of the bank of the United States, incorporated in 1816, expired by its limitation, in 1836. An act extending the charter, having passed the senate, by a vote of twenty-eight to twenty, and the house of representatives, by a vote of one hundred and five to eighty-three, was returned to the senate on the tenth of July, 1832, by president Jackson, with his objections at length, against signing the bill, and less than two thirds voting for its passage, it was rejected. On the twelfth, the veto message being under consideration, Mr. Clay delivered his sentiments in the following words.]

I HAVE some observations to submit on this question, which I would not trespass on the senate in offering, but that it has some command of leisure, in consequence of the conference which has been agreed upon, in respect to the tariff.

A bill to recharter the bank, has recently passed congress, after much deliberation. In this body, we know that there are members enough who entertain no constitutional scruples, to make, with the vote by which the bill was passed, a majority of two thirds. In the house of representatives, also, it is believed, there is a like majority in favor of the bill. Notwithstanding this state of things, the president has rejected the bill, and transmitted to the senate an elaborate message, communicating at large his objections. The constitution requires that we should reconsider the bill, and that the question of its passage, the president's objections notwithstanding, shall be taken by ayes and noes. Respect to him, as well as the injunctions of the constitution, require that we should deliberately examine his reasons, and reconsider the question.

The veto is an extraordinary power, which, though tolerated by the constitution, was not expected, by the convention, to be used in ordinary cases. It was designed for instances of precipitate legislation, in unguarded moments. Thus restricted, and it has been thus restricted by all former presidents, it might not be mischievous. During Mr. Madison's administration of eight years, there occurred but two or three cases of its exercise. During the

last administration, I do not now recollect that it was once. In a period little upwards of three years, the present chief magistrate has employed the veto four times. We now hear quite frequently, in the progress of measures through congress, the statement that the president will veto them, urged as an objection to their passage.

The veto is hardly reconcilable with the genius of representative government. It is totally irreconcilable with it, if it is to be frequently employed in respect to the expediency of measures, as well as their constitutionality. It is a feature of our government, borrowed from a prerogative of the British king. And it is remarkable, that in England it has grown obsolete, not having been used for upwards of a century. At the commencement of the French revolution, in discussing the principles of their constitution, in national convention, the veto held a conspicuous figure. The gay, laughing population of Paris, bestowed on the king the appellation of monsieur Veto, and on the queen, that of madame Veto. The convention finally decreed, that if a measure rejected by the king, should obtain the sanction of two concurring legislatures, it should be a law, notwithstanding the veto. In the constitution of Kentucky, and perhaps in some other of the state constitutions, it is provided that if, after the rejection of a bill by the governor, it shall be passed by a majority of *all* the members elected to *both* houses, it shall become a law, notwithstanding the governor's objections. As a coördinate branch of the government, the chief magistrate has great weight. If, after a respectful consideration of his objections urged against a bill, a majority of all the members elected to the legislature, shall still pass it, notwithstanding his official influence, and the force of his reasons, ought it not to become a law? Ought the opinion of one man to overrule that of a legislative body, twice deliberately expressed?

It cannot be imagined that the convention contemplated the application of the veto, to a question which has been so long, so often, and so thoroughly scrutinized, as that of the bank of the United States, by every department of the government, in almost every stage of its existence, and by the people, and by the state legislatures. Of all the controverted questions which have sprung up under our government, not one has been so fully investigated as that of its power to establish a bank of the United States. More than seventeen years ago, in January, 1815, Mr. Madison then said, in a message to the senate of the United States:

‘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 concurrence of the general will of the nation.’

Mr. Madison, himself opposed to the first bank of the United States, yielded his own convictions to those of the nation, and all

the departments of the government thus often expressed. Subsequently to this true but strong statement of the case, the present bank of the United States was established, and numerous other acts, of all the departments of government, manifesting their settled sense of the power, have been added to those which existed prior to the date of Mr. Madison's message.

No question has been more generally discussed, within the last two years, by the people at large, and in state legislatures, than that of the bank. And this consideration of it has been prompted by the president himself. In his first message to congress, (in December, 1829,) he brought the subject to the view of that body and the nation, and expressly declared, that it could not, for the interest of all concerned, be 'too soon' settled. In each of his subsequent annual messages, in 1830 and 1831, he again invited the attention of congress to the subject. Thus, after an interval of two years, and after the intervention of the election of a new congress, the president deliberately renews the chartering of the bank of the United States. And yet his friends now declare the agitation of the question to be premature! It was not premature in 1829 to present the question, but it is premature in 1832 to consider and decide it!

After the president had directed public attention to this question, it became not only a topic of popular conversation, but was discussed in the press, and employed as a theme in popular elections. I was myself interrogated, on more occasions than one, to make a public expression of my sentiments; and a friend of mine in Kentucky, a candidate for the state legislature, told me nearly two years ago, that he was surprised, in an obscure part of his county, (the hills of Benson,) where there was but little occasion for banks, to find himself questioned on the stump, as to the recharter of the bank of the United States. It seemed as if a sort of general order had gone out, from head-quarters, to the partisans of the administration, every where, to agitate and make the most of the question. They have done so, and their condition now reminds me of the fable invented by Dr. Franklin, of the eagle and the cat, to demonstrate that Æsop had not exhausted invention, in the construction of his memorable fables. The eagle, you know, Mr. President, pounced from his lofty flight in the air upon a cat, taking it to be a pig. Having borne off his prize, he quickly felt most painfully the paws of the cat, thrust deeply into his sides and body. Whilst flying, he held a parley with the supposed pig, and proposed to let go his hold, if the other would let him alone. No, says puss, you brought me from yonder earth below, and I will hold fast to you until you carry me back—a condition to which the eagle readily assented.

The friends of the president, who have been for nearly three years agitating this question, now turn round upon their opponents,

who have supposed the president quite serious and in earnest, in presenting it for public consideration, and charge them with prematurely agitating it. And that for electioneering purposes! The other side understands perfectly, the policy of preferring an unjust charge, in order to avoid a well-founded accusation.

If there be an electioneering motive in the matter, who have been actuated by it? Those who have taken the president at his word, and deliberated on a measure which he has repeatedly recommended to their consideration; or those who have resorted to all sorts of means to elude the question—by alternately coaxing and threatening the bank; by an extraordinary investigation into the administration of the bank; and by every species of postponement and procrastination, during the progress of the bill?

Notwithstanding all these dilatory expedients, a majority of congress, prompted by the will and the best interests of the nation, passed the bill. And I shall now proceed, with great respect and deference, to examine some of the objections to its becoming a law, contained in the president's message, avoiding, as much as I can, a repetition of what gentlemen have said who preceded me.

The president thinks that the precedents, drawn from the proceedings of congress, as to the constitutional power to establish a bank, are neutralized, by there being two for and two against the authority. He supposes that one congress, in 1811, and another in 1815, decided against the power. Let us examine both of these cases. The house of representatives in 1811, passed the bill to recharter the bank, and, consequently, affirmed the power. The senate, during the same year, were divided, seventeen and seventeen, and the vice-president gave the casting vote. Of the seventeen who voted against the bank, we know from the declaration of the senator from Maryland, (general Smith,) now present, that he entertained no doubt whatever of the constitutional power of congress to establish a bank, and that he voted on totally distinct ground. Taking away his vote and adding it to the seventeen who voted for the bank, the number would have stood eighteen for, and sixteen against the power. But we know further, that Mr. Gaillard, Mr. Anderson, and Mr. Robinson, made a part of that sixteen; and that in 1815, all three of them voted for the bank. Take those three votes from the sixteen, and add them to the eighteen, and the vote of 1811, as to the question of constitutional power, would have been twenty-one and thirteen. And of these thirteen there might have been others still, who were not governed in their votes by any doubts of the power.

In regard to the congress of 1815, so far from their having entertained any scruples in respect to the power to establish a bank, they actually passed a bank bill, and thereby affirmed the power. It is true that, by the casting vote of the speaker of the house of representatives, (Mr. Cheves,) they rejected another bank bill, not on

grounds of want of power, but upon considerations of expediency in the particular structure of that bank.

Both the adverse precedents therefore, relied upon in the message, operate directly against the argument which they were brought forward to maintain. Congress, by various other acts, in relation to the bank of the United States, has again and again sanctioned the power. And I believe it may be truly affirmed, that from the commencement of the government to this day, there has not been a congress opposed to the bank of the United States upon the distinct ground of a want of power to establish it.

And here, Mr. President, I must request the indulgence of the senate, whilst I express a few words in relation of myself.

I voted, in 1811, against the old bank of the United States, and I delivered on that occasion, a speech, in which, among other reasons, I assigned that of its being unconstitutional. My speech has been read to the senate, during the progress of this bill, but the reading of it excited no other regret than that it was read in such a wretched, bungling, mangling manner.\* During a long public life, (I mention the fact not as claiming any merit for it,) the only great question in which I have ever changed my opinion, is that of the bank of the United States. If the researches of the senator had carried him a little further, he would, by turning over a few more leaves of the same book from which he read my speech, have found that which I made in 1816, in support of the present bank. By the reasons assigned in it for the change of my opinion, I am ready to abide in the judgment of the present generation and of posterity. In 1816, being speaker of the house of representatives, it was perfectly in my power to have said nothing and done nothing, and thus have concealed the change of opinion which my mind had undergone. But I did not choose to remain silent and escape responsibility. I chose publicly to avow my actual conversion. The war and the fatal experience of its disastrous events, had changed me. Mr. Madison, governor Pleasants, and almost all the public men around me, my political friends, had changed their opinions from the same causes.

The power to establish a bank is deduced from that clause of the constitution which confers on congress all powers necessary and proper to carry into effect the enumerated powers. In 1811, I believed a bank of the United States not necessary, and that a safe reliance might be placed on the local banks, in the administration of the fiscal affairs of the government. The war taught us many lessons, and among others demonstrated the necessity of the bank of the United States, to the successful operations of the government. I will not trouble the senate with a perusal of my speech in 1816, but ask its permission to read a few extracts :

\* It is understood to have been read by Mr. Hill.



‘But how stood the case in 1816, when he was called upon to examine the powers of the general government to incorporate a national bank? A total change of circumstances was presented — events of the utmost magnitude had intervened.

‘A general suspension of specie payments had taken place, and this had led to a train of circumstances of the most alarming nature. He beheld, dispersed over the immense extent of the United States, about three hundred banking institutions, enjoying, in different degrees, the confidence of the public, shaken as to them all, under no direct control of the general government, and subject to no actual responsibility to the state authorities. These institutions were emitting the actual currency of the United States — a currency consisting of paper, on which they neither paid interest nor principal, whilst it was exchanged for the paper of the community, on which both were paid. We saw these institutions, in fact, exercising what had been considered, at all times, and in all countries, one of the highest attributes of sovereignty — the regulation of the current medium of the country. They were no longer competent to assist the treasury, in either of the great operations of collection, deposit or distribution of the public revenues. In fact, the paper which they emitted, and which the treasury, from the force of events, found itself constrained to receive, was constantly obstructing the operations of that department; for it would accumulate where it was not wanted, and could not be used where it was wanted, for the purposes of government, without a ruinous and arbitrary brokerage. Every man who paid to or received from the government, paid or received as much less than he ought to have done, as was the difference between the medium in which the payment was effected and specie. Taxes were no longer uniform. In New England, where specie payments had not been suspended, the people were called upon to pay larger contributions than where they were suspended. In Kentucky as much more was paid by the people, in their taxes, than was paid, for example, in the state of Ohio, as Kentucky paper was worth more than Ohio paper.

\* \* \* \* \*

‘Considering, then, that the state of the currency was such that no thinking man could contemplate it without the most serious alarm; that it threatened general distress, if it did not ultimately lead to convulsion and subversion of the government; it appeared to him to be the duty of congress to apply a remedy, if a remedy could be devised. A national bank, with other auxiliary measures, was proposed as that remedy. Mr. Clay said he determined to examine the question with as little prejudice as possible, arising from his former opinion; he knew that the safest course to him, if he pursued a cold, calculating prudence, was to adhere to that opinion, right or wrong. He was perfectly aware that if he changed, or seemed to change it, he should expose himself to some censure; but, looking at the subject with the light shed upon it, by events happening since the commencement of the war, he could no longer doubt. \* \* \* He preferred to the suggestions of the pride of consistency the evident interests of the community, and determined to throw himself upon their justice and candor.’

The interest which foreigners hold in the existing bank of the United States, is dwelt upon in the message as a serious objection to the recharter. But this interest is the result of the assignable nature of the stock; and if the objection be well founded, it applies to government stock, to the stock in local banks, in canal and other companies, created for internal improvements, and every species of money or movables in which foreigners may acquire an interest. The assignable character of the stock is a quality conferred not for the benefit of foreigners, but for that of our own citizens. And the fact of its being transferred to them is the effect of the balance of trade being against us — an evil, if it be one, which the American system will correct. All governments wanting capital, resort to foreign nations possessing it in superabundance, to obtain it. Sometimes the resort is even made by one to another belligerent nation. During our revolutionary war we obtained foreign capital (Dutch and French) to aid us. During the late war

American stock was sent to Europe to sell; and if I am not misinformed, to Liverpool. The question does not depend upon the place whence the capital is obtained, but the advantageous use of it. The confidence of foreigners in our stocks, is a proof of the solidity of our credit. Foreigners have no voice in the administration of this bank; and if they buy its stock, they are obliged to submit to citizens of the United States to manage it. The senator from Tennessee, (Mr. White,) asks what would have been the condition of this country, if, during the late war, this bank had existed, with such an interest in it as foreigners now hold? I will tell him. We should have avoided many of the disasters of that war, perhaps those of Detroit and at this place. The government would have possessed ample means for its vigorous prosecution; and the interest of foreigners, British subjects especially, would have operated upon them, not upon us. Will it not be a serious evil to be obliged to remit in specie to foreigners the eight millions which they now have in this bank, instead of retaining that capital within the country to stimulate its industry and enterprise?

The president assigns in his message a conspicuous place to the alleged injurious operation of the bank on the interests of the western people. They ought to be much indebted to him for his kindness manifested towards them; although, I think, they have much reason to deprecate it. The people of all the west owe to this bank about thirty millions, which have been borrowed from it; and the president thinks that the payments for the interest, and other facilities which they derive from the operation of the bank, are so onerous as to produce 'a drain of their currency, which no country can bear without inconvenience and occasional distress.' His remedy is to compel them to pay the whole of the debt which they have contracted in a period short of four years. Now, Mr. President, if they cannot pay the interest without distress, how are they to pay the principal? If they cannot pay a part, how are they to pay the whole? Whether the payment of the interest be or be not a burden to them, is a question for themselves to decide, respecting which they might be disposed to dispense with the kindness of the president. If, instead of borrowing thirty millions from the bank, they had borrowed a like sum from a Girard, John Jacob Astor, or any other banker, what would they think of one who should come to them and say, 'gentlemen of the west, it will ruin you to pay the interest on that debt, and therefore I will oblige you to pay the whole of the principal in less than four years.' Would they not reply, 'we know what we are about; mind your own business; we are satisfied that in ours we can make not only the interest on what we loan, but a fair profit besides.'

A great mistake exists about the western operation of the bank. It is not the bank, but the business, the commerce of the west, and the operations of government, that occasion the transfer, annually, of money from the west to the Atlantic states. What is the actual

course of things? The business and commerce of the west are carried on with New Orleans, with the southern and southwestern states and with the Atlantic cities. We transport our dead or inanimate produce to New Orleans, and receive in return checks or drafts of the bank of the United States at a premium of a half per centum. We send by our drovers our live stock to the south and southwest, and receive similar checks in return. With these drafts or checks our merchants proceed to the Atlantic cities, and purchase domestic or foreign goods for western consumption. The lead and fur trade of Missouri and Illinois is also carried on principally through the bank of the United States. The government also transfers to places where it is wanted, through that bank, the sums accumulated at the different land-offices, for purchases of the public lands.

Now all these varied operations must go on; all these remittances must be made, bank of the United States or no bank. The bank does not create, but facilitates them. The bank is a mere vehicle; just as much so as the steamboat is the vehicle which transports our produce to the great mart of New Orleans, and not the grower of that produce. It is to confound cause and effect, to attribute to the bank the transfer of money from the west to the east. Annihilate the bank to-morrow, and similar transfers of capital, the same description of pecuniary operations, must be continued; not so well, it is true, but performed they must be, ill or well, under any state of circumstances.

The true questions are, how are they now performed? how were they conducted prior to the existence of the bank? how would they be after it ceased? I can tell you what was our condition before the bank was established; and, as I reason from the past to future experience, under analogous circumstances, I can venture to predict what it will probably be without the bank.

Before the establishment of the bank of the United States, the exchange business of the west was carried on by a premium, which was generally paid on all remittances to the east of two and a half per centum. The aggregate amount of all remittances, throughout the whole circle of the year, was very great, and instead of the sum then paid, we now pay half per centum, or nothing, if notes of the bank of the United States be used. Prior to the bank, we were without the capital of the thirty millions which that institution now supplies, stimulating our industry and invigorating our enterprise. In Kentucky we have no specie-paying bank, scarcely any currency other than that of paper of the bank of the United States and its branches.

How is the west to pay this enormous debt of thirty millions of dollars? It is impossible. It cannot be done. General distress, certain, wide-spread, inevitable ruin, must be the consequences of an attempt to enforce the payment. Depression in the value of all property, sheriffs' sales and sacrifices, bankruptcy, must necessarily

ensue, and, with them, relief laws, paper money, a prostration of the courts of justice, evils from which we have just emerged, must again, with all their train of afflictions, revisit our country. But it is argued by the gentleman from Tennessee, (Mr. White,) that similar predictions were made, without being realized, from the downfall of the old bank of the United States. It is, however, to be recollected, that the old bank did not possess one third of the capital of the present; that it had but one office west of the mountains, whilst the present has nine; and that it had little or no debt due to it in that quarter, whilst the present bank has thirty millions. The war, too, which shortly followed the downfall of the old bank, and the suspension of specie payments, which soon followed the war, prevented the injury apprehended from the discontinuance of the old bank.

The same gentleman further argues, that the day of payment must come; and he asks when, better than now? It is to be indefinitely postponed; is the charter of the present bank to be perpetual? Why, Mr. President, all things — governments, republics, empires, laws, human life — doubtless are to have an end; but shall we therefore accelerate their termination? The west is now young, wants capital, and its vast resources, needing nourishment, are daily developing. By and by, it will accumulate wealth from its industry and enterprise, and possess its surplus capital. The charter is not made perpetual, because it is wrong to bind posterity perpetually. At the end of the term limited for its renewal, posterity will have the power of determining for itself, whether the bank shall then be wound up, or prolonged another term. And that question may be decided, as it now ought to be, by a consideration of the interests of all parts of the union, the west among the rest. Sufficient for the day is the evil thereof.

The president tells us, that if the executive had been called upon to furnish the project of a bank, the duty would have been cheerfully performed; and he states that a bank, competent to all the duties which may be required by the government, might be so organized, as not to infringe on our own delegated powers, or the reserved rights of the states. The president is a coordinate branch of the legislative department. As such, bills which have passed both houses of congress, are presented to him for his approval or rejection. The idea of going to the president for the project of a law, is totally new in the practice, and utterly contrary to the theory of the government. What should we think of the senate calling upon the house, or the house upon the senate, for the *project* of a law?

In France, the king possessed the initiative of all laws, and none could pass without its having been previously presented to one of the chambers by the crown, through the ministers. Does the president wish to introduce the initiative here? Are the powers of recommendation, and that of veto, not sufficient? Must all

legislation, in its commencement and in its termination concentrate in the president? When we shall have reached that state of things, the election and annual sessions of congress will be a useless charge upon the people, and the whole business of government may be economically conducted by ukases and decrees.

Congress does sometimes receive the suggestions and opinions of the heads of department, as to new laws. And, at the commencement of this session, in his annual report, the secretary of the treasury stated his reasons at large, not merely in favor of a bank, but in support of the renewal of the charter of the existing bank. Who could have believed that that responsible officer was communicating to congress opinions directly adverse to those entertained by the president himself? When before has it happened, that the head of a department recommended the passage of a law which, being accordingly passed and presented to the president, is subjected to his veto? What sort of a bank it is, with a project of which the president would have designed to furnish congress, if they had applied to him, he has not stated. In the absence of such statement, we can only conjecture that it is his famous treasury bank, formerly recommended by him, from which the people have recoiled with the instinctive horror, excited by the approach of the cholera.

The message states, that 'an investigation *unwillingly* conceded, and so *restricted* in time as necessarily to make it *incomplete* and *unsatisfactory*, disclose enough to excite suspicion and alarm.' As there is no prospect of the passage of this bill, the president's objections notwithstanding, by a constitutional majority of two thirds, it can never reach the house of representatives. The members of that house, and especially its distinguished chairman of the committee of ways and means, who reported the bill, are, therefore, cut off from all opportunity of defending themselves. Under these circumstances, allow me to ask how the president has ascertained that the investigation was *unwillingly* conceded? I have understood directly the contrary; and that the chairman, already referred to, as well as other members in favor of the renewal of the charter, promptly consented to and voted for the investigation. And we all know that those in support of the renewal could have prevented the investigation, and that they did not. But suspicion and alarm have been excited! SUSPICION AND ALARM! Against whom is this suspicion? The house, or the bank, or both?

Mr. President, I protest against the right of any chief magistrate to come into either house of congress, and scrutinize the motives of its members; to examine whether a measure has been passed with promptitude or repugnance; and to pronounce upon the willingness or unwillingness with which it has been adopted or rejected. It is an interference in concerns which partake of a domestic nature. The official and constitutional relations between

the president and the two houses of congress subsist with them as organized bodies. His action is confined to their consummated proceedings, and does not extend to measures in their incipient stages, during their progress through the houses, nor to the motives by which they are actuated. There are some parts of this message that ought to excite deep alarm; and that especially in which the president announces that each public officer may interpret the constitution as he pleases. His language is, 'each public officer, who takes an oath to support the constitution, swears that he will support it as he understands it, and not as it is understood by others.' \* \* \* 'The opinion of the judges has no more authority over congress than the opinion of congress has over the judges; and *on that point the president is independent of both.*' Now, Mr. President, I conceive, with great deference, that the president has mistaken the purport of the oath to support the constitution of the United States. No one swears to support it *as he understands it*, but to support it simply as it is in truth. All men are bound to obey the laws, of which the constitution is the supreme; but must they obey them as they are, or *as they understand them*? If the obligation of obedience is limited and controlled by the measure of information; in other words, if the party is bound to obey the constitution only as he understands it; what would be the consequence? The judge of an inferior court would disobey the mandate of a superior tribunal, because it was not in conformity to the constitution, *as he understands it*; a custom-house officer would disobey a circular from the treasury department, because contrary to the constitution, *as he understands it*; an American minister would disregard an instruction from the president, communicated through the department of state, because not agreeable to the constitution, *as he understands it*; and a subordinate officer in the army or navy, would violate the orders of his superior, because they were not in accordance with the constitution, *as he understands it*. We should have nothing settled, nothing stable, nothing fixed. There would be general disorder and confusion throughout every branch of administration, from the highest to the lowest officers—universal nullification. For what is the doctrine of the president but that of South Carolina applied throughout the union? The president independent both of congress and the supreme court! only bound to execute the laws of the one and the decisions of the other, as far as they conform to the constitution of the United States, *as far as he understands it!* Then it should be the duty of every president, on his installation into office, to carefully examine all the acts in the statute book, approved by his predecessors, and mark out those which he was resolved not to execute, and to which he meant to apply this new species of veto, because they were repugnant to the constitution *as he understands it*. And, after the expiration of every term of the supreme court, he should send for the record of its decisions, and discriminate

between those which he would, and those which he would not, execute, because they were or were not agreeable to the constitution, *as he understands it*.

There is another constitutional doctrine contained in the message, which is entirely new to me. It asserts that 'the government of the United States have no constitutional power to purchase lands within the states,' except 'for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;' and even for these objects, only 'by the consent of the legislature of the state in which the same shall be.' Now sir, I had supposed that the right of congress to purchase lands in any state was incontestable; and, in point of fact, it probably at this moment owns land in every state of the union, purchased for taxes, or as a judgment or mortgage creditor. And there are various acts of congress which regulate the purchase and transfer of such lands. The advisers of the president have confounded the faculty of purchasing lands with the exercise of exclusive jurisdiction, which is restricted by the constitution to the forts and other buildings described.

The message presents some striking instances of discrepancy. First, it contests the right to establish one bank, and objects to the bill that it limits and restrains the power of congress to establish several. Second, it urges that the bill does not recognise the power of state taxation generally; and complains that facilities are afforded to the exercise of that power in respect to the stock held by individuals. Third, it objects that any bonus is taken, and insists that not enough is demanded. And fourth, it complains that foreigners have too much influence, and that stock transferred loses the privilege of representation in the elections of the bank, which, if it were retained, would give them more.

Mr. President, we are about to close one of the longest and most arduous sessions of congress under the present constitution; and when we return among our constituents, what account of the operations of their government shall we be bound to communicate? We shall be compelled to say, that the supreme court is paralysed, and the missionaries retained in prison in contempt of its authority, and in defiance of numerous treaties and laws of the United States; that the executive, through the secretary of the treasury, sent to congress a tariff bill which would have destroyed numerous branches of our domestic industry, and to the final destruction of all; that the veto has been applied to the bank of the United States, our only reliance for a sound and uniform currency; that the senate has been violently attacked for the exercise of a clear constitutional power; that the house of representatives have been unnecessarily assailed; and that the president has promulgated a rule of action for those who have taken the oath to support the constitution of the United States, that must, if there be practical conformity to it, introduce general nullification, and end in the absolute subversion of the government.

## ON INTRODUCING THE COMPROMISE TARIFF BILL.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 12, 1833.

[THE protective tariff laws of 1824 and 1828 were very unsatisfactory to the politicians of South Carolina, although under the influence of the policy of those laws, that state, in common with the whole union, had enjoyed a high degree of prosperity. The principles of the American system of protection and internal improvement had been advocated by Mr. Calhoun and other South Carolina statesmen in 1816, and the tariff then adopted, although protective, was regarded as the settled policy of the country. These gentlemen, however, thought proper subsequently to change their ground, and under their influence combined with that of others who had not changed, the state of South Carolina became agitated and in hostile array to protection to American industry. Among other schemes of agitation which grew up at this period, was the doctrine of nullification, or the right of any state of the union to annul or make void and resist a law of congress, if such state by its legal authorities decided said law to be unconstitutional. Open rebellion to the laws was threatened, and general Jackson, as president, issued a proclamation, declaring his intention to enforce the acts of congress. That body being soon after in session, the friends of Jackson's administration, finding the compulsory measures about being carried out unpopular in the southern states, introduced a new tariff bill, with destructive features in its proposed operation on the great interests of American industry. Under these circumstances, Mr. Clay projected and brought forward in the senate the measure which was afterwards known as the compromise tariff bill. This act was promptly passed by large majorities in congress, and signed by president Jackson. It had the effect of restoring peace and harmony to the country, and of continuing protection to most branches of domestic industry, for a period of ten years. On this subject, Mr. Clay made the following remarks.]

I YESTERDAY, sir, gave notice that I should ask leave to introduce a bill to modify the various acts imposing duties on imports. I at the same time added, that I should, with the permission of the senate, offer an explanation of the principle on which that bill is founded. I owe, sir, an apology to the senate for this course of action, because, although strictly parliamentary, it is, nevertheless, out of the usual practice of this body; but it is a course which I trust that the senate will deem to be justified by the interesting nature of the subject. I rise, sir, on this occasion, actuated by no motives of a private nature, by no personal feelings, and for no personal objects; but exclusively in obedience to a sense of the duty which I owe to my country. I trust, therefore, that no one will anticipate on my part any ambitious display of such humble powers as I may possess. It is sincerely my purpose to present a plain, unadorned, and naked statement of facts connected with the measure



which I shall have the honor to propose, and with the condition of the country. When I survey, sir, the whole face of our country, I behold all around me evidences of the most gratifying prosperity, a prospect which would seem to be without a cloud upon it, were it not that through all parts of the country there exist great dissensions and unhappy distinctions, which, if they can possibly be relieved and reconciled by any broad scheme of legislation adapted to all interests, and regarding the feelings of all sections, ought to be quieted; and leading to which object any measure ought to be well received.

In presenting the modification of the tariff laws, which I am now about to submit, I have two great objects in view. My first object looks to the tariff. I am compelled to express the opinion, formed after the most deliberate reflection, and on full survey of the whole country, that, whether rightfully or wrongfully, the tariff stands in imminent danger. If it should be preserved during this session, it must fall at the next session. By what circumstances, and through what causes, has arisen the necessity for this change in the policy of our country, I will not pretend now to elucidate. Others there are, who may differ from the impressions which my mind has received upon this point. Owing, however, to a variety of concurrent causes, the tariff, as it now exists, is in imminent danger, and if the system can be preserved beyond the next session, it must be by some means not now within the reach of human sagacity. The fall of that policy, sir, would be productive of consequences calamitous indeed. When I look to the variety of interests which are involved, to the number of individuals interested, the amount of capital invested, the value of the buildings erected, and the whole arrangement of the business for the prosecution of the various branches of the manufacturing art, which have sprung up under the fostering care of this government, I cannot contemplate any evil equal to the sudden overthrow of all those interests. History can produce no parallel to the extent of the mischief which would be produced by such a disaster. The repeal of the edict of Nantes itself was nothing in comparison with it. That condemned to exile and brought to ruin a great number of persons. The most respectable portion of the population of France was condemned to exile and ruin by that measure. But, in my opinion, sir, the sudden repeal of the tariff policy would bring ruin and destruction on the whole people of this country. There is no evil, in my opinion, equal to the consequences which would result from such a catastrophe.

What, sir, are the complaints which unhappily divide the people of this great country? On the one hand it is said, by those who are opposed to the tariff, that it unjustly taxes a portion of the people, and paralyses their industry; that it is to be a perpetual operation; that there is to be no end to the system; which, right

or wrong, is to be urged to their inevitable ruin. And what is the just complaint, on the other hand, of those who support the tariff? It is, that the policy of the government is vascillating and uncertain, and that there is no stability in our legislation. Before one set of books is fairly opened, it becomes necessary to close them, and to open a new set. Before a law can be tested by experiment, another is passed. Before the present law has gone into operation; before it is yet nine months old; passed, as it was, under circumstances of extraordinary deliberation, the fruit of nine months labor; before we know any thing of its experimental effects, and even before it commences its operations; we are required to repeal it. On one side we are urged to repeal a system which is fraught with ruin; on the other side, the check now imposed on enterprise, and the state of alarm in which the public mind has been thrown, renders all prudent men desirous, looking ahead a little way, to adopt a state of things, on the stability of which they may have reason to count. Such is the state of feeling on the one side and on the other. I am anxious to find out some principle of mutual accommodation, to satisfy, as far as practicable, both parties — to increase the stability of our legislation; and at some distant day — but not too distant, when we take into view the magnitude of the interests which are involved — to bring down the rate of duties to that revenue standard, for which our opponents have so long contended. The basis on which I wish to found this modification, is one of time; and the several parts of the bill to which I am about to call the attention of the senate, are founded on this basis. I propose to give protection to our manufactured articles, adequate protection for a length of time, which, compared with the length of human life, is very long, but which is short, in proportion to the legitimate discretion of every wise and parental system of government; securing the stability of legislation, and allowing time for a gradual reduction, on one side; and, on the other, proposing to reduce the duties to that revenue standard, for which the opponents of the system have so long contended. I will now proceed to lay the provisions of the bill before the senate, with a view to draw their attention to the true character of the bill.

[Mr. Clay then proceeded to read the first section of the bill.]

According to this section, it will be perceived that it is proposed to come down to the revenue standard at the end of little more than nine years and a half, giving a protection to our own manufactures which I hope will be adequate, during the intermediate time.

[Mr. Clay here recapitulated the provisions of the sections, and showed by various illustrations how they would operate; and then proceeded to read and comment upon the second section of the bill.]

It will be recollected, that at the last session of congress, with a view to make a concession to the southern section of the country, low-priced woollens, those supposed to enter into the consumption of slaves and the poorer classes of persons, were taken out of the general class of duties on woollens, and the duty on them reduced to five per centum. It will be also recollected, that at that time the gentlemen from the south said that this concession was of no consequence, and that they did not care for it, and I believe that they do not now consider it of any greater importance. As, therefore, it has failed of the purpose for which it was taken out of the common class, I think it ought to be brought back again, and placed by the side of the other description of woollens, and made subject to the same reduction of duty as proposed by this section.

[Having next read through the third section of the bill, Mr. Clay said:]

After the expiration of a term of years, this section lays down a rule by which the duties are to be reduced to the revenue standard, which has been so long and so earnestly contended for. Until otherwise directed, and in default of provision being made for the wants of the government in 1842, a rule is thus provided for the rate of duties thereafter, congress being, in the meantime, authorized to adopt any other rule which the exigences of the country, or its financial condition, may require. That is to say, if, instead of the duty of twenty per centum proposed, fifteen or seventeen per centum of duty is sufficient, or twenty-five per centum should be found necessary, to produce a revenue to defray the expenses of an economical administration of the government, there is nothing to prevent either of those rates, or any other, from being fixed upon; whilst the rate of twenty per centum is introduced to guard against any failure on the part of congress to make the requisite provision in due season.

This section of the bill contains also another clause, suggested by that spirit of harmony and conciliation which I pray may preside over the councils of the union at this trying moment. It provides (what those persons who are engaged in manufactures have so long anxiously required for their security) that duties shall be paid in ready money; and we shall thus get rid of the whole of that credit system, into which an inroad was made, in regard to woollens, by the act of the last session. This section further contains a proviso that nothing in any part of this act shall be construed to interfere with the freest exercise of the power of congress to lay any amount of duties, in the event of war breaking out between this country and any foreign power.

[Mr. Clay then read the fourth section of the bill.]

One of the considerations strongly urging for a reduction of the

tariff at this time is, that the government is likely to be placed in a dilemma by having an overflowing revenue; and this apprehension is the ground of an attempt totally to change the protective policy of the country. The section which I have read is an effort to guard against this evil, by relieving altogether from duty a portion of the articles of import now subject to it. Some of these would, under the present rate of duty upon them, produce a considerable revenue; the article of silks alone would yield half a million of dollars per annum. If it were possible to pacify present dissensions, and let things take their course, I believe that no difficulty need be apprehended. If the bill which this body passed at the last session of congress, and has again passed at this session, shall pass the other house, and become a law, and the gradual reduction of duties should take place which is contemplated by the first section of this bill, we shall have settled two (if not three) of the great questions which have agitated this country, that of the tariff, of the public lands, and, I will add, of internal improvement also. For, if there should still be a surplus revenue, that surplus might be applied, until the year 1842, to the completion of the works of internal improvement already commenced; and, after 1842, a reliance for all funds for purposes of internal improvement should be placed upon the operation of the land bill, to which I have already referred.

It is not my object in referring to that measure in connection with that which I am about to propose, to consider them as united in their fate, being desirous, partial as I may be to both, that each shall stand or fall upon its own intrinsic merits. If this section of the bill, adding to the number of free articles, should become law, along with the reduction of duties proposed by the first section of the bill, it is by no means sure that we shall have any surplus revenue at all. I have been astonished indeed at the process of reasoning by which the secretary of the treasury has arrived at the conclusion, that we shall have a surplus revenue at all, though I admit that such a conclusion can be arrived at in no other way. But what is this process? Duties of a certain rate now exist. The amount which they produce is known; the secretary, proposing a reduction of the rate of duty, supposes that the duties will be reduced in proportion to the amount of the reduction of duty. Now no calculation can be more uncertain than that. Though perhaps the best that the secretary could have made, it is still all uncertainty; dependent upon the winds and waves, on the mutations of trade, and on the course of commercial operations. If there is any truth in political economy, it cannot be that result will agree with the prediction; for we are instructed by all experience that the consumption of any article is in proportion to the reduction of its price, and that in general it may be taken as a rule, that the duty upon an article forms a portion of its price. I do not

mean to impute any improper design to any one ; but, if it had been so intended, no scheme for getting rid of the tariff could have been more artfully devised to effect its purposes, than that which thus calculated the revenue, and, in addition, assumed that the expenditure of the government every year would be so much, and so forth. Can any one here say what the future expenditure of the government will be? In this young, great, and growing community, can we say what will be the expenditure of the government even a year hence, much less what it will be three, or four, or five years hence? Yet it has been estimated, on assumed amounts, founded on such uncertain data, both of income and expenditure, that the revenue might be reduced so many millions a year!

I ask pardon for this digression, and return to the examination of articles in the fourth section, which are proposed to be left free of duty. The duties on these articles now vary from five to ten per centum ad valorem; but low as they are, the aggregate amount of revenue which they produce is considerable. By the bill of the last session, the duties on French silks was fixed at five per centum, and that on Chinese silks at ten per centum ad valorem. By the bill now proposed, the duty on French silks is proposed to be repealed, leaving the other untouched. I will frankly state why I made this distinction. It has been a subject of anxious desire with me to see our commerce with France increased. France, though not so large a customer in the great staples of our country as Great Britain, is a great growing customer. I have been much struck with a fact going to prove this, which accidentally came to my knowledge the other day; which is, that within the short period of fourteen years, the amount of consumption in France of the great southern staple of cotton has been *tripled*. Again, it is understood that the French silks of the lower grades of quality cannot sustain a competition with the Chinese without some discrimination of this sort. I have understood, also, that the duty imposed upon this article at the last session has been very much complained of on the part of France; and, considering all the circumstances connected with the relations between the two governments, it appears to me to be desirable to make this discrimination in favor of the French product. If the senate should think differently, I shall be content. If, indeed, they should think proper to strike out this section altogether, I shall cheerfully submit to their decision.

[After reading the fifth and sixth sections, Mr. Clay said:]

I will now take a few of some of the objections which will be made to the bill. It may be said that the act is prospective, that it binds our successors, and that we have no power thus to bind them. It is true that the act is prospective, and so is almost every act which we ever passed, but we can repeal it the next day. It

is the established usage to give all acts a prospective operation. In every tariff there are some provisions which go into operation immediately, and others at a future time. Each congress legislate according to their own views of propriety; their act does not bind their successors, but creates a species of public faith, which will not rashly be broken. But if this bill shall go into operation, as I hope, even against hope, that it may, I doubt not that it will be adhered to by all parties. There is but one contingency which will render a change necessary, and that is the intervention of a war, which is provided for in the bill. The hands of congress are left untied in this event, and they will be at liberty to resort to any mode of taxation, which they may propose. But if we suppose peace to continue, there will be no motive for disturbing the arrangement, but on the contrary, every motive to carry it into effect. In the next place, it will be objected to the bill, by the friends of the protective policy, of whom I hold myself to be one, for my mind is immutably fixed in favor of that policy, that it abandons the power of protection. But I contend, in the first place, that a suspension of the exercise of the power is not an abandonment of it; for the power is in the constitution, according to our theory, was put there by its framers, and can only be dislodged by the people. After the year 1842, the bill provides that the power shall be exercised in a certain mode. There are four modes by which the industry of the country can be protected.

First, the absolute prohibition of rival foreign articles that are totally unattempted by the bill; but it is competent to the wisdom of the government to exert the power whenever they wish. Second, the imposition of duties in such a manner as to have no reference to any object but revenue. When we had a large public debt in 1816, the duties yielded thirty-seven millions, and paid so much more of the debt, and subsequently they yielded but eight or ten millions, and paid so much less of the debt. Sometimes we have to trench on the sinking fund. Now we have no public debt to absorb the surplus revenue, and no motive for continuing the duties. No man can look at the condition of the country, and say that we can carry on this system with accumulating revenue, and no practical way of expending it. The third mode was attempted last session, in a resolution which I had the honor to submit last year, and which in fact ultimately formed the basis of the act which finally passed both houses. This was to raise as much revenue as was wanted for the use of the government, and no more, but to raise it from the protected and not from the unprotected articles. I will say, that I regret most deeply that the greater part of the country will not suffer this principle to prevail. It ought to prevail; and the day, in my opinion, will come, when it will be adopted as the permanent policy of the country. Shall we legislate for our own wants or that of a foreign country? To protect our own

interests in opposition to foreign legislation was the basis of this system. The fourth mode in which protection can be afforded to domestic industry, is to admit free of duty every article which aided the operations of the manufacturers. These are the four modes for protecting our industry; and to those who say that the bill abandons the power of protection, I reply, that it does not touch that power; and that the fourth mode, so far from being abandoned, is extended and upheld by the bill. The most that can be objected to the bill by those with whom I cooperate to support the protective system, is, that, in consideration of nine and a half years of peace, certainty, and stability, the manufacturers relinquished some advantages which they now enjoy. What is the principle which has always been contended for in this and in the other house? After the accumulation of capital and skill, the manufacturers will stand alone, unaided by the government, in competition with the imported articles from any quarter. Now give us time; cease all fluctuations and agitations, for nine years, and the manufacturers in every branch will sustain themselves against foreign competition. If we can see our way clearly for nine years to come, we can safely leave to posterity to provide for the rest. If the tariff be overthrown, as may be its fate next session, the country will be plunged into extreme distress and agitation. I want harmony. I wish to see the restoration of those ties which have carried us triumphantly through two wars. I delight not in this perpetual turmoil. Let us have peace, and become once more united as a band of brothers.

It may be said that the farming interest cannot subsist under a twenty per centum ad valorem duty. My reply is, 'sufficient for the day is the evil thereof.' I will leave it to the day when the reduction takes effect, to settle the question. When the reduction takes place, and the farmer cannot live under it, what will he do? I will tell you what he ought to do. He ought to try it—make a fair experiment of it—and if he cannot live under it, let him come here and say that he is bankrupt and ruined. If then nothing can be done to relieve him, sir, I will not pronounce the words, for I will believe that something will be done, and that relief will be afforded, without hazarding the peace and integrity of the union. The confederacy is an excellent contrivance, but it must be managed with delicacy and skill. There are an infinite variety of prejudices and local interests to be regarded, but all should be made to yield to the union.

If the system proposed cannot be continued, let us try some intermediate system, before we think of any other dreadful alternative. Sir, it will be said, on the other hand—for the objections are made by the friends of protection, principally—that the time is too long; that the intermediate reductions are too inconsiderable, and that there is no guarantee that, at the end of the time stipulated, the reduction proposed would be allowed to take effect. In

the first place should be recollected the diversified interests of the country; the measures of the government which preceded the establishment of manufactures; the public faith in some degree pledged for their security; and the ruin in which rash and hasty legislation would involve them. I will not dispute about terms. It would not, in a court of justice, be maintained that the public faith is pledged for the protection of manufactures; but there are other pledges which men of honor are bound by, besides those of which the law can take cognizance.

If we excite, in our neighbor, a reasonable expectation which induces him to take a particular course of business, we are in honor bound to redeem the pledge thus tacitly given. Can any man doubt that a large portion of our citizens believed that the system would be permanent? The whole country expected it. The security against any change of the system proposed by the bill, is in the character of the bill, as a compromise between two conflicting parties. If the bill should be taken by common consent, as we hope it will be, the history of the revenue will be a guarantee of its permanence. The circumstances under which it was passed will be known and recorded; and no one will disturb a system which was adopted with a view to give peace and tranquillity to the country.

The descending gradations by which I propose to arrive at the minimum of duties, must be gradual. I never would consent to any precipitate operation to bring distress and ruin on the community.

Now, viewing it in this light, it appears that there are eight years and a half, and nine years and a half, taking the ultimate time, which would be an efficient protection, the remaining duties will be withdrawn by a biennial reduction. The protective principle must be said to be, in some measure, relinquished at the end of eight years and a half. This period cannot appear unreasonable, and I think that no member of the senate, or any portion of the country, ought to make the slightest objection. It now remains for me to consider the other objection—the want of guarantee to there being an ulterior continuance of the duties imposed by the bill, on the expiration of the term which it prescribes. The best guarantee will be found in the circumstances under which the measure would be passed. If it passes by common consent; if it is passed with the assent of a portion—a considerable portion of those who have directly hitherto supported this system, and by a considerable portion of those who opposed it—if they declare their satisfaction with the measure, I have no doubt the rate of duties guaranteed, will be continued after the expiration of the term, if the country continues at peace. And, at the end of the term, when the experiment will have been made of the efficiency of the mode of protection fixed by the bill, while the constitutional question has been



suffered to lie dormant, if war should render it necessary, protection might be carried up to prohibition; while if the country should remain at peace, and this measure go into full operation, the duties will be gradually lowered down to the revenue standard, which has been so earnestly wished for.

But suppose that I am wrong in all these views, for there are no guarantees, in one sense of the term, of human infallibility. Suppose a different state of things in the south; that this senate, from causes which I shall not dwell upon now, but which are obvious to every reflecting man in this country — causes which have operated for years past, and which continue to operate — suppose, for a moment, that there should be a majority in the senate in favor of the southern views, and that they should repeal the whole system at once, what guarantee would we have that the repealing of the law would not destroy those great interests which it is so important to preserve? What guarantee will you have that the thunders of those powerful manufactures will not be directed against your capitol, because of this abandonment of their interests, and because you have given them no protection against foreign legislation. Sir, if you carry your measure of repeal without the consent, at least, of a portion of those who are interested in the preservation of manufactures, you have no security, no guarantee, no certainty, that any protection will be continued. But if the measure should be carried by the common consent of both parties, we shall have all security; history will faithfully record the transaction; narrate under what circumstances the bill was passed; that it was a pacifying measure; that it was as oil poured from the vessel of the union to restore peace and harmony to the country. When all this was known, what congress, what legislature, would mar the guarantee? What man who is entitled to deserve the character of an American statesman, would stand up in his place in either house of congress, and disturb this treaty of peace and amity?

Sir, I will not say that it may not be disturbed. All that I say is, that here is all the reasonable security that can be desired by those on the one side of the question, and much more than those on the other would have by any unfortunate concurrence of circumstances. Such a repeal of the whole system should be brought about as would be cheerfully acquiesced in by all parties in this country. All parties may find in this measure some reasons for objection. And what human measure is there which is free from objectionable qualities? It has been remarked, and justly remarked, by the great father of our country himself, that if that great work which is the charter of our liberties, and under which we have so long flourished, had been submitted, article by article, to all the different states composing this union, that the whole would have been rejected; and yet when the whole was presented together, it was accepted as a whole. I will admit that my friends do not get

all they could wish for; and the gentlemen on the other side do not obtain all they might desire; but both will gain all that in my humble opinion is proper to be given in the present condition of this country. It may be true that there will be loss and gain in this measure. But how is this loss and gain distributed? Among our countrymen. What we lose, no foreign land gains; and what we gain, will be no loss to any foreign power. It is among ourselves the distribution takes place. The distribution is founded on that great principle of compromise and concession which lies at the bottom of our institutions, which gave birth to the constitution itself, and which has continued to regulate us in our onward march, and conducted the nation to glory and renown.

It remains for me now to touch another topic. Objections have been made to all legislation at this session of congress, resulting from the attitude of one of the states of this confederacy. I confess that I felt a very strong repugnance to any legislation at all on this subject at the commencement of the session, principally because I misconceived the purposes, as I have found from subsequent observation, which that state has in view. Under the influence of more accurate information, I must say that the aspect of things since the commencement of the session has, in my opinion, greatly changed. When I came to take my seat on this floor, I had supposed that a member of this union had taken an attitude of defiance and hostility against the authority of the general government. I had imagined that she had arrogantly required that we should abandon at once a system which had long been the settled policy of this country. Supposing that she had manifested this feeling, and taken up this position, I had, in consequence, felt a disposition to hurl defiance back again, and to impress upon her the necessity of the performance of her duties as a member of this union. But since my arrival here, I find that South Carolina does not contemplate force, for it is denied and denounced by that state. She disclaims it; and asserts that she is merely making an experiment. That experiment is this: by a course of state legislation, and by a change in her fundamental laws, she is endeavoring by her civil tribunals to prevent the general government from carrying the laws of the United States into operation within her limits. That she has professed to be her object. Her appeal is not to arms, but to another power; not to the sword, but to the law. I must say, and I will say it with no intention of disparaging that state, or any other of the states, it is a feeling unworthy of her. As the purpose of South Carolina is not that of force, this at once disarms, divests legislation of one principal objection, which it appears to me existed against it at the commencement of this session. Her purposes are all of a civil nature. She thinks she can oust the United States from her limits; and unquestionably she has taken good care to prepare her judges beforehand by swearing them to decide

in her favor. If we submitted to her, we should thus stand but a poor chance of obtaining justice. She disclaims any intention of resorting to force unless we should find it indispensable to execute the laws of the union by applying force to her. It seems to me the aspect of the attitude of South Carolina has changed; or rather, the new light which I have obtained, enables me to see her in a different attitude; and I have not truly understood her until she passed her laws, by which it was intended to carry her ordinance into effect. Now, I venture to predict that the state to which I have referred must ultimately fail in her attempt. I disclaim any intention of saying anything to the disparagement of that state. Far from it. I think that she has been rash, intemperate, and greatly in error; and, to use the language of one of her own writers, made up an issue unworthy of her. From one end to the other of this continent, by acclamation, as it were, nullification has been put down, and put down in a manner more effectually than by a thousand wars or a thousand armies — by the irresistible force, by the mighty influence of public opinion. Not a voice beyond the single state of South Carolina has been heard in favor of the principle of nullification, which she has asserted by her own ordinance; and I will say, that she must fail in her lawsuit. I will express two opinions; the first of which is, that it is not possible for the ingenuity of man to devise a system of state legislation to defeat the execution of the laws of the United States, which cannot be countervailed by federal legislation.

A state might take it upon herself to throw obstructions in the way of the execution of the laws of the federal government; but federal legislation can follow at her heel quickly, and successfully counteract the course of state legislation. The framers of the constitution foresaw this, and the constitution has guarded against it. What has it said? It is declared, in the clause enumerating the powers of this government, that congress shall have all power to carry into effect all the powers granted by the constitution, in any branch of the government under the sweeping clause; for they have not specified contingencies, because they could not see what was to happen; but whatever powers were necessary, all, all are given to this government by the fundamental law, necessary to carry into effect those powers which are vested by that constitution in the federal government. That is one reason. The other is, that it is not possible for any state, provided this government is administered with prudence and propriety, so to shape its laws as to throw upon the general government the responsibility of first resorting to the employment of force; but, if force at all is employed, it must be by state legislation, and not federal legislation; and the responsibility of employing that force must rest with, and attach to, the state itself.

I shall not go into the details of this bill. I merely throw out

these sentiments for the purpose of showing you, that South Carolina, having declared her purpose to be this, to make an experiment whether, by a course of legislation, in a conventional form, or a legislative form of enactment, she can defeat the execution of certain laws of the United States, I for one, will express my opinion, that I believe it is utterly impracticable, whatever course of legislation she may choose to adopt, for her to succeed. I am ready, for one, to give the tribunals and the executive of the country, whether that executive has or has not my confidence, the necessary measures of power and authority to execute the laws of the union. But I would not go a hair's breadth further than what was necessary for those purposes. Up to that point I would go, and cheerfully go; for it is my sworn duty, as I regard it, to go to that point.

Again; taking this view of the subject, South Carolina is doing nothing more, except that she is doing it with more rashness, than some other states have done—that respectable state, Ohio, and, if I am not mistaken, the state of Virginia also. An opinion prevailed some years ago, that if you put the laws of a state into a penal form, you could oust federal jurisdiction out of the limits of that state, because the state tribunals had an exclusive jurisdiction over penalties and crimes, and it was inferred that no federal court could wrest the authority from them. According to that principle, the state of Ohio passed the laws taxing the branch of the United States bank, and high penalties were to be enforced against every person who should attempt to defeat her taxation. The question was tried. It happened to be my lot to be counsel at law to bring the suit against the state, and to maintain the federal authority. The trial took place in the state of Ohio; and it is one of the many circumstances which redounds to the honor of that patriotic state, that she submitted to the federal force. I went to the office of the public treasury myself, to which was taken the money of the bank of the United States, it having remained there in sequestration until it was peaceably rendered, in obedience to the decision of the court, without any appeal to arms. In a building which I had to pass in order to reach the treasury, I saw the most brilliant display of arms and musketry that I ever saw in my life; but not one was raised, or threatened to be raised, against the due execution of the laws of the United States, when they were then enforced. In Virginia, (but I am not sure that I am correct in the history of it.) there was a case of this kind. Persons were liable to penalties for selling lottery tickets. It was contended that the state tribunals had an exclusive jurisdiction over the subject. The case was brought before the supreme court; the parties were a Mr. Myers and somebody else, and it decided, as it must always decide, no matter what obstruction, no matter what the state law may be, the constitutional laws of the United States must follow and defeat it.

in its attempt to arrest the federal arm in the exercise of its lawful authority. South Carolina has attempted, and, I repeat it, in a much more offensive way attempted, to defeat the execution of the laws of the United States. But it seems, that, under all the circumstances of the case, she has, for the present, determined to stop here, in order that, by our legislation, we may prevent the necessity of her advancing any further. But there are other reasons for the expediency of legislation at this time. Although I came here impressed with a different opinion, my mind has now become reconciled.

The memorable first of February is past. I confess I did feel an unconquerable repugnance to legislation until that day should have passed, because of the consequences that were to ensue. I hoped that the day would go over well. I feel, and I think that we must all confess, we breathe a freer air than when the restraint was upon us. But this is not the only consideration. South Carolina has practically postponed her ordinance, instead of letting it go into effect, till the fourth of March. Nobody who has noticed the course of events, can doubt that she will postpone it by still further legislation, if congress should rise without any settlement of this question. I was going to say, my life on it, she will postpone it to a period subsequent to the fourth of March. It is in the natural course of events. South Carolina must perceive the embarrassments of her situation. She must be desirous—it is unnatural to suppose that she is not—to remain in the union. What! a state whose heroes in its gallant ancestry fought so many glorious battles along with those of the other states of this union—a state with which this confederacy is linked by bonds of such a powerful character! I have sometimes fancied what would be her condition if she goes out of this union; if her five hundred thousand people should at once be thrown upon their own resources. She is out of the union. What is the consequence? She is an independent power. What then does she do? She must have armies and fleets, and an expensive government; have foreign missions; she must raise taxes; enact this very tariff, which has driven her out of the union, in order to enable her to raise money, and to sustain the attitude of an independent power. If she should have no force, no navy to protect her, she would be exposed to piratical incursions. Their neighbor, St. Domingo, might pour down a horde of pirates on her borders, and desolate her plantations. She must have her embassies; therefore must she have a revenue. And, let me tell you, there is another consequence, an inevitable one; she has a certain description of persons recognised as property south of the Potomac, and west of the Mississippi, which would be no longer recognised as such, except within their own limits. This species of property would sink to one half of its present value, for it is Louisiana and the southwestern states which are her great market.

But I will not dwell on this topic any longer. I say it is utterly impossible that South Carolina ever desired, for a moment, to become a separate and independent state. If the existence of the ordinance, while an act of congress is pending, is to be considered as a motive for not passing that law, why, this would be found to be a sufficient reason for preventing the passing of any laws. South Carolina, by keeping the shadow of an ordinance even before us, as she has it in her power to postpone it from time to time, would defeat our legislation for ever. I would repeat, that under all the circumstances of the case, the condition of South Carolina is only one of the elements of a combination, the whole of which, together, constitutes a motive of action which renders it expedient to resort, during the present session of congress, to some measure in order to quiet and tranquillize the country.

If there be any who want civil war, who want to see the blood of any portion of our countrymen spilt, I am not one of them. I wish to see war of no kind; but, above all, I do not desire to see a civil war. When war begins, whether civil or foreign, no human sight is competent to foresee when, or how, or where it is to terminate. But when a civil war shall be lighted up in the bosom of our own happy land, and armies are marching, and commanders are winning their victories, and fleets are in motion on our coast, tell me, if you can, tell me, if any human being can tell, its duration. God alone knows where such a war would end. In what a state will our institutions be left? In what state our liberties? I want no war; above all, no war at home.

Sir, I repeat, that I think South Carolina has been rash, intemperate, and greatly in the wrong; but I do not want to disgrace her, nor any other member of this union. No: I do not desire to see the lustre of one single star dimmed of that glorious confederacy which constitutes our political sun; still less do I wish to see it blotted out, and its light obliterated for ever. Has not the state of South Carolina been one of the members of this union in 'days that tried men's souls?' Have not her ancestors fought along side our ancestors? Have we not, conjointly, won together many a glorious battle? If we had to go into a civil war with such a state, how would it terminate? Whenever it should have terminated, what would be her condition? If she should ever return to the union, what would be the condition of her feelings and affections? what the state of the heart of her people? She has been with us before, when her ancestors mingled in the throng of battle, and as I hope our posterity will mingle with hers, for ages and centuries to come, in the united defence of liberty, and for the honor and glory of the union; I do not wish to see her degraded or defaced as a member of this confederacy.

In conclusion, allow me to entreat and implore each individual

member of this body to bring into the consideration of this measure, which I have had the honor of proposing, the same love of country which, if I know myself, has actuated me, and the same desire of restoring harmony to the union, which has prompted this effort. If we can forget for a moment—but that would be asking too much of human nature—if we could suffer, for one moment, party feelings and party causes—and, as I stand here before my God, I declare I have looked beyond those considerations, and regarded only the vast interests of this united people—I should hope, that under such feelings, and with such dispositions, we may advantageously proceed to the consideration of this bill, and heal, before they are yet bleeding, the wounds of our distracted country.

## IN SUPPORT OF THE COMPROMISE TARIFF ACT.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 25, 1833.

[THE compromise tariff bill introduced by Mr. Clay, and supported by him in the foregoing speech of the twelfth of February, although favorably received by a majority, encountered considerable opposition from various motives. Mr. Forsyth, of Georgia, and others, met the proposition with sarcastic remarks, while Mr. Webster, and other northern senators, objected to it as surrendering too much of the protective system. To these objections Mr. Clay replied as follows. The bill finally passed the house of representatives (to obviate doubts as to its being a revenue bill) on the twenty-sixth of February, by a vote of one hundred and twenty to eighty-four, and the senate on the first of March, by twenty-nine to sixteen.]

BEING anxious, Mr. President, that this bill should pass, and pass this day, I will abridge as much as I can, the observations I am called upon to make. I have long, with pleasure and pride, cooperated in the public service with the senator from Massachusetts; and I have found him faithful, enlightened, and patriotic. I have not a particle of doubt as to the pure and elevated motives which actuate him. Under these circumstances, it gives me deep and lasting regret, to find myself compelled to differ from him as to a measure involving vital interests, and perhaps the safety of the union. On the other hand, I derive great consolation from finding myself on this occasion, in the midst of friends with whom I have long acted, in peace and in war, and especially with the honorable senator from Maine, (Mr. Holmes,) with whom I had the happiness to unite in a memorable instance. It was in this very chamber, that senator presiding in the committee of the senate, and I in committee of twenty-four of the house of representatives, on a Sabbath day, that the terms were adjusted, by which the compromise of the Missouri question was effected. Then the dark clouds that hung over our beloved country were dispersed and now the thunders from others not less threatening, and which have been longer accumulating, will, I hope, roll over us harmless and without injury.

The senator from Massachusetts objects to the bill under consideration, on various grounds. He argues, that it imposes unjustifiable restraints on the power of future legislation; that it abandons the protective policy, and that the details of the bill are



practically defective. He does not object to the gradual, but very inconsiderable, reduction of duties which is made prior to 1842. To that he could not object, because it is a species of prospective provision, as he admits, in conformity with numerous precedents on our statute-book. He does not object so much to the state of the proposed law prior to 1842, during a period of nine years; but throwing himself forward to the termination of that period, he contends that congress will then find itself under inconvenient shackles, imposed by our indiscretion. In the first place, I would remark, that the bill contains no obligatory pledges; it could make none; none are attempted. The power over the subject is in the constitution; put there by those who formed it, and liable to be taken out only by an amendment of the instrument. The next congress, and every succeeding congress, will undoubtedly have the power to repeal the law whenever they may think proper. Whether they will exercise it or not, will depend upon a sound discretion, applied to the state of the whole country, and estimating fairly the consequences of the repeal, both upon the general harmony and the common interests. Then the bill is founded in a spirit of compromise. Now, in all compromises there must be mutual concessions. The friends of free trade insist, that duties should be laid in reference to revenue alone. The friends of American industry say, that another, if not paramount object in laying them, should be, to diminish the consumption of foreign and increase that of domestic products. On this point the parties divide, and between these two opposite opinions a reconciliation is to be effected, if it can be accomplished. The bill assumes as a basis adequate protection for nine years, and less beyond that term. The friends of protection say to their opponents, we are willing to take a lease of nine years, with the long chapter of accidents beyond that period, including the chance of war, the restoration of concord, and along with it, a conviction common to all, of the utility of protection; and in consideration of it, if, in 1842, none of these contingences shall have been realized, we are willing to submit as long as congress may think proper, to a maximum rate of twenty per centum, with the power of discrimination below it, cash duties, home valuations, and a liberal list of free articles, for the benefit of the manufacturing interest. To these conditions the opponents of protection are ready to accede. The measure is what it professes to be, a compromise; but it imposes and could impose no restriction upon the will or power of a future congress. Doubtless great respect will be paid, as it ought to be paid, to the serious condition of the country that has prompted the passage of this bill. Any future congress that might disturb this adjustment, would act under a high responsibility, but it would be entirely within its competency to repeal, if it thought proper, the whole bill. It is far from the object of those who support this bill, to abandon or

surrender the policy of protecting American industry. Its protection or encouragement may be accomplished in various ways — first, by bounties, as far as they are within the constitutional power of congress to offer them; second, by prohibitions, totally excluding the foreign rival article; third, by high duties without regard to the aggregate amount of revenue which they produce; fourth, by discriminating duties so adjusted as to limit the revenue to the economical wants of government; and, fifth, by the admission of the raw material, and articles essential to manufactures, free of duty; to which may be added, cash duties, home valuations, and the regulation of auctions. A perfect system of protection would comprehend most if not all these modes of affording it. There might be at this time a prohibition of certain articles (ardent spirits and coarse cottons, for example,) to public advantage. If there were not inveterate prejudices and conflicting opinions prevailing, (and what statesman can totally disregard impediments?) such a compound system might be established.

Now, Mr. President, before the assertion is made, that the bill surrenders the protective policy, gentlemen should understand perfectly what it does not as well as what it does propose. It impairs no power of congress over the whole subject; it contains no promise or pledge whatever, express or implied, as to bounties, prohibitions, or auctions; it does not touch the power of congress in regard to them, and congress is perfectly free to exercise that power at any time; it expressly recognises discriminating duties within a prescribed limit; it provides for cash duties and home valuations; and it secures a free list, embracing numerous articles, some of high importance to the manufacturing arts. Of all the modes of protection which I have enumerated, it affects only the third; that is to say, the imposition of high duties, producing a revenue beyond the wants of government. The senator from Massachusetts contends that the policy of protection was settled in 1816, and that it has ever since been maintained. Sir, it was settled long before 1816. It is coeval with the present constitution, and it will continue, under some of its various aspects, during the existence of the government. No nation can exist, no nation perhaps ever existed, without protection in some form, and to some extent, being applied to its own industry. The direct and necessary consequence of abandoning the protection of its own industry, would be to subject it to the restrictions and prohibitions of foreign powers; and no nation, for any length of time, can endure an alien legislation in which it has no will. The discontents which prevail, and the safety of the republic, may require the modification of a specific mode of protection, but it must be preserved in some other more acceptable shape.

All that was settled in 1816, in 1824, and in 1828, was, that protection should be afforded *by high duties, without regard to the*

*amount of the revenue which they might yield.* During that whole period, we had a public debt which absorbed all the surpluses beyond the ordinary wants of government. Between 1816 and 1824, the revenue was liable to the greatest fluctuations, vibrating between the extremes of about nineteen and thirty-six millions of dollars. If there were more revenue, more debt was paid; if less, a smaller amount was reimbursed. Such was sometimes the deficiency of the revenue, that it became necessary to the ordinary expenses of government, to trench upon the ten millions annually set apart as a sinking fund, to extinguish the public debt. If the public debt remained undischarged, or we had any other practical mode of appropriating the surplus revenue, the form of protection, by high duties, might be continued without public detriment. It is the payment of the public debt, then, and the arrest of internal improvements by the exercise of the veto, that unsettles that specific form of protection. Nobody supposes, or proposes, that we should continue to levy, by means of high duties, a large annual surplus, of which no practical use can be made, for the sake of the incidental protection which they afford. The secretary of the treasury estimates that surplus on the existing scale of duties, and with the other sources of revenue, at six millions annually. An annual accumulation at that rate, would, in a few years, bring into the treasury the whole currency of the country, to lie there inactive and dormant.

This view of the condition of the country has impressed every public man with the necessity of some modification of the principles of protection, so far as it depends upon high duties. The senator from Massachusetts feels it; and hence, in the resolutions which he submitted, he proposes to reduce the duties, so as to limit the amount of the revenue to the wants of the government. With him revenue is the principal, protection the subordinate object. If protection cannot be enjoyed after such a reduction of duties as he thinks ought to be made, it is not to be extended. He says, specific duties and the power of discrimination, are preserved by his resolutions. So they may be under the operation of the bill. The only difference between the two schemes is, that the bill, in the maximum which it provides, suggests a certain limit, while his resolutions lay down none. Below that maximum, the principle of discrimination and specific duties may be applied. The senator from Pennsylvania, (Mr. Dallas,) who, equally with the senator from Massachusetts, is opposed to this bill, would have agreed to the bill if it had fixed thirty instead of twenty per centum; and he would have dispensed with home valuation, and come down to the revenue standard in five or six years. Now, Mr. President, I prefer, and I think the manufacturing interest will prefer, nine years of adequate protection, home valuations, and twenty per centum, to the plan of the senator from Pennsylvania.

Mr. President, I want to be perfectly understood as to the motives which have prompted me to offer this measure. I repeat what I said on the introduction of it, that they are, first, to preserve the manufacturing interest, and, secondly, to quiet the country. I believe the American system to be in the greatest danger; and I believe it can be placed on a better and safer foundation at this session than at the next. I heard with surprise, my friend from Massachusetts say, that nothing had occurred within the last six months to increase its hazard. I entreat him to review that opinion. Is it correct? Is the issue of numerous elections, including that of the highest officer of the government, nothing? Is the explicit recommendation of that officer, in his message, at the opening of the session, sustained, as he is, by a recent triumphant election, nothing? Is his declaration in his proclamation, that the burdens of the south ought to be relieved, nothing? Is the introduction of a bill into the house of representatives, during this session, sanctioned by the head of the treasury and the administration, prostrating the greater part of the manufactures of the country, nothing? Are the increasing discontents, nothing? Is the tendency of recent events to unite the whole south, nothing? What have we not witnessed in this chamber? Friends of the administration, bursting all the ties which seemed indissolubly to unite them to its chief, and, with few exceptions south of the Potomac, opposing, and vehemently opposing, a favorite measure of that administration, which three short months ago they contributed to establish! Let us not deceive ourselves. Now is the time to adjust the question, in a manner satisfactory to both parties. Put it off until the next session, and the alternative may and probably then would be a speedy and ruinous reduction of the tariff, or a civil war with the entire south.

It is well known, that the majority of the dominant party is adverse to the tariff. There are many honorable exceptions, the senator from New Jersey, (Mr. Dickerson,) among them. But for the exertions of the other party, the tariff would have been long since sacrificed. Now let us look at the composition of the two branches of congress at the next session. In this body we lose three friends of the protective policy, without being sure of gaining one. Here, judging from present appearances, we shall at the next session be in the minority. In the house it is notorious, that there is a considerable accession to the number of the dominant party. How then, I ask, is the system to be sustained against numbers, against the whole weight of the administration, against the united south, and against the increased pending danger of civil war? There is, indeed, one contingency that might save it, but that is too uncertain to rely upon. A certain class of northern politicians, professing friendship to the tariff, have been charged with being secretly inimical to it, for political purposes. They may change

their ground, and come out open and undisguised supporters of the system. They may even find in the measure which I have brought forward, a motive for their conversion. Sir, I shall rejoice in it, from whatever cause it may proceed. And, if they can give greater strength and durability to the system, and at the same time quiet the discontents of its opponents, I shall rejoice still more. They shall not find me disposed to abandon it, because it has drawn succor from an unexpected quarter. No, Mr. President, it is not destruction, but preservation of the system at which we aim. If dangers now assail it, we have not created them. I have sustained it upon the strongest and clearest convictions of its expediency. They are entirely unaltered. Had others, who avow attachment to it, supported it with equal zeal and straightforwardness, it would be now free from embarrassment; but with them it has been a secondary interest. I utter no complaints; I make no reproaches. I wish only to defend myself now, as heretofore, against unjust assaults. I have been represented as the father of this system, and I am charged with an unnatural abandonment of my own offspring. I have never arrogated to myself any such intimate relation to it. I have, indeed, cherished it with parental fondness, and my affection is undiminished, but in what condition do I find this child? It is in the hands of the Philistines, who would strangle it. I fly to its rescue, to snatch it from their custody, and to place it on a bed of security and repose for nine years, where it may grow and strengthen, and become acceptable to the whole people. I behold a torch about being applied to a favorite edifice, and I would save it if possible before it is wrapt in flames, or at least preserve the precious furniture which it contains. I wish to see the tariff separated from the politics of the country, that business men may go to work in security, with some prospect of stability in our laws, and without every thing being staked on the issue of elections, as it were on the hazards of the die.

And the other leading object which has prompted the introduction of this measure, the tranquillizing of the country, is no less important. All wise human legislation must consult in some degree the passions and prejudices, and feelings, as well as the interests of the people. It would be vain and foolish to proceed at all times, and under all circumstances, upon the notion of absolute certainty in any system, or infallibility in any dogma, and to push these out without regard to any consequences. With us, who entertain the opinion that congress is constitutionally invested with power to protect domestic industry, it is a question of mere expediency as to the form, the degree, and the time that the protection shall be afforded. In weighing all the considerations which should control and regulate the exercise of that power, we ought not to overlook what is due to those who honestly entertain opposite opinions to large masses of the community, and to deep

long-cherished, and growing prejudices. Perceiving, ourselves, no constitutional impediment, we have less difficulty in accommodating ourselves to the sense of the people of the United States upon this interesting subject. I do believe that a majority of them is in favor of this policy; but I am induced to believe this almost against evidence. Two states in New England, which have been in favor of the system, have recently come out against it. Other states of the north and east have shown a remarkable indifference to its preservation. If, indeed, they have wished to preserve it, they have nevertheless placed the powers of government in hand which ordinary information must have assured them were rather a hazardous depository. With us in the west, although we are not without some direct and considerable indirect interest in the system, we have supported it more upon national than sectional grounds.

Meantime the opposition of a large and respectable section of the union, stimulated by political success, has increased, and is increasing. Discontents are multiplying and assuming new and dangerous aspects. They have been cherished by the course and hopes inspired during this administration, which, at the very moment that it threatens and recommends the use of the power of the union, proclaims aloud the injustice of the system which it would enforce. These discontents are not limited to those who maintain the extravagant theory of nullification; they are not confined to one state; they are coextensive with the entire south, and extend even to northern states. It has been intimated by the senator from Massachusetts, that, if we legislate at this session on the tariff, we would seem to legislate under the influence of a panic. I believe, Mr. President, I am not more sensible to danger of any kind, than my fellow-men are generally. It perhaps requires as much moral courage to legislate under the imputation of a panic, as to refrain from it lest such an imputation should be made. But he who regards the present question as being limited to South Carolina alone, takes a view of it much too contracted. There is a sympathy of feeling and interest throughout the whole south. Other southern states may differ from that as to the remedy to be now used, but all agree, (great as in my humble judgment is their error,) in the substantial justice of the cause. Can there be a doubt that those who think in common will sooner or later act in concert? Events are on the wing, and hastening this coöperation. Since the commencement of this session, the most powerful southern member of the union has taken a measure which cannot fail to lead to important consequences. She has deputed one of her most distinguished citizens to request a suspension of measures of resistance. No attentive observer can doubt that the suspension will be made. Well, sir, suppose it takes place, and congress should fail at the next session to afford the redress

which will be solicited, what course would every principle of honor, and every consideration of the interests of Virginia, as she understands them, exact from her? Would she not make common cause with South Carolina? and if she did, would not the entire south eventually become parties to the contest? The rest of the union might put down the south, and reduce it to submission; but, to say nothing of the uncertainty and hazards of all war, is that a desirable state of things? Ought it not to be avoided if it can be honorably prevented? I am not one of those who think that we must rely exclusively upon moral power, and never resort to physical force. I know too well the frailties and follies of man, in his collective as well as individual character, to reject in all possible cases, the employment of force; but I do think that when resorted to, especially among the members of a confederacy, it should manifestly appear to be the only remaining appeal.

But suppose the present congress terminates without any adjustment of the tariff, let us see in what condition its friends will find themselves at the next session. South Carolina will have postponed the execution of the law passed to carry into effect her ordinance, until the end of that session. All will be quiet in the south for the present. The president, in his opening message, will urge that justice, as he terms it, be done to the south; and that the burdens imposed upon it by the tariff, be removed. The whole weight of the administration, the united south, and majorities of the dominant party, in both branches of congress, will be found in active coöperation. Will the gentleman from Massachusetts tell me how we are to save the tariff against this united and irresistible force? They will accuse us of indifference to the preservation of the union, and of being willing to expose the country to the dangers of civil war. The fact of South Carolina's postponing of her ordinance, at the instance of Virginia, and once more appealing to the justice of congress, will be pressed with great emphasis and effect. It does appear to me impossible that we can prevent a most injurious modification of the tariff, at the next session, and that this is the favorable moment for an equitable arrangement of it. I have been subjected to animadversion, for the admission of the fact, that, at the next session, our opponents will be stronger, and the friends of the American system weaker than they are in this congress. But, is it not so? And is it not the duty of every man, who aspires to be a statesman, to look at naked facts as they really are? Must he suppress them? Ought he, like children, to throw the counterpane over his eyes, and persuade himself that he is secure from danger? Are not our opponents as well informed as we are, about their own strength?

If we adjourn, without any permanent settlement of the tariff, in what painful suspense and terrible uncertainty shall we not leave the manufacturers and business men of the country? All

eyes will be turned, with trembling and fear, to the next session. Operations will be circumscribed, and new enterprises checked or, if otherwise, ruin and bankruptcy may be the consequence. I believe, sir, this measure, which offers a reasonable guarantee for permanence and stability, will be hailed by practical men with pleasure. The political manufacturers may be against it, but it will command the approbation of a large majority of the business manufacturers of the country.

But the objections of the honorable senator from Massachusetts are principally directed to the period beyond 1842. During the intermediate time, there is every reason to hope and believe that the bill secures adequate protection. All my information assures me of this; and it is demonstrated by the fact, that, if the measure of protection, secured prior to the thirty-first of December, 1841, were permanent; or if the bill were even silent beyond that period, it would command the cordial and unanimous concurrence of the friends of the policy. What then divides, what alarms us? It is what *may possibly* be the state of things in the year one thousand eight hundred and forty-two, or subsequently! Now, sir, even if that should be as bad as the most vivid imagination, or the most eloquent tongue could depict it, if we have intermediate safety and security, it does not seem to me wise to rush upon certain and present evils, because of those which, admitting their possibility, are very remote and contingent. What! shall we not extinguish the flame which is bursting through the roof that covers us, because, at some future and distant day, we may be again threatened with conflagration?

I do not admit that this bill abandons or fails, by its provisions, to secure reasonable protection beyond 1842. I cannot know, I pretend not to know, what will then be the actual condition of this country, and of the manufacturing arts, and their relative condition to the rest of the world. I would as soon confide in the forecast of the honorable senator from Massachusetts, as in that of any other man in this senate, or in this country; but he, nor any one else, can tell what that condition will then be. The degree of protection which will be required for domestic industry beyond 1842, depends upon the reduction of wages, the accumulation of capital, the improvement in skill, the protection of machinery, and the cheapening of the price, at home, of essential articles, such as fuel, iron, and so forth. I do not think that the honorable senator can throw himself forward to 1842, and tell us what, in all these particulars, will be the state of this country, and its relative state to other countries. We know that, in all human probability, our numbers will be increased by an addition of one third, at least, to their present amount, and that may materially reduce wages. We have reason to believe that our capital will be augmented, our skill improved; and we know that great progress has been made, and



is making, in machinery. There is a constant tendency to decrease in the price of iron and coal. The opening of new mines and new channels of communication, must continue to lower it. The successful introduction of the process of cooking, will have great effect. The price of these articles, one of the most opulent and intelligent manufacturing houses in this country assures me, is a principal cause of the present necessity of protection to the cotton interest; and that house is strongly inclined to think that twenty per centum, with the other advantages secured in this bill, may do beyond 1842. Then, sir, what effect may not convulsions and revolutions in Europe, if any should arise, produce? I am far from desiring them, that our country may profit by their occurrence. Her greatness and glory rest, I hope, upon a more solid and more generous basis. But we cannot shut our eyes to the fact, that our greatest manufacturing, as well as commercial competitor, is undergoing a momentous political experiment, the issue of which is far from being absolutely certain. Who can raise the veil of the succeeding nine years, and show what, at their termination, will be the degree of competition which Great Britain can exercise towards us in the manufacturing arts?

Suppose, in the progress of gradual descent towards the revenue standard for which this bill provides, it should some years hence become evident that further protection, beyond 1842, than that which it contemplates may be necessary, can it be doubted that, in some form or other, it will be applied? Our misfortune has been, and yet is, that the public mind has been constantly kept in a state of feverish excitement, in respect to this system of policy. Conventions, elections, congress, the public press, have been for years all acting upon the tariff, and the tariff acting upon them all. Prejudices have been excited, passions kindled, and mutual irritations carried to the highest pitch of exasperation, insomuch that good feelings have been almost extinguished, and the voice of reason and experience silenced, among the members of the confederacy. Let us separate the tariff from the agitating politics of the country, place it upon a stable and firm foundation, and allow our enterprising countrymen to demonstrate to the whole union, by their skilful and successful labors, the inappreciable value of the arts. If they can have what they have never yet enjoyed, some years of repose and tranquillity, they will make, silently, more converts to the policy, than would be made during a long period of anxious struggle and boisterous contention. Above all, I count upon the good effects resulting from a restoration of the harmony of this divided people, upon their good sense and their love of justice. Who can doubt, that when passions have subsided, and reason has resumed her empire, that there will be a disposition throughout the whole union, to render ample justice to all its parts? Who will believe that any section of this great confederacy would

look with indifference to the prostration of the interests of another section, by distant and selfish foreign nations, regardless alike of the welfare of us all? No, sir; I have no fears beyond 1842. The people of the United States are brethren, made to love and respect each other. Momentary causes may seem to alienate them, but, like family differences, they will terminate in a closer and more affectionate union than ever. And how much more estimable will be a system of protection, based on common conviction and common consent, and planted in the bosoms of all, than one wrenched by power from reluctant and protesting weakness?

That such a system will be adopted, if it should be necessary for the period of time subsequent to 1842, I will not doubt. But, in the scheme which I originally proposed, I did not rely exclusively, great as my reliance is, upon the operation of fraternal feelings, the return of reason, and a sense of justice. The scheme contained an appeal to the interests of the south. According to it, unmanufactured cotton was to be a free article after 1842. Gentlemen from that quarter have again and again asserted that they were indifferent to the duty of three cents per pound on cotton, and that they feared no foreign competition. I have thought otherwise; but I was willing, by way of experiment, to take them at their word; not that I was opposed to the protection of cotton, but believing that a few cargoes of foreign cotton introduced into our northern ports, free of duty, would hasten our southern friends to come here and ask that protection for their great staple, which is wanted in other sections for their interests. That feature in the scheme was stricken out in the select committee, but not by the consent of my friend from Delaware, (Mr. Clayton,) or myself. Still, after 1842, the south may want protection for sugar, for tobacco, for Virginia coal, perhaps for cotton and other articles, whilst other quarters may need it for wool, woollens, iron, and cotton fabrics; and these mutual wants, if they should exist, will lead, I hope, to some amicable adjustment of a tariff for that distant period, satisfactory to all. The theory of protection supposes, too, that, after a certain time, the protected arts will have acquired such strength and perfection as will enable them subsequently, unaided, to stand up against foreign competition. If, as I have no doubt, this should prove to be correct, it will, on the arrival of 1842, encourage all parts of the union to consent to the continuance of longer protection to the few articles which may then require it.

The bill before us strongly recommends itself by its equity and impartiality. It favors no one interest, and no one state, by an unjust sacrifice of others. It deals equally by all. Its basis is the act of July last. That act was passed, after careful and thorough investigation, and long deliberation, continued through several months. Although it may not have been perfect in its adjustment

of the proper measure of protection to each article which was supposed to merit it, it is not likely, that, even with the same length of time before us, we could make one more perfect. Assuming the justness of that act, the bill preserves the respective propositions for which the act provides, and subjects them all to the same (qual but moderate reduction, spread over the long space of nine years. The senator from Massachusetts contends that a great part of the value of all protection, is given up by dispensing with specific duties and the principle of discrimination. But much the most valuable articles of our domestic manufactures, (cotton and woollens, for example,) have never enjoyed the advantage of specific duties. They have always been liable to ad valorem duties, with a very limited application of the minimum principle. The bill does not, however, even after 1842, surrender either mode of laying duties. Discriminations are expressly recognised below the maximum, and specific duties may also be imposed, provided they do not exceed it.

The honorable senator also contends that the bill is imperfect, and that the execution of it will be impracticable. He asks, how is the excess above twenty per centum to be ascertained on coarse and printed cottons, liable to minimums of thirty and thirty-five cents, and subject to a duty of twenty-five per centum, ad valorem; and how is it to be estimated in the case of specific duties? Sir, it is very probable that the bill is not perfect, but I do not believe that there is any thing impracticable in its execution. Much will, however, depend upon the head of the treasury department. In the instance of the cotton minimums, the statute having, by way of exception to the general ad valorem rule, declared, in certain cases, how the value shall be estimated, that statutory value ought to govern; and consequently, the twenty per centum should be exclusively deducted from the twenty-five per centum, being the rate of duties to which cottons generally are liable; and the biennial tenths should be subtracted from the excess of five per centum. With regard to specific duties, it will, perhaps, be competent to the secretary of the treasury, in the execution of the law, for the sake of certainty, to adopt some average value, founded upon importations of a previous year. But if the value of each cargo, and every part of it, is to be ascertained, it would be no more than what now is the operation in the case of woollens, silks, cottons above thirty and thirty-five cents, and a variety of other articles; and consequently there would be no more impracticability in the law.

To all defects, however, real or imaginary, which it may be supposed will arise in the execution of the principle of the bill, I oppose one conclusive, and, I hope, satisfactory answer. Congress will be in session one whole month before the commencement of the law; and if, in the meantime, omissions calling for further legislation shall be discovered, there will be more time than than

we have now to supply them. Let us, on this occasion of compromise, pursue the example of our fathers, who, under the influence of the same spirit, in the adoption of the constitution of the United States, determined to ratify it, and go for amendments afterwards.

To the argument of the senator from Massachusetts, that this interest, and that, and the other, cannot be sustained under the protection, beyond 1842, I repeat the answer, that no one can now tell what may then be necessary. That period will provide for itself. But I was surprised to hear my friend singling out iron as an article that would be most injuriously affected by the operation of this bill. If I am not greatly mistaken in my recollection, he opposed and voted against the act of 1824, because of the high duty imposed on iron. But for that duty, (and perhaps the duty on hemp,) which he then considered threw an unreasonable burden upon the navigation of the country, he would have supported that act. Of all the articles to which protecting duties are applied, iron, and the manufactures of iron, enjoy the highest protection. During the term of nine years, the deductions from the duty are not such as seriously to impair those great interests, unless all my information deceives me; and beyond that period, the remedy has been already indicated. Let me suppose that the anticipations which I form, upon the restoration of concord and confidence, shall be all falsified; that neither the sense of fraternal affection, nor common justice, nor even common interests, will lead to an amicable adjustment of the tariff beyond 1842. Let me suppose that period has arrived, and that the provisions of the bill shall be interpreted as an obligatory pledge upon the congress of that day; and let me suppose, also, that a greater amount of protection than the bill provides, is absolutely necessary to some interests; what is to be done? Regarded as a pledge, it does not bind congress for ever to adhere to the specific rate of duty contained in the bill. The most, in that view, that it exacts, is, to make a fair experiment. If, after such experiment, it should be demonstrated, that, under such an arrangement of the tariff, the interests of large portions of the union would be sacrificed, and they exposed to ruin, congress will be competent to apply some remedy that will be effectual; and I hope and believe that, in such a contingency, some will be devised that may preserve the harmony and perpetuate the blessings of the union.

It has been alleged, that there will be an augmentation, instead of a diminution of revenue, under the operation of this bill. I feel quite confident of the reverse; but it is sufficient to say, that both contingencies are carefully provided for in the bill, without affecting the protected articles.

The gentleman from Massachusetts dislikes the measure, because it commands the concurrence of those who have been hitherto

opposed, in regard to the tariff; and is approved by the gentleman from South Carolina, (Mr. Calhoun,) as well as by myself. Why, sir, the gentleman has told us that he is not opposed to any compromise. Will he be pleased to say how any compromise can be effected, without a concurrence between those who had been previously divided, and taking some medium between the two extremes? The wider the division may have been, so much the better for the compromise, which ought to be judged of by its nature and by its terms, and not solely by those who happen to vote for it. It is an adjustment to which both the great interests in this country may accede without either being dishonored. The triumph of neither is complete. Each, for the sake of peace, harmony, and union, makes some concessions. The south has contended that every vestige of protection should be eradicated from the statute-book, and the revenue standard forthwith adopted. In assenting to this bill, it waives that pretension—yields to reasonable protection for nine years; and consents, in consideration of the maximum of twenty per centum, to be subsequently applied, to discriminations below it, cash duties, home valuations, and a long list of free articles. The north and west have contended for the practical application of the principle of protection, regulated by no other limit than the necessary wants of the country. If they accede to this adjustment, they agree, in consideration of the stability and certainty which nine years' duration of a favorite system of policy affords, and of the other advantages which have been enumerated, to come down in 1842 to a limit not exceeding twenty per centum. Both parties, animated by a desire to avert the evils which might flow from carrying out into all their consequences the cherished system of either, have met upon common ground, made mutual and friendly concessions, and, I trust, and sincerely believe, that neither will have, hereafter, occasion to regret, as neither can justly reproach the other with what may be now done.

This, or some other measure of conciliation, is now more than ever necessary, since the passage, through the senate, of the enforcing bill. To that bill, if I had been present, on the final vote, I should have given my assent, although with great reluctance. I believe this government not only possessed of the constitutional power, but to be bound by every consideration, to maintain the authority of the laws. But I deeply regretted the necessity which seemed to me to require the passage of such a bill. And I was far from being without serious apprehensions as to the consequences to which it might lead. I felt no new-born zeal in favor of the present administration, of which I now think as I have always thought. I could not vote against the measure; I would not speak in its behalf. I thought it most proper in me to leave to the friends of the administration and to others, who might feel themselves

particularly called upon, to defend and sustain a strong measure of the administration. With respect to the series of acts to which the executive has resorted, in relation to our southern disturbance, this is not a fit occasion to enter upon a full consideration of them; but I will briefly say, that, although the proclamation is a paper of uncommon ability and eloquence, doing great credit, as a composition, to him who prepared it, and to him who signed it, I think it contains some ultra doctrines, which no party in this country had ventured to assert. With these are mixed up many sound principles and just views of our political systems. If it is to be judged by its effects upon those to whom it was more immediately addressed, it must be admitted to have been ill-timed and unfortunate. Instead of allaying the excitement which prevailed, it increased the exasperation in the infected district, and afforded new and unnecessary causes of discontent and dissatisfaction in the south generally. The message, subsequently transmitted to congress, communicating the proceedings of South Carolina, and calling for countervailing enactments, was characterized with more prudence and moderation. And, if this unhappy contest is to continue, I sincerely hope, that the future conduct of the administration may be governed by wise and cautious counsels, and a parental forbearance. But when the highest degree of animosity exists; when both parties, however unequal, have arrayed themselves for the conflict; who can tell when, by the indiscretion of subordinates, or other unforeseen causes, the bloody struggle may commence? In the midst of magazines, who knows when the fatal spark may produce a terrible explosion? And the battle once begun, where is its limit? What latitude will circumscribe its rage? Who is to command our armies? When, and where, and how, is the war to cease? In what condition will the peace leave the American system, the American union, and, what is more than all, American liberty? I cannot profess to have a confidence, which I have not, in this administration, but if I had all confidence in it, I should still wish to pause, and, if possible, by any honorable adjustment, to prevent awful consequences, the extent of which no human wisdom can foresee.

It appears to me, then, Mr. President, that we ought not to content ourselves with passing the enforcing bill only. Both that and the bill of peace seem to me to be required for the good of our country. The first will satisfy all who love order and law, and disapprove the inadmissible doctrine of nullification. The last will soothe those who love peace and concord, harmony and union. One demonstrates the power and the disposition to vindicate the authority and supremacy of the laws of the union; the other offers that, which, if it be accepted in the fraternal spirit in which it is tendered, will supersede the necessity of the employment of all force.

There are some who say, let the tariff go down; let our manufactures be prostrated, if such be the pleasure, at another session, of those to whose hands the government of this country is confided; let bankruptcy and ruin be spread over the land; and let resistance to the laws, at all hazards, be subdued. Sir, they take counsel from their passions. They anticipate a terrible reaction from the downfall of the tariff, which would ultimately reëstablish it upon a firmer basis than ever. But it is these very agitations, these mutual irritations between brethren of the same family, it is the individual distress and general ruin that would necessarily follow the overthrow of the tariff, that ought, if possible, to be prevented. Besides, are we certain of this reaction? Have we not been disappointed in it as to other measures heretofore? But suppose, after a long and embittered struggle, it should come, in what relative condition would it find the parts of this confederacy? In what state our ruined manufactures? When they should be laid low, who, amidst the fragments of the general wreck, scattered over the face of the land, would have courage to engage in fresh enterprises, under a new pledge of the violated faith of the government? If we adjourn, without passing this bill, having intrusted the executive with vast powers to maintain the laws, should he be able by the next session to put down all opposition to them, will he not, as a necessary consequence of success, have more power than ever to put down the tariff also? Has he not said that the south is oppressed, and its burdens ought to be relieved? And will he not feel himself bound, after he shall have triumphed, if triumph he may in a civil war, to appease the discontents of the south by a modification of the tariff, in conformity with its wishes and demands? No, sir; no, sir; let us save the country from the most dreadful of all calamities, and let us save its industry, too, from threatened destruction. Statesmen should regulate their conduct and adapt their measures to the exigences of the times in which they live. They cannot, indeed, transcend the limits of the constitutional rule; but with respect to those systems of policy which fall within its scope, they should arrange them according to the interests, the wants, and the prejudices of the people. Two great dangers threaten the public safety. The true patriot will not stop to inquire how they have been brought about, but will fly to the deliverance of his country. The difference between the friends and the foes of the compromise, under consideration, is, that they would, in the enforcing act, send forth alone a flaming sword. We would send out that also, but along with it the olive branch, as a messenger of peace. They cry out, the law! the law! the law! Power! power! power! We, too, reverence the law, and bow to the supremacy of its obligation; but we are in favor of the law executed in mildness, and of power tempered with mercy. They, as we think, would hazard a civil commotion, beginning in South Carolina and

extending, God only knows where. While we would vindicate the federal government, we are for peace, if possible, union, and liberty. We want no war, above all, no civil war, no family strife. We want to see no sacked cities, no desolated fields, no smoking ruins, no streams of American blood shed by American arms!

I have been accused of ambition in presenting this measure. Ambition! inordinate ambition! If I had thought of myself only, I should have never brought it forward. I know well the perils to which I expose myself; the risk of alienating faithful and valued friends, with but little prospect of making new ones, if any new ones could compensate for the loss of those whom we have long tried and loved; and the honest misconceptions both of friends and foes. Ambition! If I had listened to its soft and seducing whispers; if I had yielded myself to the dictates of a cold, calculating, and prudential policy, I would have stood still and unmoved. I might even have silently gazed on the raging storm, enjoyed its loudest thunders, and left those who are charged with the care of the vessel of state, to conduct it as they could. I have been heretofore often unjustly accused of ambition. Low, grovelling souls, who are utterly incapable of elevating themselves to the higher and nobler duties of pure patriotism — beings, who, for ever keeping their own selfish aims in view, decide all public measures by their presumed influence on their aggrandizement — judge me by the venal rule which they prescribe to themselves. I have given to the winds those false accusations, as I consign that which now impeaches my motives. I have no desire for office, not even the highest. The most exalted is but a prison, in which the incarcerated incumbent daily receives his cold, heartless visitants, marks his weary hours, and is cut off from the practical enjoyment of all the blessings of genuine freedom. I am no candidate for any office in the gift of the people of these states, united or separated; I never wish, never expect to be. Pass this bill, tranquillize the country, restore confidence and affection in the union, and I am willing to go home to Ashland, and renounce public service for ever. I should there find, in its groves, under its shades, on its lawns, amidst my flocks and herds, in the bosom of my family, sincerity and truth, attachment, and fidelity, and gratitude, which I have not always found in the walks of public life. Yes, I have ambition; but it is the ambition of being the humble instrument, in the hands of Providence, to reconcile a divided people; once more to revive concord and harmony in a distracted land — the pleasing ambition of contemplating the glorious spectacle of a free, united, prosperous, and fraternal people!



## IN SUPPORT OF THE COMPROMISE ACT.

IN THE SENATE, MARCH 1, 1833

[THE bill for modifying the duties on imports, as passed by the house of representatives, (in effect, Mr. Clay's bill,) being under consideration, and on its passage, a brief discussion took place, between Messrs. Calhoun, Mangum, Frelinghuysen, Sprague, and others, in favor of the bill, and Messrs. Webster, Dallas, Robbins, and others, in opposition.]

MR. CLAY then said a few words in reference to this bill and the enforcing bill, both of which he considered that it was necessary to send forth, as well to show that the laws must be executed, as that there is a disposition to make concessions. He stated, that on the subject of the government's being a compact, he principally agreed with the senator from South Carolina, but with some difference as to the character of the right conferred by that compact. He did not adopt the opinion, that there had been any advance made in usurpation of powers by the general government. He then went into a view of the history of this system, to show, that twelve or thirteen years ago, there was no opposition raised against the power of congress to protect domestic industry. The opposition on constitutional grounds had subsequently grown up. He then stated, that in his opinion no state could so practically construe the constitution as to nullify the laws of the United States, without plunging the country into all the miseries of anarchy. He said that he adhered to the doctrines of that ablest, wisest, and purest of American statesmen, James Madison, who still lives, and resides in Virginia—the doctrines which were advanced by him in 1799. The answer of that distinguished man to the resolutions of the other states, and his address to the people, effected a sudden revolution of public opinion. The people rallied around him; the alien and sedition laws were repealed; and the usurpations of the general government were arrested. He viewed the government as federative in its origin, in its character, and in its operation, and under the clause of the constitution which gives to congress power to pass all laws to carry into effect the granted powers, they could pass all necessary laws. He hoped that the effect of this bill would conciliate all classes and all sections of the union.

He did not arrogate any merit for the passage of this bill. He had cherished this system as a favorite child, and he still clung to it, and should still cling to it. Why had he been reproached? He had come to the child and found it in the hands of the Philistines, who were desirous to destroy it. He wished to save and cherish it, and to find for it better and safer nurses. He did not wish to employ the sword, but to effect his object by concession and conciliation. He wished to see the system placed on a securer basis, to plant it in the bosoms and affections of the people. The gentleman from Pennsylvania, who had learned his views of the system from the senator from South Carolina, had spoken of him as the pilot who was directing the vessel. If it was so, he would ask if she had been secured by a faithful crew? If all had been faithful, he believed there would have been no danger in assailing the system. He assailed no one; he merely defended himself against the reproaches of others.

Another motive with him was to preserve the union. He feared he saw hands uplifted to destroy the system; he saw the union endangered; and in spite of all peril which might assail himself, he had determined to stand forward and attempt the rescue.

He felt himself pained exceedingly in being obliged to separate on the question, from valued friends, especially from his friend from Massachusetts, whom he had always respected, and whom he still respected. He then replied to the argument founded on the idea that the protective principle had been abandoned by this bill. He admitted that protection had been better secured by former bills, but there was no surrender by this. He considered revenue as the first object and protection as the second. As to the reduction of the revenue, he was of opinion that there was an error in the calculations of gentlemen. He thought that in the article of silks alone, there would be a considerable reduction. The protection to the mechanic arts was only reduced by the whole operation of the bill to twenty-six per centum, and he did not know that there would be any just ground for complaint, as some of the mechanic arts now enjoy only twenty-five per centum.

The argument of the senator from New York, (Mr. Wright,) was against the bill, but he was happy to find his vote was to be for it. If his argument brought other minds to the same conclusion to which it had brought his, the bill would not be in any danger. He would say, save the country; save the union; and save the American system.

# ON THE PRESIDENT'S MESSAGE, RETURNING THE PUBLIC LAND BILL.

IN THE SENATE OF THE UNITED STATES, DECEMBER 5, 1833.

[THE bill to distribute the proceeds of the public lands, introduced by Mr. Clay, passed both houses of congress on the first of March, 1832, one day before the adjournment, and the term of the twenty-second congress expired on Sunday, the third of March, 1832. The majorities were so large in favor of the bill, that it was believed if the president had immediately returned the bill with his objections, on the second of March, it would have been passed by the constitutional majority of two thirds of the members present in each house, and thus have become a law, notwithstanding the objections of president Jackson. But the president adopted the unprecedented course of retaining the bill until the next session of congress. In December, 1833, the twenty-third congress assembled, and the president sent a message to the senate, returning the land bill which had been passed by the previous congress, with his objections to the same, and stating that for want of time he had not pursued the usual course. The message of the president, assigning his reasons for the return of the bill, having been read, Mr. Clay rose and made the following remarks.]

THIS measure had been first introduced into congress at the session before the last, under circumstances which must be within the recollection of every member of the senate. Its object was, to dispose of the proceeds of the public lands for a limited time. The subject had been greatly discussed not only in congress, but throughout the country. The principles and provisions of the bill were well and generally understood. The subject had attracted the attention of the chief magistrate himself, and this bill was made the subject of commentary in his message at the commencement of the last session of congress. It must, therefore, be considered as a subject perfectly well understood by the president, for it was not to be supposed that he would have commented upon it, and recommended it to the attention of congress, if it had not been understood. During the last session, this bill, which had previously been before the house, was introduced in this body, and was passed, and sent to the other house, whence it was returned with a slight amendment, taking away the discretion which had been vested in the state legislatures as to the disposal of the proceeds. This bill, which had been before congress the session before the last, which had passed at the last session, having been before the country for a

whole year, when it passed the two houses, was placed before the executive, with a number of other measures, just before the close of the last congress. As the subject had been before the president for consideration so long previously to the passage of the bill, and he had reflected upon it, it was not to have been expected that he would take advantage of the shortness of the session to retain the bill until this time. Yet such had been the fact, and a proceeding had taken place which was unprecedented and alarming, and which, unless the people of this country were lost to all sense of what was due to the legislative branch of the government, to themselves, and to those principles of liberty which had been transmitted to them from the revolution, they would not tolerate. It was at least due to the legislature, that the president should have sent a few lines, courteously informing them, that when his own mind was made up he would communicate the result. But, without deigning to make known his intention, or to impart the reasons which influenced him, he despotically kept silence, and retained the bill. He begged leave to congratulate the senate on the return of the bill. The question which now presented itself was, whether the bill was dead, in consequence of the non-action of the president, or whether it had become an existing law. He was not now about to discuss that question; but he had felt himself called on to make a few observations on the extraordinary course, and to say that it was due to congress, to the people, and to the executive himself, to have informed the last congress in reference to this subject, concerning which he must have made up his mind. He would now move to lay this bill on the table, and would afterwards give notice of a day when he should ask leave to bring in a bill in order to submit it again to the action of the senate.

Mr. Kane wished to know if it was the intention of the senator from Kentucky that the bill should lie permanently on the table, or only to be called up at an early day.

Mr. Clay replied that the only alternative was to consider the bill as defunct, or as an existing law. If the gentleman from Illinois could point out any other course, he had read some clause in the constitution which he (Mr. Clay) had never been so fortunate as to find.

Mr. Benton said he would wish to make a remark; and, if he was precluded by the pressing of this question, he would find some other opportunity of making it.

The question was then taken on the motion to lay the bill upon the table, and decided in the affirmative — ays nineteen.

Mr. Benton then moved to take up the message for consideration.

After further discussion, Mr. Clay said, he did not rise to reply to any one who had felt himself called upon to rise in the senate to *vindicate* the president. If there were any such member, he did not wish to disturb him in his office of vindicator of the president, or to affect the complacency with which he might regard *his* vindi-

caution. But he (Mr. Clay) stood here to sustain his own course, to vindicate the constitution, and to vindicate the rights of congress under it. And he must repeat, that the withholding of the land bill, at the last session, under the circumstances of the case, was a violation of the constitution, and disrespectful to the senate. What were the circumstances?

At two different sessions of congress, the land subject was before it. At that which preceded the last, a bill had been introduced to distribute among the states the proceeds of the public lands. The whole subject, by the bill and by reports of committees, was laid before congress and spread before the country. A copy of the bill, when it was first introduced, according to the constant practice of congress, was sent to the president. He was thus, as well as the country generally, put in entire possession of the matter. It attracted great public attention. It engaged that of the president. And, accordingly, at the commencement of the last session, in his annual message, he adverted to it, in a manner which evidently showed that the writer of the message fully understood it, and all the views which had been developed about it.

[Here Mr. Clay read the message of the last session, so far as it related to the public lands, to show that the president had himself invited the attention of congress to it, as one of urgent and pressing importance; that the *discretion* of congress to make any disposition of the public lands, which they might deem best for the harmony, union, and interest of the United States, was uncontrolled; that the question ought *speedily* to be settled; and that the president had *considered*, but objected to the bill of the previous session, proposing, as a substitute, a plan of his own, which, while the message on the table argued that the public lands belonged to *all* the states, proposed to give the unsold lands to *some* of them.]

Thus was congress, at the commencement of the last session, officially invited to act, and to act speedily, respecting the public lands; and thus did the president manifest his knowledge of the provisions of the bill of the previous session. Well, sir, congress again took up the question. The identical bill of the previous session was again introduced, and again, prior to its passage, placed before the president, along with the other printed documents, according to standing usage. And it was passed by both houses, substantially in the shape in which at the previous session it was passed by the senate, except that the restriction as to the power of the states to apply the sum to be distributed among the several states, after the deduction of the twelve and a half per centum first set apart for the new states, was stricken out.

In this form, the bill was laid before the president on the second day of March last. It was no stranger, but an old acquaintance. He had seen it repeatedly before; and he must have been well informed as to its progress in congress. He had commented on the very project contained in the bill, when he had brought forward his own in his message, at the opening of the session. Without deigning to communicate to congress what disposition he had made,

or meant to make of it, he permitted the body to rise, in utter ignorance of his intentions.

It may be true, that there was a great press of business on the president on the second of March, and that he may have acted upon some ninety or one hundred bills. But this is what occurs with every president on the day before the termination of the short session of congress. With most of those bills the president must have been less acquainted than he was with the land bill. Of some of them he probably had never heard at all. Not one of them possessed the importance of the land bill. How did it happen that the president could find time to decide on so many new bills, and yet had not time to examine and dispose of one which had long been before him and the public; one embracing a subject which he thought the union, harmony, and interests of the states required should be *speedily* adjusted; one which he himself had pronounced his judgment upon at the commencement of the session? By withholding the bill, the president took upon himself a responsibility beyond the exercise of the veto. He deprived congress altogether of its constitutional right to act upon the bill, and to pass it, his negative notwithstanding.

The president is, by the constitution, secured time to consider bills which shall have passed both branches of congress. But so is congress equally secured the right to act upon bills which they have passed, and which the president may have thought proper to reject. If he exercises his veto, and returns the bill, two thirds may pass it. But if he withholds the bill, it cannot become a law, even although the two houses should be unanimously in its favor.

Mr. Clay denied that the constitution gave to the president ten days to consider bills, except at the long session. At that session, the period of its termination is uncertain, and dependent upon the will of congress. To guard against a sudden adjournment, by which the president might be deprived of due time to deliberate on an important bill, the constitution provides for ten days at that session. But, at the short session, it is not an adjournment but a dissolution of congress, on the third of March, and the day of that dissolution is fixed in the constitution itself, and known to all.

Mr. Clay contended, therefore, that the act of withholding the bill was arbitrary and unconstitutional, by which congress, and the senate especially, in which the bill originated, were deprived of their constitutional right of passing on the bill, after the president had exercised his powers. Respect to congress required of the president, if he really had not time to form a judgment on the bill, or, having formed it, had not time to lay his reasons before the body, a communication to that effect. But, without condescending to transmit one word upon the subject to congress, he suffered the session to terminate, and the members to go home destitute of all information, until this day, of his intentions.

Mr. Benton then withdrew his motion to take up the bill

## ON THE REMOVAL OF THE PUBLIC DEPOSITS FROM THE BANK OF THE UNITED STATES.

IN THE UNITED STATES SENATE, DECEMBER 26, 1833.

[THE house of representatives, on the second of March, 1833, adopted, by a vote of one hundred and ten to forty-six, the following resolution: 'that the government deposits may, in the opinion of the house, be safely continued in the bank of the United States.' Notwithstanding this resolution, the president of the United States, (general Jackson,) in September following, read a paper to his cabinet, declaring his intention to cause the deposits to be removed from the bank. He then removed the secretary of the treasury, Mr. Duane, from office, in consequence of his refusal to comply with the president's orders in this respect, and appointed Mr. Taney secretary in his place; who removed the deposits from the United States bank, on the first of October, 1833, and placed them in sundry state banks. At the ensuing session of congress, the secretary of the treasury, Mr. Taney, having made his report on that transaction, the subject came up for consideration in the senate, when Mr. Clay submitted the following resolutions, which he accompanied with the subjoined speech.]

RESOLVED, that by dismissing the late secretary of the treasury, because he would not, contrary to his sense of his own duty, remove the money of the United States in deposit with the bank of the United States and its branches, in conformity with the president's opinion; and by appointing his successor to effect such removal, which has been done, the president has assumed the exercise of a power over the treasury of the United States not granted to him by the constitution and laws, and dangerous to the liberties of the people.

Resolved, that the reasons assigned by the secretary of the treasury for the removal of the money of the United States, deposited in the bank of the United States and its branches, communicated to congress on the third of December, 1833, are unsatisfactory and insufficient.

WE are in the midst of a revolution, hitherto bloodless, but rapidly tending towards a total change of the pure republican character of the government, and to the concentration of all power in the hands of one man. The powers of congress are paralysed, except when exerted in conformity with his will, by frequent and an extraordinary exercise of the executive veto, not anticipated by the founders of our constitution, and not practiced by any of the predecessors of the present chief magistrate. And, to cramp them still more, a new expedient is springing into use, of withholding

altogether bills which have received the sanction of both houses of congress, thereby cutting off all opportunity of passing them, even if, after their return, the members should be unanimous in their favor. The constitutional participation of the senate in the appointing power is virtually abolished by the constant use of the power of removal from office, without any known cause, and by the appointment of the same individual to the same office, after his rejection by the senate. How often have we, senators, felt that the check of the senate, instead of being, as the constitution intended, a salutary control, was an idle ceremony? How often, when acting on the case of the nominated successor, have we felt the injustice of the removal? How often have we said to each other, well, what can we do? the office cannot remain vacant, without prejudice to the public interest, and, if we reject the proposed substitute, we cannot restore the displaced; and, perhaps, some more unworthy man may be nominated.

The judiciary has not been exempt from the prevailing rage for innovation. Decisions of the tribunals, deliberately pronounced, have been contemptuously disregarded. And the sanctity of numerous treaties openly violated. Our Indian relations, coeval with the existence of the government, and recognised and established by numerous laws and treaties, have been subverted, the rights of the helpless and unfortunate aborigines trampled in the dust, and they brought under subjection to unknown laws, in which they have no voice, promulgated in an unknown language. The most extensive and most valuable public domain that ever fell to the lot of one nation, is threatened with a total sacrifice. The general currency of the country — the life-blood of all its business — is in the most imminent danger of universal disorder and confusion. The power of internal improvement lies crushed beneath the veto. The system of protection of American industry was snatched from impending destruction, at the last session; but we are now coolly told by the secretary of the treasury, without a blush, 'that it is understood to be *conceded on all hands*, that the tariff for protection merely is to be finally abandoned.' By the third of March, 1837, if the progress of innovation continues, there will be scarcely a vestige remaining of the government and its policy, as they existed prior to the third of March, 1829. In a term of eight years, a little more than equal to that which was required to establish our liberties, the government will have been transformed into an elective monarchy — the worst of all forms of government.

Such is a melancholy but faithful picture of the present condition of our public affairs. It is not sketched or exhibited to excite, here or elsewhere, irritated feeling. I have no such purpose. I would, on the contrary, implore the senate and the people to discard all passion and prejudice, and to look calmly, but resolutely, upon the actual state of the constitution and the country. Although I bring



into the senate the same unabated spirit, and the same firm determination which have ever guided me in the support of civil liberty, and the defence of our constitution, I contemplate the prospect before us with feelings of deep humiliation and profound mortification.

It is not among the least unfortunate symptoms of the times, that a large portion of the good and enlightened men of the union, of all parties, are yielding to sentiments of despondency. There is, unhappily, a feeling of distrust and insecurity pervading the community. Many of our best citizens entertain serious apprehensions, that our union and our institutions are destined to a speedy overthrow. Sir, I trust that the hopes and confidence of the country will revive. There is much occasion for manly independence and patriotic vigor, but none for despair. Thank God, we are yet free; and, if we put on the chains which are forging for us, it will be because we deserve to wear them. We should never despair of the republic. If our ancestors had been capable of surrendering themselves to such ignoble sentiments, our independence and our liberties would never have been achieved. The winter of 1776-7 was one of the gloomiest periods of the revolution; but on *this day*, fifty-seven years ago, the father of his country achieved a glorious victory, which diffused joy and gladness and animation throughout the states. Let us cherish the hope that, since he has gone from among us, Providence, in the dispensation of his mercies, has near at hand in reserve for us, though yet unseen by us, some sure and happy deliverance from all impending dangers.

When we assembled here last year, we were full of dreadful forebodings. On the one hand we were menaced with a civil war, which, lighting up in a single state, might spread its flames throughout one of the largest sections of the union. On the other, a cherished system of policy, essential to the successful prosecution of the industry of our countrymen, was exposed to imminent danger of immediate destruction. Means were happily applied by congress to avert both calamities; the country was reconciled, and our union once more became a band of friends and brothers. And I shall be greatly disappointed, if we do not find those who were denounced as being unfriendly to the continuance of our confederacy, among the foremost to fly to its preservation, and to resist all executive encroachment.

Mr. President, when congress adjourned, at the termination of the last session, there was one remnant of its powers, that over the purse, left untouched. The two most important powers of civil government are, those of the sword and the purse. The first, with some restriction, is confided by the constitution to the executive, and the last to the legislative department. If they are separate, and exercised by different responsible departments, civil liberty is safe;

but if they are united in the hands of the same individual, it is gone. That clear-sighted and sagacious revolutionary orator and patriot, Patrick Henry, justly said, in the Virginia convention, in reply to one of his opponents:

‘Let him candidly tell me where and when did freedom exist, when the sword and purse were given up from the people? Unless a miracle in human affairs interposed, no nation ever retained its liberty after the loss of the sword and the purse? Can you prove by any argumentative deduction, that it is possible to be safe without one of them? If you give them up you are gone.’

Up to the period of the termination of the last session of congress, the exclusive constitutional power of congress over the treasury of the United States had never been contested. Among its earliest acts was one to establish the treasury department, which provided for the appointment of a treasurer, who was required to give bond and security in a very large amount, ‘to receive and keep the moneys of the United States and to disburse the same, upon warrants drawn by the secretary of the treasury, countersigned by the comptroller, recorded by the register, and not otherwise.’ Prior to the establishment of the present bank of the United States, no treasury or place had been provided and designated by law for the safe-keeping of the public moneys, but the treasurer was left to his own discretion and responsibility. When the existing bank was established, it was provided that the public moneys should be deposited with it, and consequently that bank became the treasury of the United States. For whatever place is designated by law for the keeping of the public money of the United States, under the care of the treasurer of the United States, is for the time being the *treasury*. Its safety was drawn in question by the chief magistrates, and an agent was appointed, a little more than a year ago, to investigate its ability. He reported to the executive, that it was perfectly safe. His apprehensions of its solidity were communicated by the president to congress, and a committee was appointed to examine the subject. They, also, reported in favor of its security. And, finally, among the last acts of the house of representatives, prior to the close of the last session, was the adoption of a resolution, manifesting its entire confidence in the ability and solidity of the bank.

After all these testimonies to the perfect safety of the public moneys, in the place appointed by congress, who could have supposed that the place would have been changed? Who could have imagined, that within sixty days of the meeting of congress, and, as it were, in utter contempt of its authority, the change should have been ordered? Who would have dreamed, that the treasurer should have thrown away the single key to the treasury, over which congress held ample control, and accepted in lieu of it some dozens of keys, over which neither congress nor he has any adequate control? Yet, sir, all this has been done; and it is now

our solemn duty to inquire, first, by whose authority it has been ordered? and, secondly, whether the order has been given in conformity with the constitution and laws of the United States?

I agree, sir, and I am happy whenever I can agree with the president, as to the immense importance of these questions. He says, in a paper which I hold in my hand, that he looks upon the pending question as involving higher considerations than the 'mere transfer of a sum of money from one bank to another. Its decision may affect the character of our government for ages to come.' And, with him, I view it as of transcendent importance, both in its consequences and the great principles which the question involves. In the view which I have taken of this subject, I hold the bank as nothing, as perfectly insignificant, faithful as it has been in the performance of all its duties, efficient as it has proved in regulating the currency, than which there is none in all christendom so sound, and deep as is the interest of the country in the establishment and continuance of a sound currency, and the avoidance of all those evils which result from a defective or unsettled currency. All these I regard as questions of no importance, in comparison with the principles involved in this executive innovation. It involves the distribution of power by the executive, and the taking away a power from congress which it was never before doubted to possess — the power over the public purse. Entertaining these views, I shall not, to-day, at least, examine the reasons assigned by the president, or by the secretary of the treasury; for if the president had no power to perform the act, no reasons, however cogent or strong, which he can assign as urging him to the accomplishment of his purpose, no reasons, can sanctify an unconstitutional and illegal act.

The first question, sir, which I intimated it to be my purpose to examine, was, by whose direction was this change of the deposits made?

Now, sir, is there any man who hears me, who requires proof on this point? Is there an intelligent man in the whole country who does not know who it was that decided on the removal of the deposits? Is it not of universal notoriety? Does any man doubt that it was the act of the president? That it was done by his authority and at his command? The president, on this subject, has himself furnished evidence which is perfectly conclusive, in the paper which he has read to his cabinet; for, although he has denied to the senate an official copy of that paper, it is universally admitted that he has given it to the world, as containing the reasons which influenced him to this act. As a part of the people, if not in our senatorial character, we have a right to avail ourselves of that paper, and of all which it contains. Is it not perfectly conclusive as to the authority by which the deposits have been removed? I admit that it is an unprecedented and most extraordinary power.

The constitution of the United States admits of a call, from the chief magistrate, on the heads of departments, for their opinions in writing.

It appears, indeed, that this power which the constitution confers on the president, had been exercised, and that the cabinet were divided, two and two; and one, who was ready to go on either side, being a little indifferent how this great constitutional power was settled by the president. The president was not satisfied with calling on his cabinet for their opinions, in the customary and constitutional form; but he prepares a paper of his own, and instead of receiving reasons from them, reads to them, and thus indoctrinates them according to his own views. This, sir, is the first time in the history of our country, when a paper has been thus read, and thus published. The proceeding is entirely without precedent. Those who now exercise power, consider all precedents wrong. They hold precedents in contempt; and, casting them aside, have commenced a new era in administration. But while they thus hold all precedents in contempt, disregarding all, no matter how long established, no matter to what departments of the government they may have given sanction, they are always disposed to shield themselves behind a precedent, whenever they can find one to subserve their purpose.

But the question is, who gave the order for the removal of the deposits? By whose act were they removed from the bank of the United States, where they were required by the law to be placed, and placed in banks which the law never designated? I tell the gentlemen who are opposed to me, that I am not to be answered by the exhibition of an order signed by R. Taney, or any one else. I want to know, not the clerk who makes the writing, but the individual who dictates — not the hangman who executes the culprit, but the tribunal which orders the execution. I want the original authority, that I may know by whose order, on whose authority, the public deposits were removed, and I again ask, is there a member of this senate, is there an intelligent man in the whole country, who doubts on this point? Hear what the president himself says, in his manifesto, read to his cabinet:

‘The president deems it HIS duty, to communicate in this manner to his cabinet the final conclusions of HIS OWN MIND, and the reasons on which they are founded,’ and so forth.

At the conclusion of this paper what does he say?

‘The president again repeats, that he begs his cabinet to consider the proposed measure as HIS OWN, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. ITS RESPONSIBILITY HAS BEEN ASSUMED, after the most mature reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise, without which all will unite in saying, that the blood and treasure expended by our forefathers in the establishment of our happy system of government will have been vain and fruitless.

Under these convictions, he feels that a measure so important to the American people cannot be commenced too soon; and HE therefore names the first day of October next as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the state banks can be made.\*

Sir, is there a senator here who will tell me that this removal was not made by the president? I know, indeed, that there are in this document many of those most mild, most gracious, most condescending expressions, with which power too well knows how to clothe its mandates. The president coaxes, he soothes the secretary, in the most bland and conciliating language:

\* In the remarks he has made on this all-important question, he trusts the secretary of the treasury will see only the frank and respectful declarations of the opinions which the president has formed on a measure of great national interest, deeply affecting the character and usefulness of his administration; and not a spirit of dictation, which the president would be as careful to avoid, as ready to resist. Happy will he be, if the facts now disclosed produce uniformity of opinion and unity of action among the members of the administration.

Sir, how kind! how gentle! How very gracious must this have sounded in the gratified ear of the secretary of the treasury! Sir, it reminds me of an historical anecdote, related of one of the most remarkable characters which our species has ever produced. While Oliver Cromwell was contending for the mastery of Great Britain, or Ireland, (I do not now remember which,) he besieged a certain catholic town. The place made a stout resistance; but at length the town being likely to be taken, the poor catholics proposed terms of capitulation, stipulating therein for the toleration of their religion. The paper containing the terms was brought to Oliver, who, putting on his spectacles to read it, cried out, 'oh, granted, granted, certainly;' he added, however, 'but if one of them shall dare to be found attending mass, he shall be hanged;' (under what section is not mentioned; whether under a second, or any other section, of any particular law, we are not told.)

Thus, sir, the secretary was told by the president, that he had not the slightest wish to dictate — oh, no; nothing is further from the president's intention; but, sir, what was he told in the sequel? 'If you do not comply with my wishes — if you do not effect the removal of these deposits within the period I assign you — you must quit your office.' And what, sir, was the effect? This document bears date on the eighteenth of September. In the official paper, published at the seat of government, and through which it is understood that the government makes known its wishes and purposes to the people of the United States, we were told, under date of the twentieth of September, 1833, two days only after this cabinet paper was read, as follows:

'We are authorized to state' — [*authorized*; this is the word which gave credit to this annunciation —] 'We are authorized to state, that the deposits of the public money will be changed from the bank of the United States to the state banks, as soon

as necessary arrangements can be made for that purpose; and that it is believed they can be completed in Baltimore, Philadelphia, New York, and Boston, in time to make the change *by the first of October, and perhaps sooner*, if circumstances should render an earlier action necessary on the part of the government.'

Yes, sir, on the eighteenth of September this measure was decided on; and on the twentieth, it is announced to the people, that the deposits would be removed by the first of October, or sooner, if practicable! Mr. Duane was continued in office till the twenty-third, on which day he was dismissed; and between the twenty-third and the twenty-sixth, on which latter day the mere clerical act of signing the order for removal was performed, Mr. Taney, by whom it was done, was appointed secretary of the treasury, having conformed to the will of the president, against his own duty, which Mr. Duane would not do. Yes, sir, on the twentieth went forth this proclamation, by authority, of the removal of the deposits, although Mr. Duane remained in office till the twenty-third. On this point we have conclusive proof in a letter of the president to that gentleman, dated on the twenty-third, which letter, after all the gracious, friendly, and conciliating language of the cabinet paper, concludes in these terms:

'I feel constrained to notify you, that your further services as secretary of the treasury are no longer required.'

Such, Mr. President, is the testimony on the one side to prove the truth of the proposition, that the removal of the deposits from the bank of the United States, was a measure determined on by the president himself — determined on while the latter secretary of the treasury was still in office, and against the will of the secretary; although Mr. Taney may have put his signature to the order on the twenty-sixth — a mere ministerial act, done in conformity with the previous decision of the president, that the removal should take place on or before the first of October.

I now call the attention of the senate to testimony of the other party; I mean Mr. Duane. After giving a history of the circumstances which accompanied his appointment to office, and what passed antecedently to his removal, he proceeds to say:

'Thus was I thrust into office; thus was I thrust from office; not because I had neglected any duty; not because I had differed with him about the bank of the United States; but because I refused, without further inquiry by congress, to remove the deposits.'

Can testimony be more complete to establish the proposition I have advanced? And is it possible, after the testimony of the president on one side, and of his secretary on the other, that the former had decided that the deposits should be removed, and had removed the secretary because he would not do it, that any man can doubt that the removal was the president's own act? — that it was done in accordance with his command?

And now, sir, having seen that the removal was made by the command and authority of the president, I shall proceed to inquire whether it was done in conformity with the constitution and laws of the United States.

I do not purpose at this time to go into the reasons alleged by the president or his secretary, except so far as those reasons contain an attempt to show that he possessed the requisite authority. Because if the president of the United States had no power to do this thing—if the constitution and laws, instead of authorizing it, required him to keep his hands off the treasury—it is useless to inquire into any reasons he may give for exercising a power which he did not possess. Sir, what power has the president of the United States over the treasury? Is it in the charter establishing the bank? The clause of the charter relating to the public deposits declares,

‘That the deposits of the money of the United States, in places in which the said bank and 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.’

This is in strict consonance with the act creating the treasury department in 1789. The secretary of the treasury is by that act constituted the agent of congress; he is required to report to congress annually the state of the finances, and his plans respecting them; and if congress in either of its branches shall require it, he is to report at any time on any particular branch of the fiscal concerns of the country. He is the agent of congress to watch over the safety of the national deposits; and if, from any peculiar circumstances, the removal of them shall be required, he is to report the fact—to whom? to the president? No, sir; he must report to congress, together with his reasons therefor. By the charter of the bank, the president of the United States is clothed with two powers respecting it, and two only. By one of its clauses he is authorized to nominate, and by and with the consent of the senate, to appoint the government directors, and to remove them, by the other clause he is empowered to issue a *scire facias* when he shall apprehend that the charter of the institution has been violated. These, I say, are the only powers given him by the charter; all others are denied to him, and are given to others. The bank is not bound to report the state of its affairs to him, but to the secretary of the treasury; and it is thus to report whenever he shall call upon it for information; but when it becomes necessary to go further, a committee of congress is authorized to examine the books of the bank, and to look into the whole state of its affairs, and to report, not to the president, but to congress, who appointed them.

The president, as I have said, is restricted to the two powers of appointing directors, and issuing a *scire facias*.

And has the president any power over the treasury by the constitution? None, sir—none. The constitution requires that no money shall be drawn from the treasury except by appropriation, thus placing it entirely under the control of congress. But the president himself says; ‘upon him has been devolved, by the constitution and the suffrages of the American people, the duty of superintending the operation of the executive departments of the government, and seeing that the laws are faithfully executed.’ Sir, the president, in another part of this same paper, refers to the same suffrages of the American people, as the source of some other and new powers over and above those in the constitution, or at least as expressive of their approbation of the exercise of them. Sir, I differ from the president on this point; and though it does not belong exactly in this place in the argument, I will add a remark or two on this idea. His reelection resulted from his presumed merits generally, and the confidence and attachment of the people; and from the unworthiness of his competitor; nor was it intended thereby to express their approbation of all the opinions he was known to hold. Sir, it cannot be believed that the great state of Pennsylvania, for instance, which has so justly been denominated the key-stone of our federal arch, in voting again and again for the present chief magistrate, meant by that act to reverse her own opinions on the subject of domestic industry. Sir, the truth is, that the reelection of the president proves as little an approbation by the people of all the opinions he may hold, even if he had ever unequivocally expressed what those opinions were, (a thing which he never, so far as my knowledge extends, has yet done,) as it would prove that if the president had a carbuncle or the king’s evil, they meant, by reëlecting him, to approve of his carbuncle.

But the president says, that the duty ‘has been devolved upon him,’ to remove the deposits, ‘by the constitution and the suffrages of the American people.’ Sir, does he mean to say that these suffrages created of themselves a new source of power? That he derived an authority from them which he did not hold as from any other source? If he means that their suffrages made him the president of the United States, and that, as president, he may exercise every power pertaining to that office under the constitution and the laws, there are none who controvert it; but then there could be no need to add the suffrages to the constitution. But his language is, ‘the suffrages of the American people and the constitution.’ Sir, I deny it. There is not a syllable in the constitution which imposes any such duty upon him. There is nothing of any such thing; no color to the idea. It is true, that by law, all the departments, with the exception of the treasury, are placed under the general care of the president. He says this is done by the



constitution. The laws, however, have appointed but three executive departments; and it is true, that the secretaries are often required by law to act in certain cases according to the directions of the president. *So far* it is admitted that they have been, by the law, (not by the constitution,) placed under the direction of the president. Yet, even as to the state department, there are duties devolving upon the secretary over which the president has no control; and for the non-performance of which that officer is responsible, not to the president, but to the legislative tribunals or to the courts of justice. This is no new opinion. The supreme court, in the case of *Marbury and Madison*, expressed it in the following terms :

‘By the constitution of the United States, the president is invested with certain important political powers, in the exercise of which, he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience. To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority, and in conformity to his orders.

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‘In such cases, their acts are his acts; and whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists, and can exist, no power to control that discretion. The subjects are political. They respect the nation, not individual rights, and being intrusted to the executive, the decision of the executive is conclusive. The application of this remark will be perceived by adverting to the act of congress for establishing the department of foreign affairs. This officer, as his duties were prescribed by that act, is to conform precisely to the will of the president. He is the mere organ by whom that will is communicated. The acts of such an officer, as an officer, can never be examined by the courts.

‘But when the legislature proceeds to impose on that officer other duties; when he is directed peremptorily to perform certain acts, (that is, when he is not placed under the direction of the president,) when the rights of individuals are dependent on the performance of those acts, he is so far *the officer of the law*; is amenable to the laws for his conduct; and cannot at his discretion sport away the vested rights of others.

‘The conclusion from this reasoning is, that where the heads of departments are the political or confidential agents of the executive, merely to execute the will of the president, or rather to act in cases in which the executive possesses a constitutional or legal discretion, nothing can be more perfectly clear than that their acts are only politically examinable. But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured, has a right to resort to the laws of his country for a remedy.’

Though the president is mistaken in his assertion, that the constitution devolves upon the president the superintendence of the departments, there is one clause of that instrument which he has very correctly quoted, and which makes it his duty to ‘see that the laws are faithfully executed,’ as it is mine now to examine what authority he obtains by this clause in the case before us. Under it, the most enormous pretensions have been set up for the president.

It has been contended, that if a law shall pass which the president does not conceive to be in conformity with the constitution, he is not bound to execute it; and if a treaty shall have been made, which, in his opinion, has been unconstitutional in its stipulations, he is not bound to enforce them. And it necessarily follows, that,

if the courts of justice shall give a decision, which he shall in like manner deem repugnant to the constitution, he is not expected or bound to execute that law. Sir, let us look a little into this principle, and trace it out into some of its consequences.

One of the most important acts performed at the departments is, to settle those very large accounts which individuals have with the government; accounts amounting to millions of dollars; to settle them, an auditor and a comptroller have been appointed by law, whose official acts may affect, to the extent of hundreds of thousands of dollars, the property of individual contractors. If the pretensions of the president are well founded, his power goes further than he has exerted it. He may go into the office of the auditor, or the office of the comptroller, and may say to him, sir, Mr. A. B. has an account under settlement in this office, one item of which, objected to by you, I consider to be in accordance with the constitution; pass that account and send it to the auditor; and he may then go to the auditor and hold similar language. If the clause of the constitution is to be expounded, as is contended for, it amounts to a complete absorption of all the powers of government in the person of the executive. Sir, when a doctrine like this shall be admitted as orthodox, when it shall be acquiesced in by the people of this country, our government will have become a *simple* machine enough. The will of the president will be the whole of it. There will be but one bed, and that will be the bed of Procrustes; but one will, the will of the president. All the departments, and all subordinate functionaries of government, great or small, must submit to that will; and if they do not, then the president will have failed to 'see that the laws are faithfully executed.'

Sir, such an extravagant and enormous pretension as this must be set alongside of its exploded compeer, the pretension that congress has the power of passing any and all laws which it may suppose conducive to 'the general welfare.'

Let me, in a few words, present to the senate what are my own views as to the structure of this government. I hold that no powers can legitimately be exercised under it but such as are expressly delegated, and those which are necessary to carry these into effect. Sir, the executive power, as existing in this government, is not to be traced to the notions of Montesquieu, or of any other writer of that class, in the abstract nature of the executive power. Neither is the legislative nor the judicial power to be decided by any such reformer. These several powers with us, whatever they may be elsewhere, are just what the constitution has made them, and nothing more. And as to the general clauses in which reference is made to either, they are to be controlled and interpreted by those where these several powers are specially delegated, otherwise the executive will become a great vortex that

must end in swallowing up all the rest. Nor will the judicial power be any longer restrained by the restraining clauses in the constitution, which relate to its exercise. What then, it will be asked, does this clause, that the president shall see that the laws are faithfully executed, mean? Sir, it means nothing more nor less than this, that if resistance is made to the laws, he shall take care that resistance shall cease. Congress, by the first article of the eighth section of the constitution, is required to provide for calling out the militia to execute the laws, in case of resistance. Sir, it might as well be contended under that clause, that congress have the power of determining what are, and what are not, the laws of the land. Congress has the power of calling out the military; well, sir, what is the president, by the constitution? He is commander of the army and navy of the United States, and of the militia when called out into actual service. When, then, we are here told that he is clothed with the whole physical power of the nation, and when we are afterwards told, that he must take care that the laws are faithfully executed, is it possible that any man can be so lost to the love of liberty, as not to admit that this goes no further than to remove any resistance which may be made to the execution of the laws? We have established a system in which power has been carefully divided among different departments of the government. And we have been told a thousand times, that this division is indispensable as a safeguard to civil liberty. We have designated the departments, and have established in each, officers to examine the power belonging to each. The president, it is true, presides over the whole; his eye surveys the whole extent of the system in all its movements. But has he power to enter into the courts, for example, and tell them what is to be done? Or may he come here, and tell us the same? Or when we have made a law, can he withhold the power necessary to its practical effect? He moves, it is true, in a high, a glorious sphere. It is his to watch over the whole with a paternal eye; and, when any one wheel of the vast machine is for a time interrupted by the occurrence of invasion or rebellion, it is his care to propel its movements, and to furnish it with the requisite means of performing its appropriate duty in its own place.

That this is the true interpretation of the constitutional clause to which I have alluded, is inferred from the total silence of all contemporaneous expositions of that instrument on the subject. I have myself, (and when it was not in my power personally, have caused others to aid me,) made researches into the numbers of the *Federalist*, the debates in the Virginia convention, and in the conventions of other states, as well as all other sources of information to which I could obtain access, and I have not, in a solitary instance, found the slightest color for the claims set up in these most extraordinary times for the president, that he has authority to afford

or withhold at pleasure the means of enforcing the laws, and to superintend and control an officer charged with a specific duty, made by the law exclusively his. But, sir, I have found some authorities which strongly militate against any such claim. If the doctrine be indeed true, then it is most evident that there is no longer any other control over our affairs, than that exerted by the president. If it be true, that when a duty is by law specifically assigned to a particular officer, the president may go into his office and control him in the manner of performing it, then is it most manifest that all barriers for the safety of the treasury are gone. Sir, it is that union of the purse and the sword, in the hand of one man, which constitutes the best definition of tyranny which our language can give.

The charter of the bank of the United States requires that the public deposits be made in its vaults. It also gives the secretary of the treasury power to remove them — and why? The secretary is at the head of the finances of the government. Weekly reports are made by the bank to him. He is to report to congress annually; and to either house whenever he should be called upon. He is the sentinel of congress — the agent of congress — the representative of congress. Congress has prescribed and has defined his duties. He is required to report to them, not to the president. He is put there by us, as our representative; he is required to remove the deposits when they shall be in danger, and we not in session; but when he does this, he is required to report to congress the fact, with his reasons for it. Now, sir, if, when an officer of government is thus specifically assigned his duty, if he is to report his official acts on his responsibility to congress; if, in a case where no power whatever is given to the president, the president may go and say to that officer, ‘go and do as I bid you, or you shall be removed from office;’ let me ask, whether the danger apprehended by that eloquent man has not already been realized?

But, sir, let me suppose that I am mistaken in my construction of the constitution; and let me suppose that the president has, as is contended, power to see every particular law carried into effect; what, then, was it his duty to do in the present case under the clause thus interpreted? The law authorized the secretary of the treasury to remove the deposits on his responsibility to congress. Now, if the president has power to see this, like other laws, faithfully executed, then, surely, the law exacted of him that he should see that the secretary was allowed to exercise his free, unbiased, uncontrolled judgment in removing or not removing them. That was the execution of the law. Congress had not said that the secretary of war, or the secretary of state, might remove the public deposits from the treasury.

The president has no right to go to the secretary of war and ask

him what the secretary of the treasury ought to do. He might as well have consulted the secretary of the treasury about a contemplated movement of the army, as to ask the secretary of war about the disposition of the public moneys. It was not to the president, and all his secretaries combined, that the power was given to alter the disposition of the deposits in the bank. It was to the secretary alone, exclusive of the president, and all the other officers of government. And according to gentlemen's own showing, by their construction of the clause, the secretary ought to have been left to his own unbiased determination, uncontrolled by the president or any body else.

I would thank the secretary of the senate to get me the sedition law. It is not very certain how soon we may be called to act upon it.

Now, sir, let us trace some of the other sources of the exercise of this power, or motives for it, or by whatever other name they are to be called. He says to Mr. Duane :

'The president repeats, that he begs the cabinet to consider the proposed measure as his own, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise.'

The morals of the people! What part of the constitution has given to the president any power over 'the morals of the people?' None. It does not give such power even over religion, the presiding and genial influence over every true system of morals. No, sir, it gives him no such power.

And what is the next step? To-day he claims a power as necessary to the morals of the people; to-morrow he will claim another, as still more indispensable to our religion. And the president might in this case as well have said that he went into the office of the secretary of the treasury, and controlled his free exercise of his authority as secretary, because it was necessary to preserve 'the religion of the people!' I ask for the authority. Will any one of those gentlemen here, who consider themselves as the vindicators of the executive, point me to any clause of the constitution which gives to the *present* president of the United States any power to preserve 'the morals of the people?'

But 'the freedom of the press,' it seems, was another motive. Sir, I am not surprised that the present secretary of the treasury should feel a desire to revive this power over the press. He, I think, was a member of that party which passed the sedition law, under precisely the same pretext. I recollect it was said, that this bank, this monster of tyranny, was taking into its pay a countless number of papers, and by this means was destroying the fair fame of the president and his secretary, and all that sort of thing. Sir,

it is sometimes useful to refer back to those old things — to the notions and the motives which induced men in former times to do certain acts which may not be altogether unlike some others in our own time.

The famous sedition act was passed, sir, in 1789; and it contained, among others, the following provision :

‘Section 2. That if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall, knowingly and willingly, assist or aid in writing, printing, uttering, or publishing, any false, scandalous, and malicious writing or writings, against the government of the United States, or either house of the congress of the United States, or the president of the United States, with intent to defame the said government, or either house of the said congress, or the said president, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either of them, the hatred of the good people of the United States, or to stir up sedition within the United States; or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, or any act of the president of the United States, done in pursuance of any such law, or of the powers in him vested by the constitution of the United States; or to resist, oppose, or defeat, any such law or act; or to aid, encourage, or abet, any hostile designs of any foreign nation, against the United States, their people, or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.’

We have now, sir, in the reasons for the removal of the government deposits, the same motives avowed and acted upon. The abuse of the government, bringing it into disrepute, using contemptuous language to persons high in authority, constituted the motives for passing the sedition law; and what have we now but a repetition of the same complaints of abuses, disrespect, and so forth. As it is now, so it was then; for, says the next section of the same sedition act :

‘That if any person shall be prosecuted under this act, for the writing or publishing of any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defence, the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases.’

It is only for the sake of *the truth*, said they who favored the passage of that law — for the sake of justice; as it is now said that it was necessary to remove the deposits, in order to preserve the purity of the press. That’s all, sir. But there is one part of this assumption of power by the president much more tyrannical than that act. Under that law, the offending party was to have a trial by jury; the benefit of witnesses and of counsel; and the right to have the truth of his alleged libels examined. But what is the case now under consideration? Why, sir, the president takes the whole matter in his own hands; he is at once the judge, the jury, and the executioner of the sentence, and utterly deprives the accused party of the opportunity of showing that the imputed libel is no libel at all, but founded in the clearest truth.

But 'the purity of the elective franchise,' also, the president has very much at heart. And here, again, I ask what part of the constitution gives him any power over that 'franchise?' Look, sir, at the nature of the exercise of this power! If it was really necessary that steps should be taken to preserve the purity of the press or the freedom of elections, what ought the president to have done? Taken the matter into his own hands? No, sir; it was his duty to recommend to congress the passage of laws for the purpose, under suitable sanctions; laws which the courts of the United States could execute. We could not have been worse off under such laws, (however exceptionable they might be,) than we are now. We could then, sir, have reviewed the laws, and seen whether congress or the president had properly any power over this matter; or whether the article of the constitution which forbids that the press shall be touched, and declares that religion shall be sacred from all the powers of legislation, applied in the case or not. This the president has undertaken to do of himself, without the shadow of authority, either in the constitution or the laws.

Suppose, sir, that this contumacious institution, which committed the great sin, in 1829, of not appointing a new president to a certain one of its branches—suppose that the bank should go on and vindicate itself against the calumnies poured out upon it—that it should continue to stand upon its defence; how inefficient will have been the exercise of power by the president! How inadequate to the end he had in view, of preserving the press from being made use of to defend the bank! Why, sir, if we had had the power, and the president had come to us, we could have laid Mr. Nicholas Biddle by the heels, if he should have undertaken to publish another report of general Smith or Mr. Duffie, or another speech of the eloquent gentleman near me, (Mr. Webster,) or any other such *libels*, tending to bring the president or his administration into disrepute. But the president of the United States, who thought he had the bank in his power, who thought he could stop it, who was induced to believe, by that 'influence behind the throne, greater than itself,' that he could break down the bank at a word, has only shown his want of power over the press, by his attempt to exercise it in the manner he has done. The bank has avowed and openly declared its purpose to defend itself on all suitable occasions. And, what is still more provoking, instead of being a bankrupt, as was expected, with its doors closed, and its vaults inaccessible, it has now, it seems, got more money than it knows what to do with; and this greatest of misers and boarders, cruelly refuses to let out a dollar of its ten millions of specie, to relieve the sufferings of the banks to which the government deposits have been transferred.

Sir, the president of the United States had nothing to do with the morals of the community. No, sir; for the preservation of our

morals we are responsible to God, and I trust that that responsibility will ever remain to Him and His mercy alone. Neither had the president any thing to do with the freedom of the press. The power over it is denied, even to congress, by the people. It was said, by one of those few able men and bright luminaries, whom Providence has yet spared to us, in answer to complaints by a foreign minister, against the freedom with which the American press treated certain French functionaries, that the press was one of those concerns which admitted of no regulation by the government; that its abuses must be tolerated, lest its freedom should be abridged. Such, sir, is the freedom of the press, as recognised by our constitution, and so it has been respected ever since the repeal of the obnoxious act which I have already quoted, until the detestable principles of that law have been reasserted by the president, in his assumption of a power, in nowise belonging to his office, of preserving the purity of the press.

Such, sir, are the powers on which the president relies to justify his seizure of the treasury of the United States. I have examined them one by one; and they all fail, utterly fail, to bear out the act. We are irresistibly brought to the conclusion, that the removal of the public money from the bank of the United States has been effected by the displacement from the head of the treasury department of one who would not remove them, and putting in his stead another person, who would; and, secondly, that the president has no color of authority in the constitution or the laws for the act which he has undertaken to perform.

Let us now, for a few moments, examine the consequences which may ensue from the exercise of this enormous power. If the president has authority, in a case in which the law has assigned a specific duty exclusively to a designated officer, to control the exercise of his discretion by that officer, he has a right to interfere in every other case, and remove every one from office who hesitates to do his bidding, against his judgment of his own duty. This, surely, is a logical deduction not to be resisted. Well, then, how stands the matter? Recapitulating the provisions of the law prescribing how money should be drawn from the treasury and the deduction above stated, what is to prevent the president from going to the comptroller, and, if he will not countersign a warrant which he has found an accommodating secretary to sign, turning him out for another; then going to the register, and doing the same; and then to the treasurer, and commanding him to pay over the money expressed in the warrant, or subject himself to expulsion.

Where is the security against such conduct on the part of the president? Where the boundary to this tremendous authority, which he has undertaken to exercise? Sir, every barrier around the treasury is broken down. From the moment that the president



said, 'I make this measure my own, I take upon myself the responsibility,' from that moment the public treasury might as well have been at the hermitage as at this place. Sir, the measure adopted by the president is without precedent—in our day at best. There is, indeed, a precedent on record, but you must go down to the christian era for it. It will be recollected, by those who are conversant with ancient history, that after Pompey was compelled to retire to Brundisium, Cæsar, who had been anxious to give him battle, returned to Rome, 'having reduced Italy, (says the historian,) in sixty days, (the exact period, sir, between the removal of the deposits, and the meeting of congress, without the usual allowance of three days' grace,) without bloodshed.' The historian goes on; 'finding the city in a more settled condition than he expected, and many senators there, he addressed them in a mild and gracious manner, (as the president addressed his late secretary of the treasury,) and desired them to send deputies to Pompey with an offer of honorable terms of peace. As Metellus, the tribune, *opposed his* taking money out of the public treasury, and cited some laws against it, (such, sir, I suppose, as I have endeavored to cite on this occasion,) Cæsar said, 'arms and laws do not flourish together. If you are not pleased with what I am about, you have only to withdraw. (Leave the office, Mr. Duane!) War, indeed, will not tolerate much liberty of speech. When I say this, I am renouncing my own right; for you, and all those whom I have found exciting a spirit of faction against me, are at my disposal.' Having said this, he approached the doors of the treasury, and as the keys were not produced, he sent for workmen to break them open. Metellus again opposed him, and gained credit with some for his firmness; but Cæsar, with an elevated voice, threatened to put him to death, if he gave any further trouble. 'And you know very well, young man,' said he, 'that this is harder for me to say than to do.' Metellus, terrified by the measure, retired, and Cæsar was afterward easily and readily supplied with every thing necessary for the war.

And where now, sir, is the public treasury? Who can tell? It is certainly without a local habitation, if it be not without a name. And where is the money of the people of the United States? Floating about in treasury drafts or checks to the amount of millions, placed in the hands of tottering banks, to enable them to pay their own debts, instead of being appropriated to the service of the people. These checks are scattered to the winds by the treasurer of the United States, who is required by law to let out money from the treasury, on warrants signed by the secretary of the treasury, countersigned, registered, and so forth, and not otherwise.

[Mr. Clay here referred to a correspondence, which he quoted, between the treasurer and the officers of the bank, complaining of these checks drawn without

proper notice, and so forth, in which the treasurer says they were only issued to be used in certain contingencies, and so forth.]

Thus, sir, the people's money is put into a bank here, and the bank there, in regard to the solvency of which we know nothing, and it is placed there to be used in the event of certain contingencies — contingencies of which neither the treasurer nor the secretary have yet deigned to furnish us any account.

Where was the oath of office of the treasurer, when he ventured thus to sport with the people's money? Where was the constitution, which forbids money to be drawn from the treasury without appropriation by law? Where was the treasurer's bond, when he thus cast about the people's money? Sir, his bond is forfeited. I do not pretend to any great knowledge of the law, but give me an intelligent and unpacked jury, and I undertake to prove to him that he has forfeited the penalty of his bond.

Mr. President, the people of the United States are indebted to the president for the boldness of this movement; and as one among the humblest of them, I profess my obligations to him. He has told the senate, in his message refusing an official copy of his cabinet paper, that it has been published for the information of the people. As a part of the people, the senate, if not in their official character, have a right to its use. In that extraordinary paper, he has proclaimed, that the measure is *his* own; and that *he has taken* upon himself the responsibility of it. In plain English, he has proclaimed an open, palpable, and daring usurpation!

For more than fifteen years, Mr. President, I have been struggling to avoid the present state of things. I thought I perceived in some proceedings, during the conduct of the Seminole war, a spirit of defiance to the constitution and to all law. With what sincerity and truth, with what earnestness and devotion to civil liberty, I have struggled, the searcher of all human hearts best knows. With what fortune, the bleeding constitution of my country now fatally attests.

I have, nevertheless, persevered; and under every discouragement, during the short time that I expect to remain in the public councils, I will persevere. And if a bountiful Providence would allow an unworthy sinner to approach the throne of grace, I would beseech Him, as the greatest favor He could grant to me here below, to spare me until I live to behold the people rising in their majesty, with a peaceful and constitutional exercise of their power, to expel the Goths from Rome; to rescue the public treasury from pillage, to preserve the constitution of the United States; to uphold the union against the danger of the concentration and consolidation of *all* power in the hands of the executive; and to sustain the liberties of the people of this country against the imminent perils to which they now stand exposed.

[Here Mr. Clay, who was understood to have gone through the first part of his speech only, gave way, and Mr. Ewing of Ohio moved that the further consideration of the subject be postponed until Monday next; which was ordered accordingly. And then the senate adjourned to that day. December 30, Mr. Clay resumed his speech.]

Before I proceed to a consideration of the report of the secretary of the treasury, and the second resolution, I wish to anticipate and answer an objection, which may be made to the adoption of the first. It may be urged, that the senate, being, in a certain contingency, a court of impeachment, ought not to prejudge a question which it may be called upon to decide judicially. But by the constitution the senate has three characters, legislative, executive, and judicial. Its ordinary, and by far its most important character, is that of its being a component part of the legislative department. Only three or four cases, since the establishment of the government, (that is, during a period of nearly half a century,) have occurred, in which it was necessary that the senate should act as a judicial tribunal, the least important of all its characters. Now it would be most strange if, when its constitutional powers were assailed, it could not assert and vindicate them, because, by possibility, it might be required to act as a court of justice. The first resolution asserts only, that the president has assumed the exercise of a power over the public treasury not granted by the constitution and laws. It is silent as to motive; and without the *quo animo* — the deliberate purpose of usurpation — the president would not be liable to impeachment. But if a concurrence of all the elements be necessary to make out a charge of wilful violation of the constitution, does any one believe that the president will now be impeached? And shall we silently sit by and see ourselves stripped of one of the most essential of our legislative powers, and the exercise of it assumed by the president, to which it is not delegated, without effort to maintain it, because, against all human probability, he may be hereafter impeached?

The report of the secretary of the treasury, in the first paragraph, commences with a misstatement of the fact. He says, '*I have directed*' that the deposits of the money of the United States shall not be made in the bank of the United States. If this assertion is regarded in any other than a mere formal sense, it is not true. The secretary may have been the instrument, the clerk, the automaton, in whose name the order was issued; but the measure was that of the president, by whose authority or command the order was given; and of this we have the highest and most authentic evidence. The president has told the world that the measure was his own, and that he took it upon his own responsibility. And he has exonerated his cabinet from all responsibility about it. The secretary ought to have frankly disclosed all the circumstances of the case, and told the truth, the whole truth, and nothing but the

truth. If he had done so, he would have informed congress, that the removal had been decided by the president on the eighteenth of September last; that it had been announced to the public on the twentieth; and that Mr. Duane remained in office until the twenty-third. He would have informed congress, that this important measure was decided before he entered into his new office, and was the cause of his appointment. Yes, sir, the present secretary stood by, a witness to the struggle in the mind of his predecessor, between his attachment to the president and his duty to the country; saw him dismissed from office, because he would not violate his conscientious obligations, and came into his place, to do what he could not, honorably, and would not perform. A son of one of the fathers of democracy, by an administration professing to be democratic, was expelled from office, and his place supplied by a gentleman, who, throughout his whole career, has been uniformly opposed to democracy! — a gentleman who, at another epoch of the republic, when it was threatened with civil war, and a dissolution of the union, voted, (although a resident of a slave state,) in the legislature of Maryland, against the admission of Missouri into the union without a restriction incompatible with her rights as a member of the confederacy!\* Mr. Duane was dismissed because the solemn convictions of his duty would not allow him to conform to the president's will; because his logic did not bring his mind to the same conclusions with those of the logic of a venerable old gentleman, inhabiting a white house not distant from the capitol; because his watch, (here Mr. Clay held up his own,) did not keep time with that of the president. He was dismissed under that detestable system of proscription for opinion's sake, which has finally dared to intrude itself into the halls of congress — a system under which three unoffending clerks, the husbands of wives, the fathers of families, dependent on them for support, without the slightest imputation of delinquency, have been recently unceremoniously discharged, and driven out to beggary, by a man, himself the substitute of a meritorious officer, who has not been in this city a period equal to one monthly revolution of the moon! I tell our secretary, (said Mr. Clay, raising his voice,) that, if he touch a single hair of the head of any one of the clerks of the senate, (I am sure he is not disposed to do it,) on account of his opinions, political or religious, if no other member of the senate does it, I will instantly submit a resolution for his own dismissal.

The secretary ought to have communicated all these things; he

\* The following is the proceeding to which Mr. Clay referred:

Resolved, by the general assembly of Maryland, that the senators and representatives from this state in congress, be requested to use their utmost endeavors, in the admission of the state of Missouri into the union, to prevent the prohibition of slavery from being required of that state as a condition of its admission.

It passed, January, 1820, in the affirmative. Among the names of those in the negative, is that of Mr. Taney.

ought to have stated that the cabinet was divided two and two, and one of the members equally divided with himself on the question, willing to be put into either scale. He ought to have given a full account of this, the most important act of executive authority since the origin of the government; he should have stated with what unsullied honor his predecessor retired from office, and on what degrading conditions he accepted his vacant place. When a momentous proceeding like this, varying the constitutional distribution of the powers of the legislative and executive departments, was resolved on, the ministers against whose advice it was determined, should have resigned their stations. No ministers of any monarch in Europe, under similar circumstances, would have retained the seals of office. And if, as nobody doubts, there is a cabal behind the curtain, without character and without responsibility, feeding the passions, stimulating the prejudices, and moulding the actions of the incumbent of the presidential office, it was an additional reason for their resignations. There is not a *maitre d'hotel* in christendom, who, if the scullions were put into command in the parlor and dining-room, would not scorn to hold his place, and fling it up in disgust with indignant pride!

I shall examine the report before us, first, as to the power of the secretary over the deposits; secondly, his reasons for the exercise of it; and, thirdly, the manner of its exercise.

First. The secretary asserts that the power of removal is *exclusively* reserved to him; that it is *absolute* and *unconditional*, so far as the interests of the bank are concerned; that it is not restricted to any particular contingencies; that the reservation of the power to the secretary of the treasury exclusively, is a part of the compact; that he may exercise it, if the public convenience or interest would *in any degree* be promoted; that this exclusive power, thus reserved, is so absolute, that the secretary is not restrained by the considerations that the public deposits in the bank are perfectly safe; that the bank promptly meets *all* demands upon it; and that it faithfully performs all its duties; and that the power of congress, on the contrary, is so totally excluded, that it could not, without a breach of the compact, order the deposits to be changed, even if congress were satisfied that they were not safe, or should be convinced that the interests of the people of the United States imperiously demanded the removal.

Such is the statement which this unassuming secretary makes of his own authority. He expands his own power to the most extravagant dimensions; and he undertakes to circumscribe that of congress in the narrowest and most restricted limits! Who would have expected that, after having so confidently maintained for himself such absolute, exclusive, unqualified, and uncontrollable power, he would have let in any body else to share with him its exercise? Yet he says, 'as the secretary of the treasury presides over one of

the *executive* departments of the government, and *his* power over this subject forms a part of the executive duties of his office, the manner in which it is exercised must be subject to the supervision of the officer; (meaning the president, whose official name his modesty would not allow him to pronounce,) 'to whom the constitution has confided the whole executive power, and has required to take care that the laws be faithfully executed.' If the clause in the compact exclusively vests the power of removal in the secretary of the treasury, what has the president to do with it? What part of the charter conveys to him any power? If, as the secretary contends, the clause of removal, being part of the compact, restricts its exercise to the secretary, to the entire exclusion of congress, how does it embrace the president? especially since both the president and secretary conceive, that 'the power over the place of deposit for the public money would seem properly to belong to the legislative department of the government?' If the secretary be correct in asserting that the power of removal is confined to the secretary of the treasury, then Mr. Duane, while in office, possessed it; and his dismissal, because he would not exercise a power which belonged to him exclusively, was itself a violation of the charter.

But by what authority does the secretary assert that the treasury department is one of the executive departments of the government? He has none in the act which creates the department; he has none in the constitution. The treasury department is placed by law on a different footing from all the other departments, which are, in the acts creating them, denominated executive, and placed under the direction of the president. The treasury department, on the contrary, is organized on totally different principles. Except the appointment of the officers, with the coöperation of the senate, and the power which is exercised of removing them, the president has neither by the constitution nor the law creating the department, any thing to do with it. The secretary's reports and responsibility are directly to congress. The whole scheme of the department is one of checks, each officer acting as a control upon his associates. The secretary is required by the law to report, not to the president, but directly to congress. Either house may require any report from him, or command his personal attendance before it. It is not, therefore, true, that the treasury is one of the executive departments, subject to the supervision of the president. And the inference drawn from that erroneous assumption entirely fails. The secretary appears to have no precise ideas either of the constitution or duties of the department over which he presides. He says:

'The treasury department being intrusted with the administration of the finances of the country, it was always the duty of the *secretary*, in the absence of any legislative provision on the subject, to take care that the public money was deposited in safe-keeping, in the hands of faithful agents, and so forth.

The premises of the secretary are only partially correct, and the conclusion is directly repugnant to law. It never was the duty of the *secretary* to take care that the public money was deposited in safe-keeping, in the hands of faithful agents, and so forth. That duty is expressly, by the act organizing the department, assigned to the treasurer of the United States, who is placed under oath, and under bond, with a large penalty, not to issue a dollar out of the public treasury, but in virtue of warrants granted in pursuance of acts of appropriation, 'and not otherwise.' When the secretary treats of the power of the president, he puts on corsets and prostrates himself before the executive, in the most graceful, courteous, and lady-like form; but when he treats of that of congress, and of the treasurer, he swells and expands himself, and flirts about, with all the airs of high authority.

But I cannot assent to the secretary's interpretation of his power of removal, contained in the charter. Congress has not given up its control over the treasury, or the public deposits, to either the secretary or the executive. Congress could not have done so without a treacherous renunciation of its constitutional powers, and a faithless abandonment of its duties. And now let us see what is the true state of the matter. Congress has reserved to itself, exclusively, the right to judge of the reasons for removal of the deposits, by requiring the report of them to be made to it; and, consequently, the power to ratify or invalidate the act. The secretary of the treasury is the fiscal sentinel of congress, to whom the bank makes weekly reports, and who is presumed constantly to be well acquainted with its actual condition. He may, consequently, discover the urgent necessity of prompt action, to save the public treasure, before it is known to congress, and when it is not in session. But he is immediately to report—to whom? To the executive? No, to congress. For what purpose? That congress may sanction or disprove the act.

The power of removal is a reservation for the benefit of the people, not of the bank. It may be waived. Congress, being a legislative party to the compact, did not thereby deprive itself of ordinary powers of legislation. It cannot, without a breach of the national faith, repeal privileges or stipulations intended for the benefit of the bank. But it may repeal, modify, or waive the exercise altogether, of those parts of the charter which were intended exclusively for the public. Could not congress repeal altogether the clause of removal? Such a repeal would not injure, but add to, the security of the bank. Could not congress modify the clause, by revoking the agency of the secretary of the treasury, and substituting that of the treasurer, or any other officer of government? Could not congress, at any time during the twenty years' duration of the charter, abolish altogether the office of secretary of the treasury, and assign all his present duties to some newly constituted

department? The right and the security of the bank do not consist in the form of the agency, nor in the name of the agent, but in this: that, whatever may be its form or his denomination, the removal shall only be made upon urgent and satisfactory reasons. The power of supplemental legislation was exercised by congress both under the new and old bank. Three years after the establishment of the existing bank, an act passed, better to regulate the election of directors, and to punish any one who should attempt, by bribes, or presents in any form, to influence the operation of the institution.

The denial of the secretary, to congress, of the power to remove the deposits, under any circumstances, is most extraordinary. Why, sir, suppose a corrupt collusion between the secretary and the bank, to divide the spoils of the treasury? Suppose a total nonfulfilment of all the stipulations on the part of the bank? Is congress to remain bound and tied, whilst the bank should be free from all the obligations of the charter? The obligation of one party, to observe faithfully his stipulations, in a contract, rests upon the corresponding obligation of the other party to observe his stipulations. If one party is released, both are free. If one party fails to comply with his contract, *that* releases the other. This is the fundamental principle of all contracts, applicable to treaties, charters, and private agreements. If it were a mere private agreement, and one party who had bound himself to deposit, from time to time, his money with the other, to be redrawn at his pleasure, saw that it was wasting and squandered away, he would have a clear right to discontinue the deposits. It is true, that a party has no right to excuse himself from the fulfilment of his contract, by imputing a breach to the other which has never been made. And it is fortunate for the peace and justice of society, that neither party to any contract, whether public or private, can decide conclusively the question of fulfilment by the other, but must always act under subjection to the ultimate decision, in case of controversy, of an impartial arbiter, provided in the judicial tribunals of civilized communities.

As to the absolute, unconditional, and exclusive power which the secretary claims to be vested in himself, it is in direct hostility with the principles of our government, and adverse to the genius of all free institutions. The secretary was made, by the charter, the mere representative or agent of congress. Its temporary substitute, acting in subordination to it, and bound, whenever he did act, to report to his principal his reasons, that they might be judged of and sanctioned, or overruled. Is it not absurd to say, that the agent can possess more power than the principal? The power of revocation is incident to all agency, unless, in express terms, by the instrument creating it, a different provision is made. The powers, whether of the principal or the agent, in relation to any contract, must be expounded by the principles which govern all



contracts. It is true, that the language of the clause of removal, in the charter, is general, but it is not, therefore, to be torn from the context. It is a part only of an entire compact, and is so to be interpreted, in connection with every part and with the whole. Upon surveying the entire compact, we perceive that the bank has come under various duties to the public; has undertaken to perform important financial operations of the government; and has paid a bonus into the public treasury of a million and a half of dollars. We perceive, that, in consideration of the assumption these heavy engagements, and the payment of that large sum of money on the part of the bank, the public has stipulated that the public deposits shall remain with the bank, during the continuation of the charter, and that its notes shall be received by the government, in payment of all debts, dues, and taxes. Except the corporate character conferred, there is none but those two stipulations of any great importance to the bank. Each of the two parties to the compact must stand bound to the performance of his engagements, whilst the other is honestly and faithfully fulfilling *his*. It is not to be conceived, in the formation of the compact, that either party could have anticipated that, whilst he was fairly and honestly executing every obligation which he had contracted, the other party might arbitrarily or capriciously exonerate himself from the discharge of his obligations. Suppose, when citizens of the United States were invited by the government to subscribe to the stock of this bank, that they had been told, that, although the bank performs all its covenants with perfect fidelity, the secretary of the treasury may, arbitrarily or capriciously, upon his speculative notions of any degree of public interest or convenience to be advanced, withdraw the public deposits; would they have ever subscribed? Would they have been guilty of the folly of binding themselves to the performance of burdensome duties, whilst the government was left at liberty to violate at pleasure that stipulation of the compact which by far was the most essential to them?

On this part of the subject, I conclude, that congress has not parted from, but retains, its legitimate power over the deposits; that it might modify or repeal altogether the clause of removal in the charter; that a breach of material stipulations on the part of the bank would authorize congress to change the place of the deposits; that a corrupt collusion to defraud the public, between the bank and a secretary of the treasury, would be a clear justification to congress to direct a transfer of the public deposits; that the secretary of the treasury is the mere agent of congress, in respect to the deposits, acting in subordination to his principal; that it results from the nature of all agency that it may be revoked, unless otherwise expressly provided; and, finally, that the principal, and much less the agent, of one party cannot justly or lawfully violate the compact, or any of its essential provisions, whilst the

other party is in the progressive and faithful performance of all his engagements.

If I am right in this view of the subject, there is an end of the argument. There was perfect equality and reciprocity between the two parties to the compact. Neither could exonerate himself from the performance of his obligations, while the other was honestly proceeding fairly to fulfil all his engagements. But the secretary of the treasury *concedes* that the public deposits were perfectly safe in the hands of the bank; that the bank promptly met every demand upon it; and that it faithfully performed all its duties. By these concessions, he surrenders the whole argument, admits the complete obligation of the public to perform its part of the compact, and demonstrates that no reasons, however plausible or strong, can justify an open breach of a solemn national compact.

Secondly. But he has brought forward various reasons to palliate or justify his violation of the national faith; and it is now my purpose to proceed, in the second place, to examine and consider them. Before I proceed to do this, I hope to be allowed again to call the attention of the senate to the nature of the office of secretary of the treasury. It is altogether financial and administrative. His duties relate to the finances, their condition and improvement, and to them exclusively. The act creating the treasury department, and defining the duties of the secretary, demonstrates this. He has no legislative powers; and congress has delegated and could delegate none to him. His powers, wherever given, and in whatever language expressed, must be interpreted by his defined duties. Neither is the treasury department an *executive* department. It was expressly created not to be an executive department. It is administrative, but not *executive*. His relations are positive and direct to congress, by the act of his creation, and not to the president. Whenever he is put under the direction of the president, (as he is by various subsequent acts, especially those relating to the public loans,) it is done by express provision of law, and for specified purposes.

With this key to the nature of the office, and the duties of the officer, I will now briefly examine the various reasons which he assigns for the removal of the public deposits. The first is, the near approach of the expiration of the charter. But the charter had yet to run about two and a half of the twenty years to which it was limited. During the *whole* term the public deposits were to continue to be made with the bank. It was clearly foreseen, at the commencement of the term, as now, that it would expire, and yet congress neither then nor since has ever thought proper to provide for the withdrawal of the deposits prior to the expiration of the charter. Whence does the secretary derive an authority to do what congress had never done? Whence his power to abridge in effect the period of the charter, and to limit it to seventeen and a

half years, instead of twenty? Was the urgency for the removal of the deposits so great, that he could not wait sixty days, until the assembling of congress? He admits that they were perfectly safe in the bank; that it promptly met every demand upon it; and that it faithfully performed all its duties. Why not, then, wait the arrival of congress? The last time the house of representatives had spoken, among the very last acts of the last session, that house had declared its full confidence in the safety of the deposits. Why not wait until it could review the subject, with all the new light which the secretary could throw upon it, and it again proclaim its opinion? He comes into office on the twenty-third of September, 1833, and in three days, with intuitive celerity, he comprehends the whole of the operations of the complex department of the treasury, perceives that the government, from its origin, had been in uniform error, and denounces the opinions of all his predecessors! And, hastening to rectify universal wrong, in defiance and in contempt of the resolution of the house, he signs an order for the removal of the deposits! It was of no consequence to him, whether places of safety, in substitution of the bank of the United States, could be obtained or not; without making the essential precautionary arrangements, he commands the removal almost instantly to be made.

Why, sir, if the secretary were right in contending that he alone could order the removal, even he admits that congress has power to provide for the security of the public money, in the new places to which it might be transferred. If he did not deign to consult the representatives of the people as to the propriety of the first step, did not a decent respect to their authority and judgment exact from him a delay, for the brief term of sixty days, that they might consider what was fitting to be done? The truth is, that the secretary, by law, has nothing to do with the care and safe-keeping of the public money. As has been already shown, that duty is specifically assigned by law to the treasurer of the United States. And, in assuming upon himself the authority to provide other depositories than the bank of the United States, he alike trampled upon the duties of the treasurer, and what was due to congress. Can any one doubt the motive of this precipitancy? Does anybody doubt, that it was to preclude the action of congress, or to bring it under the influence of the executive veto? Let the two houses, or either of them, perform their duty to the country, and we shall hereafter see whether, in that respect, at least, Mr. Secretary will not fail to consummate his purpose.

Second. The next reason assigned for this offensive proceeding, is the reelection of the present chief magistrate. The secretary says:

'I have always regarded the result of the last election of president of the United States, as the declaration of a majority of the people, that the charter ought not to be renewed.' \* \* \* 'Its voluntary application to congress for the renewal of its

charter four years before it expired, and upon the eve of the election of president, was *understood on all sides* as bringing forward that question for incidental decision at the then approaching election. It was accordingly argued on both sides before the tribunal of the people, and their verdict pronounced against the bank, and so forth.

What has the secretary to do with elections? Do they belong to the financial concerns of his department? Why this constant reference to the result of the last presidential election? Ought not the president to be content with the triumphant issue of it? Did he want still more vetoes? The winners ought to forbear making any complaints, and be satisfied, whatever the losers may be. After an election is fairly terminated, I have always thought that the best way was to forget all the incidents of the preceding canvass, and especially the manner in which votes had been cast. If one has been successful, that ought to be sufficient for him; if defeated, regrets are unavailing. Our fellow-citizens have a right freely to exercise their elective franchise as they please, and no one, certainly no candidate, has any right to complain about it.

But the argument of the secretary is, that the question of the bank was fully submitted to the people, by the consent of all parties, fully discussed before them, and their verdict pronounced against the institution, in the reelection of the president. His statement of the case requires that we should examine carefully the various messages of the president, to ascertain whether the bank question was fairly and frankly, (to use a favorite expression of the president,) submitted by him to the people of the United States. In his message of 1829, the president says:

‘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 cannot, in justice to *the parties* interested, too soon present it to the deliberate consideration of the legislature and the people.’

The charter had then upwards of six years to run. Upon this solemn invitation of the chief magistrate, two years afterwards, the bank came forward with an application for renewal. Then it was discovered that the application was premature. And the bank was denounced for accepting the very invitation which had been formally given. The president proceeds:

‘Both the constitutionality and the expediency of the bank are well questioned by a *large portion of our fellow-citizens*.’

This message was a noncommittal. The president does not announce clearly his own opinion, but states that of *a large portion of our fellow-citizens*. Now we all know that a large and highly respectable number of the people of the United States have always entertained an opinion adverse to the bank on both grounds. The president continues:

'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 resources, might not be devised.'

Here, again, the president, so far from expressing an explicit opinion against all national banks, makes a hypothetical admission of the utility of a bank, and distinctly intimates the practicability of devising one on the basis of the credit and resources of the government.

In his message of 1830, speaking of the bank, the president says :

'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 and structure, *as to obviate constitutional and other objections*.'

Here, again, the president recites the apprehensions of 'many of our citizens,' rather than avows his own opinion. He admits, indeed, 'the advantages afforded by the present bank,' but suggests an inquiry whether it be possible, (of course doubting,) to secure them by a bank differently constructed. And towards the conclusion of that part of the message, his language fully justifies the implication, that it was not to the bank itself, but to 'its present form,' that he objected.

The message of 1831, when treating of the bank, was very brief. The president says :

'Entertaining the opinions heretofore expressed in relation to the bank of the United States, *as at present organized*,' (noncommittal once more: and what *that* means, Mr. President, nobody better knows than *you* and I,) 'I felt it my duty, in my former messages, *frankly to disclose them*.'

*Frank disclosures!* Now, sir, I recollect perfectly well the impressions made on my mind, and on those of other senators with whom I conversed, immediately after the message was read. We thought and said to each other, the president has left a door open to pass out. It is not the bank; it is not *any* bank of the United States to which he is opposed, but it is to the particular organization of the existing bank. And we all concluded that, if amendments could be made to the charter satisfactory to the president, he would approve a bill for its renewal.

We come now to the famous message of July, 1832, negating the bill to recharter the bank. Here, it may be expected, we shall certainly find clear opinions, unequivocally expressed. The president cannot elude the question. He must now be perfectly *frank*. We shall presently see. He says :

'A bank of the United States is, in *many* respects, convenient to 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,' and so forth. \* \* \* '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*,' and so forth. \* \* \* 'That a bank of the United States, competent to all the duties which may be required by the government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the states, I do not entertain a *doubt*. Had the executive been called on to furnish *the project of such an institution*, the duty would have been cheerfully performed.'

The message is principally employed in discussing the objections which the president entertained to the particular provisions of the charter, and not to the bank itself; such as the right of foreigners to hold stock in it; its exemption from state taxation; its capacity to hold real estate, and so forth, and so forth. Does the president, even in this message, array himself in opposition to any bank of the United States? Does he even oppose himself to the existing bank under every organization of which it is susceptible? On the contrary, does he not declare that he does not entertain a *doubt* that a bank may be constitutionally organized? Does he not even rebuke congress for not calling on him to furnish a project of a bank, which he would have cheerfully supplied? Is it not fairly deducible, from the message, that the charter of the present bank might have been so amended as to have secured the president's approbation to the institution? So far was the message from being decisive against all banks of the United States, or against the existing bank, under any modification, that the president expressly declares that the question was adjourned. He says:

'A general discussion will now take place, eliciting new light, and settling important principles; and a *new congress*, elected in the midst of such discussion, and furnishing an equal representation of the people, according to the last census, will bear to the *capitol* the verdict of public opinion, and I doubt not bring this important question to a satisfactory result.'

This review of the various messages of the president, conclusively evinces that they were far from expressing, frankly and decisively, any opinions of the chief magistrate, except that he was opposed to the amendments of the charter contained in the bill submitted to him for its renewal, and that he required further amendments. It demonstrates that he entertained no doubt that it was practicable and desirable to establish a bank of the United States; it justified the hope that he might be ultimately reconciled to the continuation of the present bank, with *suitable* modifications; and it expressly proclaimed that the whole subject was adjourned to the new congress, to be assembled under the last census. If the parts of the messages which I have cited, or other expressions, in the same document, be doubtful, or susceptible of a different interpretation, the review is sufficient for my purpose; which is, to refute the argument, so confidently advanced, that the president's

opinion, in opposition to the present or any other bank of the United States, was frankly and fairly stated to the people, prior to the late election, was fully understood, and finally decided by them.

Accordingly, in the canvass which ensued, it was boldly asserted by the partisans of the president, that he was not opposed to a bank of the United States, nor to the existing bank with proper amendments. They maintained, at least, wherever those friendly to a national bank were in the majority, that the reëlection would be followed by a recharter of the bank, with proper amendments. They dwelt, it is true, with great earnestness, upon his objections to the pernicious influence of foreigners in holding stock in it; but they nevertheless contended that these objections would be cured, if he was reëlected, and the bank sustained. I appeal to the whole senate, to my colleagues, to the people of Kentucky, and especially to the citizens of the city of Louisville, for the correctness of this statement.

After all this, was it anticipated by the people of the United States, that, in the reëlection of the president, they were deciding against an institution of such vital importance? Could they have imagined, that, after an express adjournment of the whole matter to a new congress, by the president himself, he would have prejudged the action of this new congress, and pronounced that a question, expressly by himself referred to its authority, was previously settled by the people? He claimed no such result in his message, immediately after the reëlection; although in it he denounced the bank as an unsafe depository of the public money, and invited congress to investigate its condition. The president, then, and the secretary of the treasury, are without all color of justification for their assertions, that the question of bank or no bank was fully and fairly submitted to the people, and a decision pronounced against it by them.

Sir, I am surprised and alarmed at the new source of executive power, which is found in the result of a presidential election. I had supposed that the constitution and the laws were the sole source of executive authority; that the constitution could only be amended in the mode which it has itself prescribed; that the issue of a presidential election, was merely to place the chief magistrate in the post assigned to him; and that he had neither more nor less power, in consequence of the election, than the constitution defines and delegates. But it seems that if, prior to an election, certain opinions, no matter how ambiguously put forth by a candidate, are known to the people, these loose opinions, in virtue of the election, incorporate themselves with the constitution, and afterwards are to be regarded and expounded as parts of the instrument.

Third. The public money ought not, the secretary thinks, to remain in the bank until the last moment of the existence of the charter. But that was not the question which he had to decide on

the twenty-sixth of September last. The real question then was, could he not wait sixty days for the meeting of congress? There were many *last* moments, nearly two years and a half, between the twenty-sixth of September and the day of the expiration of the charter. But why not let the public money remain in the bank until the last day of the charter? It is a part of the charter, that it shall so remain; and congress having so ordered it, the secretary ought to have acquiesced in the will of congress, unless the exigency had arisen on which alone it was supposed his power over the deposits would be exercised. The secretary is greatly mistaken, in believing that the bank will be less secure in the last hours of its existence than previously. It will then be collecting its resources, with a view to the immediate payment of its notes, and the ultimate division among the stockholders of their capital; and at no period of its existence will it be so strong and able to pay all demands upon it. As to the depreciation in the value of its notes in the interior, at that time, why, sir, is the secretary possessed of the least knowledge of the course of the trade of the interior, and especially of the western states? If he had any, he could not have made such a suggestion. When the bank itself is not drawing, its notes form the best medium of remittance from the interior to the Atlantic capitals. They are sought after by merchants and traders with avidity, are never below par, and in the absence of bank drafts may command a premium. This will continue to be the case as long as the charter endures, and especially during the last moments of its existence, when its ability will be unquestionable, Philadelphia being the place of the redemption; whilst the notes themselves will be received in all the large cities in payment of duties.

Fourth The secretary asserts, that 'it is *well understood* that the superior credit heretofore enjoyed by the notes of the bank of the United States, was not founded on any particular confidence in its management or solidity. It was occasioned *altogether* by the agreement on behalf of the public, in the act of incorporation, to receive them in all payments to the United States.' I have rarely seen any state paper characterized by so little gravity, dignity, and circumspection, as the report displays. The secretary is perfectly reckless in his assertions of matters of fact, and culpably loose in his reasoning. Can he believe the assertion which he has made? Can he believe, for example, that if the notes of the bank of the Metropolis were made receivable in all payments to the government, they would ever acquire, at home and abroad, the credit and confidence which are attached to those of the bank of the United States? If he had stated that the faculty mentioned, was one of the elements of the great credit of those notes, the statement would have been true; but who can agree with him, that it is the *sole* cause? The credit of the bank of the United States results from the large amount of its capital; from the great ability and integrity with which it has



been administered ; from the participation of the government in its affairs ; from its advantageous location ; from its being the place of deposit of the public moneys, and its notes being receivable in all payments to the government ; and from its being emphatically *the bank of the United States*. This latter circumstance arranges it with the bank of England, France, Amsterdam, Genoa, and so forth.

Fifth. The expansion and contraction of the accommodations of the bank to its individual customers, are held up by the secretary, in bold relief, as evidences of misconduct, which justified his withdrawal of the deposits. He represents the bank as endeavoring to operate on the public, by alternate bribery and oppression, with the same object in both cases, of influencing the election, or the administration of the president. Why this perpetual reference of all the operations of the institution to the executive ? Why does the executive think of nothing but itself ? It is I ! It is I ! It is I, that is meant ! appears to be the constant exclamation. Christianity and charity enjoin us never to ascribe a bad motive if we can suppose a good one. The bank is a moneyed corporation, whose profits result from its business ; if that be extensive, it makes better ; if limited, less profit. Its interest is to make the greatest amount of dividends which it can safely. And all its actions may be more certainly ascribed to that than any other principle. The administration must have a poor opinion of the virtue and intelligence of the people of the United States, if it supposes that their judgments are to be warped, and their opinions controlled by any scale of graduated bank accommodations. The bank must have a still poorer conception of its duty to the stockholder, if it were to regulate its issues by the uncertain and speculative standard of political effect, rather than a positive arithmetical rule for the computation of interest.

As to the alleged extension of the business of the bank, it has been again and again satisfactorily accounted for by the payment of the public debt, and the withdrawal from Europe of considerable sums, which threw into its vaults a large amount of funds, which, to be productive, must be employed ; and, as the commercial wants proceeding from extraordinary activity of business, created great demands about the same period for bank accommodations, the institution naturally enlarged its transactions. It would have been treacherous to the best interests of its constituents if it had not done so. The recent contraction of its business is the result of an obvious cause. Notwithstanding the confidence in it, manifested by one of the last acts of the last house of representatives, congress had scarcely left the district before measures were put in operation to circumvent its authority. Denunciations and threats were put forth against it. Rumors, stamped with but too much authority, were circulated, of the intention of the executive to disregard the

admonition of the house of representatives. An agent was sent out—and then such an agent—to sound the local institutions as to the terms on which they would receive the deposits. Was the bank, who could not be ignorant of all this, to sit carelessly by, without taking any precautionary measures? The prudent mariner, when he sees the coming storm, furls his sails, and prepares for all its rage. The bank knew that the executive was in open hostility to it, and that it had nothing to expect from its forbearance. It had numerous points to defend, the strength or weakness of all of which was well known from its weekly returns to the secretary, and it could not possibly know at which the first mortal stroke would be aimed. If, on the twentieth of September last, instead of the manifesto of the president against the bank, he had officially announced, that he did not mean to make war upon the bank, and intended to allow the public deposits to remain until the pleasure of congress was expressed, public confidence would have been assured and unshaken, the business of the country continued in quiet and prosperity, and the numerous bankruptcies in our commercial cities averted. The wisdom of human actions is better known in their results than at their inception. That of the bank is manifest from all that has happened, and especially from its actual condition of perfect security.

Sixth. The secretary complains of misconduct of the bank in delegating to the committee of exchange the transaction of important business, and in that committee's being appointed by the president and not the board, by which the government directors have been excluded. The directors who compose the board meet only periodically. Deriving no compensation from their places, which the charter, indeed, prohibits them from receiving, it cannot be expected that they should be constantly in session. They must, necessarily, therefore, devolve a great part of the business of the bank in its details, upon the officers and servants of the corporation. It is sufficient, if the board controls, governs, and directs the whole machine. The most important operation of a bank, is that of paying out its cash, and that the cashier or teller and not the board performs. As to committees of exchange, the board not being always in session, it is evident that the convenience of the public requires that there should be some authority at the bank daily, to pass daily upon bills, either in the sale or purchase, as the wants of the community require. Every bank, I believe, that does business to any extent, has a committee of exchange, similar to that of the bank of the United States. In regard to the mode of appointment by the president of the board, it is in conformity with the invariable usage of the house of representatives, with the practice of the senate for several years, and, until altered at the commencement of this session, with the usage, in a great variety, if not all of the state legislatures, and with that which prevails in

our popular assemblies. The president, speaker, chairman, moderator, almost uniformly appoints committees. That none of the government directors have been on the committee of exchange, has proceeded, it is to be presumed, from their not being entitled, from their skill and experience, and standing in society, to be put there. The government directors stand upon the same equal footing with those appointed by the stockholders. When appointed, they are thrown into the mass, and must take their fair chances with their colleagues. If the president of the United States will nominate men of high character and credit, of known experience and knowledge in business, they will, no doubt, be placed in corresponding stations. If he appoints different men, he cannot expect it. Banks are exactly the places where currency and value are well understood, and duly estimated. A piece of coin, having even the stamp of the government, will not pass, unless the metal is pure.

Seventh. The French bill forms another topic of great complaint with the secretary. The state of the case is, that the government sold to the bank a bill on that of France for nine hundred thousand dollars, which the bank sold in London, whence it was sent by the purchaser to Paris to receive the amount. When the bank purchased the bill, it paid the amount to the government, or, which is the same thing, passed it to the credit of the treasury, to be used on demand. The bill was protested in Paris, and the agents of the bank, to avoid its being liable to damages, took up the bill on account of the bank. The bill being dishonored, the bank comes back on the drawer, and demands the customary damages due according to the course of all such transactions. The complaint of the secretary is, that the bank took up the bill to save its own credit, and that it did not do it on account of the government; in other words, that the bank did not advance at Paris nine hundred thousand dollars to the government on account of a bill which it had already paid, every dollar, at Philadelphia. Why, sir, has the secretary read the charter? If he has, he must have known that the bank could not have *advanced* the nine hundred thousand dollars for the government at Paris, without subjecting itself to a penalty of three times the amount, (two million and seven hundred thousand dollars.) The thirteenth section of the charter is express and positive:

'That if the said corporation shall *advance* or lend any sum of money for *the use or on account* of the government of the United States, to an amount exceeding five hundred thousand dollars, all persons concerned in making such unlawful advances or loan, shall forfeit treble the amount, one fifth to the informer, and so forth.

Eighth. The last reason which I shall notice of the secretary is, that this ambitious corporation aspires to possess political power. Those in the actual possession of power, especially when they have grossly abused it, are perpetually dreading its loss. The miser does not cling to his treasure with a more death-like grasp. Their

suspicious are always active and on the alert. In every form they behold a rival, and every breeze comes charged with alarm and dread. A thousand spectres glide before their affrighted imaginations, and they see, in every attempt to enlighten those who have placed them in office, a sinister design to snatch from them their authority. On what other principles can we account for the extravagant charges brought forward by the secretary against the bank? More groundless and reckless assertions than those which he has allowed himself to embody in his report, never were presented to a deceived, insulted, and outraged people. Suffer me, sir, to group some of them. He asserts, 'that there is *sufficient evidence to prove* that the bank has used its means to obtain political power;' that, in the presidential election, 'the bank took an open and direct interest, demonstrating that it was using its money for the purpose of obtaining a hold upon the people of this country;' that it 'entered the political arena;' that it circulated publications containing 'attacks on the officers of government;' that 'it is now openly in the field as a political partisan;' that there are '*positive proofs*' of the efforts of the bank to obtain power. And, finally, he concludes, as a demonstrated proposition:

'Fourthly, that there is sufficient evidence to show that the bank has been and still is seeking to obtain political power, and has used its money for the purpose of influencing the election of the public servants.'

After all this, who can doubt that this ambitious corporation is a candidate for the next presidency? Or, if it can moderate its lofty pretensions, that it means at least to go for the office of secretary of the treasury, upon the next removal? But, sir, where are the proofs of these political desigus? Can any thing be more reckless than these confident assertions of the secretary? Let us have the proofs; I call for the proofs. The bank has been the constant object for years of vituperation and calumny. It has been assailed in every form of bitterness and malignity. Its operations have been misrepresented; attempts have been made to destroy its credit, and the public confidence in its integrity and solidity; and the character of its officers has been assailed. Under these circumstances, it has dared to defend itself. It has circulated public documents, speeches of members of congress, reports made by chairmen of committees, friends of the administration, and other papers. And, as it was necessary to make the defence commensurate with the duration and the extensive theatre of the attack, it has been compelled to incur a heavy expence to save itself from threatened destruction. It has openly avowed, and yet avows, its right and purpose to defend itself. All this was known to the last congress. Not a solitary material fact has been since disclosed. And when before, in a country where the press is free, was it deemed criminal for any body to defend itself? Who invested the secretary of the

treasury with power to interpose himself between the people, and light and intelligence? Who gave him the right to dictate what information should be communicated to the people and by whom? Whence does he derive his jurisdiction? Who made him censor of the public press? From what new sedition law does he deduce his authority? Is the superintendence of the American press a part of the financial duty of a secretary of the treasury? Why did he not lay the whole case before congress, and invite the revival of the old sedition law? Why anticipate the arrival of their session? Why usurp the authority of the only department of government competent to apply a remedy, if there be any power to abridge the freedom of the press? If the secretary wishes to purify the press, he has a most Herculean duty before him. And when he sallies out on his quixotic expedition, he had better begin with the Augean stable, the press nearest to him, his organ, as most needing purification.

I have done with the secretary's reasons. They have been weighed and found wanting. There was not only no financial motive for his acting—the sole motive which he could officially entertain—but every financial consideration forbade him to act. I proceed now, in the third and last place, to examine the manner in which he has exercised his power over the deposits.

Thirdly. The whole people of the United States derive an interest from the public deposits in the bank of the United States, as a stockholder, in that institution. The bank is enabled, through its branches, to throw capital into those parts of the union where it is most needed. Thus it distributes and equalizes the advantages accruing from the collection of a large public revenue, and the consequent public deposits. Thus it neutralizes the injustice which would otherwise flow from the people of the west and the interior's paying their full proportion of the public burdens, without deriving any corresponding benefit from the circulation and deposits of the public revenue. The use of the capital of the bank has been signally beneficial to the west. We there want capital, domestic, foreign—any capital that we can honestly get. We want it to stimulate enterprise, to give activity to business, and to develop the vast resources which the bounty of Nature has concentrated in that region. But, by the secretary's financial arrangements, the twenty-five or thirty millions of the public revenue collected from all the people of the United States, (including those of the west,) will be retained in a few Atlantic ports. Each port will engross the public moneys there collected. And, as that of New York collects about one half of the public revenue, all the people of the United States will be laid under contribution, not for the sake of the people of the city of New York, but of two or three banks in that city, in which the people of the United States, collectively, have not a particle of interest; banks, the stock in which is or may be held by foreigners.

Three months have elapsed, and the secretary has not yet found places of deposit for the public moneys, as substitutes for the bank of the United States. He tells us, in his report of yesterday, that the bank at Charleston, to which he applied for their reception, declined the custody, and that he has yet found no other bank willing to assume it. But he states that the public interest does not in consequence suffer. No! What is done with the public moneys constantly receiving in the important port of Charleston, the largest port, (New Orleans excepted,) from the Potomac to the Gulf of Mexico? What with the revenue bonds? It appears that he has not yet received the charters from all the banks selected as places of deposit. Can any thing be more improvident than that the secretary should undertake to contract with banks, without knowing their power and capacity to contract by their charters? That he should venture to deposit the people's money in banks, without a full knowledge of every thing respecting their actual condition? But he has found some banks willing to receive the public deposits, and he has entered into contracts with them. And the very first step he has taken has been in direct violation of an express and positive statute of the United States. By the act of the first of May, 1820, section sixth, it is enacted:

'That no contract shall hereafter be made by the secretary of state, or of the *treasury*, or of the department of war, or of the navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment; and excepting, also, contracts for the subsistence and clothing of the army or navy, and contracts by the quarter-master's department, which may be made by the secretaries of those departments.'

Now, sir, what law authorized these contracts with the local banks, made by the secretary of the *treasury*? The argument, if I understand the argument intended to be employed on the other side, is this; that, by the bank charter, the secretary, is authorized to remove the public deposits, and that includes the power in question? But the act establishing the treasury department confides, expressly, the safe-keeping of the public moneys of the United States to the treasurer of the United States, and not to the secretary; and the treasurer, not the secretary, gives a bond for the fidelity with which he shall keep them. The moment, therefore, that they are withdrawn from the bank of the United States, they are placed, by law, under the charge and responsibility of the treasurer and his bond, and not of the secretary, who has given no bond. But let us trace this argument a little further. The power to remove the deposits, says the secretary, *from* a given place, implies the power to designate the place *to* which they shall be removed. And this *implied* power to designate the place to which they shall be removed, *implies* the power to the secretary of the treasury to contract with the new banks of deposit. And, on this third link, in the chain of implications, a fourth is constructed, to

dispense with the express duties of the treasurer of the United States, defined in a positive statute; and *yet a fifth*, to repeal a positive statute of congress, passed four years after the passage of the law containing the present source of this most extraordinary chain of implications. The exceptions in the act of 1820, prove the inflexibility of the rule which it prescribes. Annual appropriations are made for the clothing and subsistence of the army and navy. These appropriations might have been supposed to be included in a power to contract for those articles, notwithstanding the prohibitory clause in that act. But congress thought otherwise, and therefore expressly provided for the exceptions. It must be admitted that our clerk, (as the late governor Robinson, of Louisiana, one of the purest republicans I have ever known, used to call a secretary of the treasury,) tramples with very little ceremony upon the duties of the treasurer, and the acts of the congress of the United States, when they come in his way.

These contracts, therefore, between the secretary of the treasury and the local banks are mere nullities, and absolutely void, enforceable in no court of justice whatever, for two causes; first, because they are made in violation of the act of the first of May, 1820; and, secondly, because the treasurer, and not the secretary of the treasury, alone had, if any federal officer possessed the power to contract with the local banks. And here, again, we perceive the necessity there was for avoiding the precipitancy with which the executive acted, and for awaiting the meeting of congress. Congress could have deliberately reviewed the previous legislation, decided upon the expediency of a transfer of the public deposits, and, if deemed proper, could have passed the new laws adapted to the new condition of the treasury. It could have decided whether the local banks should pay any bonus, or pay any interest, or diffuse the public deposits throughout the United States, so as to secure among all their parts, equality of benefits as well as of burdens, and provided for ample guarantees for the safety of the public moneys in their new depositories.

But let us now inquire, whether the secretary of the treasury has exercised his usurped authority, in the formation of these contracts, with prudence and discretion. Having substituted himself to congress and to the treasurer of the United States, he ought at least to show that, in the stipulations of the contracts themselves, he has guarded the public moneys and provided for the public interests. I will examine the contract with the Girard bank of Philadelphia, which is presented as a specimen of the contracts with the Atlantic banks. The first stipulation limits the duty of the local banks to receive in deposit, on account of the United States, only the notes of banks convertible into coin, 'in its *immediate* vicinity,' or which it is, 'for the time being, in the habit of receiving.' Under this stipulation, the Girard bank, for example,

will not be bound to receive the notes of the Louisville bank, although that also be one of the deposit banks, nor the notes of any other bank, not in its immediate vicinity. As to the provision that it will receive the notes of banks which, for the time being, it is in the habit of receiving, it is absurd to put such a stipulation in a contract, because by the power retained to change the habit, for the time being, it is an absolute nullity. Now, sir, how does this compare with the charter and bank of the United States? The bank receives every where, and credits the government with the notes, whether issued by the branches or the principal bank. The amount of all these notes is every where available to the government. But the government may be overflowing in distant bank notes when they are not wanted, and a bankrupt, at the places of expenditure, under this singular arrangement.

With respect to the transfer of moneys from place to place, the local banks require in this contract, that it shall not take place but upon *reasonable* notice. And what reasonable is, has been left totally undefined, and of course open to future contest. When hereafter a transfer is ordered, and the bank is unable to make it, there is nothing to do but to allege the unreasonableness of the notice. The local bank agrees to render to the government all the services now performed by the bank of the United States, subject, however, to the restriction that they are required 'in the vicinity' of the local bank. But the bank of the United States is under no such restrictions; its services are coextensive with the United States and their territories.

The local banks agree to submit their books and accounts to the secretary of the treasury, or to any agent to be appointed by him, but to be paid by the local banks pro rata, as far as such examination *is admissible without a violation of their respective charters*; and how far that may be, the secretary cannot tell, because he has not yet seen all the charters. He is, however, to appoint the agents of examination, and to fix the salaries which the local banks are to pay. And where does the secretary find the authority to create officers and fix their salaries, without the authority of congress?

But the most improvident, unprecedented, and extraordinary provision in the contract, is that which relates to the security. When, and not until the deposits in the local bank shall exceed one half of the capital stock annually paid in, collateral security, satisfactory to the secretary of the treasury, is to be given for the safety of the deposits. Why, sir, a freshman, a schoolboy, would not have thus dealt with his father's guardian's money. Instead of the security *preceding*, it is to *follow* the deposit of the people's money! That is, the local bank gets an amount of their money, equal to one half its capital, and then it condescends to give security! Does not the secretary know, that when he goes for the



security, the money may be gone, and that he may be entirely unable to get the one or the other! • We have a law, if I mistake not, which forbids the advance of any public money, even to a disbursing agent of the government, without previous security. Yet, in violation of the spirit of that law, or, at least, of all common sense and common prudence, the secretary disperses upwards of twenty-five millions of public revenue among a countless number of unknown banks, and stipulates that, when the amount of the deposit exceeds one half of their respective capitals, security is to be given!

The best stipulation in the whole contract, is the last, which reserves to the secretary of the treasury the power of discharging these local banks from the service of the United States whenever he pleases; and the sooner he exercises it, and restores the public deposits to the place of acknowledged safety, from which they have been rashly taken, the better for all parties concerned.

Let us look into the condition of one of these local banks, the nearest to us, and that with respect to which we have the best information. The banks of this district (and among them that of the Metropolis) are required to make annual reports of their condition on the first day of January. The latest official return from the Metropolis bank is of the first of January, 1832. Why it did not make one on the first of last January, along with the other banks, I know not. In point of fact, I am informed, it made none. Here is its account of January, 1832, and I think you will agree that it is a Flenish one. On the debit side stand capital paid in, five hundred thousand dollars. Due to the banks, twenty thousand nine hundred and eleven dollars and ten cents; individuals on deposit, seventy-four thousand nine hundred and seventy-seven dollars and forty-two cents; dividend and expenses, seventeen thousand five hundred and ninety-one dollars and seventy-seven cents; and surplus, eight thousand one hundred and thirty-one dollars and two cents; making an aggregate of six hundred and eighty-four thousand four hundred and ninety-six dollars and thirty-one cents. On the credit side, there are bills and notes discounted, and stock (what sort?) bearing interest, six hundred and twenty-six thousand and eleven dollars and ninety cents; real estate, eighteen thousand four hundred and four dollars and eighty-six cents; notes of other banks on hand, and checks on the same, twenty-three thousand two hundred and thirteen dollars and eighty cents; specie — now, Mr. President, how much do you imagine? Recollect, that this is the bank selected at the seat of government, where there is necessarily concentrated a vast amount of public money, employed in the expenditure of government. Recollect that, by another executive edict, all public officers, charged with the disbursement of the public money here, are required to make their deposits with this Metropolis; and how much specie do you suppose it had at the date of its last official return? ten thousand nine hundred

and seventy-four dollars and seventy-six cents; due from other banks, five thousand eight hundred and ninety dollars and ninety-nine cents; making in the aggregate on the credit side, six hundred and eighty-four thousand four hundred and ninety-six dollars and thirty-one cents. Upon looking into the items, and casting them up, you will find that this Metropolis bank, on the first day of January, 1832, was liable to an immediate call for one hundred and seventy-six thousand three hundred and thirty-five dollars and twenty-nine cents, and that the amount which it had on hand, ready to meet that call, was forty thousand and seventy-nine dollars and fifty-five cents. And *this* is one of the banks selected at the seat of the general government, for the deposit of the public moneys of the United States. A bank with a capital of thirty millions of dollars, and upwards of ten millions of specie on hand has been put aside, and a bank with a capital of half a million, and a little more than ten thousand dollars in specie on hand, has been substituted in its place! How that half million has been raised, whether in part or in the whole, by the neutralizing operation of giving stock notes in exchange for certificates of stock, does not appear.

The design of the whole scheme of this treasury arrangement seems to have been, to have united in one common league a number of local banks, dispersed throughout the union, and subject to one central will, with a right of scrutiny instituted by the agents of that will. It is a bad imitation of the New York project of a safety-fund. This confederation of banks will probably be combined in sympathy as well as interest, and will be always ready to fly to the succor of the source of their nourishment. As to their supplying a common currency, in place of that of the bank of the United States, the plan is totally destitute of the essential requisite. They are not required to credit each other's paper, unless it be issued in the '*immediate vicinity*.'

We have seen what *is* in this contract. Now let us see what *is not* there. It contains no stipulation for the preservation of the public morals; none for the freedom of elections; none for the purity of the press. All these great interests, after all that has been said against the bank of the United States, are left to shift and take care of themselves as they can. We have already seen the president of a bank in a neighboring city, rushing impetuously to the defence of the secretary of the treasury against an editorial article in a newspaper, although the '*venom of the shaft was quite equal to the vigor of the bow*.' Was he rebuked by the secretary of the treasury? Was the bank *discharged* from the public service? Or, are morals, the press, and elections, in no danger of contamination, when a host of banks become literary champions on the side of power and the officers of government? Is the patriotism of the secretary only alarmed when the infallibility of high authority is questioned? Will the states silently acquiesce, and see the federal

authority insinuating itself into banks of their creation, and subject to their exclusive control?

We have, Mr. President, a most wonderful financier at the head of our treasury department. He sits quietly by in the cabinet, and witnesses the contest between his colleague and the president; sees the conflict in the mind of that colleague between his personal attachment to the president on the one hand, and his solemn duty to the public on the other; beholds the triumph of conscientious obligation; contemplates the noble spectacle of an honest man, preferring to surrender an exalted office with all its honors and emoluments, rather than betray the interests of the people; witnesses the contemptuous and insulting expulsion of that colleague from office; and then coolly enters the vacated place, without the slightest sympathy or the smallest emotion. He was installed on the twenty-third of September, and by the twenty-sixth, the brief period of three days, he discovers that the government of the United States had been wrong from its origin; that every one of his predecessors from Hamilton down, including Gallatin, (who, whatever I said of him on a former occasion, and that I do not mean to retract, possessed more practical knowledge of currency, banks, and finance, than any man I have ever met in the public councils,) Dallas, and Crawford, had been mistaken about both the expediency and constitutionality of the bank; that every chief magistrate, prior to him whose patronage he enjoyed, had been wrong; that the supreme court of the United States, and the people of the United States, during the thirty-seven years that they had acquiesced in or recognised the utter utility of a bank, were all wrong. And, opposing his single opinion to their united judgments, he dismisses the bank, scatters the public money, and undertakes to regulate and purify the public morals, the public press, and popular elections!

If we examine the operations of this modern Turgot, in their financial bearing, merely, we shall find still less for approbation.

First. He withdraws the public moneys, where, by his own deliberate admission, they were perfectly safe, with a bank of thirty-five millions of capital, and ten millions of specie, and places them at great hazard with banks of comparatively small capital, and but little specie, of which the Metropolis bank is an example.

Second. He withdraws them from a bank created by, and over which the federal government had ample control, and puts them in other banks, created by different governments, and over which it has no control.

Third. He withdraws them from a bank in which the American people, as a stockholder, were drawing their fair proportion of interest accruing on loans, of which those deposits formed the basis, and puts them where the people of the United States draw no interest.

Fourth. From a bank which has paid a bonus of a million and a half, which the people of the United States may be now liable to

refund, and puts them in banks which have paid to the American people no bonus.

Fifth. Depreciates the value of stock in a bank, where the general government holds seven millions, and advances that of banks in whose stock it does not hold a dollar; and whose aggregate capital does not probably much exceed that very seven millions. And, finally,

Sixth. He dismisses a bank whose paper circulates in the greatest credit throughout the union and in foreign countries, and engages in the public service banks whose paper has but a limited and local circulation in their 'immediate vicinities.'

These are immediate and inevitable results. How much that large and long-standing item of unavailable funds, annually reported to congress, will be swelled and extended, remains to be developed by time.

And now, Mr. President, what, under all these circumstances, is it our duty to do? Is there a senator, who can hesitate to affirm, in the language of the resolution, that the president has assumed a dangerous power over the treasury of the United States, not granted to him by the constitution and the laws; and that the reasons assigned for the act, by the secretary of the treasury, are insufficient and unsatisfactory?

The eyes and the hopes of the American people are anxiously turned to congress. They feel that they have been deceived and insulted; their confidence abused; their interests betrayed; and their liberties in danger. They see a rapid and alarming concentration of all power in one man's hands. They see that, by the exercise of the positive authority of the executive, and his negative power exerted over congress, the will of one man alone prevails, and governs the republic. The question is no longer what laws will congress pass, but what will the executive not veto? The president, and not congress, is addressed for legislative action. We have seen a corporation, charged with the execution of a great national work, dismiss an experienced, faithful, and zealous president, afterwards testify to his ability by a voluntary resolution, and reward his extraordinary services by a large gratuity, and appoint in his place an executive favorite, totally inexperienced and incompetent, to propitiate the president. We behold the usual incidents of approaching tyranny. The land is filled with spies and informers; and detraction and denunciation are the orders of the day. People, especially official incumbents in this place, no longer dare speak in the fearless tones of manly freedom, but in the cautious whispers of trembling slaves. The premonitory symptoms of despotism are upon us; and if congress do not apply an instantaneous and effective remedy, the fatal collapse will soon come on, and we shall die — ignobly die! base, mean, and abject slaves — the scorn and contempt of mankind — unpitied, unwept, unmourned!

# ON THE PUBLIC DISTRESS CAUSED BY THE REMOVAL OF THE DEPOSITS.

IN THE SENATE OF THE UNITED STATES, MARCH 7, 1834.

[THE removal of the deposits from the bank of the United States, by order of president Jackson, in October, 1833, caused great pecuniary embarrassments and distress in the commercial cities and towns of the United States, from the pernicious effect of the measure on the banks and currency. Numerous memorials were presented to congress, by the people, praying for relief. On the presentation of a memorial from Philadelphia, Mr. Clay made the brief remarks which follow, consisting principally of an eloquent appeal to the vice-president, Mr. Van Buren, to use his influence with general Jackson, to restore peace and prosperity to the country.]

I HAVE been requested by the committee from Philadelphia, charged with presenting the memorial to congress, to say a few words on the subject; and although, after the ample and very satisfactory exposition which it has received from the senator from Massachusetts, further observations are entirely unnecessary, I cannot deny myself the gratification of complying with a request, proceeding from a source so highly worthy of respectful consideration.

And what is the remedy to be provided for this most unhappy state of the country? I have conversed freely with the members of the Philadelphia committee. They are real, practical, working men; intelligent, well acquainted with the general condition, and with the sufferings of their particular community. No one, who has not a heart of steel, can listen to them, without feeling the deepest sympathy for the privations and sufferings unnecessarily brought upon the laboring classes. Both the committee and the memorial declare that their reliance is, exclusively, on the legislative branch of the government. Mr. President, it is with subdued feelings of the profoundest humility and mortification, that I am compelled to say, that, constituted as congress now is, no relief will be afforded by it, unless its members shall be enlightened and instructed by the people themselves. A large portion of the body, whatever may be their private judgment upon the course of the president, believe it to be their duty, at all events safest for them.

selves, to sustain him, without regard to the consequences of his measures upon the public interests. And nothing but clear, decided, and unequivocal demonstrations of the popular disapprobation of what has been done, will divert them from their present purpose.

But there is another quarter which possesses sufficient power and influence to relieve the public distresses. In twenty-four hours the executive branch could adopt a measure which would afford an efficacious and substantial remedy, and reëstablish confidence. And those who, in this chamber, support the administration, could not render a better service than to repair to the executive mansion, and, placing before the chief magistrate the naked and undisguised truth, prevail upon him to retrace his steps and abandon his fatal experiment. No one, sir, can perform that duty with more propriety than yourself. You can, if you will, induce him to change his course. To you, then, sir, in no unfriendly spirit, but with feelings softened and subdued by the deep distress which pervades every class of our countrymen, I make the appeal. By your official and personal relations with the president, you maintain with him an intercourse which I neither enjoy nor covet. Go to him and tell him, without exaggeration, but in the language of truth and sincerity, the actual condition of his bleeding country. Tell him it is nearly ruined and undone, by the measures which he has been induced to put in operation. Tell him that *his* experiment is operating on the nation like the philosopher's experiment upon a convulsed animal, in an exhausted receiver, and that it must expire in agony, if he does not pause, give it free and sound circulation, and suffer the energies of the people to be revived and restored. Tell him that, in a single city, more than sixty bankruptcies, involving a loss of upwards of fifteen millions of dollars, have occurred. Tell him of the alarming decline in the value of all property, of the depreciation of all the products of industry, of the stagnation in every branch of business, and of the close of numerous manufacturing establishments, which, a few short months ago, were in active and flourishing operation. Depict to him, if you can find language to portray, the heart-rending wretchedness of thousands of the working classes cast out of employment. Tell him of the tears of helpless widows, no longer able to earn their bread; and of unclad and unfed orphans, who have been driven, by his policy, out of the busy pursuits in which but yesterday they were gaining an honest livelihood. Say to him, that if firmness be honorable, when guided by truth and justice, it is intimately allied to another quality, of the most pernicious tendency, in the prosecution of an erroneous system. Tell him how much more true glory is to be won by retracing false steps, than by blindly rushing on until his country is overwhelmed in bankruptcy and ruin. Tell him of the ardent attachment, the unbounded devotion, the enthusiastic gratitude towards him, so often signally manifested

by the American people, and that they deserve at his hands better treatment. Tell him to guard himself against the possibility of an odious comparison, with that worst of the Roman emperors, who, contemplating with indifference the conflagration of the mistress of the world, regaled himself during the terrific scene, in the throng of his dancing courtiers. If you desire to secure for yourself the reputation of a public benefactor, describe to him truly the universal distress already produced, and the certain ruin which must ensue from perseverance in his measures. Tell him that he has been abused, deceived, betrayed, by the wicked counsels of unprincipled men around him. Inform him that all efforts in congress, to alleviate or terminate the public distress, are paralysed, and likely to prove totally unavailing, from his influence upon a large portion of the members, who are unwilling to withdraw their support, or to take a course repugnant to his wishes and feelings. Tell him that, in his bosom alone, under actual circumstances, does the power abide to relieve the country; and that, unless he opens it to conviction, and corrects the errors of his administration, no human imagination can conceive, and no human tongue can express, the awful consequences which may follow. Entreat him to pause, and to reflect that there is a point beyond which human endurance cannot go; and let him not drive this brave, generous, and patriotic people, to madness and despair.

Mr. President, unaffectedly indisposed, and unwilling as I am to trespass upon the senate, I could not decline complying with a request addressed to me, by a respectable portion of my fellow-citizens, part of the bone and sinew of the American public. Like the senator from Massachusetts, who has been intrusted with the presentation of their petition to the senate, I found them plain, judicious, sensible men, clearly understanding their own interests, and, with the rest of the community, writhing under the operation of the measures of the executive. If I have deviated from the beaten track of debate in the senate, my apology must be found in the anxious solicitude which I feel for the condition of the country. And, sir, if I shall have been successful in touching your heart, and exciting in you a glow of patriotism, I shall be most happy. You *can* prevail upon the president to abandon his ruinous course; and, if you will exert the influence which you possess, you will command the thanks and the plaudits of a grateful people.

## ON THE STATE OF THE COUNTRY FROM THE EFFECTS OF THE REMOVAL OF THE DEPOSITS.

IN THE SENATE OF THE UNITED STATES, MARCH 14, 1834.

[THE following is one of the most happy and eloquent of Mr. Clay's efforts in the senate, delivered *impromptu*. The pecuniary distress of the business community of the United States, brought upon them by the war of general Jackson upon the currency, particularly the removal of the deposits, induced the merchants and mechanics to pour into the halls of congress their memorials for relief. Mr. Clay, on presenting some of these petitions, denounces in indignant terms the tyrannical and obstinate course of the president and his partisans, and alludes to the election in the city of New York, favorable to the whigs, as evidence of a great change in public opinion.]

I AM charged with the pleasing duty of presenting to the senate the proceedings of a public meeting of the people, and two memorials, subscribed by large numbers of my fellow-citizens, in respect to the exciting state of public affairs.

The first I would offer are the resolutions of the young men of Troy, assembled upon a call of upwards of seven hundred of their number. I have recently visited that interesting city. It is one of the most beautiful of a succession of fine cities and villages, that decorate the borders of one of the noblest rivers of our country. In spite of the shade cast upon it by its ancient and venerable sister and neighbor, it has sprung up with astonishing rapidity. When I saw it last fall, I never beheld a more respectable, active, enterprising, and intelligent business community. Every branch of employment was flourishing. Every heart beat high in satisfaction with present enjoyment, and hopes from the prospect of future success. How sadly has the scene changed! How terribly have all their anticipations of continued and increasing prosperity been dashed and disappointed by the folly and wickedness of misguided rulers!

The young men advert to this change, in their resolutions, and to its true cause. They denounce all experiments upon their happiness. They call for the safer counsels which prevailed under the auspices of Washington and Madison, both of whom gave their approbation to charters of a bank of the United States.



But what gives to these resolutions peculiar interest, in my estimation, is, that they exhibit a tone of feeling which rises far above any loss of property, however great, any distress from the stagnation of business, however intense. They manifest a deep and patriotic sensibility to executive usurpations, and to the consequent danger to civil liberty. They solemnly protest against the union of the purse and the sword in the hands of one man. They would not have consented to such a union in the person of the father of his country, much less will they in that of any living man. They feel that, when liberty is safe, the loss of fortune and property is comparatively nothing; but that when liberty is sacrificed, existence has lost all its charms.

The next document which I have to offer is a memorial, signed by nearly nine hundred mechanics of the city of Troy. Several of them are personally known to me. And judging from what I know, see, and hear, I believe there is not any where a more skilful, industrious, and respectable body of mechanics, than in Troy. They bear testimony to the prevalence of distress, trace it to the illegal acts of the executive branch of the government in the removal of the public deposits; ask their restoration, and the recharter of the bank of the United States. And the committee, in their letter addressed to me, say, 'we are, what we profess to be, working men, dependent upon our labor for our daily bread, confine our attention to our several vocations, and trust in God and the continental congress for such protection as will enable us to operate successfully.'

The first-mentioned depository of their confidence will not deceive them. But I lament to say that the experience during this session, does not authorize us to anticipate that coöperation in another quarter, which is indispensable to the restoration of the constitution and laws, and the recovery of the public purse.

The last memorial I would present, has been transmitted to me by the secretaries to a meeting stated to be the largest ever held in the county of Schenectady, in New York. It is signed by about eight hundred persons. In a few instances, owing to the subscriptions having been obtained by different individuals, the same name occurs twice. The memorialists bring their testimony to the existence of distress, and the disorders of the currency, and invoke the application of the only known, tried, and certain remedy, the establishment of a national bank.

And now, Mr. President, I will avail myself of the occasion to say a few words on the subject matter of these proceedings and memorials, and on the state of the country as we found it at the commencement of the session, and its present state.

When we met, we found the executive in the full possession of the public treasury. All its barriers had been broken down, and in place of the control of the law was substituted the uncontrolled

will of the chief magistrate. I say uncontrolled; for it is idle to pretend, that the executive has not unrestrained access to the public treasury, when every officer connected with it is bound to obey his paramount will. It is not the form of keeping the account; it is not the place alone where the public money is kept; but it is the power, the authority, the responsibility of independent officers, checking and checked by each other, that constitute the public security for the safety of the public treasure. This no longer exists, is gone, is annihilated.

The secretary sent us in a report containing the reasons (if they can be dignified with that appellation) for the executive seizure of the public purse. Resolutions were promptly offered in this body, denouncing the procedure as unconstitutional and dangerous to liberty, and declaring the total insufficiency of the reasons. Nearly three months were consumed in the discussion of them. In the early part of this protracted debate, the supporters of distress, pronounced it a panic got up for dramatic effect, and affirmed that the country was enjoying great prosperity. Instances occurred of members asserting that the places of their own residence were in the full enjoyment of enviable and unexampled prosperity, who, in the progress of the debate, were compelled reluctantly to own their mistake, and to admit the existence of deep and intense distress. Memorial after memorial poured in, committee after committee repaired to the capitol to represent the sufferings of the people, until incredulity itself stood rebuked and abashed. Then it was the bank that had inflicted the calamity upon the country; that bank which was to be brought under the feet of the president, should proceed forthwith to wind up its affairs.

And, during the debate, it was again and again pronounced by the partisans of the executive, that the sole question involved in the resolutions was, bank or no bank. It was in vain that we protested, solemnly protested, that that was not the question; and that the true question was of immensely higher import; that it comprehended the inviolability of the constitution, the supremacy of the laws, and the union of the purse and the sword in the hands of one man. In vain did members repeatedly rise in their places, and proclaim their intention to vote for the restoration of the deposits, and their settled determination to vote against the recharter of the bank, and against the charter of any bank. Gentlemen persisted in asserting the identity of the bank question, and that contained in the resolutions; and thousands of the people of the country are, to this moment, deluded by the erroneous belief in that identity.

Mr. President, the arts of power and its minions are the same in all countries and in all ages. It marks a victim; denounces it; and excites the public odium and the public hatred, to conceal its own abuses and encroachments. It avails itself of the prejudice and

the passions of the people, silently and secretly to forge chains to enslave the people.

Well, sir, during the continuance of the debate, we have been told, over and over again, that, let the question of the deposits be settled, let congress pass upon the report of the secretary, and the activity of business and the prosperity of the country will again speedily revive. The senate has passed upon the resolutions, and has done its duty to the country, to the constitution, and to its conscience.

And the report of the secretary has been also passed upon in the other house; but *how* passed upon? The official relations which exist between the two houses, and the expediency of preserving good feelings and harmony between them, forbid my saying all that I feel on this momentous subject. But I must say, that the house, by the constitution, is deemed the especial guardian of the rights and interests of the people; and, above all, the guardian of the people's money in the public treasury. The house has given the question of the sufficiency of the secretary's reasons the go-by, evaded it, shunned it, or rather merged it in the previous question. The house of representatives have not ventured to approve the secretary's reasons. It cannot approve them; but, avoiding the true and original question, has gone off upon a subordinate and collateral point. It has indirectly sanctioned the executive usurpation. It has virtually abandoned its constitutional care and control over the public treasury. It has surrendered the keys, or rather permits the executive to retain their custody; and thus acquiesces in that conjunction of the sword and the purse of the nation, which all experience has evinced, and all patriots have believed, to be fatal to the continuance of public liberty.

Such has been the extraordinary disposition of this great question. Has the promised relief come? In one short week, after the house pronounced its singular decision, three banks in this District of Columbia have stopped payment and exploded. In one of them the government has, we understand, sustained a loss of thirty thousand dollars. And in another, almost within a stone's throw of the capitol, that navy pension fund, created for our infirm and disabled, but gallant tars, which ought to be held sacred, has experienced an abstraction of twenty thousand dollars! Such is the realization of the prediction of relief made by the supporters of the executive.

And what is the actual state of the public treasury? The president, not satisfied with the seizure of it, more than two months before the commencement of the session, appointed a second secretary of the treasury since the adjournment of the last congress. We are now in the fifth month of the session; and in defiance of the sense of the country, and in contempt of the participation of the senate in the appointing power, the president has not yet

designed to submit the nomination of *his* secretary to the consideration of the senate. Sir, I have not looked into the record, but, from the habitual practice of every previous president, from the deference and respect which they all maintained towards a coördinate branch of the government, I venture to say, that a parallel case is not to be found.

Mr. President, it is a question of the highest importance, what is to be the issue, what the remedy, of the existing evils. We should deal with the people, openly, frankly, sincerely. The senate stands ready to do whatever is incumbent upon it; but unless the majority in the house will relent, unless it will take heed of and profit by recent events, there is no hope for the nation from the joint action of the two houses of congress at this session. Still, I would say to my countrymen, do not despair. You are a young, brave, intelligent, and as yet a free people. A complete remedy for all that you suffer, and all that you dread, is in your own hands. And the events, to which I have just alluded, demonstrate that those of us have not been deceived who have always relied upon the virtue, the capacity, and the intelligence of the people.

I congratulate you, Mr. President, and I hope *you* will receive the congratulation with the same heartfelt cordiality with which I tender it, upon the issue of the late election in the city of New York. I hope it will excite a patriotic glow in your bosom. I congratulate the senate, the country, the city of New York, the friends of liberty every where. It was a great victory. It must be so regarded in every aspect. From a majority of more than six thousand, which the dominant party boasted a few months ago, if it retain any, it is a meagre and spurious majority of less than two hundred. And the whigs contended with such odds against them — a triple alliance of state placemen, corporation placemen, and federal placemen, amounting to about thirty-five hundred, and deriving, in the form of salaries, compensations, and allowances, ordinary and extra, from the public chests, the enormous sum, annually, of nearly one million of dollars; marshalled, drilled, disciplined, commanded. The struggle was tremendous; but what can withstand the irresistible power of the votaries of truth, liberty, and their country? It was an immortal triumph — a triumph of the constitution and the laws over usurpation here, and over clubs and bludgeons and violence there.

Go on, noble city! Go on, patriotic whigs! follow up your glorious commencement; persevere, and pause not until you have regenerated and disenthralled your splendid city, and placed it at the head of American cities devoted to civil liberty, as it now stands preëminently the first as the commercial emporium of our common country. Merchants, mechanics, traders, laborers, never cease to recollect, that without freedom, you can have no sure commerce or business; and that without law you have no security for person.

liberty, property, or even existence! Countrymen of Tone, of Emmet, of Macneven, and of Sampson, if any of you have been deceived, and seduced into the support of a cause dangerous to American liberty, hasten to review and correct your course! Do not forget, that you abandoned the green fields of your native island to escape what you believed the tyranny of a British king. Do not, I adjure you, lend yourselves, in this land of your asylum, this last retreat of the freedom of man, to the establishment here, for you, and for us all, of that despotism which you had proudly hoped had been left behind you, in Europe, for ever! There is much, I would fain believe, in the constitutional forms of government. But at last it is its parental and beneficent operation that must fix its character. A government may in form be free, in practice tyrannical; as it may in form be despotic, and in practice liberal and free.

It was a brilliant and signal triumph of the whigs. And they have assumed for themselves, and bestowed on their opponents, a demonstration which, according to all the analogy of history, is strictly correct. It deserves to be extended throughout the whole country. What was the origin, among our British ancestors, of those appellations? The tories were the supporters of executive power, of royal prerogative, of the maxim that the king could do no wrong, of the detestable doctrines of passive obedience and non-resistance. The whigs were the champions of liberty, the friends of the people, and the defenders of the power of their representatives in the house of commons.

During our revolutionary war, the tories took sides with executive power and prerogative, and with the king, against liberty and independence. And the whigs, true to their principles, contended against royal executive power, and for freedom and independence.

And what is the present but the same contest in another form? The partisans of the present executive sustain his power in the most boundless extent. They claim for him *all* executive authority. They make his sole will the governing power. Every officer concerned in the administration, from the highest to the lowest, is to conform to his mandates. Even the public treasury, hitherto regarded as sacred, and beyond his reach, is placed by them under his entire direction and control. The whigs of the present day are opposing executive encroachment, and a most alarming extension of executive power and prerogative. They are ferreting out the abuses and corruptions of an administration, under a chief magistrate who is endeavoring to concentrate in his own person the whole powers of government. They are contending for the rights of the people, for civil liberty, for free institutions, for the supremacy of the constitution and the laws. The contest is an arduous one; but, although the struggle may be yet awhile prolonged, by the blessing of God, and the spirit of our ancestors, the issue cannot be doubtful.

The senate stands in the breach, ready to defend the constitution, and to relieve the distresses of the people. But, without the concurrence of another branch of congress, which ought to be the first to yield it, the senate alone can send forth no act of legislation. Unaided, it can do no positive good; but it has vast preventive power. It may avert and arrest evil, if it cannot rebuke usurpation. Senators, let us remain steadily by the constitution and the country, in this most portentous crisis; let us oppose, to all encroachments and to all corruption, a manly, resolute, and uncompromising resistance; let us adopt two rules, from which we will never deviate, in deliberating upon all nominations. In the first place, to preserve untarnished and unsuspected the purity of congress, let us negative the nominations of every member for any office, high or low, foreign or domestic, until the authority of the constitution and laws is fully restored. I know not that there is any member of either house capable of being influenced by the prospect of advancement or promotion; I would be the last to make such an insinuation; but suspicion is abroad, and it is best, in these times of trouble and revolution, to defend the integrity of the body against all possible imputations. For one, whatever others may do, I here deliberately avow my settled determination, whilst I retain a seat in this chamber, to act in conformity to that rule. In pursuing it, we but act in consonance with a principle proclaimed by the present chief magistrate himself, when out of power! But, alas! how little has he respected it in power! How little has he, in office, conformed to any of the principles which he announced when out of office!

And, in the next place, let us approve of the original nomination of no notorious brawling partisan and electioneerer; but, especially, of the reappointment of no officer presented to us, who shall have prostituted the influence of his office to partisan and electioneering purposes. Every incumbent has a clear right to exercise the elective franchise. I would be the last to controvert or deny it. But he has no right to employ the influence of his office, to exercise an agency which he holds in trust for the people, to promote his own selfish or party purposes. Here, also, we have the authority of the present chief magistrate for this rule; and the authority of Mr. Jefferson. The senator from Tennessee, (Mr. Grundy,) merits lasting praise for his open and manly condemnation of these practices of official incumbents. He was right, when he declared his suspicion and distrust of the purity of the motives of any officer whom he saw busily interfering in the elections of the people.

Senators! we have a highly responsible and arduous position; but the people are with us, and the path of duty lies clearly marked before us. Let us be firm, persevering, and unmoved. Let us perform our duty in a manner worthy of our ancestors; worthy of American senators; worthy of the dignity of the sovereign

states that we represent ; above all, worthy of the name of American freemen ! Let us 'pledge our lives, our fortunes, and our sacred honor,' to rescue our beloved country from all impending dangers. And, amidst the general gloom and darkness which prevail, let us continue to present one unextinguished light, steadily burning, in the cause of the people, of the constitution, and of civil liberty.

## ON THE STATE OF THE COUNTRY.

IN THE SENATE OF THE UNITED STATES, MAY 21, 1834.

[THE agitation of the public mind on the subject of the removal of the deposits from the bank of the United States, continued during the session of congress in 1834, and memorials were constantly presented to that body, asking for relief to the people from the pecuniary pressure occasioned by the arbitrary measures of president Jackson. On presenting one of these memorials Mr. Clay made the following brief remarks.]

(From the National Intelligencer of May 22.)

MR. CLAY took occasion, yesterday, in presenting to the senate some memorials, and especially one from Doylestown, in Bucks county, Pennsylvania, to animadvert seriously for the most part, but in part playfully, to the present state of the country. Among the opinions expressed by the memorialists is one which Mr. Clay said he most decidedly entertained in common with them, that, after the vote by one branch of congress, that the removal of the deposits by the secretary of the treasury, was unjustifiable and unconstitutional, it was the duty of the secretary of the treasury instantly to have restored the deposits to the place from which they had been illegally taken; and such, he said, would have been the course of any secretary of the treasury who entertained a proper sense of the fallibility of his own judgment, and of the respect which was due to the deliberate opinion of the senate, or of the house of representatives, on such a question as this, when it came in conflict with his own. Mr. Clay added, that if there was, in either house of congress, a single individual whose private judgment approved of the removal of the deposits as an original act, independently of party considerations or posterior circumstances, he had yet to meet with that man.

As to the question yesterday addressed by the senator from Massachusetts, to those who hold the power, whether they meant to adjourn without taking any measure to relieve the country from its present suffering, Mr. Clay said, he verily believed that they do not know what to do; they are afraid to stay, and afraid to return; they are between two fires — afraid of Jackson if they remain, and of their constituents if they go home. If, however, they mean to do *nothing* to recover possession of the public treasure; if they mean to do nothing to relieve the distress which pervades the



country, Mr. Clay said he was himself ready to concur with them in fixing the earliest practicable day for adjournment, after passing the bills necessary to carry on the government.

What would be the consequence of such contempt, by those in power, of the successive evidences of public opinion, presented from day to day, and from week to week, it was easy to foresee. Already, he said, the whole 'party' was crumbling away; sinking, like the banks of the Mississippi undermined by the torrent, whole acres at a time. Why, (said Mr. Clay,) I am told that the whole regency of New York, taking the alarm, has fled from Albany, and taken refuge in this city. Whether they would or would not be redemanded by governor Marey, under the laws in such cases made and provided, he could not say; but if they remained, he hoped they would be allowed the benefit of all the rights of hospitality due to such distinguished strangers. For himself, he condoled with the gentlemen, in this the trying time of their misfortunes, and trusted that they would be able to bear them with manly fortitude and christian resignation.

If any one who heard this part of Mr. Clay's speech was able to look grave upon it, thank heaven, it was not we.

In the course of Wednesday's debate, Mr. Clay having denounced, as contrary to the spirit of the constitution, the omission of the president of the United States to nominate to the senate, for confirmation or rejection, the present secretary of the treasury and other officers, though the senate has been now nearly six months in session; Mr. Webster rose, for the purpose of showing the views of this subject entertained by the great first president of the United States, and practiced upon by every administration in this government, up to the beginning of the present. For this purpose, Mr. Webster quoted from the record the following:

*Message from the president of the United States to the senate of the United States.*

*United States, February 9, 1790.*

GENTLEMEN OF THE SENATE,

Among the persons appointed, during the last session, to offices under the national government, there were some who declined serving. Their names and offices are specified in the first column of the foregoing list. I supplied these vacancies, agreeably to the constitution, by temporary appointments, which you will find mentioned in the second column of the list. These appointments will expire with your present session, and indeed OUGHT NOT TO ENDURE LONGER THAN UNTIL OTHERS CAN BE REGULARLY MADE. For that purpose, I now nominate to you the persons named in the third column of the list, as being in my opinion qualified to fill the offices opposite to their names in the first.

G. WASHINGTON.

## ON OUR RELATIONS WITH FRANCE.

IN THE SENATE OF THE UNITED STATES, JANUARY 14, 1835.

[In his annual message to congress, in December, 1834, president Jackson recommended that a law should be passed, authorizing reprisals upon French property, in case provision should not be made for the payment of the claims of the United States, for aggressions upon our commerce, by France, between the years 1800 and 1817. A treaty had been concluded between the two governments, at Paris, in 1831, by which the French had agreed to pay the United States twenty-five millions of francs, for spoiliations on the commerce of the latter, but the French chambers had refused to vote the necessary appropriation to execute the treaty. The president, therefore, proposed extreme measures to congress, which, if they had been approved of, by that body, would, in all human probability, have involved the two nations in war. Mr. Clay, as chairman of the committee on foreign relations, it will be seen by the following, disapproved of such a course. The controversy was finally settled through the intervention of William the fourth, king of England.

Mr. Clay, from the committee on foreign relations, reported the following resolution:

*Resolved*, that it is inexpedient, at this time, to pass any law vesting in the president authority for making reprisals upon French property, in the contingency of provision not being made for paying to the United States the indemnity stipulated by the treaty of 1831, during the present session of the French chambers.

The question being on agreeing to this resolution, Mr. CLAY said: ]

It is not my purpose, at the present stage of consideration of this resolution, and I hope it will not be necessary at any stage, to say much with the view of enforcing the arguments in its favor, which are contained in the report of the committee. In the present posture of our relations with France, the course which has appeared to me and to the committee most expedient being to await the issue of those deliberations in the French chambers which may even at this moment be going on, it would not be proper to enter at large, at the present time, into all the particulars touched upon in the report. On all questions connected with the foreign affairs of the country, differences of opinion will arise, which will finally terminate in whatever way the opinion of the people of this country may so tend as to influence their representatives. But, whenever the course of things shall be such that a rupture shall unfortunately take place between this country and any foreign country, ( whether France or any other, ) I take this opportunity of saying, that, from that moment, whatever of energy or ability, whatever of influence I may possess in my country, shall be devoted to the carrying on of

that war with the utmost vigor which the arms and resources of the United States can give to it. I will not anticipate, however, such a state of things; nay, I feel very confident that such a rupture will not occur between the United States and France.

With respect to the justice of our claim upon France for payment of the indemnity stipulated by the treaty, the report of the committee is in entire concurrence with the executive. The opinion of the committee is, that the claims stipulated to be paid are founded in justice; that we must pursue them; that we must finally obtain satisfaction for them, and to do so, must, if necessary, employ such means as the law of nations justifies and the constitution has placed within our power. On these points there is no diversity of sentiment between the committee and the president; there *could* be no diversity between either the committee or the president and any American citizen.

In all that the president has said of the obligation of the French government to make the stipulated provision for the claims, the committee entirely concur. If the president, in his message, after making his statement of the case, had stopped there, and abstained from the recommendation of any specific measure, there could not have been possibly any diversity of opinion on the subject between him and any portion of the country. But, when he declares the confidence which he entertains in the French government; when he expresses his conviction that the executive branch of that government is honest and sincere in its professions, and recites the promise by it of a renewed effort to obtain the passage of a bill of appropriation by the French chambers, it did appear to the committee inconsistent with these professions of confidence, that they should be accompanied by the recommendation of a measure which could only be authorized by the conviction that no confidence, or, at least, not entire confidence, could be placed in the declaration and professions of the French government. Confidence and distrust are unnatural allies. If we profess confidence any where, especially if that confidence be but for a limited period, it should be unaccompanied with any indication whatever of distrust; a confidence full, free, frank. But to say, as the president, through our minister, has said, that he will await the issue of the deliberations of the chambers, confiding in the sincerity of the king, and this, too, after hearing of the rejection of the first bill of appropriation by the chambers, and now, at the very moment when the chambers are about deliberating on the subject, to throw out in a message to congress what the president himself considered might possibly be viewed as a menace, appeared to the committee, with all due deference to the executive, and to the high and patriotic purposes which may be supposed to have induced the recommendation, to be inconsistent to such a degree as not to be seconded by the action of congress. It also appeared to the committee, after

the distinct recommendation by the president on this subject, that there should be some expression of the sense of congress in regard to it. Such an expression is proposed by the resolution now under consideration.

In speculating upon probabilities in regard to the course of the French government, in reference to the treaty, four contingencies might be supposed to arise—first, that the French government may have made the appropriation to carry the treaty into effect *before* the reception of the president's message; second, the chambers may make the appropriation *after* the reception of the president's message, and notwithstanding the recommendation on this subject contained in it; third, the chambers may, in consequence of that recommendation, hearing of it before they shall have acted finally on the subject, refuse to make any appropriation until what they may consider a menace shall have been explained or withdrawn; or, fourth, they may, either on that ground, or on the ground of dissatisfaction with the provisions of the treaty, refuse to pass the bill of appropriation. Now, in any of these contingencies, after what has passed, an expression of the sense of congress on the subject appears to me indispensable, either to the passage of the bill, or the subsequent payment of the money, if passed.

Suppose the bill to have passed before the reception of the message, and the money to be in the French treasury, it would throw upon the king a high responsibility to pay the money, unless the recommendation of the message should be explained or done away, or at any rate unless a new motive to the execution of the treaty should be furnished in the fact that the two houses of congress, having considered the subject, had deemed it inexpedient to act until the French chambers should have had an opportunity to be heard from. In the second contingency, that of the passage of a bill of appropriation after receiving the message, a vote of congress, as proposed, would be soothing to the pride of France, and calculated to continue that good understanding which it must be the sincere desire of every citizen of the United States to cultivate with that country. If the chambers shall have passed the bill, they will see that though the president of the United States, in the prosecution of a just claim, and in the spirit of sustaining the rights of the United States, had been induced to recommend the measure of reprisals, yet that a confidence was entertained in both branches of congress that there would be a compliance, on the part of the French government, with the pledges it had given, and so forth. In that contingency, the expression of such a sentiment by congress could not but have a happy effect. In the other contingency supposed, also, it is indispensable that some such measure should be adopted. Suppose the bill of appropriation to be rejected, or its passage to be suspended, until the chambers ascertain whether the recommendation by the president is to be

carried out by the passage of a law by congress, a resolution like this will furnish the evidence desired of the disposition of congress.

If, indeed, upon the reception of the president's message the chambers shall have refused to make the appropriation, they will have put themselves in the wrong by not attending to the distribution of the powers of this government, and informing themselves whether those branches which alone can give effect to the president's recommendation, would respond to it. But, if they take the other course suggested, that of suspending action on the bill until they ascertain whether the legislative department of the government coincides with the executive in the contingent measure recommended, they will then find that the president's recommendation—the expression of the opinion of one high in authority, indeed, having a strong hold on the affections and confidence of the people, wielding the executive power of the nation, but still an inchoate act, having no effect whatever without the legislative action—had not been responded to by congress, and so forth. Thus under all contingencies happening on the other side of the water, and adapted to any one of those contingencies, the passage of this resolution can do no mischief in any event, but is eminently calculated to prevent mischief, and to secure the very object which the president doubtless proposed to accomplish by his recommendation.

I will not now consume any more time of the house by further remarks, but will resume my seat with the intimation of my willingness to modify the resolution in any manner, not changing its result, which may be calculated to secure, what on such an occasion would be so highly desirable, the unanimous vote of the senate in its favor. I believe it, however, all-essential that there should be a declaration that congress do not think it expedient, in the present state of the relations between the United States and France, to pass any law whatever concerning them.

[ After brief remarks by several other members, the resolution was slightly modified and passed by a unanimous vote.]

## ON OUR RELATIONS WITH THE CHEROKEE INDIANS.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 4, 1835.

[THE situation of the Indian tribes within the boundaries of the state of Georgia was long a subject of controversy between that state and the United States; it having been contended that the general government were bound, by former contracts with the state, to extinguish the Indian title to the lands occupied by them, and to provide for their removal therefrom, which lands were then to belong to the state. In May, 1830, a bill, providing for the removal of the Cherokees from the limits of Georgia to territories of the United States west of the Mississippi river, was passed by congress; but such was the reluctance of these Indians to remove, that, during a period of five years thereafter, only about one fourth of their number had emigrated. The sufferings of those who remained, from the wrongs perpetrated upon them by the whites, excited a deep sympathy in their behalf among the people of the United States. The Cherokees frequently sent memorials to congress, asking for relief; in presenting one of which, Mr. Clay made the following remarks, in which will be found much valuable information on an interesting subject. His opinions and sentiments will accord with those of every philanthropist.]

MR. CLAY held in his hands, and begged leave to present to the senate, certain resolutions and a memorial, to the senate and house of representatives of the United States, of a council met at Running Waters, consisting of a portion of the Cherokee Indians. The Cherokees have a country — if indeed it can be any longer called their country — which is comprised within the limits of Georgia, Alabama, Tennessee, and North Carolina. They have a population which is variously estimated, but which, according to the best information which I possess, amounts to about fifteen thousand souls. Of this population a portion, believed to be much the greater part, amounting, as is estimated, to between nine and ten thousand souls, reside within the limits of the state of Georgia. The senate was well aware that for several years past it had been the policy of the general government to transfer the Indians to the west of the Mississippi river, and that a portion of the Cherokees have already availed themselves of this policy of the government, and emigrated beyond the Mississippi. Of those who remain, a portion — a respectable but also an inconsiderable portion — are desirous to emigrate to the west, and a much larger portion desire to remain on their lands, and lay their bones where rest those of their ancestors. The papers which I now present emanate from the minor portion of the Cherokees; from those who are in favor

of emigration. They present a case which appeals strongly to the sympathies of congress. They say that it is impossible for them to continue to live under laws which they do not understand, passed by authority in which they have no share, promulgated in language of which nothing is known to the greater portion of them, and establishing rules for their government entirely unadapted to their nature, education, and habits. They say that destruction is hanging over them if they remain; that, their right of self-government being destroyed, though they are sensible of all the privations, hardships, and sufferings of banishment from their native homes, they prefer exile, with liberty, to residence in their homes, with slavery. They implore, therefore, the intervention of the general government, to provide for their removal west of the Mississippi, and to establish guarantees, never hereafter to be violated, of the possession of the lands to be acquired by them west of the Mississippi, and of the perpetual right of self-government. This was the object of the resolutions and petition which he was about to offer to the senate.

But I have thought that this occasion was one which called upon me to express the opinions and sentiments which I hold in relation to this entire subject, as respects not only the emigrating Indians, but those also who are desirous to remain at home; in short, to express, in concise terms, my views of the relations between the Indian tribes and the people of the United States, the rights of both parties, and the duties of this government in regard to them.

The rights of the Indians were to be ascertained in the first place, by the solemn stipulations of numerous treaties made with them by the United States. It was not his purpose to call the attention of the senate to all the treaties which had been made with Indian tribes bearing on this particular topic; but he felt constrained to ask the attention of the senate to some portions of those treaties which have been made with the Cherokees, and to the memorable treaty of Greenville, which had terminated the war that previously thereto for many years raged between the United States and the north-western Indian tribes. He found, upon consulting the collection of Indian treaties in his hand, that within the last half century, fourteen different treaties had been concluded with the Cherokees, the first of which bore date in the year 1775, and some one or more of which had been concluded under every administration of the general government, from the beginning of it to the present time, except the present administration, and that which immediately preceded it. The treaty of Hopewell, the first in the series, was concluded in 1775, in the third article of which 'the said Indians, for themselves and their respective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States of America, *and of no other sovereign whatsoever.*' The fifth article of the same treaty provides, that 'if any citizen of the United States, or other person, not being an Indian, shall attempt

to settle on any of the lands westward or southward of the said boundary, which are hereby allotted to the Indians for their hunting-grounds, or, having already settled, and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not, as they please; provided, nevertheless, that this article shall not extend to the people settled between the fork of French Broad and Holston rivers,' and so forth.

The next treaty in the series, which was concluded after the establishment of the government of the United States, under the auspices of the father of his country, was in the year 1791, on the bank of the Holston, and contains the following provision. 'Article 7. The United States solemnly guaranty to the Cherokee nation all their lands not hereby ceded.' This, Mr. Clay said, was not an ordinary assurance of protection, and so forth, but *a solemn guarantee* of the rights of the Cherokees to the land in question. The next treaty to which he would call the attention of the senate was concluded in 1794, also under the auspices of general Washington, and declares as follows. 'The undersigned, Henry Knox, secretary for the department of war, being authorized thereto by the president of the United States, in behalf of the said United States, and the undersigned chiefs and warriors, in their own names, and in behalf of the whole Cherokee nation, are desirous of reëstablishing peace and friendship between the said parties in a permanent manner, do hereby declare, that the said treaty of Holston is, to all intents and purposes, in full force, and binding upon the said parties, as well in respect to the boundaries therein mentioned as in all other respects whatever.' This treaty, it is seen, *renews* the solemn guarantee contained in the preceding treaty, and declares it to be binding and obligatory upon the parties in all respects whatever. Again, in another treaty, concluded in 1798, under the second chief magistrate of the United States, we find the following stipulations. 'Article 2. The treaties subsisting between the present contracting parties are acknowledged to be of full and operating force; together with the construction and usage under their respective articles, and so to continue.' 'Article 3. The limits and boundaries of the Cherokee nation, as stipulated and marked by the existing treaties between the parties, shall be and remain the same, where not altered by the present treaty.'

There were other provisions, in other treaties, to which, if he did not intend to take up as little time as possible of the senate, he might advantageously call their attention. He would, however, pass on to one of the last treaties with the Cherokees, which was concluded in the year 1817. That treaty recognised the difference existing between the two portions of the Cherokees, one of which was desirous to remain at home and prosecute the good work of civilization, in which they had made some progress, and the other



portion was desirous to go beyond the Mississippi. In that treaty, the fifth article, after several other stipulations, concludes as follows. 'And it is further stipulated, that the treaties heretofore between the Cherokee nation and the United States are to continue in full force with both parts of the nation, and both parts thereof entitled to all the privileges and immunities which the old nation enjoyed under the aforesaid treaties; the United States reserving the right of establishing factories, a military post, and roads, within the boundaries above defined.' And to this treaty, thus emphatically renewing the recognition of the rights of the Indians, is signed the name, as one of the commissioners of the United States who negotiated it, of the present chief magistrate of the United States.

These were the stipulations in treaties with the Cherokee nation, to which, Mr. Clay said, he thought proper to call the attention of the senate. He would now turn to the treaty of Greenville, concluded about forty years ago, recognising some general principles applicable to this subject. Mr. Clay then quoted the fifth article of that treaty, as follows. 'To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this: the Indian tribes who have a right to those lands are quietly to enjoy them, hunting, planting, and dwelling thereon so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States, and no other power whatever.'

Such, sir, are the rights of the Indian tribes. And what are those rights? They are, that the Indians shall live under their own customs and laws; that they shall live upon their own lands, hunting, planting, and dwelling thereon so long as they please, without interruption or molestation of any sort from the white people of the United States, acknowledging themselves under the protection of the United States, and of no other power whatever; that when they no longer wish to keep the lands, they shall sell them only to the United States, whose government thus secures to itself the preëmptive right of purchase in them. These rights, so secured by successive treaties and guarantees, have also been recognised on several occasions, by the highest judicial tribunals. Mr. Clay here quoted, from an opinion of the supreme court, a passage, declaring that the Indians are acknowledged to have an unquestionable and heretofore unquestioned right to their land, until it shall be extinguished by voluntary cession to this government.

But it is not at home alone that the rights of the Indians within the limits of the United States have been recognised. Not only has the executive, the congress of the United States, and the supreme court, recognised these rights, but in one of the most important epochs of this government, and on one of the most solemn occasions in our intercourse with foreign powers, these rights of the Indian tribes have been acknowledged. You, sir, (addressing the president of the senate,) will understand me at once to refer to the negotiation between the government of Great Britain and that of the United States, which had for its object the termination of the late war between the two countries. Sir, it must be within your recollection, and that of every member of the senate, that the hinge upon which that negotiation turned, the ground upon which it was for a long time apprehended that the conference between the commissioners would terminate in a rupture of the negotiation between the two countries, was, the claim brought forward, on that memorable occasion, by Great Britain, in behalf of the Indians within the limits of the United States. It will be recollected that she advanced, as a principle from which she would not recede, as a *sine qua non*, again and again, during the progress of the negotiation, that the Indians, as her allies, should be included in the treaty of peace which the negotiators were about forming; that they should have a permanent boundary assigned them, and that neither Great Britain nor the United States should be at liberty to purchase their lands.

Such were the pretensions urged on that occasion, which the commissioners of the United States had felt it to be their imperative duty to resist. To establish as the boundary the line of the treaty of Greenville, as proposed, which would have excluded from the benefit of American laws and privileges a population of not less than a hundred thousand of the inhabitants of Ohio, American citizens, entitled to the protection of the government, was a proposition which the American negotiators could not for a moment entertain; they would not even refer it to their government, though assured that it would there meet with the same unanimous rejection that it did from them. But it became a matter of some importance that a satisfactory assurance should be given to Great Britain, that the war, which we were about to bring to a conclusion with her, should close also with her allies; and what was that assurance? Mr. Clay said he would not trouble the senate with tracing the whole account of that negotiation, but he begged leave to call their attention to one of the passages of it. You will find on examining the history of the negotiation, that the demand brought forward by the British government through their minister, on this occasion, was the subject of several argumentative papers. Towards the close of this correspondence, reviewing the course pursued towards the aborigines by the several European powers

which had planted colonies in America, comparing it with that of the United States, and contrasting the lenity, kindness, and forbearance of the United States, with the rigor and severity of other powers, the American negotiators expressed themselves as follows.

‘From the rigor of this system, however, as practiced by Great Britain, and all the other European powers in America, the humane and liberal policy of the United States has voluntarily relaxed. A celebrated writer on the law of nations, to whose authority British jurists have taken particular satisfaction in appealing, after stating, in the most explicit manner, the legitimacy of colonial settlements in America, to the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the first settlers of New England, and of the founder of Pennsylvania, in having purchased of the Indians the lands they resolved to cultivate, notwithstanding their being furnished with a charter from their sovereign. It is this example which the United States, since they became by their independence the sovereigns of the territory, have adopted and organized *into a political system*. Under *that system* the Indians residing in the United States are so far independent, that *they live under their own customs, and not under the laws of the United States*; that their rights upon the lands where they inhabit or hunt *are secured to them by boundaries* defined in amicable treaties between the United States and themselves; and that whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United States ample compensation for every right they have to the lands ceded by them,’ and so forth.

The correspondence was further continued; and, finally, the commissioners on the part of Great Britain proposed an article to which the American commissioners assented, the basis of which is, a declaration of what is the state of the law between the Indian tribes and the people of the United States. They then proposed a further article, which declared that the United States should endeavor to restore peace to the Indians who had acted on the side of Great Britain, together with all the rights, possessions, privileges, and immunities which they possessed prior to the year 1811, that is, antecedently to the war between England and the United States; in consideration that Great Britain would terminate the war, so far as respected the Indians who had been allies of the United States, and restore to them all the rights, privileges, possessions, and immunities which these also had enjoyed previously to the same period. Mr President, I here state my solemn belief, that if the American commissioners had not declared the laws between the Indians and the people of this country, and the rights of the Indians, to be such as they are stated to be in the extracts I have read to the senate; if they had then stated that any one state of this union who happened to have Indians residing within its limits, possessed the right of extending over them the laws of such state, and of taking their

lands, when and how it pleased, that the effect would have been a prolongation of the war. I again declare my most solemn belief that Great Britain, who assented with great reluctance to this mutual stipulation with respect to the Indians, never would have done it at all, but under a conviction of the, correspondence of those principles of Indian international law, (if I may use such a phrase,) with those which the United States government had respected ever since the period of our independence.

Sir, if I am right in this, let me ask whether in adopting the new code which now prevails, and by which the rights of the Indians have been trampled on, and the most solemn obligations of treaties have been disregarded, we are not chargeable with having induced that power to conclude a peace with us by suggestions utterly unfounded and erroneous?

Most of the treaties between the Cherokee nation of Indians and the United States have been submitted to the senate for ratification, and the senate have acted upon them in conformity with their constitutional power. Besides the action of the senate, as a legislative body, in the enactment of laws in conformity with their stipulations, regulating the intercourse of our citizens with that nation, it has acted in its separate character, and confirmed the treaties themselves by the constitutional majority of two thirds of its members. Thus have those treaties been sanctioned by the government of the United States, and by every branch of that government; by the senate, the executive, and the supreme court; both at home and abroad. But not only have the rights of the Cherokees received all these recognitions; they have been, by implication, recognised by the state of Georgia itself, in the act of 1802, in which she stipulated that the government of the United States, and not the state of Georgia, should extinguish the Indian title to land within her limits; and the general government has been, from time to time, urged by Georgia to comply with its engagement from that period until the adoption of the late new policy upon this subject.

Having thus, Mr. President, stated, as I hope with clearness, the rights of the Indian tribes, as recognised by the most solemn acts that can be entered into by any government, let me, in the next place, inquire into the nature of the INJURIES which have been inflicted upon them; in other words, into the present condition of these Cherokees, to whom protection had been assured as well by solemn treaties as by the laws and guarantees of the United States government.

And here let me be permitted to say, that I go into this subject with feelings which no language at my command will enable me adequately to express. I assure the senate, and in an especial manner do I assure the honorable senators from Georgia, that my wish and purpose is any other than to excite the slightest possible irritation on the part of any human being. Far from it. I am actu-

ated only by feelings of grief, feelings of sorrow, and of profound regret, irresistibly called forth by a contemplation of the miserable condition to which these unfortunate people have been reduced by acts of legislation proceeding from one of the states of this confederacy. I again assure the honorable senators from Georgia, that, if it has become my painful duty to comment upon some of these acts, I do it not with any desire to place them, or the state they represent, in an invidious position; but because Georgia was, I believe, the first in the career, the object of which seems to be the utter annihilation of every Indian right, and because she has certainly, in the promotion of it, far outstripped every other state in the union.

I have not before me the various acts of the state in reference to the Indians within her bounds; and it is possible I may be under some mistake in reference to them; and if I am, no one will correct the error more readily, or with greater pleasure.

If, however, I had all those laws in my hands, I should not now attempt to read them. Instead of this, it will be sufficient for me to state the effects which have been produced by them upon the condition of the Cherokee Indians residing in that state. And here follows a list of what has been done by her legislature. Her first act was to abolish the government of these Cherokees. No human community can exist without a government of some kind; and the Cherokees, imitating our example, and having learned from us something of the principles of a free constitution, established for themselves a government somewhat resembling our own. It is quite immaterial to us what its form was. They always had had some government among them; and we guaranteed to them the right of living under their own laws and customs, unmolested by any one; insomuch that our own citizens were outlawed should they presume to interfere with them. What particular regulations they adopted, in the management of their humble and limited concerns, is a matter with which we have no concern. However; the very first act of the Georgia legislature was, to abolish all government of every sort among these people, and to extend the laws and government of the state of Georgia over them. The next step was to divide their territory into counties; the next, to survey the Cherokee lands; and the last, to distribute this land among the citizens of Georgia by lottery, giving to every head of a family one ticket, and the prize in land that should be drawn against it. To be sure there were many reservations for the heads of Indian families; and of how much did gentlemen suppose? of *one hundred and sixty acres only*, and this to include their improvements. But even to this limited possession the poor Indian was to have no fee simple title; he was to hold as a mere occupant, at the will of the state of Georgia, for just as long or as short a time as she might think proper. The laws at the same time gave him no

one political right, whatever. He could not become a member of the state legislature, nor could he hold any office under state authority, nor could he vote as an elector. He possessed not one single right of a freeman; no; not even the poor privilege of testifying to his wrongs in the character of a witness in the courts of Georgia, or in any matter of controversy, whatsoever.

These, Mr. President, are the acts of the legislature of the state of Georgia, in relation to the Indians. They were not all passed at one session; they were enacted, time after time, as the state advanced further and further in her steps to the acquisition of the Indian country, and the destruction and annihilation of all Indian rights; until, by a recent act of the same body, the courts of the state itself are occluded against the Indian sufferer, and he is actually denied an appeal even to foreign tribunals, in the erection and in the laws of which he had no voice, there to complain of his wrongs. If he enters the hall of Georgia's justice, it is upon a surrender at the threshold of all his rights. The history of this last law, to which I have alluded, is this; when the previous law of the state dividing the Indian lands by lottery was passed, some Indians made an appeal to one of the judges of the state, and applied for an injunction against the proceeding; and such was the undeniable justice of their plea, that the judge found himself unable to refuse it, and he granted the injunction sought. It was that injunction which led to the passage of this act; to some of the provisions of which I now invite the attention of the senate. And first to the *title* of the act; 'a bill to amend an act entitled an act more effectually to provide for the government and protection of the Cherokee Indians residing within the limits of Georgia, and to prescribe the bounds of their occupant claims; and also to authorize grants to issue for lots drawn in the late land and gold lotteries' — ah, sir, it was the pursuit of *gold* which led the Spanish invader to desolate the fair fields of Mexico and Peru — 'and to provide for the appointment of an agent to carry certain parts thereof into execution; and to fix the salary of such agent, and to punish those persons who may deter Indians from emigrating for emigration, passed the twentieth of December, 1833.' Well, sir, this bill goes on to provide, 'that it shall be the duty of the agent or agents appointed by his excellency the governor, under the authority of this or the act of which it is amendatory, to report to him the number, district, and section of all lots of land subject to be granted by the provisions of said act, which he may be required to do by the drawer, or his agent, or the person claiming the same; and it shall be the duty of his excellency the governor, upon the application of the drawer of any of the aforesaid lots, his or her special agents, or the person to whom the drawer may have *bonâ fide* conveyed the same, his agent or assigns, to issue a grant therefor; and it shall be the duty of the said agent or agents, upon the production of the grant so issued as aforesaid by the grantor,

his or her agent, or the person, or his or her agent to whom said land so granted as aforesaid may have been *bonâ fide* conveyed, to deliver possession of said granted lot to the said grantee, or person entitled to the possession of the same under the provisions of this act, or the act of which this is amendatory, and his excellency the governor is hereby authorized, upon satisfactory evidence that the said agent is impeded or resisted in delivering such possession, by a force which he cannot overcome, to order out a sufficient force to carry the power of said agent or agents fully into effect, and to pay the expenses of the same out of the contingent fund; *provided* nothing in this act shall be so construed as to require the interference of the said agent between two or more individuals claiming possession, by virtue of titles derived from a grant from the state to any lot.

Thus, after the state of Georgia had distributed the lands of the Indians by lottery, and the drawers of prizes were authorized to receive grants of the land drawn, and with these grants in their hand were authorized to demand of the agent of the state, appointed for the purpose, to be put in possession of the soil thus obtained; and if any resistance to their entry should be made, and who was to make it but a poor Indian? the governor is empowered to turn out the military force of the state, and enable the agent to take possession by force, without trial, without judgment, and without investigation.

But, should there be two claimants of the prize, should two of the ticket-holders dispute their claim to the same lot, then no military force was to be used. It was only when the resistance was by an Indian—it was only when Indian rights should come into collision with the alleged rights of the state of Georgia—that the strong hand of military power was instantly to interpose.

The next section of the act is in these words: ‘and be it further enacted by the authority aforesaid, that if any person dispossessed of a lot of land under this act, or the act of which it is amendatory, shall go before a justice of the peace or of the inferior court, and make affidavit that he or she was not liable to be dispossessed under or by any of the provisions of this or the aforesaid act, and file said affidavit in the clerk’s office of the superior court of the county in which said land shall lie, such person upon giving bond and security in the clerk’s office for the costs to accrue on the trial, shall be permitted within ten days from such dispossessing to enter an appeal to said superior court and at said court the judge shall cause an issue to be made up between the appellant and the person to whom possession of said land was delivered by either of said agents, which said issue shall be in the following form.’

[Mr. Cuthbert, of Georgia, here interposed; and having obtained Mr. Clay’s consent to explain, stated that he had unfortunately not been in the senate when the honorable senator commenced his speech; but had learned that it was in support of a memorial

from certain Cherokee Indians in the state of Georgia, who desired to emigrate. He must be permitted to say, that the current of the honorable senator's remarks did not suit remarkably well the subject of such a memorial. A memorial of a different kind had been presented, and which the committee on Indian affairs had before it, to which the senator's remarks would better apply. The present discussion was wholly unexpected, and it seemed to him not in consistency with the object of the memorial he had presented.]

Mr. Clay replied, that he was truly sorry the honorable gentleman had been absent when he commenced speaking. He had delayed presenting the memorial, because he observed that neither of the senators from Georgia was in his seat, until the hour when they might be expected to be present, and when one of them, (Mr. King,) had actually taken his seat. If the honorable senator had been present he would have heard Mr. Clay say that he thought the presentation of the memorial a fit occasion to express his sentiments, not only touching the rights of these individual petitioners, but on the rights of all the Indian tribes, and their relations to this government. And if he would have but a little patience he would find that it was Mr. Clay's intention to present propositions which went to embrace both resolutions.

Mr. Clay now resumed the course of his speech. And here, Mr. President, let me pause, and invite the attention of the senate to the provision in the act of Georgia which I was reading, (the substance of which Mr. Clay here repeated,) that is, that he may have the privilege of an appeal to a tribunal of justice by forms and by a bond with the nature and force of which he is unacquainted; and that then he may have — what beside? I invoke the attention of the senate to this part of the law. What, I ask, does it secure to the Indian? His rights? the rights recognised by treaties? the rights guaranteed to him by the most solemn acts which human governments can perform? No. It allows him to come into the courts of the state, and there to enjoy the benefit of the summary proceeding called in the act 'an appeal,' but which can never be continued beyond a second term; and when he comes there, what then? He shall be permitted to come into court and enter an appeal, which shall be in the following form.

'A. B., who was dispossessed of a lot of land by an agent of the state of Georgia, comes into court, and, admitting the right of the state of Georgia to pass the law under which agent acted, avers that he was not liable to be dispossessed of said land, by or under any one of the provisions of the act of the general assembly of Georgia, passed the twentieth of December, 1833, 'more effectually to provide for the protection of the Cherokee Indians residing within the limits of Georgia, and to prescribe the bounds of their occupant claims, and also to authorize grants to issue for lots drawn in the land and gold lotteries in certain cases, and to provide for the appointment of an agent to carry certain parts thereof into execution, and fix the salary of such agent, and to punish those persons who may deter Indians from enrolling for emigration,' or the act amendatory thereof, passed at the session of the legislature of 1834: 'in which issue the person to whom possession of said land was delivered shall join; and which issue shall constitute the entire pleadings between the parties; nor shall the court allow any matter other than is contained in said issue to be placed upon the record or files of said court; and said cause shall be tried at the first term of the court, unless



good cause shall be shown for a continuance, and the same party shall not be permitted to continue said cause more than once, except for unavoidable providential cause; nor shall said court at the instance of either party pass any order or grant any injunction to stay said cause, nor permit to be engrafted on said cause any other proceedings, whatever.'

At the same time, we find, by another enactment, the judges of the courts of Georgia are restrained from granting injunctions, so that the only form in which the Indian can come before them, is in the form of an appeal; and in this, the very first step is an absolute renunciation of the rights he holds by treaty, and the unqualified admission of the rights of his antagonist, as conferred by the laws of Georgia; and the court is expressly prohibited from putting any thing else upon the record. Why? do we not all know the reason? If the poor Indian was allowed to put in a plea stating his rights, and the court should then decide against him, the cause would go upon an appeal to the supreme court; the decision could be re-examined, could be annulled, and the authority of treaties vindicated. But, to prevent this, to make it impossible, he is compelled, on entering the court, to renounce his Indian rights, and the court is forbidden to put any thing on record which can bring up a decision upon them.

Mr. President, I have already stated that, in the observations I have made, I am actuated by no other feelings than such as ought to be in the breast of every honest man, the feelings of common justice. I would say nothing, I would whisper nothing, I would insinuate nothing, I would think nothing, which can, in the remotest degree, cause irritation in the mind of any one, of any senator here, of any state in this union; I have too much respect for every member of the confederacy. I feel nothing but grief for the wretched condition of these most unfortunate people, and every emotion of my bosom dissuades me from the use of epithets that might raise emotions which should draw the attention of the senate from the justice of their claims. I forbear to apply to this law any epithet of any kind. Sir, no epithet is needed. The features of the law itself; its warrant for the interposition of military power, when no trial and no judgment has been allowed; its denial of any appeal, unless the unhappy Indian shall first renounce his own rights, and admit the rights of his opponent; features such as these are enough to show what the true character of the act is, and supersede the necessity of all epithets, were I even capable of applying any.

The senate will thus perceive that the whole power of the state of Georgia, military as well as civil, has been made to bear upon these Indians, without their having any voice in forming, judging upon, or executing the laws under which he is placed, and without even the poor privilege of establishing the injury he may have suffered, by Indian evidence; nay, worse still, not even by the evidence of a white man! Because the renunciation of his rights

precludes all evidence, white or black, civilized or savage. There then he lies, with his property, his rights, and every privilege which makes human existence desirable, at the mere mercy of the state of Georgia; a state, in whose government or laws he has no voice. Sir, it is impossible for the most active imagination to conceive a condition of human society more perfectly wretched. Shall I be told that the condition of the African slave is worse? No, sir; no, sir. It is not worse. The interest of the master makes it at once his duty and his inclination, to provide for the comfort and the health of his slave; for without these, he would be unprofitable. Both pride and interest render the master prompt in vindicating the rights of his slave, and protecting him from the oppression of others; and the laws secure to him the amplest means to do so. But who, what human being, stands in the relation of master or any other relation, which makes him interested in the preservation and protection of the poor Indian thus degraded and miserable? Thrust out from human society, without the sympathies of any, and placed without the pale of common justice, who is there to protect him, or to defend his rights?

Such, Mr. President, is the present condition of these Cherokee memorialists, whose case it is my duty to submit to the consideration of the senate. There remains but one more inquiry before I conclude. Is there any REMEDY within the scope of the powers of the federal government, as given by the constitution? If we are without power, if we have no constitutional authority, then we are also without responsibility. Our regrets may be excited, our sympathies may be moved, our humanity may be shocked, our hearts may be grieved, but if our hands are tied, we can only unite with all the good, the christian, the benevolent portion of the human family, in deploring what we cannot prevent.

But, sir, we are not thus powerless. I stated to the senate when I began, that there are two classes of the Cherokees; one of these classes desires to emigrate, and it was their petition I presented this morning; and with respect to these, our powers are ample to afford them the most liberal and effectual relief. They wish to go beyond the Mississippi, and to be guarantied in the possession of the country which may be there assigned to them. As the congress of the United States have full powers over the territories, we may give them all the guarantee which congress can express, for the undisturbed possession of their lands. With respect to their case, there can be no question as to our powers.

And, then, as to those who desire to remain on this side the river, I ask, again, are we powerless? Can we afford them no redress? Must we sit still, and see the injury they suffer, and extend no hand to relieve them? It were strange, indeed; were such the case. Why have we guarantied to them the enjoyment of their own laws? Why have we pledged to them protection?

Why have we assigned them limits of territory? Why have we declared that they shall enjoy their homes in peace, without molestation from any? If the United States government has contracted these serious obligations, it ought, before the Indians were reduced by our assurances to rely upon our engagement, to have explained to them its want of authority to make the contract. Before we pretend to Great Britain, to Europe, to the civilized world, that such were the rights we would secure to the Indians, we ought to have examined the extent and the grounds of our own rights to do so. But is such, indeed, our situation? No, sir. Georgia has shut her courts against these Indians. What is the remedy? *To open ours.* Have we not the right? What says the constitution? 'The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.'

But here was a case of conflict between the rights of the proprietors and the local laws; and here was the very case which the constitution contemplated, when it declared that the power of the federal judiciary should extend to all cases under the authority of the United States. Therefore, it was fully within the competence of congress, under the provisions of the constitution, to provide the manner in which the Cherokees might have their rights decided, because a grant of the means was included in the grant of jurisdiction. It was competent, then, for congress to decide, whether the Cherokee had a right to come into a court of justice and to make an appeal to the highest authority, to sustain the solemn treaties under which their rights had been guaranteed, and in the sacred character of which they had reposed their confidence. And if congress possessed the power to extend relief to the Indians, were they not bound, by the most sacred of human considerations, the obligations of treaties, the protection assured them, by every christian tie, every benevolent feeling, every humane impulse of the human heart, to extend it? If they were to fail to do this, and there was, as reason and revelation declared there was, a tribunal of eternal justice, to which all human power was amenable, how could they, if they refused to perform their duties to this injured and oppressed, though civilized race, expect to escape the visitations of that divine vengeance which none would be permitted to avoid, who had committed wrong, or done injustice to others?

At this moment, when the United States were urging on the government of France the fulfilment of the obligations of the treaty concluded with that country, to the execution of which, it was contended that France had plighted her sacred faith, what strength, what an irresistible force would be given to our plea, if we could say to France, that, in all instances, we had completely fulfilled all our engagements, and that we had adhered faithfully to every obligation which we had contracted, no matter whether it

was entered into with a powerful or a weak people; if we could say to her, that we had complied with all our engagements to others, that we now came before her, always acting right as we had done, to induce her also to fulfil her obligations to us. How should we stand in the eyes of France, and of the civilized world, if we, in spite of the most solemn treaties, which had existed for half a century, and had been recognised in every form, and by every branch of the government; how would they be justified, if they, suffered these treaties to be trampled under foot, and the rights which they were given to secure, trodden into the dust? How would Great Britain, after the solemn understanding entered into with her at Ghent, feel, after such a breach of faith? And how could he, as a commissioner on the negotiation of that treaty, hold up his head before Great Britain, after having been thus made an instrument of fraud and deception, as he assuredly would have been, if the rights of the Indians are to be thus violated, and the treaties by which they were secured, violated? How could he hold up his head, after such a violation of rights, and say that he was proud of his country, of which they all must wish to be proud?

For himself, he rejoiced that he had been spared, and allowed a suitable opportunity to present his views and opinions, on this great national subject, so interesting to the national character of the country for justice and equity. He rejoiced that the voice which, without charge of presumption or arrogance, he might say, was ever raised in defence of the oppressed of the human species, had been heard in defence of this most oppressed of all. To him, in that awful hour of death, to which all must come, and which, with respect to himself, could not be very far distant, it would be a source of the highest consolation, that an opportunity had been found by him, on the floor of the senate, in the discharge of his official duty, to pronounce his views on a course of policy marked by such wrongs as were calculated to arrest the attention of every one, and that he had raised his humble voice, and pronounced his solemn protest, against such wrongs.

He would no longer detain the senate, but would submit the following propositions.

*Resolved*, that the committee on the judiciary be directed to inquire into the expediency of making further provision, by law, to enable Indian nations or tribes, to whose use and occupancy lands are secured by treaties concluded between them and the United States, to defend and maintain their rights to such lands, in the courts of the United States, in conformity with the constitution of the United States.

*Resolved*, that the committee on Indian affairs be directed to inquire into the expediency of making further provisions, by law, for setting apart a district of country west of the Mississippi river, for such of the Cherokee nation as may be disposed to emigrate and to occupy the same, and for securing, in perpetuity, the peaceful and undisturbed enjoyment thereof, to the emigrants and their descendants.

Mr. Clay moved that the memorial and resolutions adopted by the council of the Running Waters, be referred to the committee on Indian affairs, and printed.

As to his resolutions, he knew, that in the regular order of business, they could not be taken up until to-morrow, but, if it met with the approbation of the senate, he would be as well disposed to act on them to-day as to-morrow.

In reply to Mr. Cuthbert, of Georgia, and Mr. White, of Tennessee, Mr. Clay said he could assure the honorable senator from Georgia, that nothing was further from his purpose, than to make any display on this occasion. That he always left to others, and by the judgment of the senate he was willing to abide, whether the honorable senator himself had not been guilty of that which he imputed to others. For, after addressing the senate, himself, some time, he had said that he did not intend arguing the question, that Georgia would not appear before the senate or any other tribunal. Now, Georgia might be content to do that, but could congress, could honorable senators, reconcile it with their duty, with their responsibility, to coldly contemplate the violation of numerous treaties, to witness the destruction of a people under the protection of the United States, and to let that injustice which had been inflicted on these unfortunate Cherokees, be perpetuated without the slightest notice on their part?

The gentleman from Tennessee, (Mr. White,) had remarked, that they were all unconstitutional treaties; that they had no binding force as treaties; that general Washington was mistaken; that every succeeding administration was mistaken; that general Jackson himself was mistaken, in 1817, in regard to these treaties. Now, if they gave the argument of the honorable senator from Tennessee its full force, what was the consequence? What did he, (Mr. Clay,) offer? He said, merely to open the question to the court. If they had no validity, if the question which was sent to the judiciary did not rest upon treaties, they could vindicate no rights under them. Why had Georgia, if she believed there were no treaties, made provisions in her late act to which he had referred? Why shut out the rights of the Indians under the treaty? Why, if she was convinced of the unconstitutionality of the treaties, did she not allow them to be submitted to the federal judiciary, which was bound to declare that they were not obligatory and binding, if unconstitutional? Why has she studiously precluded the possibility of a review, in the supreme court, of the decisions of the local tribunals? But the gentleman had told the senate, that the treaty of '91 was the first that guaranteed to the Cherokees their lands, and that president Washington doubted whether it was necessary to submit it to the senate. It might be true, at the commencement of the government, when every thing was new and unfixed, that there were doubts; but general Washington decided that it was a treaty, and laid it, with his doubts, before the senate, who decided them, and the treaty was ratified by and with the consent of the senate. And from that day those

doubts have remained dispelled. He was indebted to the honorable senator for the historical fact which he, (Mr. Clay,) had not before pressed, that this very guaranty which secured to the Indians the undisturbed possession of their lands in the treaty of '91, was inserted by the express direction of the father of his country. And the senate was called upon now, not merely to violate the solemn obligations which the whole nation had contracted, but to violate the provision which had been inserted at the instance of the venerated father of his country!

The honorable senator had told this body, that the treaty of '91 was the first in which there was any guarantee. If the gentleman meant to say it was the first in which there was any *express* guarantee, he, (Mr. Clay,) would admit it. But, in the treaty of '85, if it was not expressed, was it not implied? What was that clause, marking the boundaries of their territory? That, in the same treaty, which places the Indians under the protection of the United States, and excludes them from the authority of any other sovereign? And that, which outlaws citizens of the United States who intrude in their territory? What was the meaning of those clauses, if they did not, by implication at least, guaranty their rights, their property, and the peace of their country? But, the gentleman says, that in inserting the guaranty of '91, there was a mistake; it was supposed that it was without the limits of North Carolina, and other states; a mistake which ran through all the treaties from that time down to 1817, which renewed and enforced the preëxisting treaties. So that general Jackson himself had been acting under a mistake when he signed the treaty of 1817. Is it possible, that, if a mistake were committed as early as 1791, it would not have been corrected in some of the various treaties negotiated as late as 1817?

The senator had said also, that the states had a right to extend their laws over all the territories and people within their limits, as defined by the treaty of '83. Why, that was the very question under consideration, the identical question to be submitted to the judiciary. He, (Mr. Clay,) contended that the states had no right to extend their laws over that portion of the territory assigned to the Indians, or over the Indians dwelling upon it. And that is the exact question which his resolution proposes to be submitted to the determination of the judiciary, and which the late act of Georgia carefully shuns.

But the senator from Tennessee had asked, 'what will the poor Indian, with his six hundred and forty acres of land, do, contending for his rights in a court of justice?' Why, he, (Mr. Clay,) would admit that his condition would be miserable enough; but it was all they could do for him, and they were bound to do all they could, under the constitutional power they possessed, to maintain his rights. But, he would ask, what was to prevent these Indians,

in their corporate, or collective character, from bringing their grievances before the courts? Nothing. And, that they were competent to this, we had only to look at the state papers which had emanated from them, and which did them immortal credit, to be convinced. The senator from Tennessee asked, 'what the states would do? Would they array the federal power against the power of the state governments, and thus produce that condition of things which must result in the Indians' being stricken from the face of the earth?' Did not the honorable senator remember the period when a state of this union was actually arrayed and marshalled to defend its interpretation of the constitution? He was hearty in the support of the force bill; he did not stop to look at the possible consequences of a civil war. He, (Mr. Clay,) gave it his reluctant and most painful support. He would gladly have turned the bitter cup from his lips, but he felt it to be his duty to sustain the authority of the general government; and, after giving to the subject the most solemn and serious consideration, he felt himself constrained to sustain that measure. And he went along with the senator from Tennessee upon the principle, now denied by him, that the federal authority must maintain its dignity. He went upon the ground, now abandoned by the senator from Tennessee, that no state ought to array itself against the constitutional powers of this government.

How was the fact up to the period of 1829? The gentleman from Tennessee tells us the true policy of this government is to send these poor creatures beyond the Mississippi, and that there is no impediment in the obligations of subsisting treaties. Never, until the new light burst upon us, that hundreds of Indian treaties, made during a period of half a century, under almost every administration of the government, concluded and ratified with all the solemn forms of the constitution, and containing the most explicit guarantees and obligations of protection to the Indians, and of security to their possessions, were mere nullities, was it supposed competent to effect a compulsory removal of the Indians beyond the Mississippi. It is true, that the policy of removing them has been long entertained; was contemplated by Mr. Jefferson; but it was a free, voluntary, and unconstrained emigration. No one, until of late, ever dreamed of a forcible removal, against their consent, accomplished either by the direct application of military power, or by cruel and intolerable local legislation. He wished that they would voluntarily remove. He believed that absorption or extinction was the only alternative of their remaining in the bosom of the whites. But they were a part of the human race, as capable as we are of pleasure and pain, and invested with as indisputable a right as we have, to judge of and pursue their own happiness.

It is said, that annihilation is the destiny of the Indian race.

Perhaps it is, judging from the past. But shall we therefore hasten it? Death is the irreversible decree pronounced against the human race. Shall we accelerate its approach, because it is inevitable? No, sir. Let us treat with the utmost kindness, and the most perfect justice, the aborigines whom Providence has committed to our guardianship. Let us confer upon them, if we can, the inestimable blessings of christianity and civilization, and then, if they must sink beneath the progressive wave of civilized population, we are free from all reproach, and stand acquitted in the sight of God and man.

The senator from Tennessee has left the senate under the impression, no doubt unintentionally, that three other states had advanced as far as Georgia in the exercise of a jurisdiction over the Indians and their property. But if he, (Mr. Clay,) were rightly informed, this was far from correct. North Carolina had exercised no such jurisdiction. She had not touched a hair upon the head of any Indian. Tennessee had extended her laws to the Indian country, for the sole purpose of protecting the Indians, and punishing the white intruders. Her upright judges and tribunals concurred, unanimously, if he were rightly informed, in supporting the Indian rights. No state, he believed, but Georgia, had seized upon the Indian lands, and distributed them among the whites. From the commencement of our independence down to this time, there was not another instance of such seizure, and appropriation, by any other member of the confederacy.

Mr. Clay assured the senator from Georgia, that he had not sought for the position in which he was placed. It was sought of him. He was applied to by the unfortunate Cherokees, to present their case to the senate. And he should have been false and faithless to his own heart, and unworthy of human nature, if he had declined to be their organ, however inadequate he feared he had proved himself to be.

On the whole, then, said Mr. Clay, the resolutions proposed an inquiry into the suitableness of making further provision for the Cherokees who choose to emigrate beyond the Mississippi. And in regard to those of them who will not go, but who prefer to cling to the graves of their forefathers, and to the spot which gave them birth, in spite of any destiny impending over them, the resolution proposes, that, since Georgia has shut her courts against them, we should inquire whether we should not open those of the federal government to them, and ascertain whether, according to the constitution, treaties, and laws, we are capable of fulfilling the obligations which we have solemnly contracted.

The memorial of the Cherokees was then referred to the committee on Indian affairs, and Mr. Clay's resolutions laid on the table for one day.



## ON THE CUMBERLAND ROAD BILL.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 11, 1835.

[THE Cumberland road is a national work, constructed under the authority of congress, commencing at Cumberland on the Potomac river in the state of Maryland, and extending west to the Ohio river at Wheeling; from whence it is to be continued, under the name of the national road, through Ohio, Indiana, Illinois, and Missouri, to Jefferson, the capital of the latter state. At the time when the compact with the state of Ohio was made by the United States, this road had become absolutely necessary for the purpose of securing an intercourse between the west and the east side of the Alleghany mountains. The first step to effect this, was taken in 1802, when Mr. Jefferson was president. Its completion to the Ohio river, was in a great measure owing to the exertions of Mr. Clay in the cause of internal improvement, at various periods during his congressional career. After the road had been made to Columbus, in the state of Ohio, the Ohio section had been given to and accepted by that state. At the session of congress in 1834, an appropriation of three hundred thousand dollars had been made for repairing the road, and on the present occasion a further sum of three hundred and forty thousand dollars was proposed for the purpose of putting the work in good condition, previously to its being surrendered to the states through which it passes. The bill to effect this object passed the senate by a vote of thirty-two to nine, after considerable discussion; Mr. Clay giving his views as follows.]

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 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 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 *ail*, 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 THE SENATE OF THE UNITED STATES, FEBRUARY 18, 1835.

[In the course of a discussion on a bill relating to the power of appointing to and removal from office, as exercised by the president, Mr. Clay made the following speech, in which he denies the constitutionality of the unlimited power of removal from office, by the president, at his own will and pleasure, without the consent of the senate. Mr. Clay's views of the nature and consequences of this arbitrary power claimed and exercised by president Jackson, will be found interesting, as well as his allusions to the pecuniary troubles and distress, which he then predicted would follow from the acts of Jackson's administration — predictions painfully verified in the subsequent succession of disasters which have befallen the country.]

MR. CLAY thought it extremely fortunate that this subject of executive patronage came up, at this 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 recharter 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. Inordinate 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 exaggerate 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 coördinate 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, 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 dismissal, 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 coöperation 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 dismissal, and the public is left to conjecture the cause. Is not a power so exercised essentially a despotic power? It is diverse 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 offices 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 dismissal 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 dismissal. 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 dismissal 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 cannot be doubted, that, if the power of dismissal, 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

moulded 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 dismissal upon the classes of officers to which it has been applied? Upon the post-office, the land-office, and the custom-house? They constitute so many *corps d'armee*, 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 recognised. 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 cannot do, unless, at his pleasure, he may dismiss any subordinate officer.

The mere act of dismissal 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 dismissal 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 coöperation. 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 fulfilment 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 for ever 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 afterwards 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 dismissal 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 dismissal. This is the case in the post-office department, the postmaster-general being invested with both the power of appointment and of dismissal. 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 the officer into being, and assigns their purposes, yet the president has a control over the officer which congress cannot 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 dismissal 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 dismissal, 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 entrench themselves behind the precedent which was established in 1789, when the first congress recognised the power of dismissal 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.<sup>1</sup>

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 reëxamined, cannot 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 recognised 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 cannot 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 mal-administration,' 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, that 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 cases 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 this power, which God forbid, his responsibility will stand us in little stead.'

Mr. Gerry, afterwards 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 cannot be with us for ever; 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 to 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 recognise 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 reexamined 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 cannot 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 dismissal 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 dismissal, 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 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 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, 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.

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 cannot 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 cannot be displaced arbitrarily, or from mere caprice, or because he has independently exercised the elective franchise.

It is contended, that the president cannot see that the laws are faithfully executed unless he possesses the power of removal. That 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 dismissal. 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 dismissal. In several, if not all, the states, the governor cannot 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 cannot 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 dismissal, 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 dismissal, there can be no just cause to apprehend, that it will fail to make 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 BILL.

IN THE SENATE OF THE UNITED STATES, DECEMBER 29, 1835.

[NILES'S Weekly Register of January second, 1836, makes the following appropriate remarks. 'We have the pleasure to present the able and beautiful speech of Mr. Clay, on again presenting his bill to dispose of the proceeds of the public lands. What an immense good would grow out of the passage of that bill! His history of this bill is very *severe*, though stated in the mildest terms possible.' The bill offered by Mr. Clay at this session passed the senate, by a vote of twenty-five to twenty; but was laid on the table in the house, by one hundred and four to eighty-five.]

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 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 for 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 three first 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 day 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 three first 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 eighty-seven thousand one hundred and ten dollars and eighty-four cents, and

of Mississippi nine hundred and fifty-eight thousand nine hundred 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 to be applied in such 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 third 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 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 second of March, 1833. It was not returned as the constitution

\* 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 . . . . .     | 250,657             | 433,713               |                                   |                      |
| New York . . . . .    | 1,918,553           | 2,964,534             |                                   |                      |
| 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             | 958,632               |                                   |                      |
| 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             | 239,844                           | 1,677,110            |
| Louisiana . . . . .   | 171,694             | 265,327               | 67,661                            | 332,888              |
| Indiana . . . . .     | 343,031             | 530,102               | 325,485                           | 855,585              |
| 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.]

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 the 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 first 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 Carolina (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 session.

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 expenditures, 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 three last 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 amongst 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 whilst 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 cannot 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 coöperation 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 mote 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 THE SENATE OF THE UNITED STATES, JANUARY 11, 1836.

[At this session, the situation of affairs between the United States and France having become serious and alarming, Mr. Clay offered resolutions, calling upon the president for information, which, although generally known to the public, he had not then communicated to congress.]

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 despatch 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 fourth day of July, 1831; and, particularly, whether a despatch 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 despatch was received, that he be further requested to communicate a copy of it to the senate.

## ADMISSION OF ARKANSAS INTO THE UNION.

IN THE SENATE OF THE UNITED STATES, APRIL 11, 1836.

[NOTWITHSTANDING the compromise of the slavery question, on the admission of Missouri into the union, many citizens of the northern states were opposed to the admission of Arkansas, agreeably to the terms of the compromise. Mr. Clay, however, adhered to his former opinions, as is shown in his remarks which follow.]

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 another 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 the 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 THE SENATE OF THE UNITED STATES, JUNE 29, 1836.

[ IN consequence of the threatening appearance of our affairs with France, which at one time rendered a war with that nation probable, congress, at the session of 1836, passed a bill making large appropriations for building and repairing fortifications on the Atlantic coast. Mr. Clay opposed the bill on account of the extravagant amount proposed to be appropriated, as is shown in the following brief remarks on the subject. ]

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 twenty-seventh 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 succeeding 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 any where, 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 the 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 cannot 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 fulfil 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 RECOGNISING THE INDEPENDENCE OF TEXAS.

IN THE SENATE OF THE UNITED STATES, JULY 1, 1836.

[In March, 1836, a convention of forty-four delegates assembled at the town of Washington, in Texas, and made a formal declaration of independence and separation from the republic of Mexico. A previous declaration had been made by a few individuals in Texas, in December, 1835. On the twenty-first of April, 1836, a decisive battle was fought on the banks of the San Jacinto river, between the Texans and Mexicans, in which the latter were defeated, and president Santa Ana taken prisoner. An armistice was concluded in May, 1836, between Santa Ana and the president of Texas, Mr. Burnet, by which the former was released and sent home, and the Mexican troops evacuated the territory of Texas; Santa Ana agreeing not to take up arms, nor to exercise his influence against Texas during the war of independence. Under these circumstances, a proposition was brought before congress to acknowledge the independence of Texas, when Mr. Clay expressed his sentiments as follows.

Mr. Preston made some remarks, in the course of which he stated, that he had with difficulty restrained himself from offering an amendment to recognise the independence of Texas immediately. He gave a brief narrative of the events of the revolution in Texas, and stated that he had this morning received authentic information, in the form of a letter from Mr. Austin, which confirms the statement that general Filasola had carried into effect the armistice agreed on between the Texian government and Santa Ana. This treaty Mr. Preston regarded as amounting to a recognition, on the part of Mexico, of the independence of Texas. The vice-president of Texas was about to proceed to Vera Cruz, to enforce from the mouths of the Texian guns the conclusion of a definitive treaty of peace between the two countries.

Mr. Preston continued, at some length, to expatiate on the situation and achievements and claims of Texas, and adverted to certain treaty stipulations with Mexico concerning the Indians west of the Sabine, which stipulations it would only be in the power of Texas now to carry into effect. He concluded with offering to amend the resolution, by adding an expression of the gratification which the senate felt on hearing of the course taken by the president of the United States to obtain information of the situation of Texas.

The report of the committee concluded with the following resolution.

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.]

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 recognised 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 it. 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 Ana—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 recognise 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 coöperation of the executive in some way, is incompetent to recognise 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 cannot 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 THE SENATE OF THE UNITED STATES, JANUARY 16, 1837.

[On the twenty-eighth of March, 1834, the senate of the United States adopted, by a vote of twenty-six to twenty, the following resolution, which was offered by Mr. Clay, relative to the removal of the public deposits from the bank of the United States.

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

This resolution Mr. Benton, of Missouri, in February, 1835, brought forward a motion to expunge from the journals of the senate; but that body, on the third of March, by a vote of thirty-nine to seven, refused to sustain the motion. Mr. Benton, however, continued to agitate the subject, and, at the session of 1836-7, the majority of the senate having been changed in favor of president Jackson, an expunging resolution was offered by Mr. Benton, and, after an exciting debate, carried. On this occasion Mr. Clay addressed the senate in the following speech, which may be numbered among his most powerful efforts in the cause of the constitution, and the rights of the legislative against executive power.]

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 for ever, 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 whilst 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 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 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 fourth 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 cannot authorize the president to substitute his will to the will of the officer charged with the performance of official duties. Above all, it cannot 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?

Whilst 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 voters.

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, out in derogation of both,' in the language of the resolution. I believed then in the truth of the resolution; and I now in my place, and under all my responsibility, reavow 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; whilst 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 function 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 cannot originate in the senate, because it would have to pass in judgment upon that act. Nay, more, it cannot originate 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 propriety 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 pretexs, 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 cannot. 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 despatched 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 tenth 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 marvellous 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 had 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 cannot elevate himself to a view of the interest 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 sceptre 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 cannot 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 this 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 grovelling 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 skilful 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 defence of the constitution, and bravely spiked the cannon. Tell them that, henceforward, no matter what daring or 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 THE SENATE OF THE UNITED STATES, SEPTEMBER 25, 1837.

[AFTER the removal of the public deposits from the bank of the United States, by order of president Jackson, in October, 1833, the revenues were collected and disbursed through certain state banks, selected by the secretary of the treasury. In the month of May, 1837, the pressure upon the banks was so great, from a variety of causes, that a general suspension of specie payments took place. In this state of things, Mr. Van Buren, who succeeded general Jackson as president, in March, 1837, issued a proclamation, calling an extra session of congress, to meet on the first Monday in September. In his message to that body, which contained a majority favorable to his administration, he recommended the adoption of a system of finance, in collecting and disbursing the revenue of the nation, in gold and silver, which was called by its supporters, 'the *Independent Treasury*,' and by its opponents, 'the *Sub-Treasury*.' The system had been before proposed in congress, by Mr. Gordon, of Virginia, and rejected, the friends of Mr. Van Buren at that time generally voting against it. On the present occasion, Mr. Clay delivered his sentiments on this novel project, in the following remarks; a bill having been introduced by Mr. Wright, chairman of the committee on finance, embodying the system referred to, which was not finally adopted, until near the close of Mr. Van Buren's administration.]

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 fulfilment more literal and exact.

Let us suppose that those measures had not been adopted; that the bank of the United States had been rechartered; that the public deposits had remain 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 levelled 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 recharter 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 reëstablishment 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 record 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 to 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 similarity of causes. But is that the case? In Great Britain a sound currency was preserved by a recharter of the bank of England, about the same time that the recharter 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 has ceased 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 their 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 country, 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 business 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 towards 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 manufactures 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 those 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 towards 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 1833-6, (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, moulds 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 executive 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 towards 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 recharter, was placed in his hands, and he presented it to the senate. He carried the recharter through the senate. The veto came; and, in two or three weeks afterwards, 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 for ever 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 eriminating 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 reëstablish 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 disorders 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 their 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, levelled 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 instalment 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 cannot 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 or 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, *a 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 an 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 depreciated 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 stock-holders; 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 towards 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 embarrassment, 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, cannot 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, whilst the six hundred millions, which is about the sum now probably due to the banks from 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 guarantee 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 system 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 coöperated 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.

ished, 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 general 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 centre 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, 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 guarantee 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 the poor are happily blended, and to establish bankers similar to the Hopes, the Barings, the Rothschilds, the Hotinguers, of Europe; houses which require years of 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 cannot. 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, the 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 States 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 reelection, 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 reelection 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 his 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 reopen 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 cannot 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 extent. 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 general 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 defence, 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 reestablished, the foreign debt extinguished, and a national institution 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 a while; but without the coöperation of the state banks generally, and without the coöperation 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 full 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 government, would be much less than the contraction which would arise from the suppression of the prohibited notes. Besides, if the qualify 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; whilst 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 with and consult our constituents. And do not, I entreat you, let us carry with us the turning 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 PRÉEMPTION BILL.

IN THE SENATE OF THE UNITED STATES, JANUARY 26, 1838.

[THE system of granting préemption rights to settlers on the public lands, or squatters, as they are called, being persons who locate themselves on those lands without first obtaining the right by purchase, Mr. Clay has always opposed. In taking this course he has shown his disregard of the effect calculated to be produced on his personal popularity in the newly settled states, by opposing a measure which he considered detrimental to the interests of the country, however desirable it might be to the pioneers in the new settlements. At the session of congress in 1838, a bill granting préemption rights to settlers on the public lands was introduced and passed the senate by a large majority, but, while the measure was under consideration, Mr. Clay did not hesitate to oppose it in the following remarks.]

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 these 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 préemption; 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 préemption law. The préemption law! As if the competition of a fair, open, public sale would not produce more; as if préemptioners would not go to

the public sales, if præemption 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 præemption 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 præemption 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 præemption 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 præemption act of nineteenth 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 rate, 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 operation 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 twenty-eighth of January last, appears to me now to underrate much rather than magnify the difference between the receipts for præemption 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 præemptions 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 of the 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 preëmption.

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 preëmptions obtained by Gabriel H. Tutt, to the southeast quarter, Richard Tutt, to the east half of the northeast quarter, and Benjamin Tutt, to the west half of the northeast 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 preëmptions 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 its 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 lands since they were paid out, and Richard Tutt was not on the land paid out in his name until January, 1831, 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 twenty-ninth 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 preëmption 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 preëmption 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 preëmption 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 preëmption, 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 preëmption law had been enacted. Afterwards there was a still further falling off, and in 1828 the excess was only one cent; in 1829 the same. These facts would put down the assumption, that government had lost any thing by preëmption 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 preëmption 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 preëmption 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 preëmption laws; but, unequal as it was, while he had a place here, he would contend for those interests of the whole 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 any where, 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 the two or three millions of acres taken up by preëmptions might not have produced, at public sales, three millions of dollars, which the commissioner 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 preëmption rights, when not the whole union, but that state alone was concerned? They gave thirty-nine votes against individual preëmption 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 preëmption 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 preëmption 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 SUB-TREASURY SCHEME.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 19, 1839.

[THE independent or sub-treasury scheme being pressed upon the consideration of congress, by Mr. Van Buren, although public opinion was setting strongly against it, Mr. Clay delivered the following elaborate speech, in which he shows that a deliberate design had existed on the part of general Jackson, and his successor, Mr. Van Buren, to break down the whole banking system of the United States, and to create on their ruins a *government treasury bank*, under the exclusive control of the executive. This speech was partly in reply to Mr. Calhoun, of South Carolina, who had become a supporter of the administration.]

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 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. That 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 unfor-

fortunate measures of executive administration. I now will content myself with saying that, on the fourth 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 erroneous 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, or facts admitted or undeniable, and fair reasoning founded on them. And as to the last, the measure under consideration, 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 cannot, 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 afterwards 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, whilst 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 recharter 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 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 1831-2, the question of the recharter 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 recharter 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 tenth 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 remould, 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 attempt 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 chiselling 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, vulgarity, 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 late 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 afterwards 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 towards 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 recharter 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 con-

cession 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 cannot be mistaken, in ascribing our want of success to 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 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 cannot 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 cannot 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 times 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, recognised 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 towards 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 fifth 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 towards 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 had 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 other 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 its 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, they 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 of 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 towards 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 had 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 towards 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 duty 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 features of 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 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 perfecting 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 cannot 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, and 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 to believe 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 pigeon-holes 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 fifth 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 towards 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 expenditures 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 cannot 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 reissue 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 every where, 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 *specieous*. 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 reissue 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 cannot 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 of 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 receivers-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 exigencies 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 contingencies, 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-bye, 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 from 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 appearance of a bank note, colored, engraved, and executed, like any other bank note, for fifty dollars.) This, continued Mr. Clay, is a government *vost* 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. Any where 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 drafts 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 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 every where. 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 receivable in payment of public dues, they would, necessarily, be so employed, from their own intrinsic value.

The want of the community of a general circulation of uniform value every where 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 cannot be determined *a 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 so control the system. But if such a ridiculous restriction could be continued, the drafts would, nevertheless, whilst 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 an 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 towards them. But when we know the spirit which animates the present executive towards 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? The 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 employees to have it executed. And, notwithstanding 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 afterwards, 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 treasure, 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, of 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 serjeant-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 endorser is the distinguished senator from South Carolina, here present. What the drawer thinks of the endorser, his cautious reserve and stifled enmity prevent us from knowing. But the frankness of the endorser 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 cannot 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 woful 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 enure 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 enure 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 ærial, 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 substi-

tute 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 deposits 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 such a bank, although it might be manifest that there was a clear majority of them demanding it. But the day may 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 hands 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 custodary 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, whilst 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.

Whilst 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 that 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 beautified 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 slug-

gishness, slothfulness, and inactivity. England, in modern times, illustrates the great advantages of banks, of credit, and of stimulated industry. Contrast her with Spain, destitute of all those advantages. In ancient times, Athens would present an image of full and active employment of all the energies of man, carried to the highest point of civilization, whilst 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 centre 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 southwest, 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 exigencies 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 to 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 to be 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 its structure and details, contains a provision that bank notes shall be receiver

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 cannot 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 these 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 capital, 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 accountable 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 traveller, 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 first 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 the 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 offence to the government, towards 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 convictions 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 towards 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 contemned 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 for ever 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 our common country.

## ON THE DOCTRINE OF INSTRUCTION.

IN THE SENATE OF THE UNITED STATES, JANUARY 14, 1839.

[THE legislature of North Carolina, elected in 1838, contained a majority of whig members, and that state being at the time represented in the senate of the United States by Messrs. Brown and Strange, both of whom were supporters of Van Buren's administration, the legislature passed sundry resolutions, disapproving of the policy of the administration, and condemning the action of the senate in expunging the resolution against general Jackson at the close of his administration. In reply to the North Carolina senators, who gave their reasons for not obeying these instructions, Mr. Clay made the following remarks, giving his views of the doctrine of instruction, and of the peculiar case under consideration.]

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, when 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 the 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 spoke 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 afterwards ordered to be expunged from the journal; and now the legislature of 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 instructions.

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 made 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 cannot 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 instructions, 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's. 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 defence 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 towards 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.



# PETITIONS FOR THE ABOLITION OF SLAVERY.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 7, 1839.

[THE subject of the following speech is one of momentous interest and importance to the American people, and, indeed, has for a long time attracted the attention of philanthropists throughout a large portion of the civilized world. The situation of the African portion of the population of the United States engaged the attention of Mr. Clay at an early period of his political career, as may be seen by reference to our biographical sketch. Believing, as he did, after due reflection on the subject, that the condition of the African race could be best improved by colonization in Africa, we have seen that he lent his aid and influence in establishing and promoting the American colonization society. His views on that subject are given in his speech before the society, January twentieth, 1827.

The abolition societies in the United States have in various ways manifested their opposition to colonization in Africa, and many of their members have assailed the motives and conduct of the friends of the colonization society. Insisting upon immediate abolition as the only proper course to be pursued on the subject of slavery, they have poured in their petitions to congress, session after session, asking for the abolition of slavery in the District of Columbia. Mr. Clay, it will be seen in this speech, thinks that their petitions ought to have been received by congress and reported upon by a committee, instead of being laid upon the table, without further notice, as has been the practice in one or both houses of congress. Residing, as Mr. Clay does, in a slave-holding state, and from his long experience and knowledge of the subject on which he has bestowed much reflection, this speech must ever be read with interest, and regarded as the views of a philanthropist and statesman, even by those who may not accord with him in his opinions on this very exciting topic.]

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 unauthorized 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 cannot take place without serious prejudice. I fear, sir, that the abolitionists have acquired a considerable apparent force by blend-

ing with the object which they have in view a collateral and totally different question, arising out of an alleged 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 amongst 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, cooperate 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 veil; 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 towards 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 theatre, 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 whilst I recognise 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 defined. 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 in 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 slave-holder was neither represented nor representative in that parliament. And whilst 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 powers 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 nor 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. Whilst 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 nor Virginia could have anticipated, that, whilst 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 amongst 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, whilst 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 exigencies 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 endorser for my friend on a note discounted in bank. He applies to me to endorse 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 other 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, cannot be conceived. We may easily imagine, however, contingencies 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, southwestern, 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 recognised as property, without any hindrance 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 amongst 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, whilst 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 defence, 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 upwards 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 it 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 cannot 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 recognised 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 amongst 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

\* 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.

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 numbers 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 southwestern 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 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 amongst 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 abo'i-



tion, 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 southwestern 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 for ever 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 colonization, 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 for ever 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 veil, and contemplate what lies beyond it, I too, have ventured on a speculative theory, with which I will 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 afterwards, 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, whilst 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 for ever. 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 would 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 northern 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 towards 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. There 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. Amidst 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 entreat that portion of my country women 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.

## SPEECH AT BUFFALO, NEW YORK.

JULY 17, 1839.

[In the summer of 1839, Mr. Clay made a visit to the country on the Lakes, Canada, and the state of New York. At the city of Buffalo, he yielded to the request of his friends, to address the people on the state of public affairs, and in the following remarks, he alludes to the course of the administration of Mr. Van Buren, and shows the importance of the adoption of wise measures to promote the prosperity of the country, without regard to local prejudices, or party considerations.]

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 every where 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 theatre 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 succeeding 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 portion 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 reserving, 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 veil 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 the case to 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 undertaken, 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 offence to any present, if there be any present, from whom it is my misfortune to differ. We believe that there is a radical mal-administration 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 sys-



tem is rapidly tending towards an elective monarchy. These are our convictions, honestly and sincerely entertained. They prescribe to us the duties which we have to perform towards 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.

# LAND BILL PROPOSED BY MR. CALHOUN.

IN THE SENATE OF THE UNITED STATES, JANUARY 3, 1840

[MR. CALHOUN, of South Carolina, having been opposed to the measure introduced by Mr. Clay, to distribute the proceeds of the sales of public lands among the several states, brought into the senate a bill of his own, by which he proposed to cede all of the public lands belonging to the United States, to the states in which they were situated, on certain conditions. A similar project had been recommended by general Jackson. On this occasion a debate of some warmth took place between Mr. Clay and Mr. Calhoun, the substance of which is given below.]

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, and 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 upwards 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. Whilst 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 senator 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 alleged 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 apparently 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 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. The 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 the 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 that 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 cannot 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 offence; 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 THE SENATE OF THE UNITED STATES, JANUARY 20, 1840

[THE independent, or sub-treasury scheme, (or a plan for the collection of the revenue in specie,) being again pressed upon congress at this session by the president, (Van Buren,) Mr. Clay, notwithstanding his previous participation in the discussion of the subject when it was before congress, in the following lucid and elaborate speech sets forth the pernicious effects of the proposed measure to be produced upon the currency, commerce, and industry of the nation. The bill, however, passed the senate by a vote of twenty-four to eighteen, and after a long contest, also in the house of representatives, in July, 1840, by a vote of one hundred and twenty-four to one hundred and seven. It was repealed in August, 1841.]

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 no condition to address this body; but I regard this bill as so pregnant with injurious, and dangerous, and direful consequences, that I cannot reconcile it to a sense of duty to allow it finally to pass without one last, although unavailing 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. Whilst 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 coöperation 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 issues 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 woollens; 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 amidst 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 fulfil 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 recharter 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 reestablishment 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 govern-



ment, 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 distresses and sufferings of his family. But looking to his public course, and his official acts, I am constrained to say, that he surveys unconcerned the wide-spread ruin, and bankruptcy, and wretchedness before him, without emotion and without sympathy. Whilst 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 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 distresses under which they are writhing. I will first analyse 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 divorcee 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 disbursement 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 successful competition with the European manufacturer in the sale of their respective fabrics. Thus is this 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 nominal; 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 cannot 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 power of government in this confederacy. Here we have local governments for the respective states, and 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 cannot now be controverted, that each of the twenty-six state governments has the power to bring into existence as many 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 very 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 president's 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 cannot 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 exist. 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

theatre. 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 cannot 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 cannot 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 sub-treasury, that I would greatly prefer the employment of the agency of state banks. But whilst 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 coöperation 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 towards 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 is alleged, 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 centre 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 practical good sense to be found, than is to be met with in the same compass any where. 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 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 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 alleging that this is proved by the result of 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 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 unnecessarily? 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 coöperation 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 depository 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 depository constituted by this act, to any other depository 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 depository 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 depositories, 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 depository 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 centre 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 sum? One half of the sum in drafts of one hundred dollars, and the other in drafts of fifty dollars. The treasurer cannot 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. Every where to the south and west of New York they will command a premium of from one fourth to two and a half per centum. Every where 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 every where 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 any where 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 speculate 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 every where, 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 ease 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 receivers-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 upon 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* regulations, 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 cannot 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 whilst *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 veil 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 reflection 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 fourth 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 for ever 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 enforced, 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 dismissal, 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 pretence 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 mould 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 1837, 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 checked, 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 coördinate 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 fourth of March, 1829. It came under all the usual false and hypocritical pretences 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 fourth of March, 1841, a great and glorious revolution, without blood and without convulsion, will be achieved.

## AT THE WHIG NATIONAL CONVENTION OF YOUNG MEN.

AT BALTIMORE, MAY 4, 1840

[A NATIONAL convention of whig young men assembled at Baltimore in May, 1840, to take measures to promote the election of general Harrison, as president of the United States. On this occasion, an immense assemblage of delegates from the different states of the union attended, and the convention was addressed by various distinguished citizens, particularly by members of congress, which body was then in session, at Washington. Mr. Clay being present, was called upon to address the multitude, to which he responded briefly as follows.]

MR. CLAY commenced by a reference to the northwest 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 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 Harrisburgh 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 reelected, 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.

## ON THE STATE OF THE COUNTRY UNDER MR. VAN BUREN'S ADMINISTRATION.

AT HANOVER COUNTY, VIRGINIA, JUNE 27, 1840

[MR. CLAY, having accepted an invitation to visit his friends in his native county of Hanover, Virginia, met them at a public entertainment given him at Taylorsville, in that county, on the above day, and, in accordance with their wishes and expectations, he addressed them in the following elaborate remarks on topics of great interest, which then particularly engaged the public mind. Reviewing the measures of Mr. Van Buren's administration, preceded by those of general Jackson's, he gives his views of the measures necessary to be adopted to restore public prosperity, and concludes with an exhortation to his whig friends to do their duty in the then forthcoming election, which resulted in the success of their candidate, general Harrison.]

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 to 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 capitol 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 capitol, 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 plough 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 centre, from all the extremities of this vast union, to consult together upon the sufferings of the community, and to deliberate on the means of deliverance? Why this rabid appetite for public discussions? What is the solution of 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 every where 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 unskilful 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 fulfilment of the remarkable language of our illustrious countryman, that the federal executive had an awful squinting towards monarchy. Here, in the county of his birth, surrounded by sons, some of whose sires with him were the first to raise their arms in defence 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 recognised 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 announcement 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 dismissal 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 dismissal, 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 cannot command more than one third of the senate to defeat the impeachment?

But to construct the scheme of practical despotism, whilst 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 contemporaneous 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 1838 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 dismissal, 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 dismissal suspended over their heads, to any orders of the president, to pour out the treasure 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 system of governments—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 guarantees, 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 dismissal 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 his 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 this corps might be beneficially employed, to promote, in other matters than the business of their offices, the views and interest 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 centre, 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 the navy have remained unaffected by the power of dismissal, 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 partisan 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 the 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, arraiguing before a military tribunal, gallant men, who are charged with the defence 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, authorises 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-election 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 alleged 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 reëlected, 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, whilst 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 I ever 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 recognised 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 encroachments, 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 resurvey 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 coördinate 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 guaranteed 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 every where 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 safe-guards 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 guarantees, 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

charoteer, 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 reelection. 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 cannot 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, cannot 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 dismissal 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 consult-

ing 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 dismissal 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 dismissal. 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 had been increased whilst he was in office. In the purer days of the republic, that restriction might have been suffi-

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

Candor and truth require me to say, that, in my judgment, whilst banks continue to exist in the country, the services of a bank of the United States cannot 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 cannot have a sufficient currency; without a bank of the United States, I fear we cannot 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 cannot 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 towards the new states and territories, and in a spirit of justice towards 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 southwest side of the Ohio, is not allowed to purchase lands as cheap by half a dollar per acre, as a citizen living on the northwest side of that river. I have no hesitation in expressing my conviction, that the whole public domain is gone if Mr. Van Buren be reelected.

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, cannot 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 cannot 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 irrevocable, 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 unecessary establishments, all unecessary 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 skilful 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 instalment under that act, from an absolute relinquishment of the right of congress to call upon them to refund the previous instalments, 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 recognised as one of the compromise 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 honor, 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 issue 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 towards 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 defence of American liberty; it will be the last to prove false or recreant to the holy cause.



## AT THE HARRISON · CONVENTION,

AT NASHVILLE, TENNESSEE, AUGUST 17, 1840.

[ON this occasion, a short time previous to the presidential election, an immense assemblage of whigs, called 'the southwestern convention,' met at Nashville, Tennessee, to take measures to promote the election of General Harrison. Mr. Clay accepted an urgent invitation to be present, and address the convention, the substance of which address is subjoined, relating to the political topics of the day, and some reminiscences of the past; alluding, also, to his political differences with general Jackson, whose residence was near Nashville.]

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 Tennesseans 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 towards 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 the 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 manœuvre, 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 assu ne 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 defence 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 defence 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 succinct account 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 power 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 different 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 any 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 postmaster 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 bye, 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 defaulters? When before have defaulters not only been retained in office after their defalcations were known, but absolutely reappointed? 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 Hocker, to the best office in the country, for his services in that 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 subject 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 Tennesseans 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 Tennesseans 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!

## THE REPEAL OF THE SUB-TREASURY LAW.

IN THE SENATE OF THE UNITED STATES, DECEMBER 15, 1840.

[At the session of congress after the election of general Harrison as president, his opponents being in a majority in both houses, Mr. Clay submitted the following resolution, to test the disposition of the Van Buren party to conform to the expression of public opinion, namely, by repealing the sub-treasury law.

Resolved, that the act entitled 'an act to provide for the collection, safe-keeping, transfer, and disbursement of the public revenues,' ought to be forthwith repealed, and that the committee on finance be instructed to report a bill accordingly. In support of this resolution he addressed the senate as follows.]

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 round 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 cannot 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 the 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 fourth 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 endorsed 'specie,' but the other has no such endorsement; 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 fourth 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 fourth 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 Pres-



ident, 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 entreated 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 down-fallen 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.

## DISTRIBUTION OF PROCEEDS OF THE PUBLIC LANDS.

IN THE SENATE OF THE UNITED STATES, JANUARY 28, 1841.

[THE presidential election of 1840 having terminated in the complete and triumphant success of the whigs, and the overthrow of the administration of Mr. Van Buren; the party of the latter, retaining a majority, from former elections, in both houses of congress, endeavored to use their power for the benefit of their party, before surrendering their authority to the whigs on the coming fourth of March. They therefore introduced a new preëmption bill, by which the interests of the United States in the sales of public lands were to be sacrificed for the benefit of that class of settlers called *squatters*. It being proposed by Mr. Crittenden to amend the bill by providing for the distribution of the proceeds of the sales of the lands, Mr. Clay embraced the opportunity to deliver his sentiments on the subject which had before engaged his deliberations.]

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 fourth of March next, can do nothing to fulfil 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 first 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 hoped, 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 fourth 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 preëmption 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 preëmption 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; preëmption 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 measure 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 interests 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, 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, whilst 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 se

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 reëxported 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 reëxported, 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 cannot 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 thirty-first of December, 1841, and two and a half millions more on the thirtieth 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 for ever. 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 defence 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 defence 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 cannot 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 fulfilment 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 defence 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 any where 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 alleged; 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 preëmption, the friends of graduation, and the friends of a 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 towards 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, whilst 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 manœuvres 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 fourth, 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 had 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 eighteenth 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 antagonist 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 lands, 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 lands.

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 fourth 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 admiration, 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 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 bye, these refuse lands, according to statements which I have recently seen from the land office, have been the source of nearly one half—upwards 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 preëmptions, 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 statesmanlike. 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 alleged 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 preëminently 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 towards 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 preëmptions, for grants to the new states to aid them in education and improvement, 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 upwards 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 million of acres of this land to the nine states wherein they

he, 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 in 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 admitted into the confederacy, will you not be bound, by all the principles of equality and justice, to make them respectively similar 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 million 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 part 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 to 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 homes 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 relin-

quishing 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 six last 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. Whilst 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 is 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 purchasers 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 fulfil 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 on 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 payment from delinquents. The project which the committee are now considering, is, to sell to the states, in their 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 centre 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 cannot 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 sponge the debt; or, if congress attempted to enforce 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 those two states respectively; the citizen of Ohio would obtain less than six acres for his share, and the citizen of Missouri upwards 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, whilst 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. Norvell.) No other did, or I suppose would rise and 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 misun-

\* The result of the returns has since been announced, and it shows a population of rising seventeen millions. Still Ohio has the proportion supposed, of about one tenth of the population, according to *federal numbers*, which furnish the rate proposed for distribution.



derstood, 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 upwards 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 preëmption 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 preëmptioners, 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 reexported, 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 connexion 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, amidst 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 Mahometan 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 theatre 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 contemporaneous 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 towards complying with the resolutions of congress of the sixth of September and tenth 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<sup>4</sup> 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 whilst 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.

<sup>4</sup> 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 valourous 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 bona 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 bona 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 præemption, for the benefit of the trespasser, the alien, and the speculator?

The senator from New York, pressed by the argument as to the application 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 whilst the articles of confederation were in force. What, according to them, was the mode of assessing the quotas of the different states towards 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 more 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 a 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 fulfil 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 defence 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 disperse 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 theatres 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 govern-

ment 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 conterminous 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. Whilst 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 cannot 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 the 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 the 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, has 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 fulfilment of the duties of humanity towards 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 quite 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 interest 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 cannot 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 the 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 fraternal 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 preëminence 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 scrupulous 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 for ever uneffaced. Who would not lament that a similar 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 their 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 embarrassments 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 cannot tax. We refuse it, and, having no power herself to lay a 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 locofoco 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 contingencies! 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 reelected, 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 reelected; 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 locofoco 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 government. 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 preëmptions, or by cessions to certain states, or by all these methods together.

Now, sir, it is manifest that the public lands cannot 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 decline 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. Whilst 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 for ever. 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 adamant 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.

## IN DEFENCE OF MR. WEBSTER.

IN THE SENATE OF THE UNITED STATES, MARCH 1, 1841.

[At the session of congress, the term of which expired with the administration of Mr. Van Buren, the honorable Daniel Webster resigned his seat in the senate, preparatory to taking office under president Harrison, as secretary of state, which had been offered to him by the president elect. Mr. Bates, of Massachusetts, having presented to the senate the credentials of the honorable Rufus Choate, who had been elected senator in the place of Mr. Webster, the latter took his seat this day, (first of March,) when Mr. Cuthbert, of Georgia, made some remarks reflecting on the political character of Mr. Webster, in connection with Mr. Clay, as his associate in the senate, which called out Mr. Clay in reply, and occasioned the following debate.]

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 doctrines, and quoted the opinions 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 twenty-second 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 cannot 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 alleges 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 coöperating? 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 THE VETO OF THE FISCAL BANK BILL BY PRESIDENT TYLER.

IN THE SENATE OF THE UNITED STATES, AUGUST 19, 1841.

[A FEW days after the inauguration of general Harrison as president of the United States — on the seventeenth of March, 1841 — he issued a proclamation convening an extra session of congress on the thirty-first of May, on which day both houses assembled, and formed a quorum. President Harrison having died on the fourth of April, was succeeded by the vice-president Tyler, who, in his message to congress, recommended, among other matters, the adoption of measures to create a fiscal agent for the convenience of government, and the regulation of the currency. A bill to establish a fiscal bank of the United States was reported, and, after discussion, passed the senate by a vote of twenty-six to twenty-three, and the house, by one hundred and twenty-eight to ninety-one. On the sixteenth of August, president Tyler, much to the surprise and regret of those to whom he owed his election, returned the bill to the senate, with his objections, and on the nineteenth, the executive message being under consideration, Mr. Clay addressed the senate as follows; to which Mr. Rives replied, and the same day Mr. Clay made his rejoinder to Mr. Rives, in the remarks following this speech.]

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 fourth 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 sixth 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 tenth 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 reestablish 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 contemporaneous 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 administration 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 coöperation 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 fulfil 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 towards 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, towards 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. Congress have differed. The approval of one president has been followed by the disapproval of another.’

From this statement of the case it may 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 decisions of the third coördinate 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 afterwards 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 wilfully 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, whilst 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 analagous 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 towards 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 towards that distinguished citizen, long my personal friend,) it cannot 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 in 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 or 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 incon-

testable, 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, not 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 amongst 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 coördinate 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 this 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 afterwards *protest* against such unjust inference, but its authority is *gone*.' The president continues: 'to inferences so violent, and as they seem to me *irrational*. I cannot 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 duress 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 definitively 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 cannot 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 legislature's 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 their 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, any where 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 towards 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, boldly 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 afterwards 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 defence 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 pre-dominance 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 afterwards 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 cannot 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? Whilst 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 cannot 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 amidst 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 coöperation 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, towards 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.

## ON THE BANK VETO.

IN REPLY TO THE SPEECH OF MR. RIVES, OF VIRGINIA, ON THE  
EXECUTIVE MESSAGE CONTAINING THE PRESIDENT'S  
OBJECTIONS TO THE BANK BILL

IN THE SENATE OF THE UNITED STATES, AUGUST 19, 1841.

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 demanding it as indispensable to their well-being, and pointing to their losses, their sacrifices, and their sufferings, for the want of such an institution; 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 the 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, cannot be, one of the component members of such a cabal; but I must say, that there has been displayed by the honorable senator to-day 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 undismay'd 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 beating 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 chooses — which I am sure he cannot, 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, every where, 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 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 cannot covet. I cannot lay myself down in the way of the welfare and happiness of my country. That I cannot, I have not the courage to do. I cannot 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 and 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 besides 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 cannot see beyond 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 towards heaven, rises far above all mean, low, or selfish things, and is absorbed by one soul-transferring 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, grovelling, 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 public 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 guarantee for the fulfilment 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 towards the sentiments of the whole nation.

I hope, Mr. President, that, in performing the painful duty which had 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 THE SENATE OF THE UNITED STATES, JANUARY 17, 1842.

[THE subject of a general bankrupt law, after the repeal of the law of 1800, which took place in 1805, had been frequently agitated in congress. Bills were at different periods introduced and discussed, some of which passed the senate, but were lost in the house of representatives. In 1837, president Van Buren recommended to congress the passage of a bankrupt law, exclusively applicable to banks, and other corporations; but the proposition met with very little favor at the time. The pecuniary distress prevailing throughout the country, during the administration of that president, caused many memorials to be presented to congress, praying for a general bankrupt law for the relief of the people, and, on the twenty-third of March, 1840, on presenting a memorial from a large number of the citizens of New York, asking the passage of a uniform bankrupt law, Mr. Clay took occasion to say, that he had been at all times favorable to such a measure, and was then ready to support such a bill, when found suitable in its details, for the exigencies required. In April, three different bills were introduced in the senate, one of which was taken up and discussed. On motion of a senator from Alabama, (an administration man,) sustained by Mr. Clay, of Kentucky, among others, the clause subjecting banks to the operation of the bill was stricken out, by a vote of twenty-eight to sixteen; Mr. Clay, on a subsequent occasion, (February twenty-sixth, 1841,) denying the constitutionality, as well as the expediency, of including corporations in such a law. In June, 1840, Mr. Clay moved to strike out the compulsory provisions in the bill, which was negatived, (seventeen to twenty-five.) He had previously said, (April twenty-second,) that it was not to be denied that the voluntary class of bankruptcies would comprehend a vast majority of all the cases, and hence the bill of the majority of the judiciary committee, would be likely to afford the largest share of relief, in the present embarrassed and deranged state of business.]

The compulsory clause being thus retained, the bill was ordered to be engrossed, on the twenty-fourth of June, by a vote of twenty-four to twenty-three, Mr. Clay in the affirmative. It finally passed the senate on the twenty-fifth, twenty-one to nineteen; but was laid on the table in the house of representatives, on the seventh of July, by a vote of one hundred and one to eighty-nine.

At the extra session of congress in 1841, after the election of president Harrison, the whigs having a majority in both branches, a bankrupt bill was introduced, and after considerable debate, passed the senate July twenty-fourth, 1841, by a vote of twenty-six to twenty-three, and the house of representatives on the eighteenth of August, one hundred and ten to one hundred and six. Mr. Clay supported this bill, declaring that 'he considered it as part of a system of relief for the country.'

Mr. Walker, of Mississippi, a Van Buren senator, said: 'the refusal of the late administration to act upon the subject, had done more than any thing else to cause their defeat.'

During the next session of the same congress, the most strenuous efforts were made to repeal the bankrupt law, before the time in which it was to go into operation, which was fixed for the first of February, 1842; and the repeal was carried in the house of representatives, one hundred and twenty-six to ninety-four, on the seventeenth of January, but defeated in the senate on the twenty-eighth, by a vote of twenty-two to twenty-three. While the question was pending, numerous petitions from the people, remonstrating against the repeal of the law, were presented to congress. Mr. Clay, on presenting some of these petitions, on the seventeenth of January, made the following remarks on the subject.]

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 would be set up to 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 every where 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, towards a repeal of the bankrupt law, had originated with him, (Mr. Clay.) He disdained to enter upon any thing like a defence, 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 AMENDMENT OF THE CONSTITUTION RESPECTING THE VETO POWER.

IN THE SENATE OF THE UNITED STATES, JANUARY 24, 1842.

[THE frequent use of the veto power, by presidents Jackson and Tyler, by which very important bills passed by congress had been defeated, to the detriment of the public interests, induced Mr. Clay, before resigning his seat in the senate, to propose an amendment of the constitution, limiting the power of the president in this respect, on which subject he addressed the senate as follows. There were also two other resolutions submitted by Mr. Clay, having in view the same object—namely, the reduction of executive power within proper limits; first, that no senator or representative should be appointed to any office under the United States during the term for which he was elected; second, the secretary of the treasury to be chosen by congress.]

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 skilful 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 particularly 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 guarantees, 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 reelection. 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, 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 con-

sideration, 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 fulfil 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 towards 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 coöperate 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 recognised 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 contemporaneous 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 encroachment 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, the members of the senate, on the instructions to be given to the minister who should be sent. But this practice had 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 coöperation 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 has 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 coöperation 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 warrant 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 guarantees, 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 havoc, 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 enforce 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 defence against legislative power, why was there no veto against the highest description of all legislation, the fundamental legislation by a convention? There was no veto there; there was no apprehension of hasty action; no necessity was recognised 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 number 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 nine remaining 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; to 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 majority 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 weigh, 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 towards 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 cannot 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 was 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 guarantees. 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, recognised 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 demonstrating its expediency, neither class of objectors ought to persevere in opposing it.

As to another amendment, which had reference to the appointment of the secretary 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 dismissal — 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 the 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 the 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 of 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.

## ON THE COMPROMISE TARIFF.

IN THE SENATE OF THE UNITED STATES, FEBRUARY 18, 1842

[ MR. CLAY, in presenting a memorial from citizens of Pennsylvania, in relation to the tariff, and in opposition to the tariff act, took occasion, as requested by the memorialists, to express his views in regard to the subject, briefly, as follows. ]

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 interests 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 disussions 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 expenditures 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.

## THE TARIFF, AND OTHER MEASURES OF PUBLIC POLICY.

IN SENATE OF THE UNITED STATES, MARCH 1, 1842.

[HAVING previously announced his determination to retire from public life, by resigning his seat in the senate, Mr. Clay submitted for the consideration of that body a series of resolutions; which, being taken up at this date, he supported in the following speech, in the course of which, the resolutions are recapitulated and explained. They relate to the tariff, and other measures of public policy, which, in his view, should be adopted, to restore the prosperity of the nation. Although these views, and the prospects of the whig party which supported them, have been but partially carried out under the administration of president Tyler, owing to the adverse position in which the president placed himself towards the party which elevated him to power; yet, it is interesting to observe the line of policy marked out by a statesman, of the enlarged views and great experience of Mr. Clay—a line of policy worthy of being transmitted to posterity, as a guide and landmark for the future legislators of the republic.]

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 jasmynes, 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 plough till he has first laid off his land, and marked it off at proper distances, by planting stakes, by which his ploughmen are to be guided in their movements; and the ploughman, 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 principles 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 these 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 these 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 any where but in the house of representatives. It is true, that we cannot 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 cannot 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 cannot, with any precision, be calculated beforehand; all that can be done is to make an approximation to what ought to be 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 of 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 a 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 defence, 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 defence; all feel the necessity of some adequate plan of defence, 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 exigencies 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 contingencies; 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 to the national population; besides which, there have been, and yet are to be, vast expenditures, on works of fortification and national defence. 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 preëminently true of a nation. Every nation finds it far easier to rush into an extravagant expenditure of the money entrusted 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 in him, 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, it was time they 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 cannot, 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. Besides 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,         | 11,717,791  | 27 |
| Naval service,                                          | 8,705,579   | 83 |

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\$24,424,358 95

And here let me say a single word in defence 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-two 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 not 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 expenses 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 defence. 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 contingencies; 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 contingencies. 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 contingencies; 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 best 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 in 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 million, 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 actual 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 dollars, 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 thirty-first of December, 1833, be reduced, so that by the thirtieth 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, contemporaneously with the pendency of the compromise act, a bill was pending for the distribution of those proceeds.

Fourth, that after the thirtieth 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 for ever, 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 thirtieth 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 exigencies 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 fulfil it, in letter and spirit, with the most perfect fulfilment. 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 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 woollens, 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 in 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 exigencies 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 a 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 afterwards 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 especially 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, here, 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

\* It is but justice to those officers to say, that the most extravagant increase in the contingent expenses of congress is in the article of printing, for which they are not responsible.

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 mission 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 travelled, 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, that 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 prescribed, 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 envelopes, I have heard it said, ready franked, have been enclosed 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 post-master 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 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 travelled 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 Frederick city, in Maryland, is forty-four miles; but, if you go hence to the depot on the Baltimore road, and thence take the train to Frederick, you arrive sooner, but the distance is increased to one hundred miles. Now, as letters are charged according to the miles travelled, 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 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 on 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 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 cannot 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 cannot 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 time, 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 debt, operates directly upon the precious metals themselves, which are gathered up by bankers, and brokers, and others, obtained from these depositories, 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, whilst 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 an 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; everybody 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 causists, 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 paralysed, 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 centre 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 protection 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 cannot 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 forbore 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.

# VALEDICTORY ADDRESS TO THE SENATE.

IN THE SENATE OF THE UNITED STATES, MARCH 31, 1842.

[THE congressional career of Mr. Clay, having been one of the longest known in our annals, being about to close by his resignation of his seat in the senate, to take effect this day, he avails himself of the occasion to make a farewell address to that honorable body, which, as a specimen of his peculiar eloquence, will favorably compare with any of his previous efforts on which his claims rest as an orator and statesman, whether delivered at the capitol, before the legislators of the nation, or to assemblages of the people in various parts of the country.]

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 subjects; 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. C., 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 coöperate 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: besides 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 reflec-

tions, that an extra session of congress would be called; and I felt desirous to coöperate 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 coöperation 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 exist 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 theatre, 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. C'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 recognised 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 patronised 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 for ever 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 coöperation 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 towards 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, for ever, 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 the advancement of his own fame and renown. And when you shall retire to the bosom of your constituents, may you receive that 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 HIS RETIREMENT TO PRIVATE LIFE.

AT LEXINGTON, KENTUCKY, JUNE 9, 1842

[AFTER his resignation as senator, and retirement to private life, at Ashland, near Lexington, Kentucky, his fellow-citizens of that place and its vicinity, gave a festival in honor of him, on the above-named day, when Mr. Clay addressed them in the following words, in which he takes an interesting retrospect of his long career as a public man, and enters into a sketch of the most important political events which had affected the condition of the country, concluding with an exhortation to his political friends to continue their efforts to promote the best interests of their country.

Judge Robertson, who presided, offered the following sentiment, which he prefaced with appropriate remarks

HENRY CLAY.—*farmer of Ashland, patriot and philanthropist—the AMERICAN statesman, and unrivalled 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.

After the evidences of feeling which this sentiment elicited had subsided, Mr. Clay rose and spoke as follows.]

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 cannot 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 those 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 travelling 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 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 whilst 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 cannot 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 cannot 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 cannot 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 the 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 country-women, 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 guarantee 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 afterwards 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 towards 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 had 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 recharter the first bank of the United States, thirty years ago, I opposed the recharter, 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 underrating 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 travelling, 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, neces-

sary 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 its 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 grovelling 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 neces-

sary 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 offence 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 every where, 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 of debt, land rising slowly in value, but in a secure and salutary degree; a ready, though 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 1821.

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 every where 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 whilst 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; whilst the distress reaches, if not in the same degree, the cautious and the prudent, as well as the enterprising and venturesome. 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 recharter 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 recharter 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 reelection, 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 towards 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 every where, with a rapidity to which we cannot 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 has 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. Whilst 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 custodiers 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 recharter 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 recharter. 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 every where, down with the bank and huzzah for the veto, became the watch words 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 afterwards 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; in so much, 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 rechartered, the public deposits suffered and 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 review 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 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 offence 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 coöperation 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 as 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 fulfil 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 his 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 cannot 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, towards 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 Harrisburgh nomination, if he could not conscientiously coöperate 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 maintaining 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 and greatest interest. No one can look beyond its dissolution without horror and dismay. Harmony is essential to the preservation of the union. It was a 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 becom-

ing 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 the 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 every where, 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 of 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 præemptioners 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 defence as if their birth were upon American soil. But I cannot 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 coöperate 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 whilst 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 engrafted 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 coöperated; but not choosing so to coöperate, 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 Aliens, &c., 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 to 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 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. No where are life, liberty, and property, more perfectly secure.

How is this right of the people to abolish an existing govern-

ment, 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 and 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 heterogenous 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 any where, 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 offence, 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, amidst 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 firmly 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.]



## ON SLAVERY AND ABOLITION.

AT RICHMOND, INDIANA, OCTOBER 1, 1842.

[In the autumn of 1842, Mr. Clay being on a visit to the state of Indiana, the occasion of his meeting a large concourse of people, was seized upon, for the purpose of presenting him with a petition, signed by many of his political opponents, praying him to emancipate his slaves, in Kentucky. Instead of treating the matter with indignation, as was perhaps expected by some, Mr. Clay replied with good humor to Mr. Mendenhall, who had been selected to present him with the address, in the following words.]

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 fulfilment 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 — ay, 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 towards 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 would 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 towards 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 travelled 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 of 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 that there are duties to perform towards 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 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 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.

ON THE ADMISSION OF CALIFORNIA,  
AND OTHER MATTERS CONNECTED WITH  
SLAVERY IN THE STATES AND TERRITORIES.

IN THE SENATE OF THE UNITED STATES, JANUARY 29, 1850.

[THE thirty-first congress commenced its session in the midst of great excitement, principally in relation to the question of slavery, and more particularly in connection with California, which newly-acquired territory was then seeking admission into the Union as a state. Mr. Clay had been induced to return again to the senate, and his genius and self-sacrifice did more, perhaps, to control the elements of discord, and reconcile contending factions, than the labors of any other single individual. Many projects were submitted, which were *nearly* unexceptionable; but it remained for Mr. Clay to embody in a series of resolutions such conciliatory propositions as ultimately met the approval of all who were desirous of 'promoting the greatest good of the greatest number.' We have not been able to procure a perfect copy of his speech on the occasion of submitting these resolutions, but the following abstract will afford a tolerably correct idea of what was said.]

MR. PRESIDENT: I hold in my hand a series of resolutions, which I desire to present to the consideration of the senate. Taken together, they propose an amicable arrangement of all the questions in controversy between the Free and Slave states, growing out of the subject of the institution of slavery. It is not my intention at this time to enter into a full and elaborate discussion of each of the resolutions, as proposing a system of measures; but I desire to present a few observations upon each resolution, for the purpose of placing them fairly and fully before the senate of the country;—and I may add, with the indulgence of the senate, towards the conclusion of my remarks, some observations about the state of the country, and the questions to which the resolutions relate, whether they shall or shall not meet with the approbation and concurrence of the senate, as I most earnestly hope they may;—as I sincerely trust they will. I trust that, at least some portion of that time which I have devoted with careful deliberation to the preparation of these resolutions, and to the presentation of this great national scheme of national compromise and harmony,—I hope, I say, that some portion of that time will be employed by each senator before he pronounces against the proposition. These resolutions are preceded by a preamble as follows:

It being desirable, for the peace, concord, and harmony of the Union of these states, to settle and adjust amicably, all questions of controversy between them arising out of the institution of slavery, upon a fair equality and just basis; therefore—

FIRST—*Resolved*, That California, with suitable boundaries, ought, upon her application, to be admitted as one of the states of the Union, without the imposition by congress of any restriction to the exclusion or introduction of slavery within those boundaries.

It must be acknowledged that there has been some irregularity in the movements in California, which have resulted in the formation of her Constitution. It was not preceded by any action of congress authorizing a convention, and designating the boundaries of the proposed state, according to all the cases of the admission of new states into this Union, which were admitted prior to that of Michigan, if I am not mistaken, which, unauthorized by congress, undertook to form for herself a Constitution, and to knock at the door of congress for admission into the Union. I was myself at the time, I recollect, when Michigan presented herself, opposed, in consequence of that deviation from the early practice of the government, to her admission. The majority determined otherwise, and it must be in candor owned, by all men, that California has much more reason to do what she has done, unsanctioned and unauthorized by a previous act of congress, than Michigan had to do what she did. Sir, notwithstanding the irregularity of the admission of Michigan into the Union, it has been a happy event. She forms now one of the brightest states of this glorious confederacy. She has sent here to mingle in our councils senators and representatives so distinguished, that we may all associate with them with pride, with pleasure, and satisfaction: and I trust that if California, irregular as her previous action may have been, in the adoption of a Constitution, but more justifiable than was the action of Michigan, if she also shall be admitted, as proposed by this first resolution, with suitable limits, she, too, may make her contribution of wisdom, patriotism and good feeling to this body, to conduct the affairs of this great and boundless republic. The resolution proposes her admission when she applies. There is no intention on my part to anticipate such an application, but I thought it right to present this resolution as a part of the general plan on which I propose the adjustment of this unhappy question. The second resolution is as follows:

SECOND—*Resolved*, That as slavery does not exist by law, and is not likely to be introduced into any of those territories acquired by the United States from the republic of Mexico, it is inexpedient for congress to provide, by law, either for its introduction into, or its exclusion from, any part of the said territory: and that appropriate territorial governments ought to be established by congress, in all of the said territories, not assigned as the boundaries of this proposed state of California, without the abolition of any restrictions or condition on the subject of slavery.

Sir, it proposes the declaration of two truths, one of law and the other of fact. The truth of law which it declares is, that there does not exist, at the present time, slavery within any portion of the territory acquired from Mexico. When I say what that truth is, I speak my own deliberate and solemn conviction. I am aware that



some gentlemen have held a different doctrine, but I persuade myself that they themselves, when they come to review the whole ground, will see sufficient reason for a change or modification of their opinion; and if they adhere to it, they will be found to compose a very small minority of the whole mass of the people of the United States. The next truth which the resolution asserts is, that slavery is not likely to be introduced into any portion of that territory. That is a matter of fact, with all the evidence upon which the fact rests, which, I suppose, is as accessible to other senators as to myself. I must say that from all I have heard or read, from all the witnesses that I have seen and conversed with, from all that has transpired and is transpiring, I do believe that not within one foot of the territory acquired from Mexico will slavery ever be planted; and I believe it could not be done by the force and power of public authority. Facts are daily transpiring to justify this conclusion. I invite senators, from the free states especially, to consider what has occurred since the last session, and even since we have left our respective constituencies, without an opportunity of our own of consulting with them upon that great and momentous fact. The fact is that California herself, although it was asserted and predicted that she never would establish slavery when she came to be a state, has in a convention, by a unanimous vote, declared against the introduction of slavery within her limits. I think, sir, taking that leading fact into consideration, with all the evidence which has reached me, I am warranted in the conclusion which constitutes the second truth that I have stated in this resolution, that slavery is not likely to be introduced into any of our newly-acquired territories, and the latter part of the resolution asserts that it is the duty of congress to 'establish appropriate territorial governments within all that territory, exclusive of California, not embracing in the acts by which these governments shall be constituted, either a prohibition or an admission of slavery.' Much as I am disposed to defer to high authority—anxious as I really am to find myself in a position which would enable me to coöperate heartily with other departments of the government in conducting the affairs of this great people—I cannot concur in the propriety of a dereliction of those territories—of an abandonment of them, leaving them, without government, to all those scenes of disorder, confusion and anarchy, which, I regret to say, with respect to some of them, there is too much reason to anticipate will arise. It is the duty—the solemn—I was going to add, almost the sacred duty of congress—to legislate for that people, if they can; and, at all events, to attempt to legislate for them, and to give them the benefit of law, order and security.

The next resolutions, sir, are the third and fourth, which, having an immediate connection with each other, should be read together:

**THIRD—Resolved,** That the western boundary of the state of Texas ought to be fixed on the Rio del Norte, commencing one marine league from its mouth, and running up that river to the southern line of New Mexico, thence with that line

eastwardly, and continuing in the same direction, to the line as established between the United States and Spain, excluding any portion of New Mexico, whether laying on the east or west of that river.

FOURTH—*Resolved*, That it be proposed to the state of Texas that the United States will provide for the payment of all that portion of all the legitimate and *bona fide* public debts of that state, contracted prior to its annexation to the United States, and for which the duties on foreign imports were pledged by the said state to its creditors, not exceeding the sum of ——— dollars, in consideration of the duties so pledged having been no longer applicable to that object after the said annexation, but having thenceforward become payable to the United States; and upon the condition, also, that the said state shall, by some solemn and authentic act of her legislature, or of a convention, relinquish to the United States any claim which it has to any part of New Mexico.

Mr. Clay did not intend to go into the complex question as to what were the due limits of Texas. His opinion was that Texas has not a good title to any portion of what is called New Mexico; but he was free to admit that, looking at the ground which her senators assumed, the law of Texas of '35, the treaty with Santa Anna, and so on—looking to all these facts, but not yielding to them all the force which gentlemen claimed for them, he must say that there was plausibility in the claim which she sets up. He proposed then, that whether the Neuces or the Bravo is, or is not, the boundary of Texas, that her western limit shall be on the Del Norte, from its mouth to the mouth of the Sabine. He proposed also, in connection with this decision of the question of boundary, that congress shall pay the debts of Texas, for the liquidation of which the duties on foreign goods imported into Texas were pledged prior to annexation.

After some remarks relative to the circumstances connected with the contraction of these debts by Texas, Mr. Clay said, in his humble opinion, he thought if there was justice or truth, we owe to the creditors of Texas the duty of reimbursing them for money loaned upon the pledges of those revenues, which were cut off by annexation. He proposed, also, that Texas should, for the consideration mentioned, relinquish any claim she may have to any portion of New Mexico. He was willing to give something for even an imperfect claim of this kind for the sake of peace.

The fifth and sixth resolutions were as follows:

FIFTH—*Resolved*, That it is inexpedient to abolish slavery in the District of Columbia, whilst that institution continues to exist in the state of Maryland, without the consent of that state, without the consent of the people of the District, and without just compensation to the owners of slaves within the District.

SIXTH—*Resolved*, That it is expedient to prohibit within the District the slave trade in slaves brought into it from states or places beyond the limits of the District, either to be sold therein, as merchandise, or to be transported to other markets within the District of Columbia.

The first of these, said Mr. Clay, simply asserted that slavery ought not to be abolished in the Federal District, except on the conditions named. The sixth resolution expressed the expediency of prohibiting the slave trade in the District. He did not mean to inter-

fere with the sale of slaves, from one family to another in the District; the slave trade which he proposed to prohibit was that which Mr. Randolph, forty years ago, pronounced an abomination. It was a mistake on the part of the North, if they supposed that the people of the South generally looked upon the slave trader, or his occupation, with complacence. The slave dealer was frequently excluded from association with the respectable and worthy in the South. He proposed that the slave trader should go to other parts to pursue his calling—that he should not be permitted to erect his prisons here, and put on his chains, and sometimes shock the feelings by their trains of manacled beings through our streets and avenues. Neither should they bring them here. There was no necessity for it, and it ought to be prohibited.

The seventh resolution related to a matter now under discussion in the senate, and he would refrain from any general remarks upon it. It was as follows:

SEVENTH—*Resolved*, That more effectual provision ought to be made by law, according to the requirements of the Constitution, for the restitution and delivery of persons bound to service or labor, in any state, who may escape into any other state or territory of this Union.

The eighth and last resolution provided that congress has no power to prohibit the trade in slaves between the *states*. It was as follows:

EIGHTH—*Resolved*, That congress has no power to prohibit or obstruct the trade in slaves between the slaveholding states, and that the admission or exclusion of slaves brought from one into another of them, depends exclusively upon their own particular law.

It was obvious that no legislation was intended as a consequence of the resolution; it merely asserted a truth. He had thought that, in looking at this whole subject, it was fit and proper to resort to great and fundamental principles, to keep them before the mind, that they might not violate them. These resolutions involved no sacrifice of any principle; they were founded upon a basis of mutual forbearance and concession—a concession not of matters of principle, but matters of feeling merely. He thought, in view of all the circumstances, a more liberal concession might be expected from the free states than could be asked of the South; and, truly, with gentlemen from the North this question was an abstraction, while with the people of the South it was a principle involving their property, and, as a large portion of them believed, of their prosperity and peace. The North, too, was numerically more powerful, and greatness and magnanimity should always go together. Mr. Clay concluded with a most eloquent appeal in behalf of harmony, peace, mutual concessions, and forbearance, for the sake of the Union. In the course of his remarks, he exhibited a sacred relic—a piece of the coffin of Washington—presented that morning, and submitted some thrilling

observations relative to the distinguished dead, and the spirit which he, if upon the stage of action, would urge in the settlement of the momentous question under discussion.

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Mr. Clay said, his proposition was not to take absolutely from Texas the territory which she claimed; it made a proposition to Texas for her consideration. He had expressed, it was true, his own opinion that the title of Texas was not good to the territory in question, and at the same time he would be happy to discuss that question.

In the course of a conversation which ensued between Mr. Clay and Mr. Foote, the latter asserted that the faith of congress was pledged to all the Southern states, and not Maryland alone, for the preservation of slavery in the District.

*Mr. Clay.* Suppose slavery be abolished in Maryland to-morrow, have we no power to abolish it here?

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Mr. Mason, of Virginia, and Mr. Davis, of Mississippi, expressed their determination never to sanction such a compromise as that embraced in the resolutions which had been offered. They also indulged in some reflections upon the course of Mr. Clay, as a senator from a slave state.

Mr. Clay replied briefly, premising by saying, in answer to the reflections cast by the senators from Virginia and Mississippi (Mr. Mason and Mr. Davis,) I tell these gentlemen that I know my duties, and I mean to express my opinions, fearless of all mankind. He also said—Coming from a slave state, as I do, no earthly power can ever compel me to vote for the positive introduction of slavery, either north or south of the Missouri Compromise,—*No, Sir—No!*

Mr. Clay desired to say, that these were not abstract propositions, but designed for positive action, by their reference to appropriate committees, who shall report bills in relation to the several subjects requiring legislative action.

# ON THE CONSTITUTION OF CALIFORNIA,

AND IN REPLY TO SOME

## REMARKS ON HIS INTERCOURSE WITH OTHER SENATORS.

IN THE SENATE OF THE UNITED STATES, FEB. 15, 1850.

[DURING the progress of the debate on the resolutions submitted by Mr. Clay, President Taylor transmitted to congress a message, apprising that body that he had received the constitution adopted by the people of California, accompanied with an application for admission as a state into the Union. The reference of this message was warmly discussed; and while it was under consideration, Mr. Clemens, of Alabama, indulged in several unwarrantable 'flings' at Mr. Clay, among other things expressing his surprise at the 'fellow-feeling' which existed between him and Mr. Benton. This drew forth the following rejoinder, in which other matters are collaterally noticed. (It may be proper to state here that the resolutions of Mr. Clay, together with several other propositions from different sources, were finally referred to a committee of thirteen, which was chosen by ballot, and of which Mr. C. was elected chairman.)]

Mr. Clay rose to reply to one of the remarks of the senator from Alabama, Mr. Clemens. What right had the senator to animadvert upon a conference held between the senator from Missouri (Mr. Benton) and him? It was very true that for several years there did exist other than the most cordial feeling between him and Mr. Benton—that a system of non-intercourse was established between them, if gentlemen pleased so to call it. Some three years ago they had come together, having made peace with each other, as Mr. Clay wished he might be able to do with all the world; but with respect to intimations of any mutual deliberation and consideration of measures proposed to be introduced, he had to say, that there was nothing of the kind; he had never seen or heard any thing in relation to the bill proposed and introduced by Mr. Benton, proposing to reduce the boundaries of Texas, until it was brought into the senate. On the other hand, Mr. Benton had never seen, heard or thought, so far as he knew, of the series of resolutions recently introduced by him. What, then, had the senator who had denounced their intercourse to go upon? Was he to speculate upon the object of that private conference, and to make such deductions as seemed to him to be

proper? He had no right so to do, and the conclusion showed how incorrect his deductions were. He would repeat that there was no interchange of opinion between him and Mr. Benton at all, in relation to their respective projects. It was true, that at the time alluded to, they did converse together upon the proper dispositions of subjects coming before the senate, but what right had others to attempt to place a construction upon their motives? He must protest against submitting his private intercourse to any such test as that. He was, and had been so deeply impressed with a sense of the awful dangers which menace the existence of the government, that if the senator had been his most bitter enemy, and had come to him to consider the means best calculated to rescue the common country from impending danger, he would have counselled with him, as with his friend—if by so doing he might hope to accomplish so desirable an end. Mr. Clay desired to notice one or two other points to which the senator had alluded. He (Mr. Clay) had said, that in the admission of California there was no concession from either side:—true, the North would get what she wanted; but it would be from causes not under the control of congress, and not by concession. It had been said that, if received with her inhibition of slavery, congress would be responsible for it. He proceeded to show that this was not true, but that if congress passed laws allowing the people of California to frame a constitution and erect a state, congress would then more reasonably be held responsible for any act decided upon by the people, with reference to the institution of slavery. He had admitted that there was some irregularity in the action taken by California; but was there not good ground for excuse for this child, which, having been abandoned by its natural parent, had adopted the necessary measures for her own protection, and now came back again, asking its neglectful parent to receive it into the family of states? Similar irregularities had been overlooked in the case of Michigan, notwithstanding the necessities of her situation were by no means commensurate with those of the people of the Pacific—the former had a form of government, under which she had existed and found peace and security for years—the latter were without law or means of protection. A sentiment had been reiterated in the senate to-day, which he had heard, alas! too often, and which he never heard without a shudder. The senate was told that, in a certain contingency, the South were to take a specific course, regardless of consequences. Was that true? For one, he knew of no condition in which man could be placed, either on the boundless prairies of the west, in the midst of the howling winds and lashing fury of the ocean storm, or in the deliberative body—none in which a moral, rational, accountable being could take a step regardless of consequences. It was because he did regard consequences the most important, that he was led to make every effort in his power to avert the greatest of human calamities—a consequence fraught with evil, not to his country alone, but to the cause of humanity throughout the world.

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Mr. Foote made some remarks in vindication of his observations in relation to the recent intercourse between Mr. Benton and Mr. Clay; in the course of which he suggested to Mr. Clay that there was sometimes something in his demeanor, when excited in debate, which had the appearance of menace. He also alluded to a speech made by that senator eleven years ago, in which he said that certain acts, if persisted in, would dissolve the Union, and dissolve it in blood. Mr. F. went on at length with some personal remarks upon Mr. Clay, Mr. Seward and Mr. Benton.

Mr. Clay said a few words in reply to Mr. Foote's remarks about the intercourse between him and Mr. Benton, and in the course of a few observations, suggested to him the impropriety of attempting to draw deductions from such private intercourse. He reminded Mr. Foote that he himself that morning had come over to him, and held a long conversation with him, in relation to the difficulties which concerned the affairs of the country,—and asked him whether it would not have been unfair for some northern man to have imputed to the senator dishonorable motives in seeking that interview. It is an evil—a political and social evil—it is a wrong toward those who are the sufferers thereby—those were his opinions, but he quarrelled with no man who thought otherwise. In conclusion, he denied all ambitious projects: he stood, as it were, upon the brink of eternity, expecting soon to go hence, and owed no responsibility which he was not prepared to meet here and before God. If the senator from Mississippi chose to call him an Abolitionist—well and good; he would only say, that if there was any one man in the community more abused by the Abolitionists than another, it was he.

Mr. Cass (interrupting) said, that if Mr. Clay claimed to be the best abused man in the community, he must take exception. (Laughter.)

Mr. Clay further defended his resolutions. He had honestly, in the sight of God, endeavored to bring forward a scheme of compromise for the purpose of keeping the Union together in one family, with harmony and concord. In supporting that scheme he had not forgotten to rebuke the fanatics of the north for their course, as well as to call upon the south not to persist in what would not bear the scrutiny of reason and judgment. It was enough for him that his plan of settlement was rejected by the ultraists of both sections.

## ON THE COMPROMISE MEASURES,

REPORTED BY THE COMMITTEE OF THIRTEEN.

IN THE SENATE OF THE UNITED STATES, MAY 13, 1850.

[On the 8th of May, Mr. Clay, as chairman of the committee of thirteen, to whom the proposed 'compromise measures' had been referred, presented a long report, embodying the views and recommendations of a majority of the committee, and suggesting that, 'if such of these several measures as require legislation should be carried out by suitable acts of congress, all controversies to which our late territorial acquisitions have given rise, and all existing questions connected with the institution of slavery, whether resulting from those acquisitions or from its existence in the states and the District of Columbia, will be amicably settled and adjusted, in a manner, it is confidently believed, to give general satisfaction to an overwhelming majority of the people of the United States.' The report was ably discussed for several weeks, Mr. Clay and his friends frequently enlisting all their energies in its support. The following embraces his reply to several objections which had been raised by opposing senators.]

Mr. CLAY rose and said: I have risen, Mr. President, for the purpose of making some further explanation, and an additional exposition to that contained in the report of the Committee of Thirteen, which has recently been in consultation upon the important subjects referred to them. When the report of the committee was presented to the senate last week, various members of the committee rose in their places, and stated that certain parts of the report did not meet with their concurrence. It might have been stated with perfect truth that no one member of the committee concurred in all that was done by the committee. There was a majority upon most, and even upon all the subjects reported by them; and each member, perhaps, if left to himself separately, would have presented the various matters which were reported to the senate in a form somewhat different from that in which they were presented in the report. I was myself, upon one occasion, in the minority in the committee; yet I have not been discouraged in the least degree by the differences which existed in the committee, or which were manifested in the senate last week. Gentlemen who did not exactly agree to what was done, will, in the progress of the measure, endeavor to make it conformable to their wishes. If it should not be so modified, I indulge with great confidence in the hope that no one of them is so irrevocably committed against the measures as to induce him, upon the question of its final



passage, to vote against it. I am not authorized to say, and do not mean to say, that there will be an affirmative vote of every member of the senate in favor of the measure upon the final passage of the bill; but I need not say that I indulge the hope, whether all modifications which were desired by various members of the committee may or may not be made, that finally there will be not only a unanimous concurrence of the committee generally in the measure recommended, but I trust it will leave this branch of congress with a large majority in its favor. I repeat that I am not discouraged 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 shall be accommodated by an amicable adjustment, it must be done upon some such basis as that which the committee has reported. And can there be a doubt on this subject? The crisis of the crisis, I repeat, has arrived, and the fate of the measures which have been reported by the committee, in my humble judgment, determines the fate of the harmony or distraction of this country. Entertaining that belief, I cannot but indulge the hope, that no honorable senators, who, upon the first hearing of the report, might have seen some matters in it objectionable, according to their wishes or judgment, will see fit to oppose its final passage; but that the entire senate, after a full consideration of the plan proposed, and after a fair contrast between this and all other proposed plans—at least all other practicable plans of adjustment of the question—whatever expectations or hopes may have been announced elsewhere, out of this body, will concur in this measure brought forward by the Committee of Thirteen, and that ultimately the measure will obtain the general concurrence of both houses of congress.

But I have risen, as I announced, more particularly for the purpose of entering into some further explanation of the course of the committee, and of throwing out some few observations in support of the measures which they have recommended for the adoption of the senate.

The first measure upon which they reported 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 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 that they would not hold themselves, and did not intend to be regarded as holding themselves, in every possible state of things, and in every contingency, to vote for the admission of states that might hereafter be carved out of Texas; but that they reserved to themselves, as I understood them, the right to determine this question whenever any new states formed out of Texas should present themselves for admission.—Whether, under all the circumstances of the country, and the circumstances under which a new

state might present itself it should or should not be admitted, they made this reservation; and yet they united most heartily in the true exposition of the compact between Texas and the United States, according to which, as we all know, a number of states, not exceeding four, with or without slavery, having the requisite population, with the consent of Texas, were to be admitted into the Union, from time to time, as they might be formed, and present themselves for admission.

But I will not dwell longer upon that part of the subject. I will now approach that which, in the committee, and perhaps in the two houses, has given the most trouble and created the most anxiety, amongst all the measures upon which the committee have reported—I mean the admission of California into the Union. Against that measure there were various objections. One of these objections was 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 would be a violation of the Constitution of the United States, and that there is no sufficient evidence before the senate and the country that its population would entitle it even to one representative. I suppose 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 (that, I believe, was two years from the date of the treaty of Hidalgo)—that that sort of evidence, to entitle her to one or two representatives, which is furnished by the decennial enumeration of the population of the United States, would be requisite. It is impossible, with respect to California, that any such evidence should be furnished, she having been a part of a common empire only for the short time I have mentioned. Now, let me ask, what was done in the institution of the first apportionment of the representation among the states of the Union? There was no federal enumeration of the people of the United States upon which that apportionment was made. So many representatives were allowed to one state, and so many to another, and so on, completing the number provided for by the Constitution of the United States; but in that instance, the convention that allotted these representatives to the various states based it upon all the information which 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 in several of them (I may mention Georgia) it was pretty well known at the time that a larger number of representatives were allotted than the exact state of the population would authorize. But it was said in that case, 'Georgia is a new state, rapidly filling up; a strong current of emigration is flowing into her limits, and she will soon have—perhaps by the time the two representatives take their seats—the requisite population.' In this way, not upon information obtained under 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 of the representation made by the framers of the constitution.

So of a more recent acquisition or annexation—that of Texas. Nobody believed, I think, at the time, that Texas had a population sufficient to entitle her to two representatives. As in the case of some of the old thirteen states, so in the case of Texas, it was known that she was rapidly filling up—as I have no doubt will turn out to be the fact when the next census comes to be taken in Texas—that before the enumeration of the next census was taken, she would have a population entitling her to two, and probably more representatives.

Now, sir, there is an error existing, as it seemed to me from the observation of one or two friends the other day, with regard to the requisite population to entitle California to two representatives. It is not, as it is supposed, double the ratio which was fixed by congress ten years ago. The ratio was fixed at 70,680; but it was expressly provided in the law establishing it, that any state which had an excess beyond a moiety of the ratio established, should be entitled to an additional representative. According to the provision 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, 140 odd thousand. Now, the question is, leaving 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 two members come to be admitted—which would entitle her to two representatives. Upon this subject, I have that which appears satisfactory to my mind, and I trust, to the minds of other senators.

In the first place, I offer to the senate an extract from a memorial of the senators and representatives of the state of California to the congress of the United States. To read this memorial, or to state it in substance in detail, would take up a considerable time; and as that memorial has been before senators, and can at any time be referred to and perused by any who have not already examined it, I will merely state, that according to the statements of that memorial—a portion of which are conjectural and a part official—the population of California, from the 1st of January, 1850, was 107,069, exceeding the number requisite to entitle the state to two representatives. But that brings it down only to January, 1850. Since that time we are authorized to add to the number, by that of 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. Without going into the classification, there are of Americans, 8,697; of Californians, 13,454; and of foreigners, 5,503—making a total of 16,957. The number of deserters from ships, as stated in the memorial before alluded to, is put at 3,000, in round numbers. The official statement of the harbor-master, made on the first of March last to the legislature, states the number of officers and seamen that left their vessels from various causes to be 14,240.

The aggregate of all these statements will give the following result, viz: 1st January, 1849, 26,000—8,000 Americans, 13,000 Californians, and 5,000 foreigners; on the 1st of January, 1850, the population was 107,069—making a total number on the 27th of March, 1850, of 124,026; to which add the number of deserting seamen, 14,240, makes a total of 135,256. Add to this the population arrived from the United States and other places, since that time, and altogether, I have no earthly doubt—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 a fraction exceeding the moiety of the ratio fixed by Congress.

Upon this question of population I do not wish to take up the time of the senate unnecessarily. They are bone of our bone and flesh of our flesh, for the greater part. They have lost nothing of intelligence and capacity for self-government by passing from the United States into California. By the treaty of Hidalgo, the Californians who remain become citizens of the United States, if they do not adopt the alternative of remaining Mexicans, within one year after the treaty of Hidalgo was signed. The Constitution of the United States does not any where fix any term of residence sufficient to constitute an individual one of the permanent portion of the people of the United States. In the Constitution, with regard to the subject of taxation and representation, the term is *people* and *number*. I have very little doubt that there is a sufficient number of citizens of the United States there to entitle California to two representatives. Well, as they will not be represented in the United States, they ought to be represented somewhere. Having gone to California, it is said that they have gone there only for temporary purposes. They have gone there to dig in the mines; and how many will return, how many will remain there, it is impossible at the present time to tell. We have all a right to move from place to place.

With regard to Louisiana—I am sure I state a fact that will be borne out and affirmed by the senator in my eye from that state, [Mr. Downs]—thousands and thousands went to New Orleans and other parts of Louisiana shortly after the acquisition of that territory by the treaty of Louisiana—and even up to the present time they go there for temporary purposes, intending to make a fortune, if they can, and then return home. But, so delightful is the climate, so happy do they find themselves when they get there, the number of those who go there for such purposes, who ultimately return to their individual homes, I do not believe amounts to scarcely one in a hundred. So it is and will be of California, I dare say. Vast numbers have gone there with the intention of returning, but after they have become connected by marriage, by social ties, by the acquisition of wealth, and by all those circumstances that tend to fix to a permanent location the residence of this animal man, they will relinquish

their purpose of returning to the United States. I have no doubt, and become permanent and fixed residents of California. On the question of population, therefore, I think there is no ground of rational objection to the number "two," which has been proposed by the committee, and which is precisely the number in the case of Texas.

Now, sir, with regard to the limits of California.—Upon that subject, a proposition was offered in the committee to extend a line through California, first by 36 deg. 30 min. A member of the committee, however, was not satisfied with that, and proposed 35 deg. 30 min. I believe that a majority of the committee was in favor of that amendment: but when the question of any line came up, it was rejected by a majority of the committee. Is it not a little remarkable that this proposition—this attempt to cut California in two by the line 36 deg. 30 min., or 35 deg. 30 min., or by any other line—does not come from the North at all, from whence it might be supposed it would come? For, with respect to the North, there can be no earthly doubt but if there were half a dozen states made out of California they would all be free states. But the North does not ask for a division. It is from the South that the proposition to divide the existing limits of California comes. The South wants some other states, 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 the proposed line. But I believe that the major part of those who ask for this line, do not even ask for this recognition, or for this enactment, to carry slaves south of this line; and I ask every body who is acquainted with the country, who has taken the pains to look over the map, if he has not come to the conclusion that a friend of mine (I believe now within my hearing) from the South, and a large planter, came to? He said to me the other day: 'Mr. Clay, if congress was to offer me \$500 for every slave I might own, requiring me to take them to one of these new territories and keep them there for ten years, I would not accept the proposition.'

Now, suppose you were to take the line 35 deg. 30 min. or whatever line was proposed, what would be the consequence? There would be an open sea on the one side for the escape of slaves—California, reduced as I have suggested, on another; and Mexico, with her boundless mountains, on another. Who would think—who believes—that, if you establish the line proposed, slavery would ever be carried there, or would be maintained there? Moreover, I think I have understood that the delegation in the convention, south of the line of 35 deg. 30 min., or north of it, voted unanimously against the introduction of slavery there. It cannot, therefore, and I suppose it is not designed with any hope that there would be slavery carried there upon the limits of the Pacific at all. The making of a new state or states out of the present limits of California is therefore but adding to the objection which has been made by the South to the preponderance and influence, and the apprehensions entertained of

the preponderance and influence of northern power. If the North is satisfied, if the thing is not unreasonable, it seems to me that there should be on the part of our southern friends no hesitation in accepting these limits. But they are said to be unreasonable. California is some 600 or 700 miles in extent on the Pacific coast; it is too large. It is stated in the report that with respect to all that portion of California south of 36 deg. 30 min., shortly after you have left the coast, you encounter deserts of sand, which never can be inhabited; and after you pass these deserts of sand, you approach mountains, and are involved in successive chains of mountains until you reach a population that has no intercourse with the Pacific, but whose intercourse is carried on exclusively with Mexico and other countries on the Mexican Gulf and the Atlantic Ocean. When you come to the northern portion of California, there is a vast desert which is said to have never been passed—or which was never known to be passed—extending from the country which the Mormons occupy down to the Pacific ocean. There seems to me, then, to be no adequate motive for the decreasing of the limits upon the Pacific, with a view to the addition of future states—at least from any amount of geographical knowledge which we possess at present.

It is mentioned in the report that there are other cases of states which have been admitted without the previous authority of congress. The honorable gentleman from Alabama (Mr. Clemens) stated that in all the other instances of states admitted into the Union, they had served an apprenticeship of so many years. But the statement in the report stands uncontradicted. Michigan, Arkansas, Florida, if no other states, came into the Union without any previous act of congress, according to the usage which prevailed in the early admission of states, authorizing them to meet in convention and form a constitution. But it is 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 was it with California? She had no government. You abandoned and deserted her—violated the engagement of the treaty of Hidalgo—left her to shift for herself as well as she could. In this state of abandonment, she has formed a constitution and come here. I ask again, as I had occasion to ask some three months ago, if she does not present stronger claims upon our consideration than any of those states which had territorial governments, but which, not satisfied with them, chose to form for themselves state constitutions, and 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 the grant of what she solicits, and that we can find neither in the one nor the other a sufficient motive to reject or to throw her back into the state of lawless confusion and disorder from which she has emerged.

With the committee I say upon this occasion, that all the considerations which devolve upon congress to admit California, sanction what she has done, and give her the benefit of self-government, apply with equal force to the two 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 this question. One has come to us from very high authority, recommending, as I understand it, the admission of California, and doing nothing more, leaving the question unsettled of the boundary between New Mexico and Texas, and leaving the people who inhabit Utah and New Mexico unprovided for by government. I will take the occasion to say, that I came to Washington with a most anxious desire—a desire which I still entertain—to coöperate in my legislative position, in all cases in which I can judiciously coöperate, 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 dictation of my own judgment, wherever that judgment might carry me. It is with great pleasure, sir, that I state that we do coöperate with the President, to the extent which he recommends. He recommends the admission of California. The committee propose it. There the President's recommendation stops. There we take up the subject, and proceed to act upon the other parts of the territory acquired from Mexico. Now, sir, which course of the two recommends itself best to the judgment of those who are to act in the case?

In the first place, sir, if we do not provide governments for the other portions of the country acquired from Mexico, we fail to fulfil the obligation, the sacred obligation, in the treaty with Mexico. It is said that they will have a government of their own—a local government; that they will have such a one now; but they have not such a one now as they had when they were part of Mexico. When they were part of the republic of Mexico, with the common government of Mexico stretching over all the parts constituting that republic, they had all the benefit 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 have the place of that supreme government. They were transferred from that sovereignty to this sovereignty, and we stipulated with that former sovereignty that we would extend to them protection to their persons, security to their property, and the benefit of preserving 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 these countries? There are the Mormons—a community of which I do not wish to say a word in disrespect. I know very little about them. I have heard very often things said against them; and I believe during this session my colleague, who sits before me,

[Mr. Underwood] has had occasion to present some petition or document, showing some very harsh, oppressive, and tyrannical treatment extended by those Mormons to citizens of the United States, who did not compose a portion of their community, and who were merely passing through. Of that people, of their capacity to govern, of the treatment they would give to the other citizens of the United States who might settle among them, or who might wish to pass through, not belonging there—of all these matters I shall not speak. The members from Missouri and Illinois are much more competent to afford information to the senate upon them than I am.

But 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, or what they are: they are a portion of the people whom we are bound by treaty, as well as other high obligations, to govern; and I put it to you, sir, is it right to say of the people of Utah, comprehending the Mormons, and to the people of New Mexico, deprived as they are of the benefit of the government which they once had, the supreme authority of which resides at Mexico—is it right in us to leave them to themselves, and to say, they will take care of themselves, I dare say; and when they get ripe—ay, when will they be ripe for a state government?—when they get ripe, after the lapse of many years, let them come forward, and we will receive them? Is that discharging our duty?

I will go further in reference to the message, which I am sorry that I think it my duty to contrast with the plan of the committee which is now under consideration; and I will say that I have no doubt that there were strong, at least plausible reasons, for the adoption of that recommendation in the message of the President, at the time it was sent into congress, at the beginning of the session. I have no doubt it was apprehended at that time that it was impossible to create any governments for those territories, without producing scenes in congress of the most painful and unpleasant character. I have no doubt it was believed, as indeed it was stated in the message, that distraction would be aggravated—differences of opinion, perhaps, carried to extreme lengths, if any attempts should be made to extend government over those territories.

But I am happy to be able to recognise what all have seen, that, since the commencement of the session, the most gratifying change in the public mind 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 the other section of the Union—has also come to the rescue. The minds of men have moderated. Passion has given place to reason. Every where—every where, in all parts of the Union, there is a demand—the force and effect of which, I trust, will be felt in both branches of congress—for an amicable adjustment of these questions, for the relinquishment of extreme opinions entertained, whether upon one side of the question or upon



the other, and coming together once more as friends and brethren, living under the common country, and enjoying the benefits and happiness which have flowed from a common government. I think that if the President had to make a recommendation to congress, with all the lights which have been shed upon the subject since the commencement of the session, now that nearly five months of the session have gone, he would not have limited himself simply to a recommendation to admit California, or to leave the territories to shift for themselves as they could or might.

He tells us in one of those messages—I forget whether it is the message of December or January—that he had reason to believe that one of those territories at least (New Mexico) would possibly form a state government for herself, and might come here, even during the progress of this debate. At all events, if there had been such a state of circumstances at the period that this message was sent in as exists down to the present time, I cannot but believe that the gentleman who now presides at the head of our political affairs, if he had had the benefit of our light, would have made a recommendation much more comprehensive, much more general and healing in its character, than the simple recommendation of the admission of California, leaving all the other questions untouched and unsettled.

With regard to the abandoned condition of Utah and New Mexico, to which I have alluded, left without any authority of this government, acting locally to protect the citizen who goes there to settle, and to protect the citizen who is *in transitu* between these countries, without any authority connected with the supreme authority of the government here—when they are communicating from time to time this state of things existing in those countries, I submit that to abandon them, in face of our obligation contained in the treaty of Guadalupe Hidalgo, and other high obligations, is not conformable to that duty which we are called upon to perform.

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 Fe, or into New Mexico, for the purpose of bringing them under her 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 Fe 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 all the country from the mouth of the Rio Grande to its uppermost sources. Is it right, then, to leave these territories unprovided for? Is it right to leave this important ques-

'ion of boundary between New Mexico and Texas 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 New 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 recommended 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 understand 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; 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 first. 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 this: 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 over-ruling 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 never objected to by the commons.—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 resorted 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 never 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 is 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 bills originate in the house of representatives, and by the Constitution are required to originate there, the senate have 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, is confined to what are considered incongruous measures. 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 this constitutional restriction. What are incongruous subjects, 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 cannot be constitutional, because, in the opinion of the judges, it was in violation of the constitution, which declared that the legislature should pass only congruous bills. 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 I 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 89, entitled 'An act for the relief of Chastelain and Pouvert, and for other purposes.' And what do you suppose those other purposes to have been? About fifty appropriations for a variety of subjects which can be supposed to arise under such a government as ours. Will my friend read the extract for me?

Mr. Underwood accordingly read the extract as follows:

*'An act for the relief of Chastelain and Pouvert, 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 Pouvert, for duties on merchandise imported in the schooner Gen. Jackson, Hawes, master, from Neuvas, 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 officer of the government, 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 steam-boats Stasca and Dayton, for services rendered 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 the 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 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 a rate per day as is provided by law for the total disability of an assistant surgeon in the

navy of the United States, to commence on the first 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 3, 1849.'

I never knew that our young sister Minnesota thought her dignity at all affected or offended by this association with James Norris. 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 thirtieth 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 of the senate, Mr. Walker proposed an amendment, the object of which was to provide governments for the territory recently acquired from Mexico, including 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; and Mr. Bell proposed an amendment to the amendment of Mr. Walker, which was disagreed to: yeas 4, nays 39.—*Senate Journal, second session, Thirtieth Cong.* pp. 241-43.

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 262, chapter 169.—These are only some out of a multitude of the same kind that might have been produced from the passage of such laws, from time to time, founded upon the discretion and good sense of congress, embracing subjects of every variety of 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, a while 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 appropriations 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 mint at New Orleans, Charlotte, and 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 non-conformity in the practice of congress, in endeavoring to unite together, not three incongruous and discordant measures, but three measures of the same character, having, in 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. Amongst 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 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 repeat now the expression of 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 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 gentlemen from the slave states, in passing through that country, 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 anybody suppose that any owner of slaves would ever carry them to that country, where he could only get 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 their remains 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 the 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 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 of record in the slaveholding state, shall be taken 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



to the great advantages which will result. The expenses will be only two or three dollars for the seal of the court, and the certificate and attestation of the clerk, &c. 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 of probate which prevail throughout the United States, and not the judge. But it can be so modified, if it be deemed essential to 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 did 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 in 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 either 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. So of 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 this non-slaveholding state, and seize the negro, put his hands upon him, and the whole world would recognise 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 prejudice against slavery exists in the highest degree. But he goes to a state which does not recognise slavery. Recollect how different the state of fact is now from what it was in 1793, nearly sixty years ago. 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. 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 remote parts 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 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 produc-

tion of a record. Now, what is the inconvenience of that? It provides that when the owner of the 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, and 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 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 his 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 of this. It will be this: When a slave has escaped from the master, and taken a 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 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 will relinquish 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. The 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 executed, 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 master. 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. They will 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. 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 sacrilege 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 inheritance, a vast estate, much more than is necessary for the existence 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 super-abundance to save me a little while from that death which is inevitable without I do it? 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 Mahometan country, and the Mahometan 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 Mormons, 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 all profess and revere—will tell you that notwithstanding the solemn oath which they have taken by kissing the 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 the interpretation of the constitution of the United States, if it take place any where. 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 verdict and judgment 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 in 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 when 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 of 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. They do not care for 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 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, three months ago, I offered certain resolutions, and when to 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 the 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 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 resolution.' 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 satisfied. There are some who say that there is yet the Wilmot proviso, under another form, 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 that just desire is to be obtained, there is something further, there are other difficulties in the way of the adjustment of these unhappy sub-

jects of difference, and of obtaining that which is most to be desired, the cementing of the bonds of this 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 tomorrow, and their votes 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 unnecessary measure on the south, the south repels it from the highest of all human motives of action, the security of property and life, and 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 has 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, or separate them into 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, I trust, will 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 trust, animate us all, bringing us together to dismiss alike questions of abstraction and form, and consummating the act in such a manner as to heal not one only, but all the wounds of the country.



## C O R R E S P O N D E N C E .

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[SINCE the decease of the distinguished subject of these memoirs, several of his letters (some of which were never intended for the public eye) have found their way into the newspapers. As a laudable curiosity exists to know the general style of his correspondence, a few letters are subjoined, which will afford a pretty correct idea of the easy and familiar manner of his intercourse with personal friends. The unreserved manner in which he expresses his opinions upon topics which were commanding attention at the time, may be regarded as peculiarly one of his prominent characteristics, and one, too, which few individuals in political life seem anxious to emulate.—The first three letters were addressed to Robert Walsh, Jr., Esq., formerly editor of the *National Gazette*, but of late years the Paris correspondent of the *New York Journal of Commerce*, in which paper they originally appeared.]

“WASHINGTON, 6th September, 1817.

“MY DEAR SIR: Having seen the second volume of the Register at Mr. D. Brent’s, I was about to inquire at the book-stores for it, when a copy was left at my house, I did not know how, until I received your obliging favor of the 29th ulto. Although it found me engaged in an interesting course of reading, I did not hesitate to interrupt the progress of my studies, to peruse your introductory discourse.

“I was much gratified in perceiving that you had undertaken the vindication of the captors of Andre, from the most indiscreet and unfounded attack of Col. Talmage. Rarely, if ever, whilst presiding in the H. of R., was I so much shocked as when he made it. It was so unnecessary, so unjust, and, I thought, was so much the result of a wish, on the part of the accuser, to announce *his* participation in the concern of which he spoke. I really felt so transported with indignation, on the occasion, that I found myself, at one time, involuntarily rising from the Speaker’s chair, in defence of those injured men. I then wished that congress would guard against the unfavorable inference, which the future historian might possibly draw, from a rejection of their petition, by allowing them the solicited augmentation of their pensions; and I still regret it was not done.

“I do not agree with all that you have said respecting the famous Compensation Act. The form was always objectionable with me, and I still think the per diem mode preferable. In England, formerly, the members of the H. of Commons received *wages*, (that was the technical term applied to the allowance to the members,) which were paid by the boroughs, &c., that elected them. When the country

had increased in wealth, and Parliament had obtained greater political importance, opulent men offered to serve, without pay, and then the receipt of wages was gradually discontinued and finally abolished. In that country, of small territorial extent, where the aristocratic feature of the government and the consequent entails which exist on estates, will always keep up large fortunes, there never can be any considerable inconvenience in attending Parliament. But, you know, to attend that body is in fact, with the mass of the members, to be present only three or four times every session, when the great questions come up. Generally throughout the session there are not more than from fifty to one hundred members in attendance. But even in England, formerly so great, occasionally, was the reluctance to submit to the inconvenience of attending Parliament, that instances have occurred of compulsory attendance.

“Every thing is otherwise here. We have happily no aristocracy, and no device for keeping estates in the possession of the same family for any length of time. The powerful operation of our statutes of distribution scatters the accumulated wealth of industry or of avarice. Fortunes are small, in the general, and will always continue so, whilst our present institutions exist. Our territory is of immense extent. The consequence is that he who happens to be a member of congress from a great distance, has to make vast and often ruinous sacrifices. Our government is yet in its infancy, and the novelty of the situation, the great excitement of the times, and other causes may have prevented us heretofore from experiencing much difficulty in getting competent members to serve. Young, however, as we are, and short as has been my service in the public councils, I have seen some of the most valuable members quitting the body, from their inability to sustain the weight of those sacrifices. And in process of time I apprehend this mischief will be more and more felt. Even now there are few, if any instances, of members dedicating their lives to the duties of legislation. Members stay a year or two, curiosity is satisfied, the novelty wears off; expensive habits are brought or are acquired; their affairs at home are neglected; their fortunes are wasting away, and they are compelled to retire. There are no sacrifices too great for one to make, when necessary, for his country.

“You say that the competition would be too much if the compensation were high. Every demagogue would aspire to the honor. Our form of government, however, supposes a competence on the part of the electors to discriminate and to choose. And depend upon it that, in the general, in any such common scrambling as you suppose, talents and virtue will prevail. To suppose that they would not, is to arraign our system. But if there be danger arising from too much competition, the result of high pay, is there not on the other hand, equal or greater danger from insufficient competition, the result of inadequate pay? I confess that I would much rather see every man in the congressional district, aspiring to the honor of

representing it, than to see such an arrangement of the pay, that only one or two persons could face the expense and sacrifice incident to a seat.

“Do you not press the subject of Bonaparte too far? Fallen and captive, has he not some claim upon the magnanimity not only of his conquerors, but, during his imprisonment, upon cotemporary authors also? England has shown him none. All posterity will, I think, condemn her surrender of him to the allies, and her concurrence in his exile to St. Helena. Chatham, or Fox, or even Pitt, would have permitted him, as he desired, to remain in England. Is it not to be apprehended that any animadversions upon him, at the present time, will indirectly conduce to sanction the principles of legitimacy and the conduct of the allies?”

“I ought to apologize for the unintended length of my letter. I do not often turn over the first side of the paper, and can only say that my having offended, in this instance, has proceeded from the respect and consideration in which you are held by

“Yours, faithfully and cordially,

“H. CLAY.

“R. WALSH, JR., ESQ.”

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[CONFIDENTIAL.]

“WASHINGTON, 18th Feb. '25.

“DEAR SIR: I thank you for your prompt attention to the paragraph which I sent you, and for your friendly letter.

“You did not like my Kremer Card. I was not surprised, but hear me. I was assailed from all quarters. The cannon of every man who would now, or four or eight years hence, be President, (except that of Mr. A.,) was directed against me. I heard it all, and saw every movement. I should have disregarded it, whilst the attack assumed the ordinary form of anonymous or even editorial commentary. But when a person was so far designated as to be elected to be a *member* of the H. of R. belonging to the *Pennsylvania* delegation, it assumed a tangible shape. A crisis arose in my poor affairs. Silence and criminality would have been the same. And it seemed to me that I was called upon to take a step even of apparent rashness. I ought to have omitted the last sentence in the Card; but as to the rest, I yet approve of it. And still the reason, the philosophy, the religion of no man more decidedly condemns duelling than, I hope I may say, mine does. The corrective of that pernicious practice must be found in communities, not in individuals, at least in such humble ones as I am. When the public shall cease to stamp with dishonor the man who tamely submits to injurious imputations, duels will cease. I hope the sequel of that affair was more satisfactory to the northern public.

“I have consented to go into the department of state, after much deliberation. They will abuse me for it. They would have abused me more if I had declined it. I shall carry into it zeal and industry

only. The other departments which are vacant by Mr. Calhoun's election to the V. P., and Mr. Crawford's retirement, remain to be filled, but I am not at liberty to indicate their probable incumbents.

"An opposition is threatened; but there is no danger of any, unless the course of the Administration shall furnish just occasion for it, which we shall strive to prevent. What is now threatened, is the offspring of chagrin and disappointment. What will they oppose? If we go right, that will not, is it to be hoped, make them go wrong. An impartial trial and a just verdict are all that is demanded, and that the country will render, whatever the hopes of faction may inspire.

"I am, with great regard,

"Faithfully yours,

"ROBERT WALSH, JR., ESQ."

"H. CLAY.

"WASHINGTON, 25th April, 1836.

"DEAR SIR: I duly received your favor of the 18th inst. You do me the favor to desire an adequate notion of my services and views whilst I was in the department of state. I regret that the bad state of my health, and my various public duties here oblige me to be very brief.

"Besides the discharge of the current duties of the office, I negotiated various treaties. Some of these (those for example with Austria and Mexico) were agreed upon, but not actually signed, and were subsequently concluded in the name of the succeeding administration.

"In the treaty with Central America was first introduced the great principle, that the national and foreign vessels should be equally allowed to introduce into their respective countries merchandize without regard to its *origin*. The principle had been adopted in the convention with England of 1815, negotiated by Messrs. Adams, Gallatin and me, of permitting the vessels of the two countries to import the productions of the *two countries*, on terms of entire equality: but it was restricted to the productions of G. B. and the U. S. It did not admit of an English vessel importing into the U. S. the produce of any country other than G. B., nor *vice versa*. By the treaty with Central America, which I negotiated, on the contrary, an American vessel may carry into its ports the produce of any country of the four quarters of the world, on the same terms as it can be imported by a national vessel, and *vice versa*. This has been a model treaty, which has been followed in several treaties afterwards negotiated.

"My instructions to Mr. Brown on our claims against France cost me much labor, and were favorably thought of by others.

"But my great work was the preparation of the instructions intended for our commissioners who were to meet first at Panama and afterwards at Tacubaya. If you could take the trouble to read them, you would obtain a better conception of my views than any I can now give you, as to the liberal basis on which the commerce of the

world should be placed. I there argue and endeavor to have established the principle that *private* property on the ocean shall enjoy the same safety and protection to which it is entitled on land. And all the maritime principles in favor of free trade, against spurious blockades, &c., for which we had so long and so earnestly contended are sought to be established at the proposed congress.

"These instructions are almost exclusively my sole work. Without consulting any body particularly, I engaged in their preparation, and afterwards submitted the draft of them to the President and his Cabinet. They run into about eighty pages of manuscript, and I do not think that the alterations which, on the scrutiny of these gentlemen, they underwent, amounted altogether to one page; and these related chiefly to the projected connexion between the Atlantic and Pacific oceans. I was disposed to go a little farther than my colleagues.

"The relations in which I stood to the Diplomatic Corps, during the whole of Mr. Adams's administration, and to every member of it, were of the most cordial and friendly character. It was impossible, I think, that business could have been transacted more satisfactorily to all parties. I have reason to believe, that up to this moment, the members of that corps who were associated with me, retain lively recollections of our amicable feelings and intercourse.

"I will not dwell on this subject: but must refer you, for any deficiencies, to my public acts and the transactions of the day.

"I will add that I introduced into the Department, as vacancies from time to time occurred, (I created none) some most accomplished assistants, several of whom were found to be so necessary that they escaped the general proscription.

"I think it very probable that your feelings towards me have been sometimes misunderstood and misrepresented. Certainly, in our personal intercourse, I never discovered any evidence of hostility or prejudice. Candor obliges me to say that I have sometimes seen in your paper what I thought bore testimony of an inimical spirit; but your frank assurance now convinces me that I was mistaken. We have been in the midst, during these late years, of the most exciting scenes in our public affairs. I do not much underrate the power which I was opposing—certainly not its disastrous tendency. I felt that I was struggling for the country, for its civil liberty, its institutions, its prosperity, its value. I felt that I had a good title to the support of all honorable and intelligent men. Perhaps I have been sometimes too sensitive, when I thought that support was not yielded, and have censured too hastily when I supposed a measure of zeal in the public cause was not displayed by others equal to my own. With best wishes for your health and prosperity, I am

"Your friend and obedient servant,

"R. WALSH, Esq."

"H. CLAY.

[The following private letter was written to several political friends in the state of New York, who wrote to Mr. Clay in 1844 on the subject of emancipating his slaves. They expressed their high admiration of his character, their pleasure on learning that he had given freedom to his man Charles, and their desire that he would extend the same boon to all those who still remained on his hands. He replied as follows:]

ASHLAND, 8 Jan., 1845.

*Gentlemen*,—I have perused your friendly letter in the spirit in which it was written. I am glad that the emancipation of my servant Charles, meets your approbation. A degree of publicity has been given to the fact, which I neither expected nor desired. I am not in the habit of making any parade of my domestic transactions, but since you have adverted to one of them, I will say that I had previously emancipated Charles' mother and sister, and acquiesced in his father's voluntary abandonment of my service, who lives with his wife near me. Charles continues to reside with me, and the effect of his freedom is no other than that of substituting fixed wages, which I now pay to him, for the occasional allowances and gratuities which I gave him.

You express a wish that I would emancipate the residue of my slaves. Of these more than half are utterly incapable of supporting themselves from infancy, old age, or helplessness. They are in families. What would they do if I were to send them forth on the world? Such a measure would be extremely cruel instead of humane. Our law does not admit of emancipation, without security being given that the freed slave shall not be a public charge.

In truth, gentlemen, the question of my emancipating the slaves yet remaining with me, evolves many considerations of duty, relation and locality, of which, without meaning any disrespect to you, I think you are hardly competent to judge. At all events, I, who alone am responsible to the world, to God, and to my conscience, must reserve to myself the exclusive judgment.

I firmly believe that the cause of the extinction of negro slavery, far from being advanced, has been retarded by the agitation of the subject at the North. This remark is not intended for those who, like you, are moved by benevolent impulses, and do not seek to gratify personal or political ambition.

I am, with great respect,

Your friend and obedient servant,

H. CLAY.

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