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SPEECHES OF JOHN C. CALHOUN.
1843

In Herndon's Life of Lincoln are are published some reminiscences by Joshua F. Speed, in which mention is made of Lincoln's admiration for the speeches of John C. Calhoun.

"So far as I now remember of his study for composition, it was to make short sentences and a compact style. Illustrative of this it might be well to state that he was a great admirer of the style of John C. Calhoun. I remember reading to him one of Mr Calhoun's speeches in reply to Mr. Clay in the Senate, in which Mr. Clay had quoted precedent. Mr. Calhoun replied (I quote from memory) that 'to legislate upon precedent is but to make the error of yesterday the law of today.' Lincoln thought that was a great truth and grandly uttered."

(See Herndon's Lincoln, page 523)

H. E. Barker

# SPEECHES

OF

# JOHN C. CALHOUN.

DELIVERED IN THE CONGRESS OF THE UNITED STATES FROM 1811 TO THE PRESENT TIME.

NEW-YORK:

HARPER & BROTHERS, 82 CLIFF-STREET.

1843.

# ADVERTISEMENT.

It may not be inappropriate to set forth, briefly, the considerations which have induced the publishers to offer this volume to the public. The speeches which it contains afford the principal—it might almost be said, the only—means of knowing the political opinions of a citizen who, for a long succession of years, has occupied a conspicuous place before the people; who, as a high officer of the government at one time, and as a statesman and legislator both before and since that time, has taken a leading part in all the great political questions that have agitated the country; who has long possessed an almost paramount influence in one part of the Union, and been looked upon, in fact, as the chief representative of political opinion in that portion; and who, finally, has now retired from direct participation in the councils of the country, only to occupy the station of a candidate for the highest office in the gift of the people. The political doctrines of such a man cannot but afford interesting matter for attention and study; and it is believed that both friends and opponents of the distinguished person referred to will gladly avail themselves of this opportunity to make themselves acquainted with his views and principles.

The publishers have only to add, that in collecting the materials for the succeeding pages, they have resorted to the most authentic sources.

H. & B.

*New-York, June*, 1843.

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# SPEECHES OF JOHN C. CALHOUN.

## I.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, DECEMBER 19, 1811, IN THE DEBATE ON THE SECOND RESOLUTION REPORTED BY THE COMMITTEE OF FOREIGN RELATIONS.

Mr. Speaker—I understood the opinion of the Committee of Foreign Relations differently from what the gentleman from Virginia (Mr. Randolph) has stated to be his impression. I certainly understood that the committee recommended the measures now before the house as a preparation for war; and such, in fact, was its express resolve, agreed to, I believe, by every member except that gentleman. I do not attribute any wilful misstatement to him, but consider it the effect of inadvertency or mistake. Indeed, the report could mean nothing but war or empty menace. I hope no member is in favour of the latter. A bullying, menacing system has everything to condemn and nothing to recommend it—in expense it almost rivals war. It excites contempt abroad and destroys confidence at home. Menaces are serious things, which ought to be resorted to with as much caution and seriousness as war itself; and should, if not successful, be invariably followed by war. It was not the gentleman from Tennessee (Mr. Grundy) that made this a war question. The resolve contemplates an additional regular force; a measure confessedly improper but as a preparation for war, but undoubtedly necessary in that event. Sir, I am not insensible to the weighty importance of this question, for the first time submitted to this house, to compel a redress of our long list of complaints against one of the belligerants. According to my mode of thinking, the more serious the question, my conviction to support it must be the stronger and more unalterable. War, in our country, ought never to be resorted to but when it is clearly justifiable and necessary; so much so as not to require the aid of logic to convince our understanding, nor the ardour of eloquence to inflame our passions. There are many reasons why this country should never resort to it but for causes the most urgent and necessary. It is sufficient that, under a government like ours, none but such will justify it in the eyes of the people; and were I not satisfied that such is the present case, I certainly would be no advocate of the proposition now before the house.

Sir, I might prove the war, should it follow, to be justifiable, by the express admission of the gentleman from Virginia; and necessary, by facts undoubted and universally admitted, such as he did not attempt to controvert. The extent, duration, and character of the injuries received; the failure of those peaceful means heretofore resorted to for the redress of our wrongs, are my proofs that it is necessary. Why should I mention the impressment of our seamen—depredation on every branch of our commerce, including the direct export trade, continued for years, and made under laws which professedly undertake to regulate our trade with other nations? negotiation, resorted to again and again, till it became hopeless, and the restrictive system persisted in to avoid war, and in the vain expectation of returning justice? The evil still continued to grow, so that each succeeding year exceeded in enormity the preceding. The question, even in the opinion and admission of our opponents, is reduced to this sin-

gle point: Which shall we do, abandon or defend our own commercial and maritime rights, and the personal liberties of our citizens employed in exercising them? These rights are vitally attacked, and war is the only means of redress. The gentleman from Virginia has suggested none, unless we consider the whole of his speech as recommending patient and resigned submission as the best remedy. It is for the house to decide which of the alternatives ought to be embraced. I hope the decision is made already, by a higher authority than the voice of any man. It is not in the power of speech to infuse the sense of independence and honour. To resist wrong is the instinct of nature; a generous nature, that disdains tame submission.

This part of the subject is so imposing as to enforce silence even on the gentleman from Virginia. He dared not to deny his country's wrongs, or vindicate the conduct of her enemy. But one part only of his argument had any, the most remote relation to this point. He would not say that we had not a good cause for war, but insisted that it was our duty to define that cause. If he means that this house ought, at this stage of its proceedings, or any other, to specify any particular violation of our rights to the exclusion of all others, he prescribes a course which neither good sense nor the usage of nations warrants. When we contend, let us contend for all our rights—the doubtful and the certain, the unimportant and essential. It is as easy to contend, or even more so, for the whole as for a part. At the termination of the contest, secure all that our wisdom, and valour, and the fortune of war will permit. This is the dictate of common sense, and such, also, is the usage of nations. The single instance alluded to, the endeavour of Mr. Fox to compel Mr. Pitt to define the object of the war against France, will not support the gentleman from Virginia in his position. That was an extraordinary war for an extraordinary purpose, and was not governed by the usual rules. It was not for conquest or for redress of injury, but to impose a government on France which she refused to receive—an object so detestable that an avowal dare not be made.

I might here rest the question. The affirmative of the proposition is established. I cannot but advert, however, to the complaint of the gentleman from Virginia when he was first up on this question. He said he found himself reduced to the necessity of supporting the negative side of the question before the affirmative was established. Let me tell that gentleman that there is no hardship in his case. It is not every affirmative that ought to be proved. Were I to affirm that the house is now in session, would it be reasonable to ask for proof? He who would deny its truth, on him would be the proof of so extraordinary a negative. How, then, could the gentleman, after his admissions, and with the facts before him and the nation, complain? The causes are such as to warrant, or, rather, to make it indispensable in any nation not absolutely dependant to defend its rights by arms. Let him, then, show the reasons why we ought not so to defend ourselves. On him, then, is the burden of proof. This he has attempted. He has endeavoured to support his negative. Before I proceed to answer him particularly, let me call the attention of the house to one circumstance, that almost the whole of his arguments consisted of an enumeration of evils always incident to war, however just and necessary; and that, if they have any force, it is calculated to produce unqualified submission to every species of insult and injury. I do not feel myself bound to answer arguments of that description, and if I should allude to them, it will be only incidentally, and not for the purpose of serious refutation.

The first argument which I shall notice is the unprepared state of the country. Whatever weight this argument might have in a question of immediate war, it surely has little in that of preparation for it. If our country is unprepared, let us prepare as soon as possible. Let the gentleman submit his plan, and if a reasonable one, I doubt not it will be supported by the house. But, sir, let us admit the fact with the whole force of the argument; I ask, whose is

the fault? Who has been a member for many years past, and has seen the defenceless state of his country, even near home, under his own eyes, without a single endeavour to remedy so serious an evil? Let him not say "I have acted in a minority." It is no less the duty of the minority than a majority to endeavour to defend the country. For that purpose principally we are sent here, and not for that of opposition.

We are next told of the expenses of the war, and that the people will not pay taxes. Why not? Is it a want of means? What, with 1,000,000 tons of shipping; a commerce of $100,000,000 annually; manufactures yielding a yearly product of $150,000,000, and agriculture thrice that amount; shall we, with such great resources, be told that the country wants ability to raise and support 10,000 or 15,000 additional regulars? No: it has the ability, that is admitted; but will it not have the disposition? Is not our course just and necessary? Shall we, then, utter this libel on the people? Where will proof be found of a fact so disgraceful? It is said, in the history of the country twelve or fifteen years ago. The case is not parallel. The ability of the country is greatly increased since. The whiskey tax was unpopular. But, as well as my memory serves me, the objection was not so much to the tax or its amount as the mode of collecting it. The people were startled by the host of officers, and their love of liberty shocked with the multiplicity of regulations. We, in the spirit of imitation, copied from the most oppressive part of the European laws on the subject of taxes, and imposed on a young and virtuous people the severe provisions made necessary by corruption and the long practice of evasion. If taxes should become necessary, I do not hesitate to say the people will pay cheerfully. It is for their government and their cause, and it would be their interest and duty to pay. But it may be, and I believe was said, that the people will not pay taxes, because the rights violated are not worth defending, or that the defence will cost more than the gain. Sir, I here enter my solemn protest against this low and "calculating avarice" entering this hall of legislation. It is only fit for shops and counting-houses, and ought not to disgrace the seat of power by its squalid aspect. Whenever it touches sovereign power, the nation is ruined. It is too short-sighted to defend itself. It is a compromising spirit, always ready to yield a part to save the residue. It is too timid to have in itself the laws of self-preservation. It is never safe but under the shield of honour. There is, sir, one principle necessary to make us a great people—to produce, not the form, but real spirit of union, and that is to protect every citizen in the lawful pursuit of his business. He will then feel that he is backed by the government—that its arm is his arm. He then will rejoice in its increased strength and prosperity. Protection and patriotism are reciprocal. This is the way which has led nations to greatness. Sir, I am not versed in this calculating policy, and will not, therefore, pretend to estimate in dollars and cents the value of national independence. I cannot measure in shillings and pence the misery, the stripes, and the slavery of our impressed seamen; nor even the value of our shipping, commercial and agricultural losses, under the orders in council and the British system of blockade. In thus expressing myself, I do not intend to condemn any prudent estimate of the means of a country before it enters on a war. That is wisdom, the other folly. The gentleman from Virginia has not failed to touch on the calamity of war, that fruitful source of declamation, by which humanity is made the advocate of submission. If he desires to repress the gallant ardour of our countrymen by such topics, let me inform him that true courage regards only the cause; that it is just and necessary, and that it contemns the sufferings and dangers of war. If he really wishes well to the cause of humanity, let his eloquence be addressed to the British ministry, and not the American Congress. Tell them that, if they persist in such daring insult and outrages to a neutral nation, however inclined to peace, it will be bound by honour and safety to resist; that their pa-

tience and endurance, however great, will be exhausted; that the calamity of war will ensue, and that they, and not we, in the opinion of the world, will be answerable for all its devastation and misery. Let a regard to the interest of humanity stay the hand of injustice, and my life on it, the gentleman will not find it difficult to dissuade his countrymen from rushing into the bloody scenes of war.

We are next told of the danger of war. We are ready to acknowledge its hazard and misfortune, but I cannot think that we have any extraordinary danger to apprehend, at least none to warrant an acquiescence in the injuries we have received. On the contrary, I believe no war would be less dangerous to internal peace or the safety of the country. But we are told of the black population of the Southern States. As far as the gentleman from Virginia speaks of his own personal knowledge, I shall not question the correctness of his statement. I only regret that such is the state of apprehension in his part of the country. Of the southern section, I too have some personal knowledge, and can say that in South Carolina no such fears, in any part, are felt. But, sir, admit the gentleman's statement: will a war with Great Britain increase the danger? Will the country be less able to suppress insurrections? Had we anything to fear from that quarter—which I do not believe—in my opinion, the period of the greatest safety is during a war, unless, indeed, the enemy should make a lodgment in the country. It is in war that the country would be most on its guard, our militia the best prepared, and the standing army the greatest. Even in our Revolution, no attempts were made at insurrection by that portion of our population; and, however the gentleman may alarm himself with the disorganizing effects of French principles, I cannot think our ignorant blacks have felt much of their baneful influence. I dare say more than one half of them never heard of the French Revolution.

But as great as he regards the danger from our slaves, the gentleman's fears end not there—the standing army is not less terrible to him. Sir, I think a regular force, raised for a period of actual hostilities, cannot properly be called a standing army. There is a just distinction between such a force and one raised as a permanent peace establishment. Whatever would be the composition of the latter, I hope the former will consist of some of the best materials of the country. The ardent patriotism of our young men, and the liberal bounty in land proposed to be given, will impel them to join their country's standard, and to fight her battles. They will not forget the citizen in the soldier, and, in obeying their officers, learn to contemn their government and Constitution. In our officers and soldiers we will find patriotism no less pure and ardent than in the private citizen; but if they should be as depraved as has been represented, what have we to fear from 25,000 or 30,000 regulars? Where will be the boasted militia of the gentleman? Can 1,000,000 of militia be overpowered by 30,000 regulars? If so, how can we rely on them against a foe invading our country? Sir, I have no such contemptuous idea of our militia: their untaught bravery is sufficient to crush all foreign and internal attempts on their country's liberties.

But we have not yet come to the end of the chapter of dangers. The gentleman's imagination, so fruitful on this subject, conceives that our Constitution is not calculated for war, and that it cannot stand its rude shock. Can that be so? If so, we must then depend upon the commiseration or contempt of other nations for our existence. The Constitution, then, it seems, has failed in an essential object: "to provide for the common defence." No, says the gentleman, it is competent to a defensive, but not an offensive war. It is not necessary for me to expose the fallacy of this argument. Why make the distinction in this case? Will he pretend to say that this is an offensive war—a war of conquest? Yes, the gentleman has ventured to make this assertion, and for reasons no less extraordinary than the assertion itself. He says, our rights are

violated on the ocean, and that these violations affect our shipping and commercial rights, to which the Canadas have no relation. The doctrine of retaliation has been much abused of late, by an unreasonable extension of its meaning. We have now to witness a new abuse: the gentleman from Virginia has limited it down to a point. By his rule, if you receive a blow on the breast, you dare not return it on the head; you are obliged to measure and return it on the precise point on which it was received. If you do not proceed with this mathematical accuracy, it ceases to be self-defence—it becomes an unprovoked attack.

In speaking of Canada, the gentleman from Virginia introduced the name of Montgomery with much feeling and interest. Sir, there is danger in that name to the gentleman's argument. It is sacred to heroism! it is indignant of submission! It calls our memory back to the time of our Revolution—to the Congress of 1774 and 1775. Suppose a member of that day had rose and urged all the arguments which we have heard on this occasion—had told that Congress your contest is about the right of laying a tax—that the attempt on Canada had nothing to do with it—that the war would be expensive—that danger and devastation would overspread our country—and that the power of Great Britain was irresistible. With what sentiment, think you, would such doctrines have been then received? Happy for us, they had no force at that period of our country's glory. Had such been acted on, this hall would never have witnessed a great people convened to deliberate for the general good; a mighty empire, with prouder prospects than any nation the sun ever shone on, would not have risen in the West. No! we would have been base, subjected colonies, governed by that imperious rod which Britain holds over her distant provinces.

The gentleman attributes the preparation for war to everything but its true cause. He endeavoured to find it in the probable rise in the price of hemp. He represents the people of the Western States as willing to plunge our country into war for such interested and base motives. I will not reason this point. I see the cause of their ardour, not in such unworthy motives, but in their known patriotism and disinterestedness.

No less mercenary is the reason which he attributes to the Southern States. He says that the Non-importation Act has reduced cotton to nothing, which has produced a feverish impatience. Sir, I acknowledge the cotton of our plantations is worth but little, but not for the cause assigned by the gentleman. The people of that section do not reason as he does; they do not attribute it to the efforts of their government to maintain the peace and independence of their country: they see in the low price of their produce the hand of foreign injustice; they know well, without the market of the Continent, the deep and steady current of our supply will glut that of Great Britain. They are not prepared for the colonial state, to which again that power is endeavouring to reduce us. The manly spirit of that section will not submit to be regulated by any foreign power.

The love of France and the hatred of England have also been assigned as the cause of the present measure. France has not done us justice, says the gentleman from Virginia, and how can we, without partiality, resist the aggressions of England? I know, sir, we have still cause of complaint against France, but it is of a different character from that against England. She professes now to respect our rights; and there cannot be a reasonable doubt but that the most objectionable parts of her decrees, as far as they respect us, are repealed. We have already formally acknowledged this to be a fact. But I protest against the principle from which his conclusion is drawn. It is a novel doctrine, and nowhere avowed out of this house, that you cannot select your antagonist without being guilty of partiality. Sir, when two invade your rights, you may resist both, or either, at your pleasure. The selection is regulated by prudence, and not by right. The stale imputation of partiality for France is better calculated for the columns of a newspaper than for the walls of this house.

The gentleman from Virginia is at a loss to account for what he calls our hatred to England. He asks, how can we hate the country of Locke, of Newton, Hampden, and Chatham; a country having the same language and customs with ourselves, and descended from a common ancestry? Sir, the laws of human affections are steady and uniform. If we have so much to attach us to that country, powerful indeed must be the cause which has overpowered it. Yes, there is a cause strong enough; not that occult, courtly affection, which he has supposed to be entertained for France, but continued and unprovoked insult and injury: a cause so manifest that he had to exert much ingenuity to overlook it. But the gentleman, in his eager admiration of England, has not been sufficiently guarded in his argument. Has he reflected on the cause of that admiration? Has he examined the reasons for our high regard for her Chatham? It is his ardent patriotism—his heroic courage, which could not brook the least insult or injury offered to his country, but thought that her interest and her honour ought to be vindicated, be the hazard and expense what they might. I hope, when we are called on to admire, we shall also be asked to imitate. I hope the gentleman does not wish a monopoly of those great virtues for England.

The balance of power has also been introduced as an argument for submission. England is said to be a barrier against the military despotism of France. There is, sir, one great error in our legislation; we are ready, it would seem from this argument, to watch over the interests of foreign nations, while we grossly neglect our own immediate concerns. This argument, drawn from the balance of power, is well calculated for the British Parliament, but is not at all suited to the American Congress. Tell the former that they have to contend with a mighty power, and if they persist in insult and injury to the American people, they will compel them to throw their weight into the scale of their enemy. Paint the danger to them, and if they will desist from injuring us, I answer for it, we will not disturb the balance of power. But it is absurd for us to talk about it, while they, by their conduct, smile with contempt at what they regard as our simple, good-natured vanity. If, however, in the contest, it should be found that they underrate us, which I hope and believe, and that we can affect the balance of power, it will not be difficult for us to obtain such terms as our rights demand.

I, sir, will now conclude, by adverting to an argument of the gentleman used in debate on a preceding day. He asked, why not declare war immediately? The answer is obvious—because we are not yet prepared. But, says the gentleman, such language as is held here will provoke Great Britain to commence hostilities. I have no such fears. She knows well that such a course would unite all parties here—a thing which, above all others, she most dreads. Besides, such has been our past conduct, that she will still calculate on our patience and submission till war is actually commenced.

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## II.

### ONSLOW IN REPLY TO PATRICK HENRY.

### No. 1.

If rumour may be credited, I may be proud in having you as an antagonist [Mr. A., the President of the United States]; and if I were actuated by a sentiment of vanity, much of my reply would be devoted to tracing the strong, but, perhaps, accidental analogy between the style of your numbers and some of our public documents. But truth, and not the gratification of vanity, is my object; and though the pride of victory would be swelled in proportion to the high

standing of an opponent, I shall, without stopping to inquire into the question of authorship, proceed directly to the point at issue.

If you have failed in your argument, you have, at least, succeeded in giving the question a new and interesting aspect. You have abandoned the rules and usages of the Senate, as the source of the Vice-president's authority as the presiding officer of the Senate. You contend that the disputed right is derived directly from the Constitution, and that the Vice-president's authority is wholly independent of the *will* of the Senate, which can neither give nor take it away. It is not my wish to misstate your arguments in the slightest degree, and, to avoid the possibility of misrepresentation, you shall speak for yourself. Spurning the authority of the Senate, you scornfully observe, "With the easy assurance of a man stating a conceded postulate, he (Onslow) says, 'After all, the power of the Vice-president must depend upon the rules and usages of the Senate:' a postulate not only false in its principle, but which, if true, would not sustain the cause to whose aid it is invoked. Unless the Constitution of the United States was subjected to some military construction, the power of the Vice-president, in presiding over the Senate, rests on deeper, holier foundations than any rules or usages which that body may adopt. What says the Constitution? 'The Vice-president of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.' 'The Senate shall choose their own officers, and also a president pro tempore, in the absence of the Vice-president, or when he shall exercise the office of President of the United States.'—(Const. U. S., Art. 1, Sec. 3.) It is here made the duty of the Vice-president to preside over the Senate, under the sole restriction of having no vote except in a given case; the right of the Senate to choose their president is confined to two contingencies; his powers, after being so chosen, are identical with those of the president set over them by the Constitution, and any abridgment of those powers by the Senate would be a palpable infraction of that Constitution. Now, sir, what is the import of the term 'to preside,' in relation to a deliberative assembly? Can any sophistry devise a plausible definition of it, which would exclude the power of preserving order? In appointing an officer to preside over the Senate, the people surely intended not to erect an empty pageant, but to accomplish some useful object: and when, in another part of the Constitution, they authorize each house 'to determine the rules of its proceedings,' they do not authorize it to adopt rules depriving any office created by the Constitution of powers belonging, *ex vi termini*, to that office. If the plainest or most profound man in the community were asked what powers he supposed to be inherent in the presiding officer of either house of Congress, he would instantly enumerate, first, the power of preserving order in its deliberations; next, that of collecting the sense of its members on any question submitted to their decision; and, thirdly, that of authenticating, by his signature, their legislative acts. I have before said, and I regret that I am obliged to repeat a truism, that 'the right to call to order is a necessary consequence of the power of preserving order;' and that, 'unless a deliberative body, acting within the sphere of its competence, expressly restrict this power and this right, no restriction on them can then be supposed.' In divesting the president set over them by the people, of any power which he had received, either expressly or impliedly, from the people, the Senate, instead of 'acting within the sphere of their competence,' would act usurpingly and unconstitutionally—they would nullify the connexion which the people had established between themselves and their president; they would reduce themselves to the monstrous spectacle of a body without a head, and their president to the equally monstrous spectacle of a head without a body; and their violent act, while it would be disobeyed as illegal, would be contemned as ridiculous. But, in truth, the Senate have never thus forgotten their allegiance to the Constitution."

There can be no mistake as to the source or the nature of the power, according to your conception. You tell us plainly that it rests "on a deeper, holier foundation" than the rules of the Senate—that it is "inherent in the Vice-president, and that, as presiding officer, he possesses it *ex vi termini;* that an attempt to divest, and, of course, to modify the power 'by the Senate, would be to act' usurpingly and unconstitutionally," and that "such violent act would be disobeyed as illegal, and contemned as ridiculous."

These are, at least, lofty grounds, and if they can be maintained, there is an end of the controversy. It would be absurd to go farther. An inquiry into the rules and usages of the Senate, after such grounds are occupied, becomes ridiculous, and much more so an inquiry into those of the houses of Parliament: for surely, if it is beyond the power of the Senate to give or withhold the right, it must stand on an elevation far above parliamentary rules or usages; and I was therefore not a little surprised to find that, after so bold an assertion, more than four fifths of your long and elaborate essay was devoted to a learned and critical inquiry into these very rules and usages. There can be but one explanation of so strange an inconsistency, but that a very satisfactory one. You lack confidence in your own position; and well might you: for, surely, power so despotic and dangerous, so inconsistent with the first principles of liberty, and every sound view of the Constitution, was never attempted to be established on arguments so imbecile and absurd, to which no intellect, however badly organized, could yield assent, unless associated with feelings leaning strongly to the side of power. That such are your feelings, no one who reads your essay can doubt. None of your sympathies are on the Democratic side of our institutions. If a question can be made as to where power is lodged, it requires but little sagacity to perceive that you will be found on the side which will place it in the fewest and least responsible hands. You perceive perfection only in the political arrangement, which, with simplicity and energy, gives power to a single will. It is not, then, at all surprising, that you should seize on that portion of the Constitution which appoints the Vice-president to be President of the Senate; and that you should quote it at large, and dwell on it at length, as the source of high and uncontrollable power in that officer; while you have but slightly and casually adverted to another section in the same article, which clothes the Senate with the power "of determining the rules of their proceedings, punishing its members for disorderly conduct, and, with the concurrence of two thirds, of expelling a member."—(See Art. 1, Sec. 5.) Had your predilections for the unity and irresponsibility of power been less strong, you could not have failed to see that the point of view in which you have thought proper to place the question made it one of relative power between the Senate and its presiding officer. You place the Vice-president on one side and the Senate on the other; and the more you augment the constitutional power of the former as the presiding officer, just in the same proportion you diminish the power of the latter. What is gained to the one is lost to the other; and in this competition of power you were bound to present fully and fairly both sides. This you have not done, and, consequently, you have fallen not only into gross, but dangerous errors. You set out by asserting that the very object of the appointment of the Vice-president as President of the Senate was to preserve order, and that he has all the powers, *ex vi termini*, necessary to the attainment of the end for which he was appointed. Having gained this point, you make your next step, that the right of enforcing order involves that of calling to order, and that again involves the very power in question, which the Vice-president declined to exercise. You then draw two corollaries: that the power held by the Vice-president being derived direct from the Constitution, is held independently of the Senate, and is, consequently, beyond their control or participation; and that, as the Vice-president alone possesses it, he, and he alone, is responsible for order and decorum. Such is your summary logic, which you accom-

pany with so much abuse of Mr. Calhoun for not calling the power, which you have, as you suppose, clearly proven that he possesses by the Constitution, into active energy, by correcting and controlling, at his sole will and pleasure, the licentious and impertinent debates of the Senators.

Let us now turn the same mode of reasoning on the side of the Senate, and you will perceive that it applies with infinite more force, though you have not thought it deserving of notice.

The Constitution has vested the Senate with the right of determining the rules of its proceedings, and of punishing members for disorderly conduct, which may extend even to expulsion. The great object of giving the power to establish rules is to preserve order. The only effectual means of preserving order is to prescribe by rules what shall be a violation of order, and to enforce the same by adequate punishment. The Senate alone has these powers by the Constitution: consequently, the Senate alone has the right of enforcing order; and, consequently, whatever right the Vice-president possesses over order, must be derived from the Senate; and, therefore, he can exercise no power in adopting rules or enforcing them, but what has been delegated to him by the Senate, and only to the extent, both in manner and matter, to which the power has been delegated. The particular power in question not having been delegated, cannot be exercised by the Vice-president, and, consequently, he is not responsible. Do you not perceive the irresistible force with which your own mode of reasoning applies to the substantial constitutional powers of the Senate, and how partial and absurd your arguments in favour of the inferred constitutional power of its presiding officer must appear in contrast with it? As absurd as it now appears, it shall be, if possible, infinitely more so before I have closed this part of the investigation.

With the same predilection, your assumptions are all on the side of uncontrolled and unlimited power. Without proof, or even an attempt at it, you assume that the power in controversy is *inherent* in the Vice-president, and that he possesses it *ex vi termini*, as presiding officer of the Senate. Now I, who have certainly as much right to assume as yourself, deny that he possesses any such power; and what may, perhaps, startle a mind organized like yours, I affirm that, as a presiding officer, he has no inherent power whatever, unless that of doing what the Senate may prescribe by its rules be such a power. There are, indeed, inherent powers, but they are in the *body*, and not in the *officer*. He is a mere agent to execute the will of the former. He can exercise no power which he does not hold by delegation, either express or implied. He stands in the same relation to the body, or assembly over which he presides, that a magistrate in a republic does to the state, and it would be as absurd to attribute to the latter inherent powers as to the former. This, in fact, was once a fashionable doctrine. There was a time when minions of power thought it monstrous that all of the powers of rulers should be derived from so low and filthy a source as the people whom they govern. "A deeper and holier foundation" of power was sought, and that was proclaimed to be in the "inherent," divine "right of rulers;" and, as their powers were thus shown to be independent of the will of the people, it followed that any attempt on their part to divest rulers of power would be an act of "such violence as would be disobeyed as illegal and contemned as ridiculous." I might trace the analogy between your language and principles and those of the advocate of despotic power in all ages and countries much farther, but I deem it not necessary either to weaken or refute your arguments. A more direct and decisive reply may be given.

An inherent power is one that belongs essentially to the office, and is, in its nature, inseparable from it. To divest the office of it would be to change its nature. It would be no longer the same office. It is, then, a power wholly independent of the circumstances how the office may be created or filled, or in what particular manner its functions may be exercised. If, then, the power be-

longs to the Vice-president inherently, as presiding officer of the Senate, it is because it is essentially attached to the mere function of presiding in a deliberative assembly, and, consequently, belongs to all presiding officers over such assemblies; for it would be absurd to assert that it is inherent in him as President of the Senate, and then make it depend on the circumstance that he holds his appointment to preside in the Senate by the *Constitution*. The high power, then, which you attribute to the Vice-president, must belong, if your argument be correct, to the Speaker of the House of Commons, to the lord-chancellor, as presiding officer of the House of Lords, to the Speaker of the House of Representatives, and those of our State Legislatures. They must not only possess the power, but must hold it independently of the will of the bodies over which they preside; which can neither give nor take it away, nor modify the mode of exercising it, nor control its operation. These consequences, absurd as they appear to be, are legitimately drawn from your premises.

Now "out of thine own mouth I will condemn thee;" by your own authorities you shall be refuted. To prove that the Vice-president possesses this power, you have laboured to establish the fact that the Speaker of the House of Commons holds and exercises it, and in proof of which you have cited many cases from Jefferson's Manual.

It is true that he has, at least to a certain extent, but how has he acquired it? This is the important inquiry in the point of view in which we are now considering the question. Is it inherent, or is it delegated? If the former, I acknowledge that your argument, from analogy, in favour of the inherent power of the Vice-president, would have much force; but, if the latter, it must utterly fail; for, if delegated, it clearly establishes the fact that the power is in the *body*, and not in the *presiding officer*, and, consequently, not inherent in the Vice-president, as you affirm. The instances that you have cited shall decide the point. What say the cases? "On the 14th of April, 1604, rule conceived, that if any man speak impertinently, or beside the question in hand, it stands with the *orders of the house* for the speaker to interrupt him, and to show the *pleasure of the house*, whether they will farther hear him." "On the 17th of April, 1604, agreed for a general rule, if any superfluous motion or tedious speech be offered in the house, the party is to be directed and ordered by Mr. Speaker." "On the 19th of May, 1604, Sir William Paddy entering into a long speech, *a rule agreed*, that, if any man speak not to the matter in question, the speaker is to moderate." So it is said, on the 2d of May, 1610, when a member made what seemed an impertinent speech, and there was much hissing and spitting, "that it was *conceived for a rule*, that Mr. Speaker may stay impertinent speeches." "On the 10th of November, 1640, it was declared that, when a business is begun and in debate, if any man rise to speak to a new business, any member may, but Mr. Speaker ought to, interrupt him."—*See Hatsell's Precedents*, vol. ii., 3*d edition*.

Do you not notice, that in every case the power was delegated by the house; that the language is, "rule conceived," "it was agreed to as a general rule," "rule agreed," &c., &c.; and this, too, in relation to *the very power in question, according to your own showing?* Thus it is established, beyond controversy, that in the House of Commons the power is really in the body, and not in the presiding officer.

If, to this decisive proof that the power has been delegated to the Speaker of the House of Commons, and is, consequently, not inherent, we add that it is conferred on the Speaker of the House of Representatives (see 19th rule) by an express rule of the house, and that the lord-chancellor, as presiding officer in the House of Lords, possesses it not, either ex-officio or by delegation, as shall be shown hereafter, your monstrous and slavish doctrine, that it is an inherent power, will be completely overthrown, and you are left without the possibility of escape.

Should you attempt to extricate yourself by endeavouring to show that, under our Constitution, the relative powers of the Vice-president and the Senate are different from those of the speaker and the House of Commons; and that, though the latter may hold the power by delegation from the body, that the Vice-president may possess it by a different and higher tenure, it would, at least, prove that you cede the point that it is not inherent, and, also, that it cannot be deduced from analogy between the *powers* of the two presiding officers, which you have so much relied on in another part of your essay. But this shall not avail you. The door is already closed in that direction. It has been, I trust, conclusively proved that the Constitution, so far from countenancing the idea of the power being inherent in the Vice-president, gives it to the Senate, by the strongest implication, in conferring the express right of establishing its own rules, and punishing for disorderly conduct. If you are not yet convinced, additional arguments are not wanting, which, though they may not extort an acknowledgment of your error, will thoroughly convince you of it.

You have overlooked the most obvious and best-established rules of construction. What are the facts? The Constitution has designated the Vice-president as President of the Senate, and has also clothed that body with the right of determining the rules of its proceedings. It is obvious that the simple intention of the framers of that instrument was to annex to the office of Vice-president that of President of the Senate, without intending to define the extent or the limit of his power in that character; and, in like manner, it was the intention to confer on the Senate simply the power of enacting its own rules of proceeding, without reference to the powers, such as they may be, that had been conferred on their presiding officer. The extent of power, as between the two, becomes a question of construction. Now the first rule of construction, in such cases, is the known usage and practice of parliamentary bodies; and, as those of the British Parliament were the best known to the framers of the Constitution, it cannot be doubted that, in determining what are the relative powers of the Vice-president and the Senate, they ought to prevail. Under this view, as between the Vice-president and Senate, the latter possesses the same power in determining its rules that is possessed by the houses of Parliament, without being restricted in the slightest degree by the fact that the Vice-president, under the Constitution, is president of the body, saving only the right of adopting such rules as apply to the appointment or election of a presiding officer, which the Senate would have possessed, if the Constitution had not provided a president of the body; and, as I have proved, from your own cases, that the particular power in question incontrovertibly belongs to the house, it follows necessarily, according to established rules of construction, that the Senate also possesses it.

You have overlooked these obvious truths by affixing too high an idea to the powers of the presiding officer in preserving order. According to your conception, the house is nothing, and the officer everything, on points of order. Nothing can be more erroneous. The power you attribute to him has never been possessed by the president, or speaker, in any deliberative assembly; no, not even by delegation from the body itself.

The right of preserving order must depend on the power of enforcing it, or of punishing for a breach of order—a right *inherent* in the *house alone*, and never, in any instance, delegated to the chair. Our Constitution confines this right to each house of Congress, by providing "that they may punish for disorderly conduct:" a power which they neither have delegated, nor can delegate, to the presiding officer. What, then, is the right of preserving order, belonging to the Vice-president, which you have so pompously announced, and for not enforcing which, according to your conception, you and your associates have denounced Mr. Calhoun almost as a traitor to his country?

It is simply the right of *calling* to order, *in the strict, literal meaning;* and, so far from being derived from the right of preserving order, as you absurdly sup-

pose, it is not even connected with it. The right of *preserving order depends on the right of enforcing it*, or the *right of punishment for breaches of order*, always possessed by the body, but never, either by delegation or otherwise, by the chair. It is notorious that the chair cannot enforce its calls to order. The body alone can, and that only on its decisions, and not on that of the presiding officer. It is thus manifest, the high right of preserving order, to which you make the right of calling to order incidental, belongs especially to the Senate, and not to the Vice-president; and, if your argument be correct, the incident must follow the right; and, consequently, it is the right and duty of a senator to call to order for disorderly conduct. So clear is the proposition, that, if the member called to order by the chair for disorderly conduct chooses to persist, the presiding officer has no other remedy but to *repeat his call*, or *throw himself, for the enforcement of it, on the Senate.* This feebleness of the chair, in questions of order, explains why there has always been such indisposition to call to order, even when it is made the express duty by rule, as in the House of Representatives, and the House of Commons in England. Thousands of instances might be cited to establish the truth of this remark, both there and here: instances in which all that has been said and uttered by Mr. Randolph is nothing, but in which the speaker waited for the interference of some of the members, in order to preserve order. Such was the case in the recent occurrence in the House of Commons, when Mr. Hume made an attack on the Bishop of London and the lord-chancellor, both of which, as members of the House of Lords, were under the protection of positive rules; yet no one, even there, had the assurance to throw the responsibility on the presiding officer. The partisans of power in our country have the honour of leading in these new and dangerous attacks on the freedom of debate.

Some men, of honest intention, have fallen into the error about the right of the Vice-president to preserve order independently of the Senate, because the judges, or, as they express it, the presiding officer in the courts of justice possess the right. A moment's reflection will show the fallacy. There is not the least analogy between the rights and duties of a judge and those of a presiding officer in a deliberative assembly. The analogy is altogether the other way. It is between the court and the house. In fact, the latter is often called a court, and there is a very strict resemblance, in the point under consideration, between what may be called a parliamentary court and a court of justice. They both have the right of causing their decision to be respected, and order and decorum to be observed in their presence, by punishing those who offend. But who ever heard of the speaker or Vice-president punishing for disorderly conduct? The utmost power they can exercise over disorderly conduct, even in the lobby or gallery, is to cause it to be suppressed, for the time, by the sergeant-at-arms.

Enough has been said, though the subject is far from being exhausted, to demonstrate that your views of the relative powers and duties of the Vice-president and the Senate, in relation to the point in question, are wholly erroneous. It remains to be shown that your opinions (for arguments they cannot be called) are dangerous to our liberty, and that they are in conflict with the first principles of our government. I do not attribute to you, or those with whom you are associated, any deep-laid design against public liberty. Such an attempt, as flagitious as it may be, requires a sagacity and boldness quite beyond what we have now to apprehend from those in power. But that there exists, at the present time, a selfish and greedy appetite to get and to hold office, and that, to effect their grovelling objects, doctrines slavish and dangerous are daily propagated, cannot be doubted by even careless observers. The freedom of debate is instinctively dreaded by the whole corps, high and low, of those who make a speculation of politics; and well they may: for it is the great and only effectual means of detecting and holding up to public scorn every machi-

nation against the liberty of the country. It ranks first, even before the liberty of the press, the trial by jury, the rights of conscience, and the writ of habeas corpus, in the estimation of those who are capable of forming a correct estimate of the value of freedom, and the best means of preserving it. Against this palladium of liberty your blows are aimed; and, to do you justice, it must be acknowledged, if the energy be not great, the direction is not destitute of skill. If you could succeed in establishing the points which you labour, that the Vice-president holds a power over the freedom of debate, under the right of preserving order, beyond the will or control of the Senate; and that, consequently, he alone is responsible for what might be considered an undue exercise of the freedom of speech in debate, a solid foundation would be laid, from which, in time, this great barrier against despotic power would be battered down. It is easy to see that the scheme takes the power of protecting this, the first of its rights, wholly out of the hands of the Senate, and places its custody in the hands of a single individual, and he in no degree responsible to the body over which this high power is to be exercised: thus effectually destroying the keystone of freedom, responsibility, and introducing into a vital part of our system uncontrolled, or, what is the same thing, despotic power; which, being derived, by your theory, from the Constitution, and being applicable to all points of order, necessarily would vest in the Vice-president alone an independent and absolute power, that would draw into the vortex of his authority an unlimited control over the freedom of debate.

Mark the consequences! If the Vice-president should belong to the same party or interest which brought the President into power, or if he be dependant on him for his political standing or advancement, *you will virtually place the control over the freedom of debate in the hands of the executive.*

You thus introduce *the President*, as it were, into the *chamber of the Senate, and place him virtually over the deliberation of the body, with powers to restrain discussion, and shield his conduct from investigation.* Let us, for instance, suppose that the present chief magistrate should be re-elected, and that the party which supports him should succeed, as, in all probability, they would in that event, in electing also their Vice-president, can it be doubted that the rules for the restraint of the freedom of debate in the Senate, which have been insisted on openly by the party during the last winter, would be reduced to practice, through a subservient Vice-president? And what are those rules? One of the leading ones, to advert to no other, is, that the conduct of the executive, as a co-ordinate branch of that government, cannot be called in question by a senator in debate, at least so far as it relates to impeachable offences; and, of *course, an attempt to discuss the conduct of the President, in such cases, would be disorderly, and render the senator liable to be punished, even to expulsion.* What would be the consequence? The Senate would speedily sink into a body to register the decrees of the President and sing hosannas in his praise, and be as degraded as the Roman Senate under Nero.

But let us suppose the opposite state of things, in which the Vice-president chooses to pursue a course independent of the will of the executive, and, instead of assuming so dangerous an exercise of power, he should indulge (for indulgence it must be called, if allowed by his courtesy) that freedom of debate which exists in other deliberative assemblies. What will then follow? Precisely that which occurred last winter. Most exaggerated and false accounts would everywhere be propagated, by hirelings of power, of the slightest occurrence in the Senate. The public indignation would be roused at the supposed disorder and indecorum, and the whole would be artfully directed against the Vice-president, in order to prostrate his reputation; and thus an officer, without patronage or power, or *even the right of defending himself*, would be the target against which the whole force and patronage of the Government would be directed. Few men would have the firmness to encounter danger so tremendous;

and the practical result, in the long run, must be a subservient yielding to the executive will.

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No. 2.

Having now established, I may venture to say beyond the possibility of reasonable controversy, that the idea of an inherent right in the Vice-president, independent of, and beyond the will of the Senate, to control the freedom of debate, is neither sanctioned by the Constitution, nor justified by the relation between the body and its presiding officer, and that it is subversive of the right of free discussion, and, consequently, dangerous to liberty, I might here fairly rest the question. To you, at least, who treat with scorn the rules and usages of the Senate, as the source of the power of the Vice-president, all farther inquiry is fairly closed. But as many, who may agree with you in the conclusion, may treat with contempt your high-strained conception of the origin of the power under investigation, it will not be improper to ascertain whether it has been conferred on the Vice-president by any act of the Senate, express or implied, the only source whence the power can be fairly derived. In this view of the subject, the simple inquiry is, Has the Senate conferred the power? It has been fully established that they alone possess it, and, consequently, from the Senate only can it be derived. We, then, affirm that the Senate has not conferred the power. The assertion of the negative, in such cases, is sufficient to throw the burden of proof on those who hold the affirmative. I call on you, then, or any of your associates, to point out the rule or the usage of the Senate by which the power has been conferred. None such has, or can be designated. If a similar question be asked as to the power of the Speaker of the House of Representatives, how easy would be the reply? The 19th rule, which expressly gives the power to him, would be immediately quoted; and, if that were supposed to be doubtful, the journals of the house would be held up as containing innumerable instances of the actual exercise of the power. No such answer can be given when we turn to the power of the Vice-president. The rules are mute, and the journals of the Senate silent. What means this striking difference, but that, on this point, there is a difference, in fact, between the power of the speaker and of the Vice-president? a difference which has been always understood and acted on; and when to this we add, that the rules of the two houses in regard to the power are strikingly different; that, while those of the Representatives expressly delegate the power to the speaker, those of the Senate, by strong implication, withhold it from the Vice-president, little room can be left for doubt. Compare, in this view, the 19th rule of the house and the 7th of the Senate. The former says, "If any member, by speaking or otherwise, transgress the rules of the house, the speaker shall, or any member may, call to order: in which case the member so called to order shall immediately sit down, unless permitted to explain; and the house shall, if appealed to, decide on the case without debate; if there be no appeal, the decision of the chair shall be submitted to. If the decision be in favour of the member called to order, he shall be at liberty to proceed; if otherwise, he will not be permitted to proceed without leave of the house; and if the case require it, he shall be liable to the censure of the house." The rule of the Senate, on the contrary, provides, "If the member shall be called to order for words spoken, the exceptionable words shall immediately be taken down in writing, that the president may be better enabled to judge of the matter." These are the corresponding rules of the two houses: and can any impartial mind contend that similar powers are intended to be conferred by them on the speaker and Vice-president? Or will it be insisted on that the difference in the phraseology is accidental, when it is known that they have often been revised on the reports of commit-

tees, who would not fail to compare the rules of the two houses on corresponding subjects? Under such circumstances, it is impossible that it could be intended to confer the same power by such difference of phrascology, or that the withholding of the power in question from the Vice-president was unintentional. This rational construction is greatly strengthened, when we advert to the different relations which the two officers bear to their respective houses. The speaker is chosen by the House of Representatives, and is, consequently, directly responsible to the body; and his decision, by the rules, may be appealed from to the house. The Vice-president, on the contrary, is placed in the chair by the Constitution, is not responsible to the Senate, and his decision is without appeal. Need we look farther for the reason of so essential a variation in the rules conferring power on their respective presiding officers? It is a remarkable fact, that the same difference exists in the relation between the presiding officers of the two houses of the British Parliament, and the bodies over which they respectively preside. In the Commons, the speaker is chosen as in our House of Representatives, and is, consequently, in like manner responsible; on the contrary, in the House of Lords the chancellor presides *ex-officio*, in like manner as the Vice-president in the Senate, and is, in like manner, irresponsible to the body. Now it is no less remarkable that the speaker possesses the power in question, while it is perfectly certain that the lord-chancellor does not. Like cause, like effect; dissimilar cause, dissimilar effect. You, sir, have, it is true, made a puny effort to draw a distinction between the mode in which the Vice-president and the lord-chancellor are appointed, and have also feebly denied that the latter has not the power of calling to order. Both of these efforts show the desperation of your cause. What does it signify by whom an *ex-officio* officer is appointed, if not by the body? There can be but one material point, and that without reference to the mode of appointment—is he, or is he not, responsible to the house? If the former, there is good cause for the delegation of the power; for power exercised by responsible agents is substantially exercised by the principal; while by irresponsible agents it is the power of him by whom it is exercised. Nor is your effort to show that the chancellor has the power less unhappy. You have cited but one instance, and that really renders you ridiculous. The lord-chancellor, as is well known, has the right of speaking; and you most absurdly cite the commencement of a speech of one of the chancellors, in which he states that he would call back the attention of the Lords to the question at issue, as an instance of exercising the power of calling to order as presiding officer, for departure from the question! Though you have signally failed to prove your position, you have not less completely established the fact, that your integrity is not above a resort to trick, where argument fails. Nor is this the only instance of subterfuge. You made a similar effort to do away the authority of the venerable Jefferson. He has left on record, that he considered his power as presiding officer of the Senate as the *power of umpirage*, or, what is the same thing, an appellate power. In order to break the force of this authority, you have denied the plain and invariable meaning of the word, and attempted to affix one to it which it never bears. You say that its usual meaning is synonymous with "office," "authority," or "the act of determining," and that it is only in its technical sense that it conveys the idea of an appellate power! Can it be unknown to you that no word in the language more invariably has attached to it the idea of decision by appeal, and that there is not an instance of its being used by any respectable authority in the sense which you state to be its usual meaning?

It only remains to consider the cases that you have cited from the Manual, to prove that the Speaker of the House of Commons possesses the power in question; by which you would infer that it belongs also to the Vice-president. A very strange deduction by one who believes that the power originates in the Constitution, and that it neither can be given or taken away by the authority of the

Senate itself. After asserting that it has "deeper and holier foundations than the rules and usages of the Senate," there is something more than ridiculous, that you at last seek for the power in the rules and usages of the House of Commons! But let such inconsistency pass. You have, indeed, established the fact that the speaker has the power, but you have overlooked the material circumstance, as I have shown from your own cases, that he possesses it by *positive rules of the house*. You might as well have shown that the Speaker of the House of Representatives possesses it, and then inferred that the Vice-president does also; for he, too, holds the power by positive rules of the body, which makes the analogy as strong in the one case as the other.

But you would have it understood that the rules of Parliament have been adopted by the Senate. No such thing. I challenge you to cite a single rule or act of the Senate that gives countenance to it. Finally, you tell us that Mr. Jefferson has cited these rules as being part of the rules and usages of the Senate. Admitting, for a moment, that Mr. Jefferson had cited them as such, still a very important question would arise, How came they to be the rules of the Senate? The Constitution provides that the Senate shall determine the rules of its proceedings; now, if that body has not, by any rule, adopted the rules of the British Parliament, by what process of reason could they be construed to be the rules of the Senate? That the Senate has not adopted the rules of Parliament, is certain; and I confess I am not a little curious to see the process of reasoning by which they are made the rules of the Senate, *without adoption*. Is there not a striking analogy between this and the question, whether the common law is a part of the laws of the Union? We know that they have been decided by the highest judicial authority not to be; and, it seems to me, the arguments which would be applicable to the one would be equally so to the other question. That the rules and usages of Parliament may be referred to to illustrate the rules of either house of Congress, is quite a distinct proposition, and may be readily admitted. Arguments may be drawn from any source calculated to illustrate, but that is wholly different from giving to the rules of another body a binding force on the Senate, without ever having been recognised as its rules. This is a subject of deep and grave importance; but as it is not necessary to my purpose, I decline entering on it. It is sufficient, at present, to deny that Mr. Jefferson has cited the rules of the Parliament, referred to by you, as those of the Senate. On the contrary, they are expressly cited as the rules of the British House of Commons, without stating them to be obligatory on the Senate. He has notoriously cited many of the rules of that body which are wholly dissimilar from the usages of the Senate. But you cite Mr. Jefferson's opinion, in which he says, "The Senate have, accordingly, formed some rules for its government" (they have been much enlarged since); "but these going only to a few cases, they have referred to the decision of the president, without debate or appeal, all questions of order arising under their own rules, or where there is none. This places under the discretion of the president a very extensive field of decision." If your object in quoting the above passage was to show that, where the Senate has adopted no rules of its own, the rules of Parliament are those of the Senate, it completely fails. Not the slightest countenance is given to such an idea. Mr. Jefferson, on the contrary, says that, in cases of omission, the sound discretion of the president is the rule;* and such has been the practice, and from which it has followed that usages of the Senate are very different from the Parliament, which could not be, if the latter were adopted, where there were no positive rules by the Senate.

If this view of the subject be correct, which is certainly Mr. Jefferson's, the

* This opinion of Mr. Jefferson's is probably founded on the latter part of the 6th rule, which strongly supports it. The rule is as follows: "When a member shall be called to order, he shall sit down until the president shall have determined whether he is in order or not; and every question of order shall be decided by the president, without debate; but if there be a doubt in his mind, he may call for the sense of the Senate."

Vice-president had the right to make the rule by exercising a sound discretion; and the only question that could arise in this view is, whether he has acted on correct principles in referring the power to the house, instead of exercising it by the chair. So long as doubtful and irresponsible power ought not to be assumed—so long as the freedom of debate is essential to liberty—and so long as it is an axiom in politics that no power can be safe but what is in the final control and custody of the body over which it is exercised—so long the rule (to view it in that light) adopted by the Vice-president will be considered in conformity to sound political principles. But, suppose it to be conceived that the rules of Parliament are those of the Senate, when not overruled by its own positive acts, still, two questions would remain: first, whether the 7th rule of the Senate, by a sound construction, does not restrain the Vice-president from exercising the power, by limiting it to the members of the Senate? and, secondly, whether the practice of the House of Lords, or that of the Commons, ought, in this particular, to prevail? Both of these points have already been incidentally considered, and a single remark will now suffice. Whether we regard the nature of the power, or the principles of our system of government, there can be no doubt that the decision ought to be against the practice of the House of Commons, and in favour of that of the House of Lords.

It may not be improper to notice an opinion which, if I mistake not, has, in no small degree, contributed to the error which exists as to the decision of the Vice-president. There are many who are far from agreeing with your absurd and dangerous positions as to the inherent powers of the Vice-president over the freedom of debate, but who have, I think, a vague conception that he has the right in dispute, as presiding officer, but a right subordinate to, and dependant on, the Senate. They concede to the Senate the right of determining their rules, and that this right comprehends that of determining what is, or what is not, disorderly conduct, and how the same shall be noticed or inhibited; but they have an idea that the *ex-officio* duty of the Vice-president to regulate the proceedings of the Senate according to their own rules, extends to cases of the freedom of debate. The amount of the argument, as far as I can understand it, is, that, where there is a rule of the Senate, the Vice-president has, *ex-officio*, the power of regulating the proceedings of the Senate by it, without any express authority in the rule to that effect. All this may be fairly conceded, but it decides nothing. It brings back the question to the inquiry, Is there, or is there not, such a rule? which has been fully considered, and, I trust, satisfactorily determined in the negative. I will not again repeat the arguments on this point: I do not deem it necessary. It is sufficient to remark, if there be a rule, let it be shown, and the question is at an end. There is none.

As connected with this part of the subject, I do not think it necessary to meet the ridiculous charge of inconsistency which you make against the Vice-president in the exercise of his power, and which you endeavour to support by reference to the stale and false accounts of his conduct in the case of Mr. Dickerson. It is sufficient that Mr. D. has repelled the charge of injustice, and you exhibit but a sorry and factious appearance in defending a senator from oppression, who is not conscious of any injustice having been inflicted.

Having demonstrated that the powers which you claim for the Vice-president do not belong to him as presiding officer of the Senate, and that they are not conferred on him by the rules or usage of the Senate, or those of Parliament, I may safely affirm that it does not exist, and that, so far from censure, Mr. Calhoun deserves praise for declining to exercise it. He has acted in the spirit that ought to actuate every virtuous public functionary—not to assume doubtful powers—a spirit, under our systems of delegated authority, essential to the preservation of liberty, and for being guided by which, he will receive the thanks of the country when the excitement of the day has passed away.

I have now completed what may be considered the investigation of the sub-

ject; but there are still several of your remarks that require notice. You have not only attacked the decision of Mr. Calhoun, but you have impugned his motives with licentious severity. The corrupt are the most disposed to attribute corruption, and your unprovoked and unjustifiable attack on Mr. C.'s motives speak as little in favour of your heart as your arguments do of your head. Fortunately for the Vice-president, his general character for virtue and patriotism shields him from the imputation of such gross abuse of power, from such impure motives as you attribute to him. He could not decide differently from what he did without being at war with the principles which have ever governed him. It is well known to all acquainted with him, publically or privately, that the maxim which he holds in the highest veneration, and which he regards as the foundation of our whole system of government, is, that power should be controlled by the body over which it is exercised, and that, without such responsibility, all delegated power would speedily become corrupt. Whether he is wrong in giving too high an estimate to this favourite maxim is immaterial. It is, and long has been, his, and could not fail in having great influence in the decision which you have so seriously assaulted. Had his principles been like yours, as illustrated in your essay, it is possible he might have taken a different view of the subject; but, as he has decided in conformity to principles long fixed in his mind, there is something malignant in the extreme to attribute his decision to motives of personal enmity. You not only attack Mr. C.'s motives for this decision, but also his motive for the constitution of the Committee of Foreign Relations. You think it a crime in him that the venerable and patriotic Macon should be placed at the head of the committee. I will neither defend him nor the other members of the committee. They need no defence; but I cannot but remark, that the election of Mr. Macon president pro tem. of the Senate is a singular comment on your malignant attack on the Vice-president.

It would have been impossible that you should steer clear of the cant of your party, and we accordingly have a profusion of vague charges about Mr. Calhoun's ambition. The lowest and most mercenary hireling can easily coin such charges; and while they deal in the general, without a single specification, it is utterly impossible to meet or refute them; but, fortunately, they go for nothing with the wise and virtuous, saving only that, on the part of those who make them, they evince an envious, morbid mind, which, having no real ground of attack, indulges in vague, unmeaning abuse. It is highly honourable to Mr. C. that, in the midst of so much political enmity, his personal and public character stands free from all but one specific charge—which is, that he has inclined, in his present station, *too much against his own power, and too much in favour of the inestimable right of the freedom of debate.* That he has been indefatigable in the discharge of his duty; that he has been courteous to the members, and prompt and intelligent, all acknowledge. Not a moment was he absent from his post during a long and laborious session, and often remained in the chair, without leaving it, from eight to twelve hours. He has, however, committed one unpardonable sin which blots out all. He did not stop Mr. Randolph. This is the head and front of his offending. And who is Mr. Randolph? Is he or his manners a stranger in our national councils? For more than a quarter of a century he has been a member of Congress, and during the whole time his character has remained unchanged. Highly talented, eloquent, severe, and eccentric; not unfrequently wandering from the question, but often uttering wisdom worthy of a Bacon, and wit that would not discredit a Sheridan, every speaker had freely indulged him in his peculiar manner, and that without responsibility or censure; and none more freely than the present Secretary of State, while he presided in the House of Representatives. He is elected, with a knowledge of all this, by the ancient and renowned commonwealth of Virginia, and takes his seat in the Senate. An immediate outcry is made against the Vice-president for permitting him, who has been so long per-

mitted by so many speakers, to exercise his usual freedom of discussion, though in no respects were his attacks on this administration freer than what they had been on those of Mr. Jefferson, Mr. Madison, and Mr. Monroe. Who can doubt, if Mr. Calhoun had yielded to this clamour, that the whole current would have turned, and that he would then have been more severely denounced for what would have been called his tyranny and usurpation, than he has been for refusing to interfere with the freedom of debate? His authority would have been denied, and properly denied: the fact that Mr. R. had been permitted by all other presiding officers, for so long a time, to speak without restraint, would have been dwelt on; and the injustice done to the senator, and the insult offered to the state that sent him, would have been painted in the most lively colours. These considerations, we are satisfied, had no weight with the Vice-president. Those who know him know that no man is more regardless of consequences in the discharge of his duty; but that the attack on him is personal, in order to shake his political standing, and prostrate his character, is clearly evinced by every circumstance; and with this object, that he would have been assaulted, act as he might, is most certain. It is for the American people to determine whether this conspiracy against a public servant, whose only fault is that he has chosen the side of liberty rather than that of power, and whose highest crime consists in a reverential regard for the freedom of debate, shall succeed. ONSLOW.

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## III.

### MR. CALHOUN'S ADDRESS, STATING HIS OPINION OF THE RELATION WHICH THE STATES AND GENERAL GOVERNMENT BEAR TO EACH OTHER.

THE question of the relation which the States and General Government bear to each other is not one of recent origin. From the commencement of our system, it has divided public sentiment. Even in the Convention, while the Constitution was struggling into existence, there were two parties as to what this relation should be, whose different sentiments constituted no small impediment in forming that instrument. After the General Government went into operation, experience soon proved that the question had not terminated with the labours of the Convention. The great struggle that preceded the political revolution of 1801, which brought Mr. Jefferson into power, turned essentially on it, and the doctrines and arguments on both sides were imbodied and ably sustained: on the one, in the Virginia and Kentucky Resolutions, and the Report to the Virginia Legislature; and on the other, in the replies of the Legislature of Massachusetts and some of the other states. These resolutions and this report, with the decision of the Supreme Court of Pennsylvania about the same time (particularly in the case of Cobbett, delivered by Chief-justice M'Kean, and concurred in by the whole bench), contain what I believe to be the true doctrine on this important subject. I refer to them in order to avoid the necessity of presenting my views, with the reasons in support of them, in detail.

As my object is simply to state my opinions, I might pause with this reference to documents that so fully and ably state all the points immediately connected with this deeply-important subject; but as there are many who may not have the opportunity or leisure to refer to them, and as it is possible, however clear they may be, that different persons may place different interpretations on their meaning, I will, in order that my sentiments may be fully known, and to avoid all ambiguity, proceed to state summarily the doctrines which I conceive they embrace.

The great and leading principle is, that the General Government emanated from the people of the several states, forming distinct political communities, and acting in their separate and sovereign capacity, and not from all of the people forming one aggregate political community; that the Constitution of the United States is, in fact, a compact, to which each state is a party, in the character already described; and that the several states, or parties, have a right to judge of its infractions; and in case of a deliberate, palpable, and dangerous exercise of power not delegated, they have the right, in the last resort, to use the language of the Virginia Resolutions, "*to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.*" This right of interposition, thus solemnly asserted by the State of Virginia, be it called what it may—State-right, veto, nullification, or by any other name—I conceive to be the fundamental principle of our system, resting on facts historically as certain as our revolution itself, and deductions as simple and demonstrative as that of any political or moral truth whatever; and I firmly believe that on its recognition depend the stability and safety of our political institutions.

I am not ignorant that those opposed to the doctrine have always, now and formerly, regarded it in a very different light, as anarchical and revolutionary. Could I believe such, in fact, to be its tendency, to me it would be no recommendation. I yield to none, I trust, in a deep and sincere attachment to our political institutions and the union of these states. I never breathed an opposite sentiment; but, on the contrary, I have ever considered them the great instruments of preserving our liberty, and promoting the happiness of ourselves and our posterity; and next to these I have ever held them most dear. Nearly half my life has been passed in the service of the Union, and whatever public reputation I have acquired is indissolubly identified with it. To be too national has, indeed, been considered by many, even of my friends, to be my greatest political fault. With these strong feelings of attachment, I have examined, with the utmost care, the bearing of the doctrine in question; and, so far from anarchical or revolutionary, I solemnly believe it to be the only solid foundation of our system, and of the Union itself; and that the opposite doctrine, which denies to the states the right of protecting their reserved powers, and which would vest in the General Government (it matters not through what department) the right of determining, exclusively and finally, the powers delegated to it, is incompatible with the sovereignty of the states, and of the Constitution itself, considered as the basis of a Federal Union. As strong as this language is, it is not stronger than that used by the illustrious Jefferson, who said to give to the General Government the final and exclusive right to judge of its powers, is to make "*its discretion*, and *not the Constitution, the measure of its powers;*" and that, "*in all cases of compact between parties having no common judge, each party has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress.*" Language cannot be more explicit, nor can higher authority be adduced.

That different opinions are entertained on this subject, I consider but as an additional evidence of the great diversity of the human intellect. Had not able, experienced, and patriotic individuals, for whom I have the highest respect, taken different views, I would have thought the right too clear to admit of doubt; but I am taught by this, as well as by many similar instances, to treat with deference opinions differing from my own. The error may, possibly, be with me; but if so, I can only say that, after the most mature and conscientious examination, I have not been able to detect it. But, with all proper deference, I must think that theirs is the error who deny what seems to be an essential attribute of the conceded sovereignty of the states, and who attribute to the General Government a right utterly incompatible with what all acknowledge to be its limited and restricted character: an error originating principally, as I must

think, in not duly reflecting on the nature of our institutions, and on what constitutes the only rational object of all political constitutions.

It has been well said by one of the most sagacious men of antiquity, that the object of a constitution is to *restrain the government, as that of laws* is to restrain *individuals*. The remark is correct; nor is it less true where the government is vested in a majority than where it is in a single or a few individuals—in a republic, than a monarchy or aristocracy. No one can have a higher respect for the maxim that the majority ought to govern than I have, taken in its proper sense, subject to the restrictions imposed by the Constitution, and confined to subjects in which every portion of the community have similar interests; but it is a great error to suppose, as many do, that the right of a majority to govern is a natural and not a conventional right, and therefore absolute and unlimited. By nature every individual has the right to govern himself; and governments, whether founded on majorities or minorities, must derive their right from the assent, expressed or implied, of the governed, and be subject to such limitations as they may impose. Where the interests are the same, that is, where the laws that may benefit one will benefit all, or the reverse, it is just and proper to place them under the control of the majority; but where they are dissimilar, so that the law that may benefit one portion may be ruinous to another, it would be, on the contrary, unjust and absurd to subject them to its will; and such I conceive to be the theory on which our Constitution rests.

That such dissimilarity of interests may exist, it is impossible to doubt. They are to be found in every community, in a greater or less degree, however small or homogeneous, and they constitute everywhere the great difficulty of forming and preserving free institutions. To guard against the unequal action of the laws, when applied to dissimilar and opposing interests, is, in fact, what mainly renders a constitution indispensable; to overlook which, in reasoning on our Constitution, would be to omit the principal element by which to determine its character. Were there no contrariety of interests, nothing would be more simple and easy than to form and preserve free institutions. The right of suffrage alone would be a sufficient guarantee. It is the conflict of opposing interests which renders it the most difficult work of man.

Where the diversity of interests exists in separate and distinct classes of the community, as is the case in England, and was formerly the case in Sparta, Rome, and most of the free states of antiquity, the rational constitutional provision is that each should be represented in the government, as a separate estate, with a distinct voice, and a negative on the acts of its co-estates, in order to check their encroachments. In England the Constitution has assumed expressly this form, while in the governments of Sparta and Rome the same thing was effected under different, but not much less efficacious forms. The perfection of their organization, in this particular, was that which gave to the constitutions of these renowned states all their celebrity, which secured their liberty for so many centuries, and raised them to so great a height of power and prosperity. Indeed, a constitutional provision giving to the great and separate interests of the community the right of self-protection, must appear, to those who will duly reflect on the subject, not less essential to the preservation of liberty than the right of suffrage itself. They, in fact, have a common object, to effect which the one is as necessary as the other to secure *responsibility:* that is, *that those who make and execute the laws should be accountable to those on whom the laws in reality operate—the only solid and durable foundation of liberty.* If, without the right of suffrage, our rulers would oppress us, so, without the right of self-protection, the major would equally oppress the minor interests of the community. The absence of the former would make the governed the slaves of the rulers, and of the latter, the feebler interests, the victim of the stronger.

Happily for us, we have no artificial and separate classes of society. We

have wisely exploded all such distinctions; but we are not, on that account, exempt from all contrariety of interests, as the present distracted and dangerous condition of our country, unfortunately, but too clearly proves. With us they are almost exclusively geographical, resulting mainly from difference of climate, soil, situation, industry, and production, but are not, therefore, less necessary to be protected by an adequate constitutional provision than where the distinct interests exist in separate classes. The necessity is, in truth, greater, as such separate and dissimilar geographical interests are more liable to come into conflict, and more dangerous, when in that state, than those of any other description: so much so, that *ours is the first instance on record where they have not formed, in an extensive territory, separate and independent* communities, *or subjected the whole to despotic sway.* That such may not be our unhappy fate also, must be the sincere prayer of every lover of his country.

So numerous and diversified are the interests of our country, that they could not be fairly represented in a single government, organized so as to give to each great and leading interest a separate and distinct voice, as in governments to which I have referred. A plan was adopted better suited to our situation, but perfectly novel in its character. The powers of the government were divided, not, as heretofore, in reference to classes, but geographically. One General Government was formed for the whole, to which was delegated all the powers supposed to be necessary to regulate the interests common to all the states, leaving others subject to the separate control of the states, being, from their local and peculiar character, such that they could not be subject to the will of a majority of the whole Union, without the certain hazard of injustice and oppression. It was thus that the interests of the whole were subjected, as they ought to be, to the will of the whole, while the peculiar and local interests were left under the control of the states separately, to whose custody only they could be safely confided. This distribution of power, settled solemnly by a constitutional compact, to which all the states are parties, constitutes the peculiar character and excellence of our political system. It is truly and emphatically *American, without example or parallel.*

To realize its perfection, we must view the General Government and those of the states as a whole, each in its proper sphere independent; each perfectly adapted to its respective objects; the states acting separately, representing and protecting the local and peculiar interests; acting jointly through one General Government, with the weight respectively assigned to each by the Constitution, representing and protecting the interest of the whole, and thus perfecting, by an admirable but simple arrangement, the great principle of representation and responsibility, without which no government can be free or just. To preserve this sacred distribution as originally settled, by coercing each to move in its prescribed orb, is the great and difficult problem, on the solution of which the duration of our Constitution, of our Union, and, in all probability, our liberty depends. How is this to be effected?

The question is new when applied to our peculiar political organization, where the separate and conflicting interests of society are represented by distinct but connected governments; but it is, in reality, an old question under a new form, long since perfectly solved. Whenever separate and dissimilar interests have been separately represented in any government; whenever the sovereign power has been divided in its exercise, the experience and wisdom of ages have devised but one mode by which such political organization can be preserved—the mode adopted in England, and by all governments, ancient and modern, blessed with constitutions deserving to be called free—to give to each co-estate the right to judge of its powers, with a negative or veto on the acts of the others, in order to protect against encroachments the interests it particularly represents: a principle which all of our Constitutions recognise in the distribution of power among their respective departments, as essential to main-

tain the independence of each, but which, to all who will duly reflect on the subject, must appear far more essential, for the same object, in that great and fundamental distribution of powers between the General and State Governments. So essential is the principle, that to withhold the right from either, where the sovereign power is divided, is, in fact, *to annul the division* itself, and to *consolidate* in the one left in the exclusive possession of the right *all* powers of government; for it is not possible to distinguish, practically, between a government having all power, and one having the right to take what powers it pleases. Nor does it in the least vary the principle, whether the distribution of power be between co-estates, as in England, or between distinctly organized but connected governments, as with us. The reason is the same in both cases, while the necessity is greater in our case, as the danger of conflict is greater where the interests of a society are divided geographically than in any other, as has already been shown.

These truths do seem to me to be incontrovertible; and I am at a loss to understand how any one, who has maturely reflected on the nature of our institutions, or who has read history or studied the principles of free government to any purpose, can call them in question. The explanation must, it appears to me, be sought in the fact that in every free state there are those who look more to the necessity of maintaining power than guarding against its abuses. I do not intend reproach, but simply to state a fact apparently necessary to explain the contrariety of opinions among the intelligent, where the abstract consideration of the subject would seem scarcely to admit of doubt. If such be the true cause, I must think the fear of weakening the government too much in this case to be in a great measure unfounded, or, at least, that the danger is much less from that than the opposite side. I do not deny that a power of so high a nature may be abused by a state, but when I reflect that the states unanimously called the General Government into existence with all its powers, which they freely delegated on their part, under the conviction that their common peace, safety, and prosperity required it; that they are bound together by a common origin, and the recollection of common suffering and common triumph in the great and splendid achievement of their independence; and that the strongest feelings of our nature, and among them the love of national power and distinction, are on the side of the Union, it does seem to me that the fear which would strip the states of their sovereignty, and degrade them, in fact, to mere dependant corporations, lest they should abuse a right indispensable to the peaceable protection of those interests which they reserved under their own peculiar guardianship when they created the General Government, is unnatural and unreasonable. If those who voluntarily created the system cannot be trusted to preserve it, who can?

So far from extreme danger, I hold that there never was a free state in which this great conservative principle, indispensable to all, was ever so safely lodged. In others, when the co-estates representing the dissimilar and conflicting interests of the community came into contact, the only alternative was compromise, submission, or force. Not so in ours. Should the General Government and a state come into conflict, we have a higher remedy: the power which called the General Government into existence, which gave it all its authority, and can enlarge, contract, or abolish its powers at its pleasure, may be invoked. The states themselves may be appealed to, three fourths of which, in fact, form a power, whose decrees are the Constitution itself, and whose voice can silence all discontent. The utmost extent, then, of the power is, that a state acting in its sovereign capacity, as one of the parties to the constitutional compact, may compel the government, created by that compact, to submit a question touching its infraction to the parties who created it; to avoid the supposed dangers of which, it is proposed to resort to the novel, the hazardous, and, I must add, fatal project of giving to the General Government the sole and final right of interpret-

ing the Constitution, thereby reversing the whole system, making that instrument the creature of its will instead of a rule of action impressed on it at its creation, and annihilating, in fact, the authority which imposed it, and from which the government itself derives its existence.

That such would be the result, were the right in question vested in the legislative or executive branch of the government, is conceded by all. No one has been so hardy as to assert that Congress or the President ought to have the right, or deny that, if vested finally and exclusively in either, the consequences which I have stated would necessarily follow; but its advocates have been reconciled to the doctrine, on the supposition that there is one department of the General Government which, from its peculiar organization, affords an independent tribunal through which the government may exercise the high authority which is the subject of consideration, with perfect safety to all.

I yield, I trust, to few in my attachment to the judiciary department. I am fully sensible of its importance, and would maintain it to the fullest extent in its constitutional powers and independence; but it is impossible for me to believe that it was ever intended by the Constitution that it should exercise the power in question, or that it is competent to do so; and, if it were, that it would be a safe depositary of the power.

Its powers are judicial, and not political, and are expressly confined by the Constitution "to all *cases* in law and equity arising under this Constitution, the laws of the United States, and the treaties made, or which shall be made, under its authority;" and which I have high authority in asserting excludes political questions, and comprehends those only where there are parties amenable to the process of the court.* Nor is its incompetency less clear than its want of constitutional authority. There may be many, and the most dangerous infractions on the part of Congress, of which, it is conceded by all, the court, as a judicial tribunal, cannot, from its nature, take cognizance. The tariff itself is a strong case in point; and the reason applies equally *to all others where Congress perverts a power from an object intended to one not intended, the most insidious and dangerous of all the infractions; and which may be extended to all of its powers, more especially to the taxing and appropriating.* But, supposing it competent to take cognizance of all infractions of every description, the insuperable objection still remains, that it would not be a safe tribunal to exercise the power in question.

It is a universal and fundamental political principle, that the power to protect can safely be confided only to those interested in protecting, or their responsible agents—a maxim not less true in private than in public affairs. The danger in our system is, that the General Government, which represents the interests of the whole, may encroach on the states, which represent the peculiar and local interests, or that the latter may encroach on the former.

In examining this point, we ought not to forget that the government, through all its departments, judicial as well as others, is administered by delegated and responsible agents; and that the *power which really controls, ultimately, all the movements, is not in the agents, but those who elect or appoint them.* To understand, then, its real character, and what would be the action of the system in any supposable case, we must raise our view from the mere agents to this high controlling power, which finally impels every movement of the machine. By doing so, we shall find all under the control of the will of a majority, compounded of the majority of the states, taken as corporate bodies, and the majority of the people of the states, estimated in federal numbers. These, united, constitute the real and final power which impels and directs the movements of the General Government. The majority of the states elect the majority of the Senate; of the people of the states, that of the House of Representatives; the two uni-

* I refer to the authority of Chief-justice Marshall, in the case of Jonathan Robbins. I have not been able to refer to the speech, and speak from memory.

ted, the President; and the President and a majority of the Senate appoint the judges: a majority of whom, and a majority of the Senate and house, with the President, really exercise all the powers of the government, with the exception of the cases where the Constitution requires a greater number than a majority. The judges are, in fact, as truly the judicial representatives of this united majority, as the majority of Congress itself, or the President, is its legislative or executive representative; and to confide the power to the judiciary to determine finally and conclusively what powers are delegated and what reserved, would be, in reality, to confide it to the majority, whose agents they are, and by whom they can be controlled in various ways; and, of course, to subject (against the fundamental principle of our system and all sound political reasoning) the reserved powers of the states, with all the local and peculiar interests they were intended to protect, to the will of the very majority against which the protection was intended. Nor will the tenure by which the judges hold their office, however valuable the provision in many other respects, materially vary the case. Its highest possible effect would be to *retard*, and not *finally* to *resist*, the will of a dominant majority.

But it is useless to multiply arguments. Were it possible that reason could settle a question where the passions and interests of men are concerned, this point would have been long since settled forever by the State of Virginia. The report of her Legislature, to which I have already referred, has really, in my opinion, placed it beyond controversy. Speaking in reference to this subject, it says: "It has been objected" (to the right of a state to interpose for the protection of her reserved rights) "that the judicial authority is to be regarded as the sole expositor of the Constitution. On this objection it might be observed, first, that there may be instances of usurped powers which the forms of the Constitution could never draw within the control of the judicial department; secondly, that, if the decision of the judiciary be raised above the sovereign parties to the Constitution, the decisions of the other departments, not carried by the forms of the Constitution before the judiciary, must be equally authoritative and final with the decision of that department. But the proper answer to the objection is, that the resolution of the General Assembly relates to those great and extraordinary cases in which all the forms of the Constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it. The resolution supposes that dangerous powers, not delegated, may not only be usurped and executed by the other departments, but that the judicial department may also exercise or sanction dangerous powers, beyond the grant of the Constitution, and, consequently, that the ultimate right of the parties to the Constitution to judge whether the compact has been dangerously violated, must extend to violations by one delegated authority, as well as by another—by the judiciary, as well as by the executive or legislative."

Against these conclusive arguments, as they seem to me, it is objected that, if one of the party has the right to judge of infractions of the Constitution, so has the other; and that, consequently, in cases of contested powers between a state and the General Government, each would have a right to maintain its opinion, as is the case when sovereign powers differ in the construction of treaties or compacts, and that, of course, it would come to be a mere question of force. The error is in the assumption that the General Government is a party to the constitutional compact. The states, as has been shown, formed the compact, acting as sovereign and independent communities. The General Government is but its creature; and though, in reality, a government, with all the rights and authority which belong to any other government, within the orbit of its powers, it is, nevertheless, a government emanating from a compact between sovereigns, and partaking, in its nature and object, of the character of a joint commission, appointed to superintend and administer the interests in which all are jointly concerned, but having, beyond its proper sphere, no more power

than if it did not exist. To deny this would be to deny the most incontestable facts and the clearest conclusions; while to acknowledge its truth is to destroy utterly the objection that the appeal would be to force, in the case supposed. For, if each party has a right to judge, then, under our system of government, the final cognizance of a question of contested power would be in the states, and not in the General Government. It would be the duty of the latter, as in all similar cases of a contest between one or more of the principals and a joint commission or agency, to refer the contest to the principals themselves. Such are the plain dictates of both reason and analogy. On no sound principle can the agents have a right to final cognizance, as against the principals much less to use force against them to maintain their construction of their powers. Such a right would be monstrous, and has never, heretofore, been claimed in similar cases.

That the doctrine is applicable to the case of a contested power between the states and the General Government, we have the authority not only of reason and analogy, but of the distinguished statesman already referred to. Mr. Jefferson, at a late period of his life, after long experience and mature reflection, says, "With respect to our State and Federal Governments, I do not think their relations are correctly understood by foreigners. They suppose the former are subordinate to the latter. This is not the case. They are co-ordinate departments of one simple and integral whole. But you may ask, If the two departments should claim each the same subject of power, where is the umpire to decide between them? In cases of little urgency or importance, the prudence of both parties will keep them aloof from the questionable ground; but, if it can neither be avoided nor compromised, a convention of the states must be called to ascribe the doubtful power to that department which they may think best." It is thus that our Constitution, by authorizing amendments, and by prescribing the authority and mode of making them, has, by a simple contrivance, with its characteristic wisdom, provided a power which, in the last resort, supersedes effectually the necessity, and even the pretext for force: a power to which none can fairly object; with which the interests of all are safe; which can definitively close all controversies in the only effectual mode, by freeing the compact of every defect and uncertainty, by an amendment of the instrument itself. It is impossible for human wisdom, in a system like ours, to devise another mode which shall be safe and effectual, and, at the same time, consistent with what are the relations and acknowledged powers of the two great departments of our government. It gives a beauty and security peculiar to our system, which, if duly appreciated, will transmit its blessings to the remotest generations; but, if not, our splendid anticipations of the future will prove but an empty dream. Stripped of all its covering, the naked question is, whether ours is a federal or a consolidated government; a constitutional or absolute one; a government resting ultimately on the solid basis of the sovereignty of the states or on the unrestrained will of a majority; a form of government, as in all other unlimited ones, in which injustice, and violence, and force must finally prevail. *Let it never be forgotten that, where the majority rules without restriction, the minority is the subject;* and that, if we should absurdly attribute to the former the exclusive right of construing the Constitution, there would be, in fact, between the sovereign and subject, under such a government, no constitution, or, at least, nothing deserving the name, or serving the legitimate object of so sacred an instrument.

How the states are to exercise this high power of interposition, which constitutes so essential a portion of their reserved rights that it *cannot be delegated without an entire surrender of their sovereignty*, and converting our system from a *federal* into a *consolidated* government, is a question that the states only are competent to determine. The arguments which prove that they possess the power, equally prove that they are, in the language of Jefferson, "*the rightful*

*judges of the mode and measure of redress.*" But the spirit of forbearance, as well as the nature of the right itself, forbids a recourse to it, except in cases of dangerous infractions of the Constitution ; and then only in the last resort, when all reasonable hope of relief from the ordinary action of the government has failed; when, if the right to interpose did not exist, the alternative would be submission and oppression on one side, or resistance by force on the other. That our system should afford, in such extreme cases, an intermediate point between these dire alternatives, by which the government may be brought to a pause, and thereby an interval obtained to compromise differences, or, if impracticable, be compelled to submit the question to a constitutional adjustment, through an appeal to the states themselves, is an evidence of its high wisdom: an element not, as is supposed by some, of weakness, but of strength ; not of anarchy or revolution, but of peace and safety. *Its general recognition would of itself, in a great measure, if not altogether, supersede the necessity of its exercise, by impressing on the movements of the government that moderation and justice so essential to harmony and peace, in a country of such vast extent and diversity of interests as ours ;* and would, if controversy should come, turn the resentment of the aggrieved from the system to those who had abused its powers (a point all-important), and cause them to seek redress, *not in revolution or overthrow, but in reformation.* It is, in fact, properly understood, *a substitute, where the alternative would be force, tending to prevent, and, if that fails, to correct peaceably the aberrations to which all systems are liable, and which, if permitted to accumulate without correction, must finally end in a general catastrophe.*

I have now said what I intended in reference to the abstract question of the relation of the states to the General Government, and would here conclude, did I not believe that a mere general statement on an abstract question, without including that which may have caused its agitation, would be considered by many imperfect and unsatisfactory. Feeling that such would be justly the case, I am compelled, reluctantly, to touch on the tariff, so far, at least, as may be necessary to illustrate the opinions which I have already advanced. Anxious, however, to intrude as little as possible on the public attention, I will be as brief as possible ; and with that view will, as far as may be consistent with my object, avoid all debateable topics.

Whatever diversity of opinion may exist in relation to the principle, or the effect on the productive industry of the country, of the present, or any other tariff of protection, there are certain political consequences flowing from the present which none can doubt, and all must deplore. It would be in vain to attempt to conceal, that it has divided the country into two great geographical divisions, and arrayed them against each other, in opinion at least, if not interests also, on some of the most vital of political subjects—on its finance, its commerce, and its industry—subjects calculated, above all others, in time of peace, to produce excitement, and in relation to which the tariff has placed the sections in question in deep and dangerous conflict. If there be any point on which the (I was going to say, southern section, but to avoid, as far as possible, the painful feelings such discussions are calculated to excite, I shall say) weaker of the two sections is unanimous, it is that its prosperity depends, in a great measure, on free trade, light taxes, economical, and, as far as possible, equal disbursements of the public revenue, and unshackled industry, leaving them to pursue whatever may appear most advantageous to their interests. From the Potomac to the Mississippi, there are few, indeed, however divided on other points, who would not, if dependant on their volition, and if they regarded the interest of their particular section only, remove from commerce and industry every shackle, reduce the revenue to the lowest point that the wants of the government fairly required, and restrict the appropriations to the most moderate scale consistent with the peace, the security, and the engagements of the public ; and who do not believe that the opposite system is calculated to throw

on them an unequal burden, to repress their prosperity, and to encroach on their enjoyment.

On all these deeply-important measures, the opposite opinion prevails, if not with equal unanimity, with at least a greatly preponderating majority, in the other and stronger section; so much so, that no two distinct nations ever entertained more opposite views of policy than these two sections do on all the important points to which I have referred. Nor is it less certain that this unhappy conflict, flowing directly from the tariff, has extended itself to the halls of legislation, and has converted the deliberations of Congress into an annual struggle between the two sections; the stronger to maintain and increase the superiority it has already acquired, and the other to throw off or diminish its burdens: a struggle in which all the noble and generous feelings of patriotism are gradually subsiding into sectional and selfish attachments.* Nor has the effect of this dangerous conflict ended here. It has not only divided the two sections on the important point already stated, but on the deeper and more dangerous questions, the constitutionality of a protective tariff, and the general principles and theory of the Constitution itself: the stronger, in order to maintain their superiority, giving a construction to the instrument which the other believes would convert the General Government into a consolidated, irresponsible government, with the total destruction of liberty; and the weaker, seeing no hope of relief with such assumption of powers, turning its eye to the reserved sovereignty of the states, as the only refuge from oppression. I shall not extend these remarks, as I might, by showing that, while the effect of the system of protection was rapidly alienating one section, it was not less rapidly, by its necessary operation, distracting and corrupting the other; and, between the two, subjecting the administration to violent and sudden changes, totally inconsistent with all stability and wisdom in the management of the affairs of the nation, of which we already see fearful symptoms. Nor do I deem it necessary to inquire whether this unhappy conflict grows out of true or mistaken views of interest on either or both sides. Regarded in either light, it ought to admonish us of the extreme danger to which our system is exposed, and the great moderation and wisdom necessary to preserve it. If it comes from mistaken views—if the interests of the two sections, as affected by the tariff, be really the same, and the system, instead of acting unequally, in reality diffuses equal blessings, and imposes equal burdens on every part—it ought to teach us how liable those who are differently situated, and who view their interests under different aspects, are to come to different conclusions, even when their interests are strictly the same; and, consequently, with what extreme caution any system of policy ought to be adopted, and with what a spirit of moderation pursued, in a country of such great extent and diversity as ours. But if, on the contrary, the conflict springs really from contrariety of interests—if the burden be on one side and the benefit on the other—then are we taught a lesson not less important, how little regard we have for the interests of others while in pursuit of our own; or, at least, how apt we are to consider our own interest the interest of all others; and, of course, how great the danger, in a country of such acknowledged diversity of interests, of the oppression of the feebler by the stronger interest, and, in consequence of it, of the most fatal sectional conflicts. But whichever may be the cause, the real or supposed diversity of interest, it cannot be doubted that the political consequences of the prohibitory system, be its effects in other respects beneficial or otherwise, are really such as I have stated; nor can it be doubted that a conflict between the great sections, on questions so vitally important, indicates a condition of the country so distempered and dangerous, as to demand

* The system, if continued, must end, not only in subjecting the industry and property of the weaker section to the control of the stronger, but in proscription and political disfranchisement. It must finally control elections and appointments to offices, as well as acts of legislation, to the great increase of the feelings of animosity, and of the fatal tendency to a complete alienation between the sections.

the most serious and prompt attention. It is only when we come to consider of the remedy, that, under the aspect I am viewing the subject, there can be, among the informed and considerate, any diversity of opinion.

Those who have not duly reflected on its dangerous and inveterate character, suppose that the disease will cure itself; that events ought to be left to take their own course; and that experience, in a short time, will prove that the interest of the whole community is the same in reference to the tariff, or, at least, whatever diversity there may now be, time will assimilate. Such has been their language from the beginning, but, unfortunately, the progress of events has been the reverse. The country is now more divided than in 1824, and then more than in 1816. The majority may have increased, but the opposite sides are, beyond dispute, more determined and excited than at any preceding period. Formerly, the system was resisted mainly as inexpedient; but now, as unconstitutional, unequal, unjust, and oppressive. Then, relief was sought exclusively from the General Government; but now, many, driven to despair, are raising their eyes to the reserved sovereignty of the states as the only refuge. If we turn from the past and present to the future, we shall find nothing to lessen, but much to aggravate the danger. The increasing embarrassment and distress of the staple states, the growing conviction, from experience, that they are caused by the prohibitory system principally, and that, under its continued operation, their present pursuits must become profitless, and with a conviction that their great and peculiar agricultural capital cannot be diverted from its ancient and hereditary channels without ruinous losses, all concur to increase, instead of dispelling, the gloom that hangs over the future. In fact, to those who will duly reflect on the subject, the hope that the disease will cure itself must appear perfectly illusory. The question is, in reality, one between the exporting and non-exporting interests of the country. *Were there no exports, there would be no tariff.* It would be perfectly useless. On the contrary, so long as there are states which raise the great agricultural staples with the view of obtaining their supplies, and which must depend on the general market of the world for their sales, the conflict must remain if the system should continue, and the disease become more and more inveterate. Their interest, and that of those who, by high duties, would confine the purchase of their supplies to the home market, must, from the nature of things, in reference to the tariff, be in conflict. Till, then, we cease to raise the great staples cotton, rice, and tobacco, for the general market, and till we can find some other profitable investment for the immense amount of capital and labour now employed in their production, the present unhappy and dangerous conflict cannot terminate, unless with the prohibitory system itself.

In the mean time, while idly waiting for its termination through its own action, the progress of events in another quarter is rapidly bringing the contest to an immediate and decisive issue. We are fast approaching a period very novel in the history of nations, and bearing directly and powerfully on the point under consideration—the final payment of a long-standing funded debt—a period that cannot be greatly retarded, or its natural consequences eluded, without proving disastrous to those who attempt either, if not to the country itself. When it arrives, the government will find itself in possession of a surplus revenue of $10,000,000 or $12,000,000, if not previously disposed of—which presents the important question, What previous disposition ought to be made? a question which must press urgently for decision at the very next session of Congress. It cannot be delayed longer without the most distracting and dangerous consequences.

The honest and obvious course is, to prevent the accumulation of the surplus in the treasury by a timely and judicious reduction of the imposts; and thereby to leave the money in the pockets of those who made it, and from whom it cannot be honestly nor constitutionally taken, unless required by the fair and

legitimate wants of the government. If, neglecting a disposition so obvious and just, the government should attempt to keep up the present high duties, when the money is no longer wanted, or to dispose of this immense surplus by enlarging the old, or devising new schemes of appropriations; or, finding that to be impossible, it should adopt the most dangerous, unconstitutional, and absurd project ever devised by any government, of dividing the surplus among the states—a project which, if carried into execution, would not fail to create an antagonist interest between the states and General Government on all questions of appropriations, which would certainly end in reducing the latter to a mere office of collection and distribution—either of these modes would be considered by the section suffering under the present high duties as a fixed determination to perpetuate forever what it considers the present unequal, unconstitutional, and oppressive burden; and from that moment it would cease to look to the General Government for relief. This deeply-interesting period, which must prove so disastrous should a wrong direction be given, but so fortunate and glorious, should a right one, is just at hand. The work must commence at the next session, as I have stated, or be left undone, or, at least, be badly done. The succeeding session would be too short, and too much agitated by the presidential contest, to afford the requisite leisure and calmness; and the one succeeding would find the country in the midst of the crisis, when it would be too late to prevent an accumulation of the surplus; which I hazard nothing in saying, judging from the nature of men and government, if once permitted to accumulate, would create an interest strong enough to perpetuate itself, supported, as it would be, by others so numerous and powerful; and thus would pass away a moment, never to be quietly recalled, so precious, if properly used, to lighten the public burden; to equalize the action of the government; to restore harmony and peace; and to present to the world the illustrious example, which could not fail to prove most favourable to the great cause of liberty everywhere, of a nation the freest, and, at the same time, the best and most cheaply governed; of the highest earthly blessing at the least possible sacrifice.

As the disease will not, then, heal itself, we are brought to the question, Can a remedy be applied? and if so, what ought it to be?

To answer in the negative would be to assert that our Union has utterly failed; and that the opinion, so common before the adoption of our Constitution, that a free government could not be practically extended over a large country, was correct; and that ours had been destroyed by giving it limits so great as to comprehend, not only dissimilar, but irreconcilable interests. I am not prepared to admit a conclusion that would cast so deep a shade on the future, and that would falsify all the glorious anticipations of our ancestors, while it would so greatly lessen their high reputation for wisdom. Nothing but the clearest demonstration, founded on actual experience, will ever force me to a conclusion so abhorrent to all my feelings. As strongly as I am impressed with the great dissimilarity, and, as I must add, as truth compels me to do, contrariety of interests in our country, resulting from the causes already indicated, and which are so great that they cannot be subjected to the unchecked will of a majority of the whole without defeating the great end of government, and without which it is a curse—justice—yet I see in the Union, as ordained by the Constitution, the means, if wisely used, not only of reconciling all diversities, but also the means, and the only effectual one, of securing to us justice, peace, and security, at home and abroad, and with them that national power and renown, the love of which Providence has implanted, for wise purposes, so deeply in the human heart: in all of which great objects, every portion of our country, widely extended and diversified as it is, has a common and identical interest. If we have the wisdom to place a proper relative estimate on these more elevated and durable blessings, the present and every other conflict of like character may be readily terminated; but if, reversing the scale, each section should put a higher estimate on its im-

mediate and peculiar gains, and, acting in that spirit, should push favourite measures of mere policy, without some regard to peace, harmony, or justice, our sectional conflicts would then, indeed, without some constitutional check, become interminable, except by the dissolution of the Union itself. That we have, in fact, so reversed the estimate, is too certain to be doubted, and the result is our present distempered and dangerous condition. The cure must commence in the correction of the error; and not to admit that we have erred would be the worst possible symptom. It would prove the disease to be incurable, through the regular and ordinary process of legislation; and would compel, finally, a resort to extraordinary, but I still trust, not only constitutional, but safe remedies.

No one would more sincerely rejoice than myself to see the remedy applied from the quarter where it could be most easily and regularly done. It is the only way by which those who think that it is the only quarter from which it can constitutionally come, can possibly sustain their opinion. To omit the application by the General Government would compel even them to admit the truth of the opposite opinion, or force them to abandon our political system in despair; while, on the other hand, all their enlightened and patriotic opponents would rejoice at such evidence of moderation and wisdom, on the part of the General Government, as would supersede a resort to what they believe to be the higher powers of our political system, as indicating a sounder state of public sentiment than has ever heretofore existed in any country, and thus affording the highest possible assurance of the perpetuation of our glorious institutions to the latest generation. For, as a people advance in knowledge, in the same degree they may dispense with mere artificial restrictions in their government; and we may imagine (but dare not expect to see it) a state of intelligence so universal and high, that all the guards of liberty may be dispensed with except an enlightened public opinion, acting through the right of suffrage; but it presupposes a state where every class and every section of the community are capable of estimating the effects of every measure, not only as it may affect itself, but every other class and section; and of fully realizing the sublime truth that the highest and wisest policy consists in maintaining justice, and promoting peace and harmony; and that, compared to these, schemes of mere gain are but trash and dross. I fear experience has already proved that we are far removed from such a state, and that we must, consequently, rely on the old and clumsy, but approved mode of checking power, in order to prevent or correct abuses; but I do trust that, though far from perfect, we are, at least, so much so as to be capable of remedying the present disorder in the ordinary way; and thus to prove that with us public opinion is so enlightened, and our political machine so perfect, as rarely to require for its preservation the intervention of the power that created it. How is that to be effected?

The application may be painful, but the remedy, I conceive, is certain and simple. There is but one effectual cure—an honest reduction of the duties to a fair system of revenue, adapted to the just and constitutional wants of the government. Nothing short of this will restore the country to peace, harmony, and mutual affection. There is already a deep and growing conviction, in a large section of the country, that the impost, even as a revenue system, is extremely unequal, and that it is mainly paid by those who furnish the means of paying the foreign exchanges of the country on which it is laid; and that the case would not be varied, taking into the estimate the entire action of the system, whether the producer or consumer pays in the first instance.

I do not propose to enter formally into the discussion of a point so complex and contested; but, as it has necessarily a strong practical bearing on the subject under consideration in all its relations, I cannot pass it without a few general and brief remarks:

If the producer in reality pays, none will doubt but the burden would mainly fall on the section it is supposed to do. The theory that the consumer pays in

the first instance renders the proposition more complex, and will require, in order to understand where the burden, in reality, ultimately falls, on that supposition, to consider the protective, or, as its friends call it, the American System, under its threefold aspect of taxation, of protection, and of distribution, or as performing, at the same time, the several functions of giving a revenue to the government, of affording protection to certain branches of domestic industry, and furnishing means to Congress of distributing large sums through its appropriations: all of which are so blended in their effects, that it is impossible to understand its true operation without taking the whole into the estimate.

Admitting, then, as supposed, that he who consumes the article pays the tax in the increased price, and that the burden falls wholly on the consumers, without affecting the producers as a class (which, by-the-by, is far from being true, except in the single case, if there be such a one, where the producers have a monopoly of an article so indispensable to life that the quantity consumed cannot be affected by any increase of price), and that, considered in the light of a tax merely, the impost duties fall equally on every section in proportion to its population, still, when combined with its other effects, the burden it imposes as a tax may be so transferred from one section to the other as to take it from one and place it wholly on the other. Let us apply the remark first to its operation as a system of protection:

The tendency of the tax or duty on the imported article is not only to raise its price, but also, in the same proportion, that of the domestic article of the same kind, for which purpose, when intended for protection, it is, in fact, laid; and, of course, in determining where the system ultimately places the burden in reality, this effect, also, must be taken into the estimate. If one of the sections exclusively produces such domestic articles, and the other purchases them from it, then it is clear that, to the amount of such increased prices, the tax or duty on the consumption of foreign articles would be transferred from the section producing the domestic articles to the one that purchased and consumed them, unless the latter, in turn, be indemnified by the increased price of the objects of its industry, which none will venture to assert to be the case with the great staples of the country, which form the basis of our exports, the price of which is regulated by the foreign, and not the domestic market. To those who grow them, the increased price of the foreign and domestic articles both, in consequence of the duty on the former, is in reality, and in the strictest sense, a tax, while it is clear that the increased price of the latter acts as a bounty to the section producing them; and that, as the amount of such increased prices on what it sells to the other section is greater or less than the duty it pays on the imported articles, the system will, in fact, operate as a bounty or tax: if greater, the difference would be a bounty; if less, a tax.

Again, the operation may be equal in every other respect, and yet the pressure of the system, relatively, on the two sections, be rendered very unequal by the appropriations or distribution. If each section receives back what it paid into the treasury, the equality, if it previously existed, will continue; but if one receives back less, and the other proportionably more than is paid, then the difference in relation to the sections will be to the former a loss, and to the latter a gain; and the system, in this aspect, would operate to the amount of the difference, as a contribution from the one receiving less than it paid to the other that receives more. Such would be incontestably its general effects, taken in all its different aspects, even on the theory supposed to be most favourable to prove the equal action of the system, that the consumer pays in the first instance the whole amount of the tax.

To show how, on this supposition, the burden and advantages of the system would actually distribute themselves between the sections, would carry me too far into details; but I feel assured, after full and careful examination, that they are such as to explain what otherwise would seem inexplicable, that one sec-

tion should consider its repeal a calamity and the other a blessing; and that such opposite views should be taken by them as to place them in a state of determined conflict in relation to the great fiscal and commercial interests of the country. Indeed, were there no satisfactory explanation, the opposite views that prevail in the two sections, as to the effects of the system, ought to satisfy all of its unequal action. There can be no safer, or more certain rule, than to suppose each portion of the country equally capable of understanding their respective interests, and that each is a much better judge of the effects of any system or measures on its peculiar interest than the other can possibly be.

But, whether the opinion of its unequal action be correct or erroneous, nothing can be more certain than that the impression is widely extending itself, that the system, under all its modifications, is essentially unequal; and if to that be added a conviction still deeper and more universal, that every duty imposed *for the purpose of protection is not only unequal, but also unconstitutional*, it would be a fatal error to suppose that any remedy, short of that which I have stated, can heal our political disorders.

In order to understand more fully the difficulty of adjusting this unhappy contest on any other ground, it may not be improper to present a general view of the constitutional objection, that it may be clearly seen how hopeless it is to expect that it can be yielded by those who have embraced it.

They believe that all the powers vested by the Constitution in Congress are not only restricted by the limitations expressly imposed, but also by the nature and object of the powers themselves. Thus, though the power to impose duties on imports be granted in general terms, without any other express limitations but that they shall be equal, and no preference shall be given to the ports of one state over those of another, yet, as being a portion of the taxing power given with the view of raising revenue, it is, from its nature, restricted to that object, as much so as if the Convention had expressly so limited it; and that to use it to effect any other purpose not specified in the Constitution, is an infraction of the instrument in its most dangerous form—an infraction by perversion, more easily made, and more difficult to resist, than any other. The same view is believed to be applicable to the power of regulating commerce, as well as all the other powers. To surrender this important principle, it is conceived, would be to surrender all power, and to render the government unlimited and despotic; and to yield it up, in relation to the particular power in question, would be, in fact, to surrender the control of the whole industry and capital of the country to the General Government, and would end in placing the weaker section in a colonial relation with the stronger. For nothing are more dissimilar in their nature, or may be more unequally affected by the same laws, than different descriptions of labour and property; and if taxes, by increasing the amount and changing the intent only, may be perverted, in fact, into a system of penalties and rewards, it would give all the power that could be desired to subject the labour and property of the minority to the will of the majority, to be regulated without regarding the interest of the former in subserviency to the will of the latter. Thus thinking, it would seem unreasonable to expect that any adjustment, based on the recognition of the correctness of a construction of the Constitution which would admit the exercise of such a power, would satisfy the weaker of two sections, particularly with its peculiar industry and property, which experience has shown may be so injuriously affected by its exercise. Thus much for one side.

The just claim of the other ought to be equally respected. Whatever excitement the system has justly caused in certain portions of our country, I hope and believe all will conceive that the change should be made with the least possible detriment to the interests of those who may be liable to be affected by it, consistently with what is justly due to others, and the principles of the Constitution. To effect this will require the kindest spirit of conciliation and the ut-

most skill; but, even with these, it will be impossible to make the transition without a shock, greater or less, though I trust, if judiciously effected, it will not be without many compensating advantages. That there will be some such cannot be doubted. It will, at least, be followed by greater stability, and will tend to harmonize the manufacturing with all of the other great interests of the country, and bind the whole in mutual affection. But these are not all. Another advantage of essential importance to the ultimate prosperity of our manufacturing industry will follow. *It will cheapen production;* and, in that view, the loss of any one branch will be nothing like in proportion to the reduction of duty on that particular branch. Every reduction will, in fact, operate as a bounty to every other branch except the one reduced; and thus the effect of a general reduction will be to cheapen, universally, the price of production, by cheapening living, wages, and materials, so as to give, if not equal profits after the reduction—profits by no means reduced proportionally to the duties—an effect which, as it regards the foreign markets, is of the utmost importance. It must be apparent, on reflection, that the means adopted to secure the home market for our manufactures are precisely the opposite of those necessary to obtain the foreign. In the former, the increased expense of production, in consequence of a system of protection, may be more than compensated by the increased price at home of the article protected; but in the latter, this advantage is lost; and, as there is no other corresponding compensation, the increased cost of production must be a dead loss in the foreign market. But whether these advantages, and many others that might be mentioned, will ultimately compensate to the full extent or not the loss to the manufacturers, on the reduction of the duties, certain it is, that we have approached a point at which a great change cannot be much longer delayed; and that the more promptly it may be met, the less excitement there will be, and the greater leisure and calmness for a cautious and skilful operation in making the transition; and which it becomes those more immediately interested duly to consider. Nor ought they to overlook, in considering the question, the different character of the claims of the two sides. The one asks from government no advantage, but simply to be let alone in the undisturbed possession of their natural advantages, and to secure which, as far as was consistent with the other objects of the Constitution, was one of their leading motives in entering into the Union; while the other side claims, for the advancement of their prosperity, the positive interference of the government. In such cases, on every principle of fairness and justice, such interference ought to be restrained within limits strictly compatible with the natural advantages of the other. He who looks to all of the causes in operation, the near approach of the final payment of the public debt, the growing disaffection and resistance to the system in so large a section of the country, the deeper principles on which opposition to it is gradually turning, must be, indeed, infatuated not to see a great change is unavoidable; and that the attempt to elude or much longer delay it must finally but increase the shock and disastrous consequences which may follow.

In forming the opinions I have expressed, I have not been actuated by an unkind feeling towards our manufacturing interest. I now am, and ever have been, decidedly friendly to them, though I cannot concur in all of the measures which have been adopted to advance them. I believe considerations higher than any question of mere pecuniary interest forbade their use. But subordinate to these higher views of policy, I regard the advancement of mechanical and chemical improvements in the arts with feelings little short of enthusiasm; not only as the prolific source of national and individual wealth, but as the great means of enlarging the domain of man over the material world, and thereby of laying the solid foundation of a highly-improved condition of society, morally and politically. I fear not that we shall extend our power too far over the great agents of nature; but, on the contrary, I consider such enlargement of our power as

tending more certainly and powerfully to better the condition of our race than any one of the many powerful causes now operating to that result. With these impressions, I not only rejoice at the general progress of the arts in the world, but in their advancement in our own country; and as far as protection may be incidentally afforded, in the fair and honest exercise of our constitutional powers, I think now, as I have always thought, that sound policy, connected with the security, independence, and peace of the country, requires it should be done, but that we cannot go a single step beyond without jeopardizing our peace, our harmony, and our liberty—considerations of infinitely more importance to us than any measure of mere policy can possibly be.

In thus placing my opinions before the public, I have not been actuated by the expectation of changing the public sentiment. Such a motive, on a question so long agitated, and so beset with feelings of prejudice and interest, would argue, on my part, an insufferable vanity, and a profound ignorance of the human heart. To avoid as far as possible the imputation of either, I have confined my statement, on the many and important points on which I have been compelled to touch, to a simple declaration of my opinion, without advancing any other reasons to sustain them than what appeared to me to be indispensable to the full understanding of my views; and if they should, on any point, be thought to be not clearly and explicitly developed, it will, I trust, be attributed to my solicitude to avoid the imputations to which I have alluded, and not from any desire to disguise my sentiments, nor the want of arguments and illustrations to maintain positions, which so abound in both, that it would require a volume to do them anything like justice. I can only hope that truths which, I feel assured, are essentially connected with all that we ought to hold most dear, may not be weakened in the public estimation by the imperfect manner in which I have been, by the object in view, compelled to present them.

With every caution on my part, I dare not hope, in taking the step I have, to escape the imputation of improper motives; though I have, without reserve, freely expressed my opinions, not regarding whether they might or might not be popular. I have no reason to believe that they are such as will conciliate public favour, but the opposite, which I greatly regret, as I have ever placed a high estimate on the good opinion of my fellow-citizens. But, be that as it may, I shall, at least, be sustained by feelings of conscious rectitude. I have formed my opinions after the most careful and deliberate examination, with all the aids which my reason and experience could furnish; I have expressed them honestly and fearlessly, regardless of their effects personally, which, however interesting to me individually, are of too little importance to be taken into the estimate, where the liberty and happiness of our country are so vitally involved.

JOHN C. CALHOUN.

*Fort Hill, July 26th*, 1831.

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## IV.

### MR. CALHOUN'S LETTER TO GENERAL HAMILTON ON THE SUBJECT OF STATE INTERPOSITION.

FORT HILL, August 28th, 1832.

MY DEAR SIR — I have received your note of the 31st July, requesting me to give you a fuller development of my views than that contained in my address last summer, on the right of a state to defend her reserved powers against the encroachments of the General Government.

As fully occupied as my time is, were it doubly so, the quarter from which the request comes, with my deep conviction of the vital importance of the subject, would exact a compliance.

No one can be more sensible than I am that the address of last summer fell far short of exhausting the subject. It was, in fact, intended as a simple statement of my views. I felt that the independence and candour which ought to distinguish one occupying a high public station, imposed a duty on me to meet the call for my opinion by a frank and full avowal of my sentiments, regardless of consequences. To fulfil this duty, and not to discuss the subject, was the object of the address. But, in making these preliminary remarks, I do not intend to prepare you to expect a full discussion on the present occasion. What I propose is, to touch some of the more prominent points that have received less of the public attention than their importance seems to me to demand.

Strange as the assertion may appear, it is, nevertheless, true, that the great difficulty in determining whether a state has the right to defend her reserved powers against the General Government, or, in fact, any right at all beyond those of a mere corporation, is to bring the public mind to realize plain historical facts connected with the origin and formation of the government. Till they are fully understood, it is impossible that a correct and just view can be taken of the subject. In this connexion, the first and most important point is to ascertain distinctly who are the real authors of the Constitution of the United States—whose powers created it—whose voice clothed it with authority; and whose agent the government it formed in reality is. At this point, I commence the execution of the task which your request has imposed.

The formation and adoption of the Constitution are events so recent, and all the connected facts so fully attested, that it would seem impossible that there should be the least uncertainty in relation to them; and yet, judging by what is constantly heard and seen, there are few subjects on which the public opinion is more confused. The most indefinite expressions are habitually used in speaking of them. Sometimes it is said that the Constitution was made by the states, and at others, as if in contradistinction, by the people, without distinguishing between the two very different meanings which may be attached to those general expressions; and this, not in ordinary conversation, but in grave discussions before deliberate bodies, and in judicial investigations, where the greatest accuracy on so important a point might be expected; particularly as one or the other meaning is intended, conclusions the most opposite must follow, not only in reference to the subject of this communication, but as to the nature and character of our political system. By a state may be meant either the government of a state or the people, as forming a separate and independent community; and by the people, either the American people taken collectively, as forming one great community, or as the people of the several states, forming, as above stated, separate and independent communities. These distinctions are essential in the inquiry. If by the people be meant the people collectively, and not the people of the several states taken separately; and if it be true, indeed, that the Constitution is the work of the American people collectively; if it originated with them, and derives its authority from their will, then there is an end of the argument. The right claimed for a state of defending her reserved powers against the General Government would be an absurdity. Viewing the American people collectively as the source of political power, the rights of the states would be mere concessions—concessions from the common majority, and to be revoked by them with the same facility that they were granted. The states would, on this supposition, bear to the Union the same relation that counties do to the states; and it would, in that case, be just as preposterous to discuss the right of interposition, on the part of a state, against the General Government, as that of the counties against the states themselves. That a large portion of the people of the United States thus regard the relation between the state and the General Government, including many who call themselves the friends of State-rights and opponents of consolidation, can scarcely be doubted, as it is only on that supposition it can be explained that so many of that

description should denounce the doctrine for which the state contends as so absurd. But, fortunately, the supposition is entirely destitute of truth. So far from the Constitution being the work of the American people collectively, no such political body either now, or ever did, exist. In that character the people of this country never performed a single political act, nor, indeed, can, without an entire revolution in all our political relations.

I challenge an instance. From the beginning, and in all the changes of political existence through which we have passed, the people of the United States have been united as forming political communities, and not as individuals. Even in the first stage of existence, they formed distinct colonies, independent of each other, and politically united only through the British crown. In their first imperfect union, for the purpose of resisting the encroachments of the mother-country, they united as distinct political communities; and, passing from their colonial condition, in the act announcing their independence to the world, they declared themselves, by name and enumeration, free and independent states. In that character, they formed the old confederation; and, when it was proposed to supersede the articles of the confederation by the present Constitution, they met in convention as states, acted and voted as states; and the Constitution, when formed, was submitted for ratification to the people of the several states: it was ratified by them as states, each state for itself; each by its ratification binding its own citizens; the parts thus separately binding themselves, and not the whole the parts; to which, if it be added, that it is declared in the preamble of the Constitution to be ordained by the people of the *United States*, and in the article of ratification, when ratified, it is declared "*to be binding between the states so ratifying*." The conclusion is inevitable, that the Constitution is the work of the people of the states, considered as separate and independent political communities; that they are its authors—their power created it, their voice clothed it with authority—that the government formed is, in reality, their agent; and that the Union, of which the Constitution is the bond, is a union of states, and not of individuals. No one, who regards his character for intelligence and truth, has ever ventured directly to deny facts so certain; but while they are too certain for denial, they are also too conclusive in favour of the rights of the states for admission. The usual course has been adopted—to elude what can neither be denied nor admitted; and never has the device been more successfully practised. By confounding states with state governments, and the people of the states with the American people collectively—things, as it regards the subject of this communication, totally dissimilar, as much so as a triangle and a square—facts of themselves perfectly certain and plain, and which, when well understood, must lead to a correct conception of the subject, have been involved in obscurity and mystery.

I will next proceed to state some of the results which necessarily follow from the facts which have been established.

The first, and, in reference to the subject of this communication, the most important, is, that there is *no direct* and *immediate* connexion between the individual citizens of a state and the General Government. The relation between them is through the state. The Union is a union of states as communities, and not a union of individuals. As members of a state, her citizens were originally subject to no control but that of the state, and could be subject to no other, except by the act of the state itself. The Constitution was, accordingly, submitted to the states for their separate ratification; and it was only by the ratification of the state that its citizens became subject to the control of the General Government. The ratification of any other, or all the other states, without its own, could create no connexion between them and the General Government, nor impose on them the slightest obligation. Without the ratification of their own state, they would stand in the same relation to the General Government as do the citizens or subjects of any foreign state; and we find the

citizens of North Carolina and Rhode Island actually bearing that relation to the government for some time after it went into operation; these states having, in the first instance, declined to ratify. Nor had the act of any individual the least influence in subjecting him to the control of the General Government, except as it might influence the ratification of the Constitution by his own state. Whether subject to its control or not, depended wholly on the act of the state. His dissent had not the least weight against the assent of his state, nor his assent against its dissent. It follows, as a necessary consequence, that the act of ratification bound the state as a community, as is expressly declared in the article of the Constitution above quoted, and not the citizens of the state as individuals: the latter being bound through their state, and in consequence of the ratification of the former. Another, and a highly important consequence, as it regards the subject under investigation, follows with equal certainty: that, on a question whether a particular power exercised by the General Government be granted by the Constitution, it belongs to the state as a member of the Union, in her sovereign capacity in convention, to determine definitively, as far as her citizens are concerned, the extent of the obligation which she contracted; and if, in her opinion, the act exercising the power be unconstitutional, to declare it null and void, *which declaration would be obligatory on her citizens.* In coming to this conclusion, it may be proper to remark, to prevent misrepresentation, that I do not claim for a state the right to abrogate an act of the General Government. It is the Constitution that annuls an unconstitutional act. Such an act is of itself void and of no effect. What I claim is, the right of the state, *as far as its citizens are concerned, to declare the extent of the obligation, and that such declaration is binding on them* — a right, when limited to its citizens, flowing directly from the relation of the state to the General Government on the one side, and its citizens on the other, as already explained, and resting on the most plain and solid reasons.

Passing over, what of itself might be considered conclusive, the obvious principle, that it belongs to the authority which imposed the obligation to declare its extent, as far as those are concerned on whom the obligation is placed, I shall present a single argument, which of itself is decisive. I have already shown that there is no immediate connexion between the citizens of a state and the General Government, and that the relation between them is through the state. I have also shown that, whatever obligations were imposed on the citizens, were imposed by the act of the state ratifying the Constitution. A similar act by the same authority, made with equal solemnity, declaring the extent of the obligation, must, as far as they are concerned, be of equal authority. I speak, of course, on the supposition that the right has not been transferred, as it will hereafter be shown that it has not. A citizen would have no more right to question the one than he would have the other declaration. They rest on the same authority; and as he was bound by the declaration of his state assenting to the Constitution, whether he assented or dissented, so would he be equally bound by a declaration declaring the extent of that assent, whether opposed to, or in favour of, such declaration. In this conclusion I am supported by analogy. The case of a treaty between sovereigns is strictly analogous. There, as in this case, the state contracts for the citizen or subject: there, as in this, the obligation is imposed by the state, and is independent of his will; and there, as in this, the declaration of the state, determining the extent of the obligation contracted, *is obligatory on him*, as much so as the treaty itself.

Having now, I trust, established the very important point, that the declaration of a state, as to the extent of the power granted, is obligatory on its citizens, I shall next proceed to consider the effects of such declarations in reference to the General Government: a question which necessarily involves the consideration of the relation between it and the states. It has been shown that the people of the states, acting as distinct and independent communities, are the

authors of the Constitution, and that the General Government was organized and ordained by them to execute its powers. The government, then, with all of its departments, is, in fact, the agent of the states, constituted to execute their joint will, as expressed in the Constitution.

In using the term agent, I do not intend to derogate in any degree from its character as a government. It is as truly and properly a government as are the state governments themselves. I have applied it simply because it strictly belongs to the relation between the General Government and the states, as, in fact, it does also to that between a state and its own government. Indeed, according to our theory, governments are in their nature but trusts, and those appointed to administer them trustees or agents to execute the trust powers. The sovereignty resides elsewhere—in the people, not in the government; and with us, *the people* mean *the people of the several states* originally formed into thirteen distinct and independent communities, and now into twenty-four. Politically speaking, in reference to our own system, there are *no other people*. The General Government, as well as those of the states, is but the organ of their power: the latter, that of their respective states, through which are exercised separately that portion of power not delegated by the Constitution, and in the exercise of which each state has a local and peculiar interest; the former, the joint organ of all the states confederated into one general community, and through which they jointly and concurringly exercise the delegated powers, in which all have a common interest. Thus viewed, the Constitution of the United States, with the government it created, is truly and strictly the Constitution of each state, as much so as its own particular Constitution and government, ratified by the same authority, in the same mode, and having, as far as its citizens are concerned, its powers and obligations from the same source, differing only in the aspect, under which I am considering the subject, in the *plighted faith* of the state to its co-states, and of which, as far as its citizens are considered, the state, in the last resort, is the exclusive judge.

Such, then, is the relation between the state and General Government, in whatever light we may consider the Constitution, whether as a compact between the states, or of the nature of the legislative enactment by the joint and concurring authority of the states in their high sovereignty. In whatever light it may be viewed, I hold it as necessarily resulting, that, in the case of a power disputed between them, the government, as the agent, has no right to enforce its construction against the construction of the state as one of the sovereign parties to the Constitution, any more than the state government would have against the people of the state in their sovereign capacity, the relation being the same between them. That such would be the case between agent and principal in the ordinary transactions of life, no one will doubt, nor will it be possible to assign a reason why it is not as applicable to the case of government as to that of individuals. The principle, in fact, springs from the *relation itself*, and *is applicable to it in all its forms and characters*. It may, however, be proper to notice a distinction between the case of a single principal and his agent, and that of several principals and their joint agent, which might otherwise cause some confusion. In both cases, as between the agent and a principal, the construction of the principal, whether he be a single principal or one of several, is equally conclusive; but, in the latter case, both the principal and the agent bear relation to the other principals, which must be taken into the estimate, in order to understand fully all the results which may grow out of the contest for power between them. Though the construction of the principal is conclusive against the joint agent, as between them, such is not the case between him and his associates. They both have an equal right of construction, and it would be the duty of the agent to bring the subject before the principal to be adjusted, according to the terms of the instrument of association, and of the principal to submit to such adjustment. In such cases the contract itself

is the law, which must determine the relative rights and powers of the parties to it. The General Government is a case of joint agency—the joint agent of the twenty-four sovereign states. It would be its duty, according to the principles established in such cases, instead of attempting to enforce its construction of its powers against that of the states, to bring the subject before the states themselves, in the only form which, according to the provision of the Constitution, it can be—by a proposition to amend, in the manner prescribed in the instrument, to be acted on by them in the only mode they can, by expressly granting or withholding the contested power. Against this conclusion there can be raised but one objection, that the states have surrendered or transferred the right in question. If such be the fact, there ought to be no difficulty in establishing it. The grant of the powers delegated is contained in a written instrument, drawn up with great care, and adopted with the utmost deliberation. It provides that the powers not granted are reserved to the states and the people. If it be surrendered, let the grant be shown, and the controversy will be terminated; and, surely, it ought to be shown, plainly and clearly shown, before the states are asked to admit what, if true, would not only divest them of a right which, under all its forms, belongs to the principal over his agent, unless surrendered, but which cannot be surrendered without in effect, and for all practical purposes, reversing the relation between them; putting the agent in the place of the principal, and the principal in that of the agent; and which would degrade the states from the high and sovereign condition which they have ever held, under every form of their existence, to be mere subordinate and dependant corporations of the government of its own creation. But, instead of showing any such grant, not a provision can be found in the Constitution *authorizing the General Government to exercise any control whatever over a state* by force, by veto, by judicial process, or in any other form—*a most important omission, designed, and not accidental*, and, as will be shown in the course of these remarks, omitted by the dictates of the profoundest wisdom.

The journal and proceedings of the Convention which formed the Constitution afford abundant proof that there was in the body a powerful party, distinguished for talents and influence, intent on obtaining for the General Government a grant of the very power in question, and that they attempted to effect this object in all possible ways, but, fortunately, without success. The first project of a Constitution submitted to the Convention (Governor Randolph's) embraced a proposition to grant power "to negative all laws contrary, in the opinion of the National Legislature, to the articles of the Union, or any treaty subsisting under the authority of the Union; and to call forth the force of the Union against any member of the Union failing to fulfil his duty under the articles thereof." The next project submitted (Charles Pinckney's) contained a similar provision. It proposed, "that the Legislature of the United States should have the power to revise the laws of the several states that may be supposed to infringe the powers exclusively delegated by this Constitution to Congress, and to negative and annul such as do." The next was submitted by Mr. Paterson, of New-Jersey, which provided, "if any state, or body of men in any state, shall oppose or prevent the carrying into execution such acts or treaties" (of the Union), "the federal executive shall be authorized to call forth the powers of the confederated states, or so much thereof as shall be necessary to enforce, or compel the obedience to such acts, or observance of such treaties." General Hamilton's next succeeded, which declared "all laws of the particular states contrary to the Constitution or laws of the United States, to be utterly void; and, the better to prevent such laws being passed, the governor or president of each state shall be appointed by the General Government, and shall have a negative on the laws about to be passed in the state of which he is governor or president."

At a subsequent period, a proposition was moved and referred to a committee

to provide that "the jurisdiction of the Supreme Court shall extend to all controversies between the United States and any individual state;" and, at a still later period, it was moved to grant power "to negative all laws passed by the several states interfering, in the opinion of the Legislature, with the general harmony and interest of the Union, provided that two thirds of the members of each house assent to the same," which, after an ineffectual attempt to commit, was withdrawn.

I do not deem it necessary to trace through the journals of the Convention the fate of these various propositions. It is sufficient that they were moved and failed, to prove conclusively, in a manner never to be reversed, that the Convention which framed the Constitution was opposed to granting the power to the General Government in any form, through any of its departments, legislative, executive, or judicial, to coerce or control a state, though proposed in all conceivable modes, and sustained by the most talented and influential members of the body. This, one would suppose, ought to settle forever the question of the surrender or transfer of the power under consideration; and such, in fact, would be the case, were the opinion of a large portion of the community not biased, as, in fact, it is, by interest. A majority have almost always a direct interest in enlarging the power of the government, and the interested adhere to power with a pertinacity which bids defiance to truth, though sustained by evidence as conclusive as mathematical demonstration; and, accordingly, the advocates of the powers of the General Government, notwithstanding the impregnable strength of the proof to the contrary, have boldly claimed, on construction, a power, the grant of which was so perseveringly sought and so sternly resisted by the Convention. They rest the claim on the provisions in the Constitution which declare "that this Constitution, and the laws made in pursuance thereof, shall be the supreme law of the land," and that "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."

I do not propose to go into a minute examination of these provisions. They have been so frequently and so ably investigated, and it has been so clearly shown that they do not warrant the assumption of the power claimed for the government, that I do not deem it necessary. I shall, therefore, confine myself to a few detached remarks.

I have already stated that a distinct proposition was made to confer the very power in controversy on the Supreme Court, which failed; which of itself ought to overrule the assumption of the power by construction, unless sustained by the most conclusive arguments; but when it is added that this proposition was moved (20th August) subsequent to the period of adopting the provisions, above cited, vesting the court with its present powers (18th July), and that an effort was made, at a still later period (23d August), to invest Congress with a negative on all state laws which, in its opinion, might interfere with the general interest and harmony of the Union, the argument would seem too conclusive against the powers of the court to be overruled by construction, however strong.

Passing by, however, this, and also the objection that the terms *cases in law and equity* are technical, embracing only questions between parties *amenable* to the process of the court, and, of course, excluding questions between the states and the General Government—an argument which has never been answered—there remains another objection perfectly conclusive.

The construction which would confer on the Supreme Court the power in question, rests on the ground that the Constitution has conferred on that tribunal the high and important right of deciding on the *constitutionality of laws*. That it possesses this power I do not deny, but I do utterly that it is conferred by the Constitution, either by the provisions above cited, or any other. It is a

power derived from the necessity of the case; and, so far from being possessed by the Supreme Court exclusively or peculiarly, it not only belongs to every court of the country, high or low, civil or criminal, but to all foreign courts, before which a case may be brought involving the construction of a law which may conflict with the provisions of the Constitution. The reason is plain. Where there are two sets of rules prescribed in reference to the same subject, one by a higher and the other by an inferior authority, the judicial tribunal called in to decide on the case must unavoidably determine, should they conflict, which is the law; and that necessity compels it to decide that the rule prescribed by the inferior power, if in its opinion inconsistent with that of the higher, is void, be it a conflict between the Constitution and a law, or between a charter and the by-laws of a corporation, or any other higher and inferior authority. The principle and source of authority are the same in all such cases. Being derived from necessity, it is restricted within its limits, and cannot pass an inch beyond the narrow confines of deciding in a case before the court, and, of course, between parties amenable to its process, excluding thereby political questions, which of the two is, in reality, the law, the act of Congress or the Constitution, when on their face they are inconsistent; and yet, from this resulting limited power, derived from necessity, and held in common with every court in the world which, by possibility, may take cognizance of a case involving the interpretation of our Constitution and laws, it is attempted to confer on the Supreme Court a power which would work a thorough and radical change in our system, and which, moreover, was positively refused by the Convention.

The opinion that the General Government has the right to enforce its construction of its powers against a state, in any mode whatever, is, in truth, founded on a fundamental misconception of our system. At the bottom of this, and, in fact, almost every other misconception as to the relation between the states and the General Government, lurks the radical error, that the latter is a national, and not, as in reality it is, a confederated government; and that it derives its powers from a higher source than the states. There are thousands influenced by these impressions without being conscious of it, and who, while they believe themselves to be opposed to consolidation, have infused into their conception of our Constitution almost all the ingredients which enter into that form of government. The striking difference between the present government and that under the old confederation (I speak of governments as distinct from constitutions) has mainly contributed to this dangerous impression. But, however dissimilar their governments, the present *Constitution is as far removed from consolidation, and is as strictly and as purely a confederation, as the one which it superseded.*

Like the old confederation, it was formed and ratified by state authority. The only difference in this particular is, that one was ratified by the people of the states, and the other by the state governments; one forming strictly a union of the state governments, the other of the states themselves; one, of the agents exercising the powers of sovereignty, and the other, of the sovereigns themselves; but both were unions of political bodies, as distinct from a union of the people individually. They are, indeed, *both confederations*, but the present in a higher and purer sense than that which it succeeded, just as the act of a sovereign is higher and more perfect than that of his agent; and it was, doubtless, in reference to this difference that the preamble of the Constitution, and the address of the Convention laying the Constitution before Congress, speak of consolidating and perfecting the Union; yet this difference, which, while it elevated the General Government in relation to the state governments, placed it more immediately in the relation of the *creature and agent* of the states themselves, by a natural misconception, has been the principal cause of the impression so prevalent of the inferiority of the states to the General Government, and of the consequent right of the latter to coerce the former. Raised from below to the same

level with the state governments, it was conceived to be placed above the states themselves.

I have now, I trust, conclusively shown that a state has a right, in her sovereign capacity, in convention, to declare an unconstitutional act of Congress to be null and void, and that such declarations would be obligatory on her citizens, as highly so as the Constitution itself, and conclusive against the General Government, which would have no right to enforce its construction of its powers against that of the state.

I next propose to consider the practical effect of the exercise of this high and important right—which, as the great conservative principle of our system, is known under the various names of nullification, interposition, and state veto—in reference to its operation viewed under different aspects: nullification, as declaring null an unconstitutional act of the General Government, as far as the state is concerned; interposition, as throwing the shield of protection between the citizens of a state and the encroachments of the Government; and veto, as arresting or inhibiting its unauthorized acts within the limits of the state.

The practical effect, if the right was fully recognised, would be plain and simple, and has already, in a great measure, been anticipated. If the state has a right, there must, of necessity, be a corresponding obligation on the part of the General Government to acquiesce in its exercise; and, of course, it would be its duty to abandon the power, at least as far as the state is concerned, to compromise the difficulty, or apply to the states themselves, according to the form prescribed in the Constitution, to obtain the power by a grant. If granted, acquiescence, then, would be a duty on the part of the state; and, in that event, the contest would terminate in converting a doubtful constructive power into one positively granted; but, should it not be granted, no alternative would remain for the General Government but a compromise or its permanent abandonment. In either event, the controversy would be closed and the Constitution fixed: a result of the utmost importance to the steady operation of the government and the stability of the system, and which can never be attained, under its present operation, without the recognition of the right, as experience has shown.

From the adoption of the Constitution, we have had but one continued agitation of constitutional questions embracing some of the most important powers exercised by the government; and yet, in spite of all the ability and force of argument displayed in the various discussions, backed by the high authority claimed for the Supreme Court to adjust such controversies, not a single constitutional question, of a political character, which has ever been agitated during this long period, has been settled in the public opinion, except that of the unconstitutionality of the Alien and Sedition Law; and, what is remarkable, that was settled *against the decision of the Supreme Court.* The tendency is to increase, and not diminish, this conflict for power. New questions are yearly added without diminishing the old; while the contest becomes more obstinate as the list increases, and, what is highly ominous, more sectional. It is impossible that the government can last under this increasing diversity of opinion, and growing uncertainty as to its power in relation to the most important subjects of legislation; and equally so, that this dangerous state can terminate without a power somewhere to compel, in effect, the government to abandon doubtful constructive powers, or to convert them into positive grants by an amendment of the Constitution; in a word, to substitute the positive grants of the parties themselves for the constructive powers interpolated by the agents. Nothing short of this, in a system constructed as ours is, with a double set of agents, one for local and the other for general purposes, can ever terminate the conflict for power, or give uniformity and stability to its action.

Such would be the practical and happy operation were *the right recognised;* but the case is far otherwise; and as the right is not only denied, but violently opposed, the General Government, so far from acquiescing in its exercise, and

abandoning the power, as it ought, may endeavour, by all the means within its command, to enforce its construction against that of the state. It is under this aspect of the question that I now propose to consider the practical effect of the exercise of the right, with the view to determine which of the two, the state or the General Government, must prevail in the conflict; which compels me to revert to some of the grounds already established.

I have already shown that the declaration of nullification would be obligatory on the citizens of the state, as much so, in fact, as its declaration ratifying the Constitution, resting, as it does, on the same basis. It would *to them* be the highest possible evidence that the power contested was not granted, and, of course, that the act of the General Government was unconstitutional. They would be bound, in all the relations of life, private and political, to respect and obey it; and, when called upon as jurymen, to render their verdict accordingly, or, as judges, to pronounce judgment in conformity to it. The right of jury trial is secured by the Constitution (thanks to the jealous spirit of liberty, doubly secured and fortified); and, with this inestimable right—inestimable, not only as an essential portion of the judicial tribunals of the country, but infinitely more so, considered as a popular, and still more, a local representation, in that department of the government which, without it, would be the farthest removed from the control of the people, and a fit instrument to sap the foundation of the system—with, I repeat, this inestimable right, it would be impossible for the General Government, within the limits of the state, to execute, *legally*, the act nullified, or any other passed with a view to enforce it; while, on the other hand, the state would be able to enforce, *legally and peaceably*, its declaration of nullification. Sustained by its court and juries, it would calmly and quietly, but successfully, meet every effort of the General Government to enforce its claim of power. The result would be inevitable. Before the judicial tribunal of the country, the state must prevail, unless, indeed, jury trial could be eluded by the refinement of the court, or by some other device; which, however, guarded as it is by the ramparts of the Constitution, would, I hold, be impossible. The attempt to elude, should it be made, would itself be unconstitutional; and, in turn, would be annulled by the sovereign voice of the state. Nor would the right of appeal to the Supreme Court, under the judiciary act, avail the General Government. If taken, it would but end in a new trial, and that in another verdict against the government; but whether it may be taken, would be optional with the state. The court itself has decided that a copy of the record is requisite to review a judgment of a state court, and, if necessary, the state would take the precaution to prevent, by proper enactments, any means of obtaining a copy. But if obtained, what would it avail against the execution of the penal enactments of the state, intended to enforce the declaration of nullification? The judgment of the state court would be pronounced and executed before the possibility of a reversal, and executed, too, without responsibility incurred by any one.

Beaten before the courts, the General Government would be compelled to abandon its unconstitutional pretensions, or resort to force: a resort, the difficulty (I was about to say, the impossibility) of which would very soon fully manifest itself, should folly or madness ever make the attempt.

In considering this aspect of the controversy, I pass over the fact that the General Government has no right to resort to force against a state—to coerce a sovereign member of the Union—which, I trust, I have established beyond all possible doubt. Let it, however, be determined to use force, and the difficulty would be insurmountable, unless, indeed, it be also determined to set aside the Constitution, and to subvert the system to its foundations.

Against whom would it be applied? Congress has, it is true, the right to call forth the militia "to execute the laws and suppress insurrection;" but there would be no law resisted, unless, indeed, it be called resistance for the juries to refuse to find, and the courts to render judgment, in conformity to the

wishes of the General Government; no insurrection to suppress; no armed force to reduce; not a sword unsheathed; not a bayonet raised; none, absolutely none, on whom force could be used, except it be on the unarmed citizens engaged peaceably and quietly in their daily occupations.

No one would be guilty of treason ("levying war against the United States, adhering to their enemies, giving them aid and comfort"), or any other crime made penal by the Constitution or the laws of the United States.

To suppose that force could be called in, implies, indeed, a great mistake, both as to the nature of our government and that of the controversy. It would be a legal and constitutional contest—a conflict of moral, and not physical force—a trial of constitutional, not military power, to be decided before the judicial tribunals of the country, and not on the field of battle. In such contest, there would be no object for force, but those peaceful tribunals—nothing on which it could be employed, but in putting down courts and juries, and preventing the execution of judicial process. Leave these untouched, and all the militia that could be called forth, backed by a regular force of ten times the number of our small, but gallant and patriotic army, could have not the slightest effect on the result of the controversy; but subvert these by an armed body, and you subvert the very foundation of this our free, constitutional, and legal system of government, and rear in its place a military despotism.

Feeling the force of these difficulties, it is proposed, with the view, I suppose, of disembarrassing the operation, as much as possible, of the troublesome interference of courts and juries, to change the scene of coercion from land to water; as if the government could have one particle more right to coerce a state by water than by land; but, unless I am greatly deceived, the difficulty on that element will not be much less than on the other. The jury trial, at least the local jury trial (the trial by the vicinage), may, indeed, be evaded there, but in its place other, and not much less formidable, obstacles must be encountered.

There can be but two modes of coercion resorted to by water—blockade and abolition of the ports of entry of the state, accompanied by penal enactments, authorizing seizures for entering the waters of the state. If the former be attempted, there will be other parties besides the General Government and the state. Blockade is a belligerent right: it presupposes a state of war, and, unless there be war (war in due form, as prescribed by the Constitution), the order for blockade would not be respected by other nations or their subjects. Their vessels would proceed directly for the blockaded port, with certain prospects of gain; if seized under the order of blockade, through the claim of indemnity against the General Government; and, if not, by a profitable market, without the exaction of duties.

The other mode, the abolition of the ports of entry of the state, would also have its difficulties. The Constitution provides that "no preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another:" provisions too clear to be eluded even by the force of construction. There will be another difficulty. If seizures be made in port, or within the distance assigned by the laws of nations as the limits of a state, the trial must be in the state, with all the embarrassments of its courts and juries; while beyond the ports and the distance to which I have referred, it would be difficult to point out any principle by which a foreign vessel, at least, could be seized, except as an incident to the right of blockade, and, of course, with all the difficulties belonging to that mode of coercion.

But there yet remains another, and, I doubt not, insuperable barrier, to be found in the judicial tribunals of the Union, against all the schemes of introducing force, whether by land or water. Though I cannot concur in the opinion of those who regard the Supreme Court as the mediator appointed by the Con-

stitution between the states and the General Government; and though I cannot doubt there is a natural bias on its part towards the powers of the latter, yet I must greatly lower my opinion of that high and important tribunal for intelligence, justice, and attachment to the Constitution, and particularly of that pure and upright magistrate who has so long, and with such distinguished honour to himself and the Union, presided over its deliberations, with all the weight that belongs to an intellect of the first order, united with the most spotless integrity, to believe, for a moment, that an attempt so plainly and manifestly unconstitutional as a resort to force would be in such a contest, could be sustained by the sanction of its authority. In whatever form force may be used, it must present questions for legal adjudication. If in the shape of blockade, the vessels seized under it must be condemned, and thus would be presented the question of prize or no prize, and, with it, the legality of the blockade; if in that of a repeal of the acts establishing ports of entries in the state, the legality of the seizure must be determined, and that would bring up the question of the constitutionality of giving a preference to the ports of one state over those of another; and so, if we pass from water to land, we will find every attempt there to substitute force for law must, in like manner, come under the review of the courts of the Union; and the unconstitutionality would be so glaring, that the executive and legislative departments, in their attempt to coerce, should either make an attempt so lawless and desperate, would be without the support of the judicial department. I will not pursue the question farther, as I hold it perfectly clear that, so long as a state retains its federal relations; so long, in a word, as it continues a member of the Union, the contest between it and the General Government must be before the courts and juries; and every attempt, in whatever form, whether by land or water, to substitute force as the arbiter in their place, must fail. The unconstitutionality of the attempt would be so open and palpable, that it would be impossible to sustain it.

There is, indeed, one view, and one only, of the contest in which force could be employed; but that view, as between the parties, would supersede the Constitution itself: that nullification is secession, and would, consequently, place the state, as to the others, in the relation of a foreign state. Such, clearly, would be the effect of secession; but it is equally clear that it would place the state beyond the pale of all her federal relations, and, thereby, all control on the part of the other states over her. She would stand to them simply in the relation of a foreign state, divested of all federal connexion, and having none other between them but those belonging to the laws of nations. Standing thus towards one another, force might, indeed, be employed against a state, but it must be a belligerent force, preceded by a declaration of war, and carried on with all its formalities. Such would be the certain effect of secession; and if nullification be secession—if it be but a different name for the same thing—such, too, must be its effect; which presents the highly important question, Are they, in fact, the same? on the decision of which depends the question whether it be a *peaceable* and *constitutional* remedy, that may be exercised without *terminating* the *federal* relations of the state *or not*.

I am aware that there is a considerable and respectable portion of our state, with a very large portion of the Union, constituting, in fact, a great majority, who are of the opinion that they are the same thing, differing only in name, and who, under that impression, denounce it as the most dangerous of all doctrines; and yet, so far from being the same, they are, unless, indeed, I am greatly deceived, not only perfectly distinguishable, but totally dissimilar in their nature, their object, and effect; and that, so far from deserving the denunciation, so properly belonging to the act with which it is confounded, it is, in truth, the highest and most precious of all the rights of the states, and essential to preserve that very Union, for the supposed effect of destroying which it is so bitterly anathematized.

I shall now proceed to make good my assertion of their *total dissimilarity*.

First, they are wholly dissimilar in their nature. *One has reference to the parties themselves, and the other to their agents.* Secession is a *withdrawal from the Union:* a separation from *partners*, and, as far as depends on the member withdrawing, a *dissolution* of the partnership. It presupposes an association: a union of several states or individuals for a common object. Wherever these exist, secession may; and where they do not, it cannot. Nullification, on the contrary, *presupposes the relation of principal and agent:* the one granting a power to be executed, the other, appointed by him with authority to execute it; *and is simply a declaration on the part of the principal, made in due form, that an act of the agent transcending his power is null and void.* It is a right belonging exclusively to the relation between principal and agent, to be found *wherever it exists, and in all its forms*, between several, or an association of principals, and their joint agents, as well as between a single principal and his agent.

The difference in their object is no less striking than in their nature. The object of secession is to *free* the withdrawing member from the *obligation* of the association or union, and is applicable to cases where the object of the association or union *has failed*, either by an abuse of power on the part of *its members*, or other causes. Its *direct and immediate object, as it concerns the withdrawing member, is the dissolution of the association or union*, as far as it is concerned. On the contrary, the object of nullification is to confine the agent within the limits of his powers, by arresting his acts transcending them, *not with the view of destroying the delegated or trust power, but to preserve it, by compelling the agent to fulfil the object for which the agency or trust was created; and is applicable only to cases where the trust or delegated powers are transcended on the part of the agent.* Without the power of secession, an association or union, formed for the common good *of all* the members, might prove ruinous to some, by the abuse of power on the part of the others; and without nullification the agent might, under colour of construction, assume a power never intended to be delegated, or to convert those delegated to objects never intended to be comprehended in the trust, to the ruin of the principal, or, in case of a joint agency, to the ruin of some of the principals. Each has, thus, its appropriate object, but objects in their nature very dissimilar; so much so, that, in case of an association or union, where the powers are delegated to be executed by an agent, the abuse of power, on the part of the *agent*, to the injury of one or more of the members, would not justify secession on their part. The rightful remedy in that case would be nullification. There would be neither right nor pretext to secede: not right, because secession is applicable only to the acts of the members of the association or union, and not to the act of the agent; nor pretext, because there is another, and equally efficient remedy, short of the dissolution of the association or union, which can only be justified by necessity. Nullification may, indeed, be succeeded by secession. In the case stated, should the other members undertake to grant the power nullified, and should the nature of the power be such as to *defeat the object of the association or union*, at least as far as the member nullifying is concerned, it would then become an abuse of power on the part of the principals, and thus present a case where secession would apply; but in no other could it be justified, except it be for a failure of the association or union to effect the object for which it was created, independent of any abuse of power.

It now remains to show that their effect is as dissimilar as their nature or object.

Nullification leaves the members of the association or union in the condition it found them—subject to all its burdens, and entitled to all its advantages, comprehending the member nullifying as well as the others—its object being, not to destroy, but to preserve, as has been stated. It simply arrests the act of the agent, as far as the principal is concerned, leaving in every other respect

the operation of the joint concern as before; secession, on the contrary, destroys, as far as the withdrawing member is concerned, the association or union, and restores him to the relation he occupied towards the other members before the existence of the association or union. He loses the benefit, but is released from the burden and control, and can no longer be dealt with, by his former associates, as one of its members.

Such are clearly the differences between them—differences so marked, that, instead of being identical, as supposed, they form a contrast in all the aspects in which they can be regarded. The application of these remarks to the political association or Union of these twenty-four states and the General Government, their joint agent, is too obvious, after what has been already said, to require any additional illustration, and I will dismiss this part of the subject with a single additional remark.

There are many who acknowledge the right of a state to secede, but deny its right to nullify; and yet, it seems impossible to admit the one without admitting the other. They both presuppose the same structure of the government, that it is a Union of the states, as forming political communities, the same right on the part of the states, as members of the Union, to determine for their citizens the extent of the powers delegated and those reserved, and, of course, to decide whether the Constitution has or has not been violated. The simple difference, then, between those who admit secession and deny nullification, and those who admit both, is, that one acknowledges that the declaration of a state pronouncing that the Constitution has been violated, and is, therefore, null and void, would be obligatory on her citizens, and would arrest all the acts of the government within the limits of the state; while they deny that a similar declaration, made by the same authority, and in the same manner, that an act of the government has transcended its powers, and that it is, therefore, null and void, would have any obligation; while the other acknowledges the obligation in both cases. The one admits that the declaration of a state assenting to the Constitution bound her citizens, and that her declaration can unbind them; but denies that a similar declaration, as to the extent she has, in fact, bound them, has any obligatory force on them; while the other gives equal force to the declaration in the several cases. The one denies the obligation, where the object is to *preserve the Union in the only way it can be*, by confining the government, formed to execute the trust powers, strictly within their limits, and to the objects for which they were delegated, though they give *full* force where the object is *to destroy the Union itself;* while the other, in giving equal weight to both, *prefers the one because it preserves*, and *rejects the other because it destroys;* and yet the former is *the Union*, and the latter the *disunion party!* And all this strange distinction originates, as far as I can judge, in attributing to nullification what belongs exclusively to secession. The difficulty as to the former, it seems, is, that a state cannot be in and out of the Union at the same time.

This is, indeed, true, if applied to secession—the throwing off *the authority of the Union itself.* To nullify the Constitution, if I may be pardoned the solecism, would, indeed, be tantamount to disunion; and, as applied to such an act, it would be true that a state could not be in and out of the Union at the same time; but the act would be secession.

But to apply it to nullification, properly understood, the object of which, instead of resisting or diminishing the powers of the Union, is to preserve them as they are, neither increased nor diminished, and thereby the Union itself (for the Union may be as effectually destroyed by increasing as by diminishing its powers—by consolidation, as by disunion itself), would be, I would say, had I not great respect for many who do thus apply it, egregious trifling with a grave and deeply-important constitutional subject.

I might here finish the task which your request imposed, having, I trust, de-

monstrated, beyond the power of refutation, that a state has the right to defend her reserved powers against the encroachments of the General Government; and I may add that the right is, in its nature, peaceable, consistent with the federal relations of the state, and perfectly efficient, whether contested before the courts, or attempted to be resisted by force. But there is another aspect of the subject not yet touched, without adverting to which, it is impossible to understand the full effects of nullification, or the real character of our political institutions: I allude to the power which the states, as a confederated body, have acquired directly over each other, and on which I will now proceed to make some remarks, though, I fear, at the hazard of fatiguing you.

Previous to the adoption of the present Constitution, no power could be exercised over any state by any other, or all of the states, without its own consent; and we, accordingly, find that the old confederation and the present Constitution were both submitted for ratification to each of the states, and that each ratified for itself, and was bound only in consequence of its own particular ratification, as has been already stated. The present Constitution has made, in this particular, a most important modification in their condition. I allude to the provision which gives validity to amendments of the Constitution when ratified by three fourths of the states—a provision which has not attracted as much attention as its importance deserves. Without it, no change could have been made in the Constitution, unless with the unanimous consent of all the states, in like manner as it was adopted. This provision, then, contains a highly-important concession by each to all of the states, of a portion of the original and inherent right of self-government, possessed previously by each separately, in favour of their general confederated powers, giving thereby increased energy to the states in their united capacity, and weakening them in the same degree in their separate. Its object was to facilitate and strengthen the action of the amending, or (to speak a little more appropriately, as it regards the point under consideration) *the repairing power*. It was foreseen that experience would, probably, disclose errors in the Constitution itself; that time would make great changes in the condition of the country, which would require corresponding changes in the Constitution; that the irregular and conflicting movements of the bodies composing so complex a system might cause derangements requiring correction; and that, to require the unanimous consent of all the states to meet these various contingencies, would be placing the whole too much under the control of the parts: to remedy which, this great additional power was given to the amending or repairing power—this *vis medicatrix* of the system.

To understand correctly the nature of this concession, we must not confound it with the delegated powers conferred on the General Government, and to be exercised by it as the joint agent of the states. They are essentially different. The former is, in fact, but a modification of the original sovereign power residing in the people of the several states—of *the creating or Constitution-making power itself, intended, as stated, to facilitate and strengthen its action, and not change its character. Though modified, it is not delegated. It still resides in the states, and is still to be exercised by them, and not by the government.*

I propose next to consider this important modification of the sovereign powers of the states, in connexion with the right of nullification.

It is acknowledged on all sides that the duration and stability of our system depend on maintaining *the equilibrium* between the states and the General Government—the reserved and delegated powers. We know that the Convention which formed the Constitution, and the various state conventions which adopted it, as far as we are informed of their proceedings, felt the deepest solicitude on this point. They saw and felt there would be an incessant conflict between them, which would menace the existence of the system itself, unless properly guarded. The contest between the states and General Government —the reserved and delegated rights—will, in truth, be a conflict between the

great predominant interests of the Union on one side, controlling and directing the movements of the government, and seeking to enlarge the delegated powers, and thereby advance their power and prosperity; and, on the other, the minor interests rallying on the reserved powers, as the only means of protecting themselves against the encroachment and oppression of the other. In such a contest, without the most effectual check, the stronger will absorb the weaker interests; while, on the other hand, without an adequate provision of some description or other, the efforts of the weaker to guard against the encroachments and oppression of the stronger might permanently derange the system.

On the side of the reserved powers, no check more effectual can be found or desired than nullification, or the right of arresting, within the limits of a state, the exercise, by the General Government, of any powers but the delegated—a right which, if the states be true to themselves and faithful to the Constitution, will ever prove, on the side of the reserved powers, an effectual protection to both.

Nor is the check on the side of the delegated less perfect. Though less strong, it is ample to guard against encroachments; and is as strong as the nature of the system would bear, as will appear in the sequal. It is to be found in the amending power. Without the modification which it contains of the rights of self-government on the part of the states, as already explained, the consent of each state would have been requisite to any additional grant of power, or other amendment of the Constitution. While, then, nullification would enable a state to arrest the exercise of a power not delegated, the right of self-government, if unmodified, would enable her to prevent the grant of a power not delegated; and thus her conception of what power ought to be granted would be as conclusive against the co-states, as her construction of the powers granted is against the General Government. In that case, the danger would be on the side of the states or reserved powers. The amending power, *in effect*, prevents this danger. In virtue of the provisions which it contains, the resistance of a state to a power cannot finally prevail, unless she be sustained by one fourth of the co-states; and in the same degree that her resistance is weakened, the power of the General Government, or the side of the delegated powers, is *strengthened*. It is true that the right of a state to arrest an unconstitutional act is of itself complete against the government; but it is equally so that the controversy may, *in effect*, be terminated against her by a grant of the contested powers by three fourths of the states. It is thus by this simple, and, apparently, incidental contrivance, that the right of a state to nullify an unconstitutional act, so essential to the protection of the reserved rights, but which, unchecked, might too much debilitate the government, is counterpoised: not by weakening the energy of a state in her direct resistance to the encroachment of the government, or by giving to the latter a direct control over the states, as proposed in the Convention, but in a manner infinitely more safe, and, if I may be permitted so to express myself, scientific, by strengthening the amending or repairing power—the power of correcting all abuses or derangements, by whatever cause, or from whatever quarter.

To sum all in a few words. The General Government has the right, in the first instance, of construing its own powers, which, if final and conclusive, as is supposed by many, would have placed the reserved powers at the mercy of the delegated, and thus destroy the equilibrium of the system. Against that, a state has the right of nullification. This right, on the part of the state, if not counterpoised, might tend too strongly to weaken the General Government and derange the system. To correct this, the amending or repairing power is strengthened. The former cannot be made too strong if the latter be proportionably so. The increase of the latter is, in effect, the decrease of the former. Give to a majority of the states the right of amendment, and the arresting power, on the part of the state, would, in fact, be annulled. The amending power and

the powers of the government would, in that case, be, in reality, in the same hands. The same majority that controlled the one would the other, and the power arrested, as not granted, would be immediately restored in the shape of a grant. This modification of the right of self-government, on the part of the states, is, in fact, the pivot of the system. By shifting its position as the preponderance is on the one side or the other, or, to drop the simile, by increasing or diminishing the energy of the repairing power, effected by diminishing or increasing the number of states necessary to amend the Constitution, the equilibrium between the reserved and the delegated rights may be preserved or destroyed at pleasure.

I am aware it is objected that, according to this view, one fourth of the states may, in reality, change the Constitution, and thus take away powers which have been unanimously granted by all the states. The objection is more specious than solid. The *right* of a state is not *to resume* delegated powers, but *to prevent* the reserved from being *assumed* by the government. It is, however, certain the right may be abused, and, thereby, powers be resumed which were, in fact, delegated; and it is also true, if sustained by one fourth of the co-states, such resumption may be successfully and permanently made by the state. This is the danger, and the utmost extent of the danger from the side of the reserved powers. It would, I acknowledge, be desirable to avoid or lessen it; but neither can be effected without increasing a greater and opposing danger.

If the right be denied to the state to defend her reserved powers, for fear she might resume the delegated, that denial would, in effect, yield to the General Government the power, under the colour of construction, to assume at pleasure all the reserved powers. It is, in fact, a question between the danger of the states resuming the delegated powers on one side, and the General Government assuming the reserved on the other. Passing over the far greater probability of the latter than the former, which I endeavoured to illustrate in the address of last summer, I shall confine my remarks to the striking difference between them, viewed in connexion with the genius and theory of our government.

The right of a state originally to complete self-government is a fundamental principle in our system, in virtue of which *the grant of power required the consent of all the states, while to withhold power the dissent of a single state was sufficient.* It is true, that this original and absolute power of self-government has been modified by the Constitution, as already stated, so that three fourths of the states may now grant power; and, consequently, it requires more than one fourth to withhold. The boundary between the reserved and the delegated powers marks the limits of the Union. The states are united to the extent of the latter, and separated beyond that limit. It is, then, clear that it was not intended that the states should be more united than the will of one fourth of them, or, rather, one more than a fourth, would permit. It is worthy of remark, that it was proposed in the Convention to increase the confederative power, as it may be called, by vesting two thirds of the states with the right of amendment, so as to require more than a third, instead of a fourth, to withhold power. The proposition was rejected, and three fourths unanimously adopted. It is, then, *more hostile to the nature and genius of our system to assume powers not delegated, than to resume those that are; and less hostile that a state, sustained by one fourth of her co-states, should prevent the exercise of power really intended to be granted, than that the General Government should assume the exercise of powers not intended to be delegated.* In the latter case, the usurpation of power would be against the fundamental principle of our system, the original right of the states to self-government; while in the former, if it be usurpation at all, it would be, if so bold an expression may be used, a usurpation in the spirit of the Constitution itself—the spirit ordaining that the utmost extent of our Union should be limited by the will of any number of states exceeding a fourth, and that most

wisely. In a country having so great a diversity of geographical and political interest, with so vast a territory, to be filled, in a short time, with almost countless millions—a country of which the parts will equal empires, a union more intimate than that ordained in the Constitution, and so intimate, of course, that it might be permanently hostile to the feelings of more than a fourth of the states, instead of strengthening, would have exposed the system to certain destruction. There is a deep and profound philosophy, which he who best knows our nature will the most highly appreciate, that would make the intensity of the Union, if I may so express myself, inversely to the extent of territory and the population of a country, and the diversity of its interests, geographical and political; and which would hold in deeper dread the assumption of reserved rights by the agent appointed to execute the delegated, than the resumption of the delegated by the authority which granted the powers and ordained the agent to administer them. There appears, indeed, to be a great and prevailing principle that tends to place the delegated power in opposition to the delegating—the created to the creating power—reaching far beyond man and his works, up to the universal source of all power. The earliest pages of Sacred History record the rebellion of the archangels against the high authority of Heaven itself, and ancient mythology, the war of the Titans against Jupiter, which, according to its narrative, menaced the universe with destruction. This all-pervading principle is at work in our system—the created warring against the creating power; and unless the government be bolted and chained down with links of adamant by the hand of the states which created it, the creature will usurp the place of the creator, and universal political idolatry overspread the land.

If the views presented be correct, it follows that, on the interposition of a state in favour of the reserved rights, it would be the duty of the General Government to abandon the contested power, or to apply to the states themselves, the source of all political authority, for the power, in one of the two modes prescribed in the Constitution. If the case be a simple one, embracing a single power, and that in its nature easily adjusted, the more ready and appropriate mode would be an amendment in the ordinary form, on a proposition of two thirds of both houses of Congress, to be ratified by three fourths of the states; but, on the contrary, should the derangement of the system be great, embracing many points difficult to adjust, the states ought to be convened in a general Convention, the most august of all assemblies, representing the united sovereignty of the confederated states, and having power and authority to correct every error, and to repair every dilapidation or injury, whether caused by time or accident, or the conflicting movements of the bodies which compose the system. With institutions every way so fortunate, possessed of means so well calculated to prevent disorders, and so admirable to correct them when they cannot be prevented, *he* who would prescribe for our political disease *disunion* on the one side, or *coercion* of *a state* in the assertion of its rights on the other, *would deserve*, and *will receive, the execrations of this and all future generations.*

I have now finished what I had to say on the subject of this communication, in its immediate connexion with the Constitution. In the discussion, I have advanced nothing but on the authority of the Constitution itself, or that of recorded and unquestionable facts connected with the history of its origin and formation; and have made no deduction but such as rested on principles which I believe to be unquestionable; but it would be idle to expect, in the present state of the public mind, a favourable reception of the conclusions to which I have been carried. There are too many misconceptions to encounter, too many prejudices to combat, and, above all, too great a weight of interest to resist. I do not propose to investigate these great impediments to the reception of the truth, though it would be an interesting subject of inquiry to trace them to their cause, and to measure the force of their impeding power; but there is one among them of so marked a character, and which operates so extensively, that I can-

not conclude without making it the subject of a few remarks, particularly as they will be calculated to throw much light on what has already been said.

Of all the impediments opposed to a just conception of the nature of our political system, the impression that the right of a state to arrest an unconstitutional act of the General Government is inconsistent with the great and fundamental principle of all free states—that a majority has the right to govern—is the greatest. Thus regarded, nullification is, without farther reflection, denounced as the most dangerous and monstrous of all political heresies, as, in truth, it would be, were the objection as well-founded as, in fact, it is destitute of all foundation, as I shall now proceed to show.

Those who make the objection seem to suppose that the right of a majority to govern is a principle too simple to admit of any distinction; and yet, if I do not mistake, it is susceptible of the most important distinction—entering deeply into the construction of our system, and, I may add, into that of all free states in proportion to the perfection of their institutions, and is essential to the very existence of liberty.

When, then, it is said that a majority has the right to govern, there are two modes of estimating the majority, to either of which the expression is applicable. The one, in which the whole community is regarded in the aggregate, and the majority is estimated in reference to the entire mass. This may be called the majority of the whole, or the absolute majority. The other, in which it is regarded in reference to its different political interests, whether composed of different classes, of different communities, formed into one general confederated community, and in which the majority is estimated, not in reference to the whole, but to each class or community of which it is composed, the assent of each taken separately, and the concurrence of all constituting the majority. A majority thus estimated may be called the concurring majority.

When it is objected to nullification, that it is opposed to the principle that a majority ought to govern, he who makes the objection must mean the absolute, as distinguished from the concurring. It is only in the sense of the former the objection can be applied. In that of the concurring, it would be absurd, as the concurring assent of all the parts (with us, all the states) is of the very essence of such majority. Again, it is manifest, that in the sense it would be good against nullification, it would be equally so against the Constitution itself; for, in whatever light that instrument may be regarded, it is clearly not the work of the absolute, but of the concurring majority. It was formed and ratified by the concurring assent of all the states, and not by the majority of the whole taken in the aggregate, as has been already stated. Thus, the acknowledged right of each state *in reference to the Constitution*, is unquestionably the same right which nullification attributes to each *in reference to the unconstitutional acts of the government;* and, if the latter be opposed to the right of a majority to govern, the former is equally so. I go farther. The objection might, with equal truth, be applied to all free states that have ever existed: I mean states deserving the name, and excluding, of course, those which, after a factious and anarchical existence of a few years, have sunk under the yoke of tyranny or the dominion of some foreign power. There is not, with this exception, a single free state whose institutions were not based on the principle of the concurring majority: not one in which the community was not regarded in reference to its different political interests, and which did not, in some form or other, take the assent of each in the operation of the government.

In support of this assertion, I might begin with our own government and go back to that of Sparta, and show conclusively that there is not one on the list whose institutions were not organized on the principle of the concurring majority, and in the operation of which the sense of each great interest was not separately consulted. The various devices which have been contrived for this purpose, with the peculiar operation of each, would be a curious and highly im-

portant subject of investigation. I can only allude to some of the most prominent.

The principle of the concurring majority has sometimes been incorporated in the regular and ordinary operation of the government, each interest having a distinct organization, and a combination of the whole forming the government; but still requiring the consent of each, within its proper sphere, to give validity to the measures of government. Of this modification the British and Spartan governments are by far the most memorable and perfect examples. In others, the right of acting—of making and executing the laws—was vested in one interest, and the right of arresting or nullifying in another. Of this description, the Roman government is much the most striking instance. In others, the right of originating or introducing projects of laws was in one, and of enacting them in another: as at Athens before its government degenerated, where the Senate proposed, and the General Assembly of the people enacted, laws.

These devices were all resorted to with the intention of consulting the separate interests of which the several communities were composed, and against all of which the objection to nullification, that it is opposed to the will of a majority, could be raised with equal force—as strongly, and I may say much more so, against the unlimited, unqualified, and uncontrollable veto of a single tribune out of ten at Rome on all laws and the execution of laws, as against the same right of a sovereign state (one of the twenty-four tribunes of this Union), limited, as the right is, to the unconstitutional acts of the General Government, and liable, as in effect it is, to be controlled by three fourths of the co-states; and yet the Roman Republic, and the other states to which I have referred, are the renowned among free states, whose examples have diffused the spirit of liberty over the world, and which, if struck from the list, would leave behind but little to be admired or imitated. There, indeed, would remain one class deserving from us particular notice, as ours belongs to it—I mean confederacies; but, as a class, heretofore far less distinguished for power and prosperity than those already alluded to; though I trust, with the improvements we have made, destined to be placed at the very head of the illustrious list of states which have blessed the world with examples of well-regulated liberty; and which stand as so many oases in the midst of the desert of oppression and despotism, which occupies so vast a space in the chart of governments. That such will be the great and glorious destiny of our system, I feel assured, provided we do not permit our government to degenerate into the worst of all possible forms, a consolidated government, swayed by the will of an absolute majority. But to proceed.

Viewing a confederated community as composed of as many distinct political interests as there are states, and as requiring the consent of each to its measures, no government can be conceived in which the sense of the whole community can be more perfectly taken, and all its interests be more fully represented and protected. But, with this great advantage, united with the means of the most just and perfect local administration through the agency of the states, and combined with the capacity of embracing within its limits the greatest extent of territory and variety of interests, it is liable to one almost fatal objection, the tardiness and feebleness of its movements—a defect difficult to be remedied, and when not, so great as to render a form of government, in other respects so admirable, almost worthless. To overcome this difficulty was the great desideratum in political science, and the most difficult problem within its circle. To us belongs the glory of its solution, if, indeed, our experiment (for such it must yet be called) shall prove that we have overcome it, as I sincerely believe and hope it will, on account of our own, as well as the liberty and happiness of our race.

Our first experiment in government was on the old form of a simple confederacy, unmodified, and extending the principle of the concurring majority alike

to the Constitution (the articles of union) and to the government which it constituted. It failed, and the present structure was reared in its place, combining, for the first time in a confederation, the absolute with the concurring majority; and thus uniting the justice of the one with the energy of the other.

The new government was reared on the foundation of the old, strengthened, but not changed. It stands on the same solid basis of the concurring majority, perfected by the sanction of the people of the states directly given, and not indirectly through the state governments, as their representatives, as in the old confederation. With that difference, the authority which made the two Constitutions—which granted their powers, and ordained and organized their respective governments to execute them—is the same. But, in passing from the Constitution to the government (the law-making and the law-administering powers), the difference between the two becomes radical and essential. There, in the present, the concurring majority is dropped, and the absolute substituted. In determining, then, what powers ought to be granted, and how the government appointed for their execution ought to be organized, the separate and concurring voice of the states was required—the union being regarded, for this purpose, in reference to its various and distinct interests; but in the execution of these powers (delegated only because all the states had a common interest in their exercise), the union is no longer regarded in reference to its parts, but as forming, to the extent of its delegated powers, one great community, to be governed by a common will, just as the states are in reference to their separate interests, and by a government organized on principles similar to theirs. By this simple but fortunate arrangement, we have ingrafted the absolute on the concurring majority, thereby giving to the administration of the powers of the government, where they were required, all the energy and promptness belonging to the former, while we have retained in the power granting and organizing authority (if I may so express myself) the principle of the concurring majority, and with it that justice, moderation, and full and perfect representation of all the interests of the community which belong exclusively to it.

Such is the solidity and beauty of our admirable system, but which, it is perfectly obvious, can only be preserved by maintaining the ascendency of the CONSTITUTION-MAKING AUTHORITY OVER THE LAW-MAKING—THE CONCURRING OVER THE ABSOLUTE MAJORITY. Nor is it less clear that this can only be effected by the right of a state to annul the unconstitutional acts of the government—a right confounded with the idea of a minority governing a majority, but which, so far from being the case, is indispensable to prevent the more energetic but imperfect majority which controls the movements of the government, from usurping the place of that more perfect and just majority which formed the Constitution and ordained government to execute its powers.

Nor need we apprehend that this check, as powerful as it is, will prove excessive. The distinction between the Constitution and the law making powers, so strongly marked in our institutions, may yet be considered as a new and untried experiment. It can scarcely be said to have existed at all before our system of government. We have yet much to learn as to its practical operation; and, among other things, if I do not mistake, we are far from realizing the many and great difficulties of holding the latter subordinate to the former, and without which, it is obvious, the entire scheme of constitutional government, at least in our sense, must prove abortive. Short as has been our experience, some of these, of a very formidable character, have begun to disclose themselves, particularly between the Constitution and the government of the Union. The two powers there represent very different interests: the one, that of all the states taken separately; and the other, that of a majority of the states as forming a confederated community. Each acting under the impulse of these respective and very different interests, must necessarily strongly tend to come into collision, and, in the conflict, the advantage will be found almost

exclusively on the side of the government or law-making power. A few remarks will be sufficient to illustrate these positions.

The Constitution, while it grants powers to the government, at the same time imposes restrictions on its action, with the intention of confining it within a limited range of powers, and of the means of executing them. The object of the powers is to protect the rights and promote the interests of all; and of the restrictions, to prevent the majority, or the dominant interests of the government, from perverting powers intended for the common good into the means of oppressing the minor interests of the community. Thus circumstanced, the dominant interest in possession of the powers of the government, and the minor interest on whom they are exercised, must regard these restrictions in a very different light: the latter, as a protection, and the former, as a restraint, and, of course, accompanied with all the impatient feelings with which restrictions on cupidity and ambition are ever regarded by those unruly passions. Under their influence, the Constitution will be viewed by the majority, not as the source of their authority, as it should be, but as shackles on their power. To them it will have no value as the means of protection. As a majority they require none. Their number and strength, and not the Constitution, are their protection; and, of course, if I may so speak, their instinct will be to weaken and destroy the restrictions, in order to enlarge the powers. He must have a very imperfect knowledge of the human heart who does not see, in this state of things, an incessant conflict between the government or the law-making power and the Constitution-making power. Nor is it less certain that, in the contest, the advantage will be exclusively with the former.

The law-making power is organized and in constant action, having the control of the honours and emoluments of the country, and armed with the power to punish and reward; the other, on the contrary, is unorganized, lying dormant in the great inert mass of the community, till called into action on extraordinary occasions and at distant intervals; and then bestowing no honours, exercising no patronage, having neither the faculty to reward nor to punish, but endowed simply with the attribute to grant powers and ordain the authority to execute them. The result is inevitable. With so strong an instinct on the part of the government to throw off the restrictions of the Constitution and to enlarge its powers, and with such powerful faculties to gratify this instinctive impulse, the law-making must necessarily encroach on the Constitution-making power, unless restrained by the most efficient check—at least as strong as that for which we contend. It is worthy of remark, that, all other circumstances being equal, the more dissimilar the interests represented by the two, the more powerful will be this tendency to encroach; and it is from this, among other causes, that it is so much stronger between the government and the Constitution-making powers of the Union, where the interests are so very dissimilar, than between the two in the several states.

That the framers of the Constitution were aware of the danger which I have described, we have conclusive proof in the provision to which I have so frequently alluded—I mean that which provides for amendments to the Constitution.

I have already remarked on that portion of this provision which, with the view of strengthening the confederated power, conceded to three fourths of the states a right to amend, which otherwise could only have been exercised by the unanimous consent of all. It is remarkable, that, while this provision thus strengthened the amending power as it regards the states, it imposed impediments on it as far as the government was concerned. The power of acting, as a general rule, is invested in the majority of Congress; but, instead of permitting a majority to propose amendments, the provision requires for that purpose two thirds of both houses, clearly with a view of interposing a barrier against this strong instinctive appetite of the government for the acquisition of

power. But it would have been folly in the extreme thus carefully to guard the passage to the direct acquisition, had the wide door of construction been left open to its indirect; and hence, in the same spirit in which two thirds of both houses were required to propose amendments, the Convention that framed the Constitution rejected the many propositions which were moved in the body with the intention of divesting the states of the right of interposing, and, thereby, of the only effectual means of preventing the enlargement of the powers of the government by construction.

It is thus that the Constitution-making power has fortified itself against the law-making; and that so effectually, that, however strong the disposition and capacity of the latter to encroach, the means of resistance on the part of the former are not less powerful. If, indeed, encroachments have been made, the fault is not in the system, but in the inattention and neglect of those whose interest and duty it was to interpose the ample means of protection afforded by the Constitution.

To sum up in few words, in conclusion, what appears to me to be the entire philosophy of government, in reference to the subject of this communication.

Two powers are necessary to the existence and preservation of free states: a power on the part of the ruled to prevent rulers from abusing their authority, by compelling them to be faithful to their constituents, and which is effected through the right of suffrage; and a power TO COMPEL THE PARTS OF SOCIETY TO BE JUST TO ONE ANOTHER, BY COMPELLING THEM TO CONSULT THE INTEREST OF EACH OTHER, which can only be effected, whatever may be the device for the purpose, by requiring the concurring assent of all the great and distinct interests of the community to the measures of the government. This result is the sum-total of all the contrivances adopted by free states to preserve their liberty, by preventing the conflicts between the several classes or parts of the community. Both powers are indispensable. The one as much so as the other. The rulers are not more disposed to encroach on the ruled than the different interests of the community on one another; nor would they more certainly convert their power from the just and legitimate objects for which governments are instituted into an instrument of aggrandizement, at the expense of the ruled, unless made responsible to their constituents, than would the stronger interests theirs, at the expense of the weaker, unless compelled to consult them in the measures of the government, by taking their separate and concurring assent. The same cause operates in both cases. The constitution of our nature, which would impel the rulers to oppress the ruled, unless prevented, would in like manner, and with equal force, impel the stronger to oppress the weaker interest. To vest the right of government in the absolute majority, would be, in fact, BUT TO IMBODY THE WILL OF THE STRONGER INTEREST IN THE OPERATIONS OF THE GOVERNMENT, AND NOT THE WILL OF THE WHOLE COMMUNITY, AND TO LEAVE THE OTHERS UNPROTECTED, A PREY TO ITS AMBITION AND CUPIDITY, just as would be the case between rulers and ruled, if the right to govern was vested exclusively in the hands of the former. They would both be, in reality, absolute and despotic governments: the one as much so as the other.

They would both become mere instruments of cupidity and ambition in the hands of those who wielded them. No one doubts that such would be the case were the government placed under the control of irresponsible rulers; but, unfortunately for the cause of liberty, it is not seen with equal clearness that it must as necessarily be so when controlled by an absolute majority; and yet, the former is not more certain than the latter. To this we may attribute the mistake so often and so fatally repeated, that TO EXPEL A DESPOT IS TO ESTABLISH LIBERTY—a mistake to which we may trace the failure of many noble and generous efforts in favour of liberty. The error consists in considering communities as formed of interests strictly identical throughout, instead of be-

ing composed, as they in reality are, of as many distinct interests as there are individuals. The interests of no two persons are the same, regarded in reference to each other, though they may be, viewed in relation to the rest of the community. It is this diversity which the several portions of the community bear to each other, in reference to the whole, that renders the principle of the concurring majority necessary to preserve liberty. Place the power in the hands of the absolute majority, and the strongest of these would certainly pervert the government from the object for which it was instituted, the equal protection of the rights of all, into an instrument of advancing itself at the expense of the rest of the community. Against this abuse of power no remedy can be devised but that of the concurring majority. Neither the right of suffrage nor public opinion can possibly check it. They, in fact, but tend to aggravate the disease. It seems really surprising that truths so obvious should be so imperfectly understood. There would appear, indeed, a feebleness in our intellectual powers on political subjects when directed to large masses. We readily see why a single individual, as a ruler, would, if not prevented, oppress the rest of the community; but are at a loss to understand why seven millions would, if not also prevented, oppress six millions, as if the relative numbers on either side could in the least degree vary the principle.

In stating what I have, I have but repeated the experience of ages, comprehending all free governments preceding ours, and ours as far as it has progressed. The PRACTICAL operation of ours has been substantially on the principle of *the absolute* majority. We have acted, with some exceptions, as if the General Government had the right to interpret its own powers, without limitation or check; and though many circumstances have favoured us, and greatly impeded the natural progress of events, under such an operation of the system, yet we already see, in whatever direction we turn our eyes, the growing symptoms of disorder and decay—the growth of faction, cupidity, and corruption; and the decay of patriotism, integrity, and disinterestedness. In the midst of youth, we see the flushed cheek, and the short and feverish breath, that mark the approach of the fatal hour; and come it will, unless there be a speedy and radical change —a return to the great conservative principle which brought the Republican party into authority, but which, with the possession of power and prosperity, it has long ceased to remember.

I have now finished the task which your request imposed. If I have been so fortunate as to add to your fund a single new illustration of this great conservative principle of our government, or to furnish an additional argument calculated to sustain the state in her noble and patriotic struggle to revive and maintain it, and in which you have acted a part long to be remembered by the friends of freedom, I shall feel amply compensated for the time occupied in so long a communication. I believe the cause to be the cause of truth and justice, of union, liberty, and the Constitution, before which the ordinary party struggles of the day sink into perfect insignificance; and that it will be so regarded by the most distant posterity, I have not the slightest doubt.

With great and sincere regard,
I am yours, &c., &c.,
JOHN C. CALHOUN.

His Excellency JAMES HAMILTON, Jun.,
*Governor of South Carolina.*

# V.

## SPEECH AGAINST THE FORCE BILL.

Mr. President—I know not which is most objectionable, the provision of the bill, or the temper in which its adoption has been urged. If the extraordinary powers with which the bill proposes to clothe the executive, to the utter prostration of the Constitution and the rights of the states, be calculated to impress our minds with alarm at the rapid progress of despotism in our country; the zeal with which every circumstance calculated to misrepresent or exaggerate the conduct of Carolina in the controversy, is seized on with a view to excite hostility against her, but too plainly indicates the deep decay of that brotherly feeling which once existed between these states, and to which we are indebted for our beautiful federal system, and by the continuance of which alone it can be preserved. It is not my intention to advert to all these misrepresentations, but there are some so well calculated to mislead the mind as to the real character of the controversy, and hold up the state in a light so odious, that I do not feel myself justified in permitting them to pass unnoticed.

Among them, one of the most prominent is the false statement that the object of South Carolina is to exempt herself from her share of the public burdens, while she participates in the advantages of the government. If the charge were true—if the state were capable of being actuated by such low and unworthy motives, mother as I consider her, I would not stand up on this floor to vindicate her conduct. Among her faults, and faults I will not deny she has, no one has ever yet charged her with that low and most sordid of vices—avarice. Her conduct, on all occasions, has been marked with the very opposite quality. From the commencement of the Revolution—from its first breaking out at Boston till this hour, no state has been more profuse of its blood in the cause of the country, nor has any contributed so largely to the common treasury in proportion to wealth and population. She has in that proportion contributed more to the exports of the Union, on the exchange of which with the rest of the world the greater portion of the public burden has been levied, than any other state. No: the controversy is not such as has been stated; the state does not seek to participate in the advantages of the government without contributing her full share to the public treasury. Her object is far different. A deep constitutional question lies at the bottom of the controversy. The real question at issue is, Has the government a right to impose burdens on the capital and industry of one portion of the country, not with a view to revenue, but to benefit another? and I must be permitted to say that, after the long and deep agitation of this controversy, it is with surprise that I perceive so strong a disposition to misrepresent its real character. To correct the impression which those misrepresentations are calculated to make, I will dwell on the point under consideration for a few moments longer.

The Federal Government has, by an express provision of the Constitution, the right to lay duties on imports. The state has never denied or resisted this right, nor even thought of so doing. The government has, however, not been contented with exercising this power as she had a right to do, but has gone a step beyond it, by laying imposts, not for revenue, but for protection. This the state considers as an unconstitutional exercise of power—highly injurious and oppressive to her and the other staple states, and has, accordingly, met it with the most determined resistance. I do not intend to enter, at this time, into the argument as to the unconstitutionality of the protective system. It is not necessary. It is sufficient that the power is nowhere granted; and that, from the journals of the Convention which formed the Constitution, it would seem that it was refused. In support of the journals, I might cite the statement of Luther

Martin, which has already been referred to, to show that the Convention, so far from conferring the power on the Federal Government, left to the state the right to impose duties on imports, with the express view of enabling the several states to protect their own manufactures. Notwithstanding this, Congress has assumed, without any warrant from the Constitution, the right of exercising this most important power, and has so exercised it as to impose a ruinous burden on the labour and capital of the state, by which her resources are exhausted—the enjoyments of her citizens curtailed—the means of education contracted—and all her interests essentially and injuriously affected. We have been sneeringly told that she is a small state ; that her population does not much exceed half a million of souls ; and that more than one half are not of the European race. The facts are so. I know she never can be a great state, and that the only distinction to which she can aspire must be based on the moral and intellectual acquirements of her sons. To the development of these much of her attention has been directed ; but this restrictive system, which has so unjustly exacted the proceeds of her labour, to be bestowed on other sections, has so impaired the resources of the state, that, if not speedily arrested, it will dry up the means of education, and with it deprive her of the only source through which she can aspire to distinction.

There is another misstatement, as to the nature of the controversy, so frequently made in debate, and so well calculated to mislead, that I feel bound to notice it. It has been said that South Carolina claims the right to annul the Constitution and laws of the United States ; and to rebut this supposed claim, the gentleman from Virginia (Mr. Rives) has gravely quoted the Constitution, to prove that the Constitution, and the laws made in pursuance thereof, are the supreme laws of the land—as if the state claimed the right to act contrary to this provision of the Constitution. Nothing can be more erroneous : her object is not to resist laws made in pursuance of the Constitution, but those made without its authority, and which encroach on her reserved powers. She claims not even the right of judging of the delegated powers ; but of those that are reserved, and to resist the former, when they encroach upon the latter. I will pause to illustrate this important point.

All must admit that there are delegated and reserved powers, and that the powers reserved are reserved to the states respectively. The powers, then, of the system are divided between the general and the state government ; and the point immediately under consideration is, whether a state has any right to judge as to the extent of its reserved powers, and to defend them against the encroachments of the General Government. Without going deeply into this point at this stage of the argument, or looking into the nature and origin of the government, there is a simple view of the subject which I consider as conclusive. The very idea of a divided power implies the right on the part of the state for which I contend. The expression is metaphorical when applied to power. Every one readily understands that the division of matter consists in the separation of the parts. But in this sense it is not applicable to power. What, then, is meant by a division of power ? I cannot conceive of a division, without giving an equal right to each to judge of the extent of the power allotted to each. Such right I hold to be essential to the existence of a division ; and that, to give to either party the conclusive right of judging, not only of the share allotted to it, but of that allotted to the other, is to annul the division, and would confer the whole power on the party vested with such right.

But it is contended that the Constitution has conferred on the Supreme Court the right of judging between the states and the General Government. Those who make this objection overlook, I conceive, an important provision of the Constitution. By turning to the 10th amended article, it will be seen that the reservation of power to the states is not only against the powers delegated to Congress, but against the United States themselves ; and extends, of course, as

well to the judiciary as to the other departments of the government. The article provides, that all powers not delegated to the United States, or prohibited by it to the states, are reserved to the states respectively, or to the people. This presents the inquiry, What powers are delegated to the United States? They may be classed under four divisions: first, those that are delegated by the states to each other, by virtue of which the Constitution may be altered or amended by three fourths of the states, when, without which, it would have required the unanimous vote of all; next, the powers conferred on Congress; then those on the President; and, finally, those on the judicial department—all of which are particularly enumerated in the parts of the Constitution which organize the respective departments. The reservation of powers to the states is, as I have said, against the whole, and is as full against the judicial as it is against the executive and legislative departments of the government. It cannot be claimed for the one without claiming it for the whole, and without, in fact, annulling this important provision of the Constitution.

Against this, as it appears to me, conclusive view of the subject, it has been urged that this power is expressly conferred on the Supreme Court by that portion of the Constitution which provides that the judicial power shall extend to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority. I believe the assertion to be utterly destitute of any foundation. It obviously is the intention of the Constitution simply to make the judicial power commensurate with the law-making and treaty-making powers; and to vest it with the right of applying the Constitution, the laws, and the treaties, to the cases which might arise under them; and not to make it the judge of the Constitution, the laws, and the treaties themselves. In fact, the power of applying the laws to the facts of the case, and deciding upon such application, constitutes, in truth, the judicial power. The distinction between such power, and that of judging of the laws, will be perfectly apparent when we advert to what is the acknowledged power of the court in reference to treaties or compacts between sovereigns. It is perfectly established, that the courts have no right to judge of the violation of treaties; and that, in reference to them, their power is limited to the right of judging simply of the violation of rights under them; and that the right of judging of infractions belongs exclusively to the parties themselves, and not to the courts: of which we have an example in the French treaty, which was declared by Congress null and void, in consequence of its violation by the government of France. Without such declaration, had a French citizen sued a citizen of this country under the treaty, the court could have taken no cognizance of its infraction; nor, after such a declaration, would it have heard any argument or proof going to show that the treaty had not been violated.

The declaration of itself is conclusive on the court. But it will be asked how the court obtained the powers to pronounce a law or treaty unconstitutional, when they come in conflict with that instrument. I do not deny that it possesses the right, but I can by no means concede that it was derived from the Constitution. It had its origin in the necessity of the case. Where there are two or more rules established, one from a higher, the other from a lower authority, which may come into conflict in applying them to a particular case, the judge cannot avoid pronouncing in favour of the superior against the inferior. It is from this necessity, and this alone, that the power which is now set up to overrule the rights of the states against an express provision of the Constitution was derived. It had no other origin. That I have traced it to its true source, will be manifest from the fact that it is a power which, so far from being conferred exclusively on the Supreme Court, as is insisted, belongs to every court—inferior and superior—state and general—and even to foreign courts.

But the senator from Delaware (Mr. Clayton) relies on the journals of the Convention to prove that it was the intention of that body to confer on the Su-

preme Court the right of deciding in the last resort between a state and the General Government. I will not follow him through the journals, as I do not deem that to be necessary to refute his argument. It is sufficient for this purpose to state, that Mr. Rutledge reported a resolution, providing expressly that the United States and the states might be parties before the Supreme Court. If this proposition had been adopted, I would ask the senator whether this very controversy between the United States and South Carolina might not have been brought before the court? I would also ask him whether it can be brought before the court as the Constitution now stands? If he answers the former in the affirmative, and the latter in the negative, as he must, then it is clear, his elaborate argument to the contrary notwithstanding, that the report of Mr. Rutledge was not, in substance, adopted as he contended; and that the journals, so far from supporting, are in direct opposition to the position which he attempts to maintain. I might push the argument much farther against the power of the court, but I do not deem it necessary, at least in this stage of the discussion. If the views which have already been presented be correct, and I do not see how they can be resisted, the conclusion is inevitable, that the reserved powers were reserved equally against every department of the government, and as strongly against the judicial as against the other departments, and, of course, were left under the exclusive will of the states.

There still remains another misrepresentation of the conduct of the state which has been made with the view of exciting odium. I allude to the charge, that South Carolina supported the tariff of 1816, and is, therefore, responsible for the protective system. To determine the truth of this charge, it becomes necessary to ascertain the real character of that law—whether it was a tariff for revenue or for protection—which presents the inquiry, What was the condition of the country at that period? The late war with Great Britain had just terminated, which, with the restrictive system that preceded it, had diverted a large amount of capital and industry from commerce to manufactures, particularly to the cotton and woollen branches. There was a debt, at the same time, of one hundred and thirty millions of dollars hanging over the country, and the heavy war duties were still in existence. Under these circumstances, the question was presented, to what point the duties ought to be reduced. That question involved another—at what time the debt ought to be paid; which was a question of policy involving in its consideration all the circumstances connected with the then condition of the country. Among the most prominent arguments in favour of an early discharge of the debt was, that the high duties which it would require to effect it would have, at the same time, the effect of sustaining the infant manufactures, which had been forced up under the circumstances to which I have adverted. This view of the subject had a decided influence in determining in favour of an early payment of the debt. The sinking fund was, accordingly, raised from seven to ten millions of dollars, with the provision to apply the surplus which might remain in the treasury as a contingent appropriation to that fund; and the duties were graduated to meet this increased expenditure. It was thus that the policy and justice of protecting the large amount of capital and industry which had been diverted by the measures of the government into new channels, as I have stated, was combined with the fiscal action of the government, and which, while it secured a prompt payment of the debt, prevented the immense losses to the manufacturers which would have followed a sudden and great reduction. Still, revenue was the main object, and protection but the incidental. The bill to reduce the duties was reported by the Committee of Ways and Means, and not of Manufactures, and it proposed a heavy reduction on the then existing rate of duties. But what of itself, without other evidence, was decisive as to the character of the bill, is the fact that it fixed a much higher rate of duties on the unprotected than on the protected articles. I will enumerate a few leading articles only: woollen and cotton

above the value of 25 cents on the square yard, though they were the leading objects of protection, were subject to a permanent duty of only 20 per cent. Iron, another leading article among the protected, had a protection of not more than 9 per cent. as fixed by the act, and of but fifteen as reported in the bill. These rates were all below the average duties as fixed in the act, including the protected, the unprotected, and even the free articles. I have entered into some calculation, in order to ascertain the average rate of duties under the act. There is some uncertainty in the data, but I feel assured that it is not less than thirty per cent. *ad valorem:* showing an excess of the average duties above that imposed on the protected articles enumerated of more than 10 per cent., and thus clearly establishing the character of the measure—that it was for revenue, and not protection.

Looking back, even at this distant period, with all our experience, I perceive but two errors in the act: the one in reference to iron, and the other the minimum duty on coarse cottons. As to the former, I conceive that the bill, as reported, proposed a duty relatively too low, which was still farther reduced in its passage through Congress. The duty, at first, was fixed at seventy-five cents the hundred weight; but, in the last stage of its passage, it was reduced, by a sort of caprice, occasioned by an unfortunate motion, to forty-five cents. This injustice was severely felt in Pennsylvania, the state, above all others, most productive of iron; and was the principal cause of that great reaction which has since thrown her so decidedly on the side of the protective policy. The other error was that as to coarse cottons, on which the duty was as much too high as that on iron was too low. It introduced, besides, the obnoxious minimum principle, which has since been so mischievously extended; and to that extent, I am constrained, in candour, to acknowledge, as I wish to disguise nothing, the protective principle was recognised by the act of 1816. How this was overlooked at the time, it is not in my power to say. It escaped my observation, which I can account for only on the ground that the principle was then new, and that my attention was engaged by another important subject —the question of the currency, then so urgent, and with which, as chairman of the committee, I was particularly charged. With these exceptions, I again repeat, I see nothing in the bill to condemn; yet it is on the ground that the members from the state voted for the bill, that the attempt is now made to hold up Carolina as responsible for the whole system of protection which has since followed, though she has resisted its progress in every stage. Was there ever greater injustice? And how is it to be accounted for, but as forming a part of that systematic misrepresentation and calumny which has been directed for so many years, without interruption, against that gallant and generous state? And why has she thus been assailed? Merely because she abstained from taking any part in the Presidential canvass—believing that it had degenerated into a mere system of imposition on the people—controlled, almost exclusively, by those whose object it is to obtain the patronage of the government, and that without regard to principle or policy. Standing apart from what she considered a contest in which the public had no interest, she has been assailed by both parties with a fury altogether unparalleled; but which, pursuing the course which she believed liberty and duty required, she has met with a firmness equal to the fierceness of the assault. In the midst of this attack, I have not escaped. With a view of inflicting a wound on the state through me, I have been held up as the author of the protective system, and one of its most strenuous advocates. It is with pain that I allude to myself on so deep and grave a subject as that now under discussion, and which, I sincerely believe, involves the liberty of the country. I now regret that, under the sense of injustice which the remarks of a senator from Pennsylvania (Mr. Wilkins) excited for the moment, I hastily gave my pledge to defend myself against the charge which has been made in reference to my course in 1816: not that there will be any difficulty

in repelling the charge, but because I feel a deep reluctance in turning the discussion, in any degree, from a subject of so much magnitude to one of so little importance as the consistency or inconsistency of myself, or any other individual, particularly in connexion with an event so long since passed. But for this hasty pledge, I would have remained silent, as to my own course, on this occasion, and would have borne with patience and calmness this, with the many other misrepresentations with which I have been so incessantly assailed for so many years.

The charge that I was the author of the protective system has no other foundation but that I, in common with the almost entire South, gave my support to the tariff of 1816. It is true that I advocated that measure, for which I may rest my defence, without taking any other, on the ground that it was a tariff for revenue, and not for protection, which I have established beyond the power of controversy. But my speech on the occasion has been brought in judgment against me by the senator from Pennsylvania. I have since cast my eyes over the speech; and I will surprise, I have no doubt, the senator, by telling him that, with the exception of some hasty and unguarded expressions, I retract nothing I uttered on that occasion. I only ask that I may be judged, in reference to it, in that spirit of fairness and justice which is due to the occasion: taking into consideration the circumstances under which it was delivered, and bearing in mind that the subject was a tariff for revenue, and not for protection; for reducing, and not raising the revenue. But, before I explain the then condition of the country, from which my main arguments in favour of the measure were drawn, it is nothing but an act of justice to myself that I should state a fact in connexion with my speech, that is necessary to explain what I have called hasty and unguarded expressions. My speech was an *impromptu;* and, as such, I apologized to the house, as appears from the speech as printed, for offering my sentiments on the question without having duly reflected on the subject. It was delivered at the request of a friend, when I had not previously the least intention of addressing the house. I allude to Samuel D. Ingham, then and now, as I am proud to say, a personal and political friend—a man of talents and integrity—with a clear head, and firm and patriotic heart; then among the leading members of the house: in the palmy state of his political glory, though now for a moment depressed—depressed, did I say? no! it is his state which is depressed—Pennsylvania, and not Samuel D. Ingham! Pennsylvania, which has deserted him under circumstances which, instead of depressing, ought to have elevated him in her estimation. He came to me, when sitting at my desk writing, and said that the house was falling into some confusion, accompanying it with a remark, that I knew how difficult it was to rally so large a body when once broken on a tax bill, as had been experienced during the late war. Having a higher opinion of my influence than it deserved, he requested me to say something to prevent the confusion. I replied that I was at a loss what to say; that I had been busily engaged on the currency, which was then in great confusion, and which, as I have stated, had been placed particularly under my charge, as the chairman of the committee on that subject. He repeated his request, and the speech which the senator from Pennsylvania has complimented so highly was the result.

I will ask whether the facts stated ought not, in justice, to be borne in mind by those who would hold me accountable, not only for the general scope of the speech, but for every word and sentence which it contains? But, in asking this question, it is not my intention to repudiate the speech. All I ask is, that I may be judged by the rules which, in justice, belong to the case. Let it be recollected that the bill was a revenue bill, and, of course, that it was constitutional. I need not remind the Senate that, when the measure is constitutional, all arguments calculated to show its beneficial operation may be legitimately pressed into service, without taking into consideration whether the subject to

which the arguments refer be within the sphere of the Constitution or not. If, for instance, a question were before this body to lay a duty on Bibles, and a motion were made to reduce the duty, or admit Bibles duty free, who could doubt that the argument in favour of the motion, that the increased circulation of the Bible would be in favour of the morality and religion of the country, would be strictly proper? Or who would suppose that he who adduced it had committed himself on the constitutionality of taking the religion or morals of the country under the charge of the Federal Government? Again: suppose the question to be to raise the duty on silk, or any other article of luxury, and that it should be supported on the ground that it was an article mainly consumed by the rich and extravagant, could it be fairly inferred that, in the opinion of the speaker, Congress had a right to pass sumptuary laws? I only ask that these plain rules may be applied to my argument on the tariff of 1816. They turn almost entirely on the benefits which manufactures conferred on the country in time war, and which no one could doubt. The country had recently passed through such a state. The world was at that time deeply agitated by the effects of the great conflict which had so long raged in Europe, and which no one could tell how soon again might return. Bonaparte had but recently been overthrown; the whole southern part of this Continent was in a state of revolution, and was threatened with the interference of the Holy Alliance, which, had it occurred, must almost necessarily have involved this country in a most dangerous conflict. It was under these circumstances that I delivered the speech, in which I urged the house that, in the adjustment of the tariff, reference ought to be had to a state of war as well as peace, and that its provisions ought to be fixed on the compound views of the two periods—making some sacrifice in peace, in order that less might be made in war. Was this principle false? and, in urging it, did I commit myself to that system of oppression since grown up, and which has for its object the enriching of one portion of the country at the expense of the other?

The plain rule in all such cases is, that when a measure is proposed, the first thing is to ascertain its constitutionality; and, that being ascertained, the next is its expediency; which last opens the whole field of argument for and against. Every topic may be urged calculated to prove it wise or unwise: so in a bill to raise imposts. It must first be ascertained that the bill is based on the principles of revenue, and that the money raised is necessary for the wants of the country. These being ascertained, every argument, direct and indirect, may be fairly offered, which may go to show that, under all the circumstances, the provisions of the bill are proper or improper. Had this plain and simple rule been adhered to, we should never have heard of the complaint of Carolina. Her objection is not against the improper modification of a bill acknowledged to be for revenue, but that, under the name of imposts, a power essentially different from the taxing power is exercised—partaking much more of the character of a penalty than a tax. Nothing is more common than that things closely resembling in appearance should widely and essentially differ in their character. Arsenic, for instance, resembles flour, yet one is a deadly poison, and the other that which constitutes the staff of life. So duties imposed, whether for revenue or protection, may be called imposts; though nominally and apparently the same, yet they differ essentially in their real character.

I shall now return to my speech on the tariff of 1816. To determine what my opinions really were on the subject of protection at that time, it will be proper to advert to my sentiments before and after that period. My sentiments preceding 1816, on this subject, are matter of record. I came into Congress, in 1812, a devoted friend and supporter of the then administration; yet one of my first efforts was to brave the administration, by opposing its favourite measure, the restrictive system—embargo, non-intercourse, and all—and that upon the principle of free trade. The system remained in fashion for a time; but, after the overthrow of Bonaparte, I reported a bill from the Committee on For-

eign Relations, to repeal the whole system of restrictive measures. While the bill was under consideration, a worthy man, then a member of the house (Mr. M'Kim, of Baltimore), moved to except the non-importation act, which he supported on the ground of encouragement to manufactures. I resisted the motion on the very grounds on which Mr. M'Kim supported it. I maintained that the manufacturers were then receiving too much protection, and warned its friends that the withdrawal of the protection which the war and the high duties then afforded would cause great embarrassment; and that the true policy, in the mean time, was to admit foreign goods as freely as possible, in order to diminish the anticipated embarrassment on the return of peace; intimating, at the same time, my desire to see the tariff revised, with a view of affording a moderate and permanent protection.*

Such was my conduct before 1816. Shortly after that period I left Congress, and had no opportunity of making known my sentiments in reference to the protective system, which shortly after began to be agitated. But I have the most conclusive evidence that I considered the arrangement of the revenue, in 1816, as growing out of the necessity of the case, and due to the consideration of justice; but that, even at that early period, I was not without my fears that even that arrangement would lead to abuse and future difficulties. I regret that I have been compelled to dwell so long on myself; but trust that, whatever censure may be incurred, will not be directed against me, but against those who have drawn my conduct into the controversy; and who may hope, by assailing my motives, to wound the cause with which I am proud to be identified.

I may add, that all the Southern States voted with South Carolina in support of the bill: not that they had any interest in manufactures, but on the ground that they had supported the war, and, of course, felt a corresponding obligation to sustain those establishments which had grown up under the encouragement it had incidentally afforded; while most of the New-England members were opposed to the measure principally, as I believe, on opposite principles.

I have now, I trust, satisfactorily repelled the charge against the state, and myself personally, in reference to the tariff of 1816. Whatever support the state has given the bill, originated in the most disinterested motives.

There was not within the limits of the state, so far as my memory serves me, a single cotton or wollen establishment. Her whole dependance was on agriculture, and the cultivation of two great staples, rice and cotton. Her obvious policy was to keep open the market of the world unchecked and unrestricted: to buy cheap, and to sell high; but from a feeling of kindness, combined with a sense of justice, she added her support to the bill. We had been told by the agents of the manufacturers that the protection which the measure afforded would be sufficient; to which we the more readily conceded, as it was considered a final adjustment of the question.

Let us now turn our eyes forward, and see what has been the conduct of the parties to this arrangement. Have Carolina and the South disturbed this adjustment? No: they have never raised their voice in a single instance against it, even though this measure, moderate, comparatively, as it is, was felt with no inconsiderable pressure on their interests. Was this example imitated on the opposite side? Far otherwise. Scarcely had the president signed his name, before application was made for an increase of duties, which was repeated, with demands continually growing, till the passage of the act of 1828. What course now, I would ask, did it become Carolina to pursue in reference to these demands? Instead of acquiescing in them, because she had acted generously in adjusting the tariff of 1816, she saw, in her generosity on that occasion, additional motives for that firm and decided resistance which she has since made against the system of protection. She accordingly commenced a systematic opposition to all farther encroachments, which continued from 1818 till 1828:

* See Mr. C.'s Speech in the National Intelligencer, April, 1814.

by discussions and by resolutions, by remonstrances and by protests through her Legislature. These all proved insufficient to stem the current of encroachment; but, notwithstanding the heavy pressure on her industry, she never despaired of relief till the passage of the act of 1828—that bill of abominations—engendered by avarice and political intrigue. Its adoption opened the eyes of the state, and gave a new character to the controversy. Till then, the question had been, whether the protective system was constitutional and expedient; but, after that, she no longer considered the question whether the right of regulating the industry of the states was a reserved or delegated power, but what right a state possesses to defend her reserved powers against the encroachments of the Federal Government: a question on the decision of which the value of all the reserved powers depends. The passage of the act of 1828, with all its objectionable features, and under the odious circumstances under which it was adopted, almost, if not entirely, closed the door of hope through the General Government. It afforded conclusive evidence that no reasonable prospect of relief from Congress could be entertained; yet, the near approach of the period of the payment of the public debt, and the elevation of General Jackson to the presidency, still afforded a ray of hope—not so strong, however, as to prevent the state from turning her eyes for final relief to her reserved powers.

Under these circumstances commenced that inquiry into the nature and extent of the reserved powers of a state, and the means which they afford of resistance against the encroachments of the General Government, which has been pursued with so much zeal and energy, and, I may add, intelligence. Never was there a political discussion carried on with greater activity, and which appealed more directly to the intelligence of a community. Throughout the whole, no address has been made to the low and vulgar passions; but, on the contrary, the discussion has turned upon the higher principles of political economy, connected with the operations of the tariff system, calculated to show its real bearing on the interests of the state, and on the structure of our political system; and to show the true character of the relations between the state and the General Government, and the means which the states possess of defending those powers which they reserved in forming the Federal Government.

In this great canvass, men of the most commanding talents and acquirements have engaged with the greatest ardour; and the people have been addressed through every channel—by essays in the public press, and by speeches in their public assemblies—until they have become thoroughly instructed on the nature of the oppression, and on the rights which they possess, under the Constitution, to throw it off.

If gentlemen suppose that the stand taken by the people of Carolina rests on passion and delusion, they are wholly mistaken. The case is far otherwise. No community, from the legislator to the ploughman, were ever better instructed in their rights; and the resistance on which the state has resolved is the result of mature reflection, accompanied with a deep conviction that their rights have been violated, and that the means of redress which they have adopted are consistent with the principles of the Constitution.

But while this active canvass was carried on, which looked to the reserved powers as the final means of redress if all others failed, the state at the same time cherished a hope, as I have already stated, that the election of General Jackson to the presidency would prevent the necessity of a resort to extremities. He was identified with the interests of the staple states; and, having the same interest, it was believed that his great popularity—a popularity of the strongest character, as it rested on military services—would enable him, as they hoped, gradually to bring down the system of protection, without shock or injury to any interest. Under these views, the canvass in favour of General Jackson's election to the presidency was carried on with great zeal, in conjunction with that active inquiry into the reserved powers of the states on which final

reliance was placed. But little did the people of Carolina dream that the man whom they were thus striving to elevate to the highest seat of power would prove so utterly false to all their hopes. Man is, indeed, ignorant of the future; nor was there ever a stronger illustration of the observation than is afforded by the result of that election! The very event on which they had built their hopes has been turned against them, and the very individual to whom they looked as a deliverer, and whom, under that impression, they strove for so many years to elevate to power, is now the most powerful instrument in the hands of his and their bitterest opponents to put down them and their cause!

Scarcely had he been elected, when it became apparent, from the organization of his cabinet, and other indications, that all their hopes of relief through him were blasted. The admission of a single individual into the cabinet, under the circumstances which accompanied that admission, threw all into confusion. The mischievous influence over the President, through which this individual was admitted into the cabinet, soon became apparent. Instead of turning his eyes forward to the period of the payment of the public debt, which was then near at hand, and to the present dangerous political crisis, which was inevitable unless averted by a timely and wise system of measures, the attention of the President was absorbed by mere party arrangements, and circumstances too disreputable to be mentioned here, except by the most distant allusion.

Here I must pause for a moment to repel a charge which has been so often made, and which even the President has reiterated in his proclamation—the charge that I have been actuated, in the part which I have taken, by feelings of disappointed ambition. I again repeat, that I deeply regret the necessity of noticing myself in so important a discussion; and that nothing can induce me to advert to my own course but the conviction that it is due to the cause, at which a blow is aimed through me. It is only in this view that I notice it.

It illy became the chief magistrate to make this charge. The course which the state took, and which led to the present controversy between her and the General Government, was taken as far back as 1828—in the very midst of that severe canvass which placed him in power—and in that very canvass Carolina openly avowed and zealously maintained those very principles which he, the chief magistrate, now officially pronounces to be treason and rebellion. That was the period at which he ought to have spoken. Having remained silent then, and having, under his approval, implied by that silence, received the support and the vote of the state, I, if a sense of decorum did not prevent it, might recriminate with the double charge of deception and ingratitude. My object, however, is not to assail the President, but to defend myself against a most unfounded charge. The time alone at which the course upon which this charge of *disappointed ambition* is founded, will of itself repel it, in the eye of every unprejudiced and honest man. The doctrine which I now sustain, under the present difficulties, I openly avowed and maintained immediately after the act of 1828, that "bill of abominations," as it has been so often and properly termed. Was I at that period disappointed in any views of ambition which I might be supposed to entertain? I was Vice-president of the United States, elected by an overwhelming majority. I was a candidate for re-election on the ticket with General Jackson himself, with a certain prospect of a triumphant success of that ticket, and with a fair prospect of the highest office to which an American citizen can aspire. What was my course under these prospects? Did I look to my own advancement, or to an honest and faithful discharge of my duty? Let facts speak for themselves. When the bill to which I have referred came from the other house to the Senate, the almost universal impression was, that its fate would depend upon my casting vote. It was known that, as the bill then stood, the Senate was nearly equally divided; and as it was a combined measure, originating with the politicians and manufacturers, and intended as much to bear upon the Presidential election as to protect manufactures, it was believed that,

as a stroke of political policy, its fate would be made to depend on my vote, in order to defeat General Jackson's election, as well as my own. The friends of General Jackson were alarmed, and I was earnestly entreated to leave the chair in order to avoid the responsibility, under the plausible argument that, if the Senate should be equally divided, the bill would be lost without the aid of my casting vote. The reply to this entreaty was, that no consideration personal to myself could induce me to take such a course; that I considered the measure as of the most dangerous character, and calculated to produce the most fearful crisis; that the payment of the public debt was just at hand; and that the great increase of revenue which it would pour into the treasury would accelerate the approach of that period, and that the country would be placed in the most trying of situations—with an immense revenue without the means of absorption upon any legitimate or constitutional object of appropriation, and would be compelled to submit to all the corrupting consequences of a large surplus, or to make a sudden reduction of the rates of duties, which would prove ruinous to the very interests which were then forcing the passage of the bill. Under these views I determined to remain in the chair, and if the bill came to me, to give my casting vote against it, and in doing so, to give my reasons at large; but at the same time I informed my friends that I would retire from the ticket, so that the election of General Jackson might not be embarrassed by any act of mine. Sir, I was amazed at the folly and infatuation of that period. So completely absorbed was Congress in the game of ambition and avarice, from the double impulse of the manufacturers and politicians, that none but a few appeared to anticipate the present crisis, at which now all are alarmed, but which is the inevitable result of what was then done. As to myself, I clearly foresaw what has since followed. The road of ambition lay open before me—I had but to follow the corrupt tendency of the times—but I chose to tread the rugged path of duty.

It was thus that the reasonable hope of relief through the election of General Jackson was blasted; but still one other hope remained, that the final discharge of the public debt—an event near at hand—would remove our burden. That event would leave in the treasury a large surplus: a surplus that could not be expended under the most extravagant schemes of appropriation, having the least colour of decency or constitutionality. That event at last arrived. At the last session of Congress, it was avowed on all sides that the public debt, for all practical purposes, was in fact paid, the small surplus remaining being nearly covered by the money in the treasury and the bonds for duties, which had already accrued; but with the arrival of this event our last hope was doomed to be disappointed. After a long session of many months, and the most earnest effort on the part of South Carolina and the other Southern States to obtain relief, all that could be effected was a small reduction in the amount of the duties; but a reduction of such a character, that, while it diminished the amount of burden, distributed that burden more unequally than even the obnoxious act of 1828: reversing the principle adopted by the bill of 1816, of laying higher duties on the unprotected than the protected articles, by repealing almost entirely the duties laid upon the former, and imposing the burden almost entirely on the latter. It was thus that, instead of relief—instead of an equal distribution of the burdens and benefits of the government, on the payment of the debt, as had been fondly anticipated—the duties were so arranged as to be, in fact, bounties on one side and taxation on the other: thus placing the two great sections of the country in direct conflict in reference to its fiscal action, and thereby letting in that flood of political corruption which threatens to sweep away our Constitution and our liberty.

This unequal and unjust arrangement was pronounced, both by the administration, through its proper organ, the secretary of the treasury, and by the opposition, to be a *permanent* adjustment; and it was thus that all hope of relief

through the action of the General Government terminated, and the crisis so long apprehended at length arrived, at which the state was compelled to choose between absolute acquiescence in a ruinous system of oppression, or a resort to her reserved powers—powers of which she alone was the rightful judge, and which only, in this momentous juncture, can save her. She determined on the latter.

The consent of two thirds of her Legislature was necessary for the call of a convention, which was considered the only legitimate organ through which the people, in their sovereignty, could speak. After an arduous struggle, the State Rights party succeeded: more than two thirds of both branches of the Legislature favourable to a convention were elected; a convention was called—the ordinance adopted. The convention was succeeded by a meeting of the Legislature, when the laws to carry the ordinance into execution were enacted: all of which have been communicated by the President, have been referred to the Committee on the Judiciary, and this bill is the result of their labour.

Having now corrected some of the prominent misrepresentations as to the nature of this controversy, and given a rapid sketch of the movement of the state in reference to it, I will next proceed to notice some objections connected with the ordinance and the proceedings under it.

The first and most prominent of these is directed against what is called the test oath, which an effort has been made to render odious. So far from deserving the denunciation which has been levelled against it, I view this provision of the ordinance as but the natural result of the doctrines entertained by the state, and the position which she occupies. The people of that state believe that the Union is a union of states, and not of individuals; that it was formed by the states, and that the citizens of the several states were bound to it through the acts of their several states; that each state ratified the Constitution for itself, and that it was only by such ratification of a state that any obligation was imposed upon the citizens: thus believing, it is the opinion of the people of Carolina that it belongs to the state which has imposed the obligation to declare, in the last resort, the extent of this obligation, as far as her citizens are concerned; and this upon the plain principles which exist in all analogous cases of compact between sovereign bodies. On this principle, the people of the state, acting in their sovereign capacity in convention, precisely as they adopted their own and the federal Constitution, haved eclared by the ordinance, that the acts of Congress which imposed duties under the authority to lay imposts, are acts, not for revenue, as intended by the Constitution, but for protection, and therefore null and void. The ordinance thus enacted by the people of the state themselves, acting as a sovereign community, is as obligatory on the citizens of the state as any portion of the Constitution. In prescribing, then, the oath to obey the ordinance, no more was done than to prescribe an oath to obey the Constitution. It is, in fact, but a particular oath of allegiance, and in every respect similar to that which is prescribed under the Constitution of the United States, to be administered to all the officers of the State and Federal Governments; and is no more deserving the harsh and bitter epithets which have been heaped upon it than that, or any similar oath. It ought to be borne in mind, that, according to the opinion which prevails in Carolina, the right of resistance to the unconstitutional laws of Congress belongs to the state, and not to her individual citizens; and that, though the latter may, in a mere question of *meum* and *tuum*, resist, through the courts, an unconstitutional encroachment upon their rights, yet the final stand against usurpation rests not with them, but with the state of which they are members; and such act of resistance by a state binds the conscience and allegiance of the citizen. But there appears to be a general misapprehension as to the extent to which the state has acted under this part of the ordinance. Instead of sweeping every officer by a general proscription of the minority, as has been represented in de-

bate, as far as my knowledge extends, not a single individual has been removed. The state has, in fact, acted with the greatest tenderness, all circumstances considered, towards citizens who differed from the majority; and, in that spirit, has directed the oath to be administered only in cases of some official act directed to be performed in which obedience to the ordinance is involved.

It has been farther objected that the state has acted precipitately. What! precipitately! after making a strenuous resistance for twelve years—by discussion here and in the other house of Congress—by essays in all forms—by resolutions, remonstrances, and protests on the part of her Legislature—and, finally, by attempting an appeal to the judicial power of the United States? I say attempting, for they have been prevented from bringing the question fairly before the court, and that by an act of that very majority in Congress who now upbraid them for not making that appeal; of that majority who, on a motion of one of the members in the other house from South Carolina, refused to give to the act of 1828 its true title—that it was a *protective*, and not a *revenue* act. The state has never, it is true, relied upon that tribunal, the Supreme Court, to vindicate its reserved rights; yet they have always considered it as an auxiliary means of defence, of which they would gladly have availed themselves to test the constitutionality of protection, had they not been deprived of the means of doing so by the act of the majority.

Notwithstanding this long delay of more than ten years, under this continued encroachment of the government, we now hear it on all sides, by friends and foes, gravely pronounced that the state has acted precipitately—that her conduct has been rash! That such should be the language of an interested majority, who, by means of this unconstitutional and oppressive system, are annually extorting millions from the South to be bestowed upon other sections, is not at all surprising. Whatever impedes the course of avarice and ambition will ever be denounced as rash and precipitate; and had South Carolina delayed her resistance fifty instead of twelve years, she would have heard from the same quarter the same language; but it is really surprising that those who are suffering in common with herself, and who have complained equally loud of their grievances, who have pronounced the very acts which she has asserted within *her* limits to be oppressive, unconstitutional, and ruinous, after so long a struggle—a struggle longer than that which preceded the separation of these states from the mother-country—longer than the period of the Trojan war—should now complain of precipitancy! No, it is not Carolina which has acted precipitately; but her sister states, who have suffered in common with her, have acted tardily. Had they acted as she has done, had they performed their duty with equal energy and promptness, our situation this day would be very different from what we now find it. Delays are said to be dangerous; and never was the maxim more true than in the present case, a case of monopoly. It is the very nature of monopolies to grow. If we take from one side a large portion of the proceeds of its labour and give it to the other, the side from which we take must constantly decay, and that to which we give must prosper and increase. Such is the action of the protective system. It exacts from the South a large portion of the proceeds of its industry, which it bestows upon the other sections, in the shape of bounties to manufactures, and appropriations in a thousand forms; pensions, improvement of rivers and harbours, roads and canals, and in every shape that wit or ingenuity can devise. Can we, then, be surprised that the principle of monopoly grows, when it is so amply remunerated at the expense of those who support it? And this is the real reason of the fact which we witness, that all acts for protection pass with small minorities, but soon come to be sustained by great and overwhelming majorities. Those who seek the monopoly endeavour to obtain it in the most exclusive shape; and they take care, accordingly, to associate only a sufficient number of interests barely to pass it through the two houses of Congress, on the plain principle that the greater the

number from whom the monopoly takes, and the fewer on whom it bestows, the greater is the advantage to the monopolists. Acting in this spirit, we have often seen with what exact precision they count: adding wool to woollens, associating lead and iron, feeling their way, until a bare majority is obtained, when the bill passes, connecting just as many interests as are sufficient to ensure its success, and no more. In a short time, however, we have invariably found that this *lean* becomes a decided majority, under the certain operation which compels individuals to desert the pursuits which the monopoly has rendered unprofitable, that they may participate in those pursuits which it has rendered profitable. It is against this dangerous and growing disease which South Carolina has acted: a disease whose cancerous action would soon have spread to every part of the system, if not arrested.

There is another powerful reason why the action of the state could not have been safely delayed. The public debt, as I have already stated, for all practical purposes, has already been paid; and, under the existing duties, a large annual surplus of many millions must come into the treasury. It is impossible to look at this state of things without seeing the most mischievous consequences; and, among others, if not speedily corrected, it would interpose powerful and almost insuperable obstacles to throwing off the burden under which the South has been so long labouring. The disposition of the surplus would become a subject of violent and corrupt struggle, and could not fail to rear up new and powerful interests in support of the existing system, not only in those sections which have been heretofore benefited by it, but even in the South itself. I cannot but trace to the anticipation of this state of the treasury the sudden and extraordinary movements which took place at the last session in the Virginia Legislature, in which the whole South is vitally interested.* It is impossible for any rational man to believe that that state could seriously have thought of effecting the scheme to which I allude by her own resources, without powerful aid from the General Government.

It is next objected, that the enforcing acts have legislated the United States out of South Carolina. I have already replied to this objection on another occasion, and will now but repeat what I then said: that they have been legislated out only to the extent that they had no right to enter. The Constitution has admitted the jurisdiction of the United States within the limits of the several states only so far as the delegated powers authorize; beyond that they are intruders, and may rightfully be expelled; and that they have been efficiently expelled by the legislation of the state through her civil process, as has been acknowledged on all sides in the debate, is only a confirmation of the truth of the doctrine for which the majority in Carolina have contended.

The very point at issue between the two parties there is, whether nullification is a peaceable and an efficient remedy against an unconstitutional act of the General Government, and which may be asserted as such through the state tribunals. Both parties agree that the acts against which it is directed are unconstitutional and oppressive. The controversy is only as to the means by which our citizens may be protected against the acknowledged encroachments on their rights. This being the point at issue between the parties, and the very object of the majority being an efficient protection of the citizens through the state tribunals, the measures adopted to enforce the ordinance of course received the most decisive character. We were not children, to act by halves. Yet for acting thus efficiently the state is denounced, and this bill reported, to overrule, by military force, the civil tribunals and civil process of the state! Sir, I consider this bill, and the arguments which have been urged on this floor in its support, as the most triumphant acknowledgment that nullification is peaceful and efficient, and so deeply intrenched in the principles of our system,

* Having for their object the emancipation and colonization of slaves.

that it cannot be assailed but by prostrating the Constitution, and substituting the supremacy of military force in lieu of the supremacy of the laws. In fact, the advocates of this bill refute their own argument. They tell us that the ordinance is unconstitutional; that they infract the Constitution of South Carolina, although, to me, the objection appears absurd, as it was adopted by the very authority which adopted the Constitution itself. They also tell us that the Supreme Court is the appointed arbiter of all controversies between a state and the General Government. Why, then, do they not leave this controversy to that tribunal? Why do they not confide to them the abrogation of the ordinance, and the laws made in pursuance of it, and the assertion of that supremacy which they claim for the laws of Congress? The state stands pledged to resist no process of the court. Why, then, confer on the President the extensive and unlimited powers provided in this bill? Why authorize him to use military force to arrest the civil process of the state? But one answer can be given: That, in a contest between the state and the General Government, if the resistance be limited on both sides to the civil process, the state, by its inherent sovereignty, standing upon its reserved powers, will prove too powerful in such a controversy, and must triumph over the Federal Government, sustained by its delegated and limited authority; and in this answer we have an acknowledgment of the truth of those great principles for which the state has so firmly and nobly contended.

Having made these remarks, the great question is now presented, Has Congress the right to pass this bill? which I will next proceed to consider. The decision of this question involves the inquiry into the provisions of the bill. What are they? It puts at the disposal of the President the army and navy, and the entire militia of the country; it enables him, at his pleasure, to subject every man in the United States, not exempt from militia duty, to martial law; to call him from his ordinary occupation to the field, and under the penalty of fine and imprisonment, inflicted by a court martial, to imbrue his hand in his brothers' blood. There is no limitation on the power of the sword, and that over the purse is equally without restraint; for, among the extraordinary features of the bill, it contains no appropriation, which, under existing circumstances, is tantamount to an unlimited appropriation. The President may, under its authority, incur any expenditure, and pledge the national faith to meet it. He may create a new national debt, at the very moment of the termination of the former—a debt of millions, to be paid out of the proceeds of the labour of that section of the country whose dearest constitutional rights this bill prostrates! Thus exhibiting the extraordinary spectacle, that the very section of the country which is urging this measure, and carrying the sword of devastation against us, are, at the same time, incurring a new debt, to be paid by those whose rights are violated; while those who violate them are to receive the benefits, in the shape of bounties and expenditures.

And for what purpose is the unlimited control of the purse and of the sword thus placed at the disposition of the executive? To make war against one of the free and sovereign members of this confederation, which the bill proposes to deal with, not as a state, but as a collection of banditti or outlaws. Thus exhibiting the impious spectacle of this government, the creature of the states, making war against the power to which it owes its existence.

The bill violates the Constitution, plainly and palpably, in many of its provisions, by authorizing the President, at his pleasure, to place the different ports of this Union on an unequal footing, contrary to that provision of the Constitution which declares that no preference shall be given to one port over another. It also violates the Constitution by authorizing him, at his discretion, to impose cash duties on one port, while credit is allowed in others; by enabling the President to regulate commerce, a power vested in Congress alone; and by drawing within the jurisdiction of the United States courts powers never in-

tended to be conferred on them. As great as these objections are, they become insignificant in the provisions of a bill which, by a single blow—by treating the states as a mere lawless mass of individuals—prostrates all the barriers of the Constitution. I will pass over the minor considerations, and proceed directly to the great point. This bill proceeds on the ground that the entire sovereignty of this country belongs to the American people, as forming one great community, and regards the states as mere fractions or counties, and not as an integral part of the Union: having no more right to resist the encroachments of the government than a county has to resist the authority of a state; and treating such resistance as the lawless acts of so many individuals, without possessing sovereignty or political rights. It has been said that the bill declares war against South Carolina. No. It decrees a massacre of her citizens! War has something ennobling about it, and, with all its horrors, brings into action the highest qualities, intellectual and moral. It was, perhaps, in the order of Providence that it should be permitted for that very purpose. But this bill declares no war, except, indeed, it be that which savages wage—a war, not against the community, but the citizens of whom that community is composed. But I regard it as worse than *savage* warfare—as an attempt to take away life under the colour of law, without the trial by jury, or any other safeguard which the Constitution has thrown around the life of the citizen! It authorizes the President, or even his deputies, when they may suppose the law to be violated, without the intervention of a court or jury, to kill without mercy or discrimination!

It has been said by the senator from Tennessee (Mr. Grundy) to be a measure of peace! Yes, such peace as the wolf gives to the lamb—the kite to the dove! Such peace as Russia gives to Poland, or death to its victim! A peace, by extinguishing the political existence of the state, by awing her into an abandonment of the exercise of every power which constitutes her a sovereign community. It is to South Carolina a question of self-preservation; and I proclaim it, that, should this bill pass, and an attempt be made to enforce it, it will be resisted, at every hazard—even that of death itself. Death is not the greatest calamity: there are others still more terrible to the free and brave, and among them may be placed the loss of liberty and honour. There are thousands of her brave sons who, if need be, are prepared cheerfully to lay down their lives in defence of the state, and the great principles of constitutional liberty for which she is contending. God forbid that this should become necessary! It never can be, unless this government is resolved to bring the question to extremity, when her gallant sons will stand prepared to perform the last duty—to die nobly.

I go on the ground that this Constitution was made by the states; that it is a federal union of the states, in which the several states still retain their sovereignty. If these views be correct, I have not characterized the bill too strongly, which presents the question whether they be or be not. I will not enter into the discussion of that question now. I will rest it, for the present, on what I have said on the introduction of the resolutions now on the table, under a hope that another opportunity will be afforded for more ample discussion. I will, for the present, confine my remarks to the objections which have been raised to the views which I presented when I introduced them. The authority of Luther Martin has been adduced by the senator from Delaware, to prove that the citizens of a state, acting under the authority of a state, are liable to be punished as traitors by this government. As eminent as Mr. Martin was as a lawyer, and as high as his authority may be considered on a legal point, I cannot accept it in determining the point at issue. The attitude which he occupied, if taken into view, would lessen, if not destroy, the weight of his authority. He had been violently opposed in Convention to the Constitution, and the very letter from which the senator has quoted was intended to dissuade Maryland from its adoption. With this view, it was to be expected that every consideration calculated to effect that object should be urged; that real objections should be

exaggerated; and that those having no foundation, except mere plausible deductions, should be presented. It is to this spirit that I attribute the opinion of Mr. Martin in reference to the point under consideration. But if his authority be good on one point, it must be admitted to be equally so on another. If his opinion be sufficient to prove that a citizen of the state may be punished as a traitor when acting under allegiance to the state, it is also sufficient to show that no authority was intended to be given in the Constitution for the protection of manufactures by the General Government, and that the provision in the Constitution permitting a state to lay an impost duty, with the consent of Congress, was intended to reserve the right of protection to the states themselves, and that each state should protect its own industry. Assuming his opinion to be of equal authority on both points, how embarrassing would be the attitude in which it would place the senator from Delaware, and those with whom he is acting—that of using the sword and the bayonet to enforce the execution of an unconstitutional act of Congress. I must express my surprise that the slightest authority in favour of *power* should be received as the most conclusive evidence, while that which is, at least, equally strong in favour of right and *liberty*, is wholly overlooked or rejected.

Notwithstanding all that has been said, I must say that neither the senator from Delaware (Mr. Clayton), nor any other who has spoken on the same side, has directly and fairly met the great questions at issue: Is this a federal union? a union of states, as distinct from that of individuals? Is the sovereignty in the several states, or in the American people in the aggregate? The very language which we are compelled to use, when speaking of our political institutions, affords proof conclusive as to its real character. The terms union, federal, united, all imply a combination of sovereignties, a confederation of states. They are never applied to an association of individuals. Who ever heard of the United State of New-York, of Massachusetts, or of Virginia? Who ever heard the term federal or union applied to the aggregation of individuals into one community? Nor is the other point less clear—that the sovereignty is in the several states, and that our system is a union of twenty-four sovereign powers, under a constitutional compact, and not of a divided sovereignty between the states severally and the United States. In spite of all that has been said, I maintain that sovereignty is in its nature indivisible. It is the supreme power in a state, and we might just as well speak of half a square, or half of a triangle, as of half a sovereignty. It is a gross error to confound the *exercise* of sovereign powers with *sovereingty* itself, or the *delegation* of such powers with a *surrender* of them. A sovereign may delegate his powers to be exercised by as many agents as he may think proper, under such conditions and with such limitations as he may impose; but to surrender any portion of his sovereignty to another is to annihilate the whole. The senator from Delaware (Mr. Clayton) calls this metaphysical reasoning, which, he says, he cannot comprehend. If by metaphysics he means that scholastic refinement which makes distinctions without difference, no one can hold it in more utter contempt than I do; but if, on the contrary, he means the power of analysis and combination—that power which reduces the most complex idea into its elements, which traces causes to their first principle, and, by the power of generalization and combination, unites the whole in one harmonious system—then, so far from deserving contempt, it is the highest attribute of the human mind. It is the power which raises man above the brute—which distinguishes his faculties from mere sagacity, which he holds in common with inferior animals. It is this power which has raised the astronomer from being a mere gazer at the stars to the high intellectual eminence of a Newton or Laplace, and astronomy itself from a mere observation of insulated facts into that noble science which displays to our admiration the system of the universe. And shall this high power of the mind, which has effected such wonders when directed to the laws which con-

trol the material world, be forever prohibited, under a senseless cry of metaphysics, from being applied to the high purpose of political science and legislation? I hold them to be subject to laws as fixed as matter itself, and to be as fit a subject for the application of the highest intellectual power. Denunciation may, indeed, fall upon the philosophical inquirer into these first principles, as it did upon Galileo and Bacon when they first unfolded the great discoveries which have immortalized their names; but the time will come when truth will prevail in spite of prejudice and denunciation, and when politics and legislation will be considered as much a science as astronomy and chemistry.

In connexion with this part of the subject, I understood the senator from Virginia (Mr. Rives) to say that sovereignty was divided, and that a portion remained with the states severally, and that the residue was vested in the Union. By Union, I suppose the senator meant the United States. If such be his meaning—if he intended to affirm that the sovereignty was in the twenty-four states, in whatever light he may view them, our opinions will not disagree; but, according to my conception, the whole sovereignty is in the several states, while the exercise of sovereign powers is divided—a part being exercised under compact, through this General Government, and the residue through the separate state governments. But if the senator from Virginia (Mr. Rives) means to assert that the twenty-four states form but one community, with a single sovereign power as to the objects of the Union, it will be but the revival of the old question, of whether the Union is a union between states, as distinct communities, or a mere aggregate of the American people, as a mass of individuals; and in this light his opinions would lead directly to consolidation.

But to return to the bill. It is said that the bill ought to pass, because the law must be enforced. The law must be enforced! The imperial edict must be executed. It is under such sophistry, couched in general terms, without looking to the limitations which must ever exist in the practical exercise of power, that the most cruel and despotic acts ever have been covered. It was such sophistry as this that cast Daniel into the lion's den, and the three Innocents into the fiery furnace. Under the same sophistry the bloody edicts of Nero and Caligula were executed. The law must be enforced. Yes, the act imposing the "tea-tax must be executed." This was the very argument which impelled Lord North and his administration in that mad career which forever separated us from the British crown. Under a similar sophistry, "that religion must be protected," how many massacres have been perpetrated? and how many martyrs have been tied to the stake? What! acting on this vague abstraction, are you prepared to enforce a law without considering whether it be just or unjust, constitutional or unconstitutional? Will you collect money when it is acknowledged that it is not wanted? He who earns the money, who digs it from the earth with the sweat of his brow, has a just title to it against the universe. No one has a right to touch it without his consent except his government, and it only to the extent of its legitimate wants; to take more is robbery, and you propose by this bill to enforce robbery by murder. Yes: to this result you must come, by this miserable sophistry, this vague abstraction of enforcing the law, without a regard to the fact whether the law be just or unjust, constitutional or unconstitutional.

In the same spirit, we are told that the Union must be preserved, without regard to the means. And how is it proposed to preserve the Union? By force! Does any man in his senses believe that this beautiful structure—this harmonious aggregate of states, produced by the joint consent of all—can be preserved by force? Its very introduction will be certain destruction of this Federal Union. No, no. You cannot keep the states united in their constitutional and federal bonds by force. Force may, indeed, hold the parts together, but such union would be the bond between master and slave: a union of exaction on one side, and of unqualified *obedience* on the other. That *obedience*

which, we are told by the senator from Pennsylvania (Mr. Wilkins), is the Union! Yes, exaction on the side of the master; for this very bill is intended to collect what can be no longer called taxes—the voluntary contribution of a free people—but tribute—tribute to be collected under the mouths of the cannon! Your custom-house is already transferred to a garrison, and that garrison with its batteries turned, not against the enemy of your country, but on subjects (I will not say citizens), on whom you propose to levy contributions. Has reason fled from our borders? Have we ceased to reflect? It is madness to suppose that the Union can be preserved by force. I tell you plainly, that the bill, should it pass, cannot be enforced. It will prove only a blot upon your statute-book, a reproach to the year, and a disgrace to the American Senate. I repeat that it will not be executed: it will rouse the dormant spirit of the people, and open their eyes to the approach of despotism. The country has sunk into avarice and political corruption, from which nothing can arouse it but some measure, on the part of the government, of folly and madness, such as that now under consideration.

Disguise it as you may, the controversy is one between power and liberty; and I will tell the gentlemen who are opposed to me, that, as strong as may be the love of power on their side, the love of liberty is still stronger on ours. History furnishes many instances of similar struggles where the love of liberty has prevailed against power under every disadvantage, and among them few more striking than that of our own Revolution; where, as strong as was the parent country, and feeble as were the colonies, yet, under the impulse of liberty, and the blessing of God, they gloriously triumphed in the contest. There are, indeed, many and striking analogies between that and the present controversy: they both originated substantially in the same cause, with this difference, that, in the present case, the power of taxation is converted into that of regulating industry; in that, the power of regulating industry, by the regulation of commerce, was attempted to be converted into the power of taxation. Were I to trace the analogy farther, we should find that the perversion of the taxing power, in one case, has given precisely the same control to the Northern section over the industry of the Southern section of the Union, which the power to regulate commerce gave to Great Britain over the industry of the colonies; and that the very articles in which the colonies were permitted to have a free trade, and those in which the mother-country had a monopoly, are almost identically the same as those in which the Southern States are permitted to have a free trade by the act of 1832, and in which the Northern States have, by the same act, secured a monopoly: the only difference is in the means. In the former, the colonies were permitted to have a free trade with all countries south of Cape Finisterre, a cape in the northern part of Spain; while north of that the trade of the colonies was prohibited, except through the mother-country, by means of her commercial regulations. If we compare the products of the country north and south of Cape Finisterre, we shall find them almost identical with the list of the protected and unprotected articles contained in the act of last year. Nor does the analogy terminate here. The very arguments resorted to at the commencement of the American Revolution, and the measures adopted, and the motives assigned to bring on that contest (to enforce the law), are almost identically the same.

But to return from this digression to the consideration of the bill. Whatever difference of opinion may exist upon other points, there is one on which I should suppose there can be none: that this bill rests on principles which, if carried out, will ride over state sovereignties, and that it will be idle for any of its advocates hereafter to talk of state rights. The senator from Virginia (Mr. Rives) says that he is the advocate of state rights; but he must permit me to tell him that, although he may differ in premises from the other gentlemen with whom he acts on this occasion, yet in supporting this bill he obliterates every vestige

of distinction between him and them, saving only that, professing the principles of '98, his example will be more pernicious than that of the most open and bitter opponents of the rights of the states. I will also add, what I am compelled to say, that I must consider him (Mr. Rives) as less consistent than our old opponents, whose conclusions were fairly drawn from their premises, while his premises ought to have led him to opposite conclusions. The gentleman has told us that the new-fangled doctrines, as he chooses to call them, have brought state rights into disrepute. I must tell him, in reply, that what he calls new-fangled are but the doctrines of '98; and that it is he (Mr. Rives), and others with him, who, professing these doctrines, have degraded them by explaining away their meaning and efficacy. He (Mr. R.) has disclaimed, in behalf of Virginia, the authorship of nullification. I will not dispute that point. If Virginia chooses to throw away one of her brightest ornaments, she must not hereafter complain that it has become the property of another. But while I have, as a representative of Carolina, no right to complain of the disavowal of the senator from Virginia, I must believe that he (Mr. R.) has done his native state great injustice by declaring on this floor that, when she gravely resolved, in '98, that, "in cases of deliberate and dangerous infractions of the Constitution, the states, as parties to the compact, have the right, and are in duty bound, to interpose to arrest the progress of the evil, and to maintain within their respective limits the authorities, rights, and liberties appertaining to them," she meant no more than to ordain the right to protest and to remonstrate. To suppose that, in putting forth so solemn a declaration, which she afterward sustained by so able and elaborate an argument, she meant no more than to assert what no one had ever denied, would be to suppose that the state had been guilty of the most egregious trifling that ever was exhibited on so solemn an occasion.

In reviewing the ground over which I have passed, it will be apparent that the question in controversy involves that most deeply important of all political questions, whether ours is a federal or a consolidated government: a question, on the decision of which depend, as I solemnly believe, the liberty of the people, their happiness, and the place which we are destined to hold in the moral and intellectual scale of nations. Never was there a controversy in which more important consequences were involved: not excepting that between Persia and Greece, decided by the battles of Marathon, Platea, and Salamis; which gave ascendency to the genius of Europe over that of Asia; and which, in its consequences, has continued to affect the destiny of so large a portion of the world even to this day. There is often close analogies between events apparently very remote, which are strikingly illustrated in this case. In the great contest between Greece and Persia, between European and Asiatic polity and civilization, the very question between the federal and consolidated form of government was involved. The Asiatic governments, from the remotest time, with some exceptions on the eastern shore of the Mediterranean, have been based on the principle of consolidation, which considers the whole community as but a unit, and consolidates its powers in a central point. The opposite principle has prevailed in Europe—Greece, throughout all her states, was based on a federal system. All were united in one common, but loose bond, and the governments of the several states partook, for the most part, of a complex organization, which distributed political power among different members of the community. The same principles prevailed in ancient Italy; and, if we turn to the Teutonic race, our great ancestors—the race which occupies the first place in power, civilization, and science, and which possesses the largest and the fairest part of Europe—we shall find that their governments were based on the federal organization, as has been clearly illustrated by a recent and able writer on the British Constitution (Mr. Palgrave), from whose writings I introduce the following extract:

"In this manner the first establishment of the Teutonic States was effected.

They were assemblages of septs, clans, and tribes; they were confederated hosts and armies, led on by princes, magistrates, and chieftains; each of whom was originally independent, and each of whom lost a portion of his pristine independence in proportion as he and his compeers became united under the supremacy of a sovereign, who was superinduced upon the state, first as a military commander, and afterward as a king. Yet, notwithstanding this political connexion, each member of the state continued to retain a considerable portion of the rights of sovereignty. Every ancient Teutonic monarchy must be considered as a federation: it is not a unit, of which the smaller bodies politic therein contained are the fractions, but they are the integers, and the state is the multiple which results from them. Dukedoms and counties, burghs and baronies, towns and townships, and shires, form the kingdom; all, in a certain degree, strangers to each other, and separate in jurisdiction, though all obedient to the supreme executive authority. This general description, though not always strictly applicable in terms, is always so substantially and in effect; and hence it becomes necessary to discard the language which has been very generally employed in treating on the English Constitution. It has been supposed that the kingdom was reduced into a regular and gradual subordination of government, and that the various legal districts of which it is composed arose from the divisions and subdivisions of the country. But this hypothesis, which tends greatly to perplex our history, cannot be supported by fact; and instead of viewing the Constitution as a whole, and then proceeding to its parts, we must examine it synthetically, and assume that the supreme authorities of the state were created by the concentration of the powers originally belonging to the members and corporations of which it is composed." [Here Mr. C. gave way for a motion to adjourn.]

On the next day Mr. Calhoun said, I have omitted at the proper place, in the course of my observations yesterday, two or three points, to which I will now advert, before I resume the discussion where I left off. I have stated that the ordinance and acts of South Carolina were directed, not against the revenue, but against the system of protection. But it may be asked, If such was her object, how happens it that she has declared the whole system void—revenue as well as protection, without discrimination? It is this question which I propose to answer. Her justification will be found in the necessity of the case; and if there be any blame, it cannot attach to her. The two are so blended, throughout the whole, as to make the entire revenue system subordinate to the protective, so as to constitute a complete system of protection, in which it is impossible to discriminate the two elements of which it is composed. South Carolina, at least, could not make the discrimination, and she was reduced to the alternative of acquiescing in a system which she believed to be unconstitutional, and which she felt to be oppressive and ruinous, or to consider the whole as one, equally contaminated through all its parts, by the unconstitutionality of the protective portion, and, as such, to be resisted by the act of the state. I maintain that the state has a right to regard it in the latter character, and that, if a loss of revenue follow, the fault is not hers, but of this government, which has improperly blended together, in a manner not to be separated by the state, two systems wholly dissimilar. If the sincerity of the state be doubted; if it be supposed that her action is against revenue as well as protection, let the two be separated: let so much of the duties as are intended for revenue be put in one bill, and the residue intended for protection be put in another, and I pledge myself that the ordinance and the acts of the state will cease as to the former, and be directed exclusively against the latter.

I also stated, in the course of my remarks yesterday, and I trust I have conclusively shown, that the act of 1816, with the exception of a single item, to which I have alluded, was, in reality, a revenue measure, and that Carolina and the other states, in supporting it, have not incurred the slighted responsibility

in relation to the system of protection which has since grown up, and which now so deeply distracts the country. Sir, I am willing, as one of the representatives of Carolina, and I believe I speak the sentiment of the state, to take that act as the basis of a permanent adjustment of the tariff, simply reducing the duties, in an average proportion, on all the items to the revenue point. I make that offer now to the advocates of the protective system; but I must, in candour, inform them that such an adjustment would distribute the revenue between the protected and unprotected articles more favourably to the state, and to the South, and less so to the manufacturing interest, than an average uniform ad valorem, and, accordingly, more so than that now proposed by Carolina through her convention. After such an offer, no man who values his candour will dare accuse the state, or those who have represented her here, with inconsistency in reference to the point under consideration.

I omitted, also, on yesterday, to notice a remark of the senator from Virginia (Mr. Rives), that the only difficulty in adjusting the tariff grew out of the ordinance and the acts of South Carolina. I must attribute an assertion so inconsistent with the facts to an ignorance of the occurrences of the last few years in reference to this subject, occasioned by the absence of the gentleman from the United States, to which he himself has alluded in his remarks. If the senator will take pains to inform himself, he will find that this protective system advanced with a continued and rapid step, in spite of petitions, remonstrances, and protests, of not only Carolina, but also of Virginia and of all the Southern States, until 1828, when Carolina, for the first time, changed the character of her resistance, by holding up her reserved rights as the shield of her defence against farther encroachment. This attitude alone, unaided by a single state, arrested the farther progress of the system, so that the question from that period to this, on the part of the manufacturers, has been, not how to acquire more, but to retain that which they have acquired. I will inform the gentleman that, if this attitude had not been taken on the part of the state, the question would not now be how duties ought to be repealed, but a question, as to the protected articles, between prohibition on one side and the duties established by the act of 1828 on the other. But a single remark will be sufficient in reply to what I must consider the invidious remark of the senator from Virginia (Mr. Rives). The act of 1832, which has not yet gone into operation, and which was passed but a few months since, was declared by the supporters of the system to be a *permanent* adjustment, and the bill proposed by the Treasury Department, not essentially different from the act itself, was in like manner declared to be intended by the administration as a permanent arrangement. What has occurred since, except this ordinance, and these abused acts of the calumniated state, to produce this mighty revolution in reference to this odious system? Unless the senator from Virginia can assign some other cause, he is bound, upon every principle of fairness, to retract this unjust aspersion upon the acts of South Carolina.

The senator from Delaware (Mr. Clayton), as well as others, has relied with great emphasis on the fact that we are citizens of the United States. I do not object to the expression, nor shall I detract from the proud and elevated feelings with which it is associated; but I trust that I may be permitted to raise the inquiry, In what manner are we citizens of the United States? without weakening the patriotic feeling with which, I trust, it will ever be uttered. If by citizen of the United States he means a citizen at large, one whose citizenship extends to the entire geographical limits of the country, without having a local citizenship in some state or territory, a sort of citizen of the world, all I have to say is, that such a citizen would be a perfect nondescript; that not a single individual of this description can be found in the entire mass of our population. Notwithstanding all the pomp and display of eloquence on the occasion, every citizen is a citizen of some state or territory, and, as such, under an express pro-

vision of the Constitution, is entitled to all privileges and immunities of citizens in the several states; and it is in this, and in no other sense, that we are citizens of the United States. The senator from Pennsylvania (Mr. Dallas), indeed, relies upon that provision in the Constitution which gives Congress the power to establish a uniform rule of naturalization, and the operation of the rule actually established under this authority, to prove that naturalized citizens are citizens at large, without being citizens of any of the states. I do not deem it necessary to examine the law of Congress upon this subject, or to reply to the argument of the senator, though I cannot doubt that he (Mr. D.) has taken an entirely erroneous view of the subject. It is sufficient that the power of Congress extends simply to the establishment of a uniform rule by which foreigners may be naturalized in the several states or territories, without infringing in any other respect, in reference to naturalization, the rights of the states as they existed before the adoption of the Constitution.

Having supplied the omissions of yesterday, I now resume the subject at the point where my remarks then terminated. The Senate will remember that I stated, at their close, that the great question at issue is, whether ours is a federal or a consolidated system of government; a system in which the parts, to use the emphatic language of Mr. Palgrave, are the integers, and the whole the multiple, or in which the whole is a unit and the parts the fractions; that I stated, that on the decision of this question, I believe, depend not only the liberty and prosperity of this country, but the place which we are destined to hold in the intellectual and moral scale of nations. I stated, also, in my remarks on this point, that there is a striking analogy between this and the great struggle between Persia and Greece, which was decided by the battles of Marathon, Platea, and Salamis, and which immortalized the names of Miltiades and Themistocles. I illustrated this analogy by showing that centralism or consolidation, with the exception of a few nations along the eastern border of the Mediterranean, has been the pervading principle in the Asiatic governments, while the federal system, or, what is the same in principle, that system which organizes a community in reference to its parts, has prevailed in Europe.

Among the few exceptions in the Asiatic nations, the government of the twelve tribes of Israel, in its early period, is the most striking. Their government, at first, was a mere confederation without any central power, till a military chieftain, with the title of king, was placed at its head, without, however, merging the original organization of the twelve distinct tribes. This was the commencement of that central action among that peculiar people which, in three generations, terminated in a permanent division of their tribes. It is impossible even for a careless reader to peruse the history of that event without being forcibly struck with the analogy in the causes which led to their separation, and those which now threaten us with a similar calamity. With the establishment of the central power in the king commenced a system of taxation, which, under King Solomon, was greatly increased to defray the expense of rearing the temple, of enlarging and embellishing Jerusalem, the seat of the central government, and the other profuse expenditures of his magnificent reign. Increased taxation was followed by its natural consequences—discontent and complaint; which before his death began to excite resistance. On the succession of his son, Rehoboam, the ten tribes, headed by Jeroboam, demanded a reduction of the taxes; the temple being finished, and the embellishment of Jerusalem completed, and the money which had been raised for that purpose being no longer required, or, in other words, the debt being paid, they demanded a reduction of the duties—a repeal of the tariff. The demand was taken under consideration, and after consulting the old men, the counsellors of '98, who advised a reduction, he then took the opinion of the younger politicians, who had since grown up, and knew not the doctrines of their fathers; he hearkened unto their counsel, and refused to make the reduction, and the secession of the ten

tribes under Jeroboam followed. The tribes of Judah and Benjamin, which had received the disbursements, alone remained to the house of David.

But to return to the point immediately under consideration. I know that it is not only the opinion of a large majority of our country, but it may be said to be the opinion of the age, that the very beau ideal of a perfect government is the government of a majority, acting through a representative body, without check or limitation in its power; yet, if we may test this theory by experience and reason, we shall find that, so far from being perfect, the necessary tendency of all governments, based upon the will of an absolute majority, without constitutional check or limitation of power, is to faction, corruption, anarchy, and despotism; and this, whether the will of the majority be expressed directly through an assembly of the people themselves, or by their representatives. I know that, in venturing this assertion, I utter that which is unpopular both within and without these walls; but where truth and liberty are concerned, such considerations should not be regarded. I will place the decision of this point on the fact that no government of the kind, among the many attempts which have been made, has ever endured for a single generation, but, on the contrary, has invariably experienced the fate which I have assigned to it. Let a single instance be pointed out, and I will surrender my opinion. But, if we had not the aid of experience to direct our judgment, reason itself would be a certain guide. The view which considers the community as a unit, and all its parts as having a similar interest, is radically erroneous. However small the community may be, and however homogeneous its interests, the moment that government is put into operation, as soon as it begins to collect taxes and to make appropriations, the different portions of the community must, of necessity, bear different and opposing relations in reference to the action of the government. There must inevitably spring up two interests—a direction and a stockholder interest—an interest profiting by the action of the government, and interested in increasing its powers and action; and another, at whose expense the political machine is kept in motion. I know how difficult it is to communicate distinct ideas on such a subject, through the medium of general propositions, without particular illustration; and in order that I may be distinctly understood, though at the hazard of being tedious, I will illustrate the important principle which I have ventured to advance by examples.

Let us, then, suppose a small community of five persons, separated from the rest of the world; and, to make the example strong, let us suppose them all to be engaged in the same pursuit, and to be of equal wealth. Let us farther suppose that they determine to govern the community by the will of a majority; and, to make the case as strong as possible, let us suppose that the majority, in order to meet the expenses of the government, lay an equal tax, say of $100, on each individual of this little community. Their treasury would contain five hundred dollars. Three are a majority; and they, by supposition, have contributed three hundred as their portion, and the other two (the minority), two hundred. The three have the right to make the appropriations as they may think proper. The question is, How would the principle of the absolute and unchecked majority operate, under these circumstances, in this little community? If the three be governed by a sense of justice—if they should appropriate the money to the objects for which it was raised, the common and equal benefit of the five, then the object of the association would be fairly and honestly effected, and each would have a common interest in the government. But, should the majority pursue an opposite course—should they appropriate the money in a manner to benefit their own particular interest, without regard to the interest of the two (and that they will so act, unless there be some efficient check, he who best knows human nature will least doubt), who does not see that the three and the two would have directly opposite interests in reference to the action of the government? The three who contribute to the com-

mon treasury but three hundred dollars, could, in fact, by appropriating the five hundred to their own use, convert the action of the government into the means of making money, and, of consequence, would have a direct interest in increasing the taxes. They put in three hundred and take out five: that is, they take back to themselves all that they had put in, and, in addition, that which was put in by their associates; or, in other words, taking taxation and appropriation together, they have gained, and their associates have lost, two hundred dollars by the fiscal action of the government. Opposite interests, in reference to the action of the government, are thus created between them: the one having an interest in favour, and the other against the taxes; the one to increase, and the other to decrease the taxes; the one to retain the taxes when the money is no longer wanted, and the other to repeal them when the objects for which they were levied have been executed.

Let us now suppose this community of five to be raised to twenty-four individuals, to be governed, in like manner, by the will of a majority: it is obvious that the same principle would divide them into two interests—into a majority and a minority, thirteen against eleven, or in some other proportion; and that all the consequences which I have shown to be applicable to the small community of five would be equally applicable to the greater, the cause not depending upon the number, but resulting necessarily from the action of the government itself. Let us now suppose that, instead of governing themselves directly in an assembly of the whole, without the intervention of agents, they should adopt the representative principle, and that, instead of being governed by a majority of themselves, they should be governed by a majority of their representatives. It is obvious that the operation of the system would not be affected by the change: the representatives being responsible to those who choose them, would conform to the will of their constituents, and would act as they would do were they present and acting for themselves; and the same conflict of interest, which we have shown would exist in one case, would equally exist in the other. In either case, the inevitable result would be a system of hostile legislation on the part of the majority, or the stronger interest, against the minority, or the weaker interest: the object of which, on the part of the former, would be to exact as much as possible from the latter, which would necessarily be resisted by all the means in their power. Warfare, by legislation, would thus be commenced between the parties, with the same object, and not less hostile than that which is carried on between distinct and rival nations—the only distinction would be in the instruments and the mode. Enactments, in the one case, would supply what could only be effected by arms in the other; and the inevitable operation would be to engender the most hostile feelings between the parties, which would merge every feeling of patriotism—that feeling which embraces the whole, and substitute in its place the most violent party attachment; and, instead of having one common centre of attachment, around which the affections of the community might rally, there would, in fact, be two—the interests of the majority, to which those who constitute that majority would be more attached than they would be to the whole, and that of the minority, to which they, in like manner, would also be more attached than to the interests of the whole. Faction would thus take the place of patriotism; and, with the loss of patriotism, corruption must necessarily follow, and in its train, anarchy, and, finally, despotism, or the establishment of absolute power in a single individual, as a means of arresting the conflict of hostile interests: on the principle that it is better to submit to the will of a single individual, who, by being made lord and master of the whole community, would have an equal interest in the protection of all the parts.

Let us next suppose that, in order to avert the calamitous train of consequences, this little community should adopt a written constitution, with limitations restricting the will of the majority, in order to protect the minority against the

oppression which I have shown would necessarily result without such restrictions. It is obvious that the case would not be in the slightest degree varied, if the majority be left in possession of the right of judging exclusively of the extent of its powers, without any right on the part of the minority to enforce the restrictions imposed by the Constitution on the will of the majority. The point is almost too clear for illustration. Nothing can be more certain than that, when a constitution grants power, and imposes limitations on the exercise of that power, whatever interests may obtain possession of the government, will be in favour of extending the power at the expense of the limitation; and that, unless those in whose behalf the limitations were imposed have, in some form or mode, the right of enforcing them, the power will ultimately supersede the limitation, and the government must operate precisely in the same manner as if the will of the majority governed without constitution or limitation of power.

I have thus presented all possible modes in which a government founded upon the will of an absolute majority will be modified, and have demonstrated that, in all its forms, whether in a majority of the people, as in a mere Democracy, or in a majority of their representatives, without a constitution or with a constitution, to be interpreted as the will of the majority, the result will be the same: two hostile interests will inevitably be created by the action of the government, to be followed by hostile legislation, and that by faction, corruption, anarchy, and despotism.

The great and solemn question here presents itself, Is there any remedy for these evils? on the decision of which depends the question, whether the people can govern themselves, which has been so often asked with so much skepticism and doubt. There is a remedy, and but one, the effects of which, whatever may be the form, is to organize society in reference to this conflict of interests, which springs out of the action of government; and which can only be done by giving to each part the right of self-protection; which, in a word, instead of considering the community of twenty-four a single community, having a common interest, and to be governed by the single will of an entire majority, shall, upon all questions tending to bring the parts into conflict, the thirteen against the eleven, take the will, not of the twenty-four as a unit, but that of the thirteen and that of the eleven separately, the majority of each governing the parts, and where they concur, governing the whole, and where they disagree, arresting the action of the government. This I will call the concurring, as distinct from the absolute majority. It would not be, as was generally supposed, a minority governing a majority. In either way the number would be the same, whether taken as the absolute or as the concurring majority. Thus, the majority of the thirteen is seven, and of the eleven six; and the two together make thirteen, which is the majority of twenty-four. But, though the number is the same, the mode of counting is essentially different: the one representing the strongest interest, and the other, the entire interests of the community. The first mistake is, in supposing that the government of the absolute majority is the government of this people—that beau ideal of a perfect government which has been so enthusiastically entertained in every age by the generous and patriotic, where civilization and liberty have made the smallest progress. There can be no greater error: the government of the people is the government of the whole community—of the twenty-four—the self-government of all the parts—too perfect to be reduced to practice in the present, or any past stage of human society. The government of the absolute majority, instead of the government of the people, is but the government of the strongest interests, and, when not efficiently checked, is the most tyrannical and oppressive that can be devised. Between this ideal perfection on one side and despotism on the other, none other can be devised but that which considers society in reference to its parts, as differently affected by the action of the government, and which takes the sense of each part separately, and thereby the sense of the whole, in the manner already illustrated.

These principles, as I have already stated, are not affected by the number of which the community may be composed, and are just as applicable to one of thirteen millions, the number which composes ours, as of the small community of twenty-four, which I have supposed for the purpose of illustration; and are not less applicable to the twenty-four states united in one community, than to the case of the twenty-four individuals. There is, indeed, a distinction between a large and a small community, not affecting the principle, but the violence of the action. In the former, the similarity of the interests of all the parts will limit the oppression from the hostile action of the parts, in a great degree, to the fiscal action of the government merely; but in the large community, spreading over a country of great extent, and having a great diversity of interests, with different kinds of labour, capital, and production, the conflict and oppression will extend, not only to a monopoly of the appropriations on the part of the stronger interests, but will end in unequal taxes, and a general conflict between the entire interests of conflicting sections, which, if not arrested by the most powerful checks, will terminate in the most oppressive tyranny that can be conceived, or in the destruction of the community itself.

If we turn our attention from these supposed cases, and direct it to our government and its actual operation, we shall find a practical confirmation of the truth of what has been stated, not only of the oppressive operation of the system of an absolute majority, but also a striking and beautiful illustration, in the formation of our system, of the principle of the concurring majority, as distinct from the absolute, which I have asserted to be the only means of efficiently checking the abuse of power, and, of course, the only solid foundation of constitutional liberty. That our government, for many years, has been gradually verging to consolidation; that the Constitution has gradually become a dead letter; and that all restrictions upon the power of government have been virtually removed, so as practically to convert the General Government into a government of an absolute majority, without check or limitation, cannot be denied by any one who has impartially observed its operation.

It is not necessary to trace the commencement and gradual progress of the causes which have produced this change in our system: it is sufficient to state that the change has taken place within the last few years. What has been the result? Precisely that which might have been anticipated: the growth of faction, corruption, anarchy, and, if not despotism itself, its near approach, as witnessed in the provisions of this bill. And from what have these consequences sprung? We have been involved in no war! We have been at peace with all the world. We have been visited with no national calamity. Our people have been advancing in general intelligence, and, I will add, as great and alarming as has been the advance of political corruption among the mercenary corps who look to government for support, the morals and virtue of the community at large have been advancing in improvement. What, I will again repeat, is the cause? No other can be assigned but a departure from the fundamental principles of the Constitution, which has converted the government into the will of an absolute and irresponsible majority, and which, by the laws that must inevitably govern in all such majorities, has placed in conflict the great interests of the country: by a system of hostile legislation, by an oppressive and unequal imposition of taxes, by unequal and profuse appropriations, and by rendering the entire labour and capital of the weaker interest subordinate to the stronger.

This is the cause, and these the fruits, which have converted the government into a mere instrument of taking money from one portion of the community to be given to another, and which has rallied around it a great, a powerful, and mercenary corps of office-holders, office-seekers, and expectants, destitute of principle and patriotism, and who have no standard of morals or politics but the will of the executive—the will of him who has the distribution of the loaves

and the fishes. I hold it impossible for any one to look at the theoretical illustration of the principle of the absolute majority in the cases which I have supposed, and not be struck with the practical illustration in the actual operation of our government. Under every circumstance, the absolute majority will ever have its American system (I mean nothing offensive to any senator); but the real meaning of the American system is, that system of plunder which the strongest interest has ever waged, and will ever wage, against the weaker, where the latter is not armed with some efficient and constitutional check to arrest its action. Nothing but such check on the part of the weaker interest can arrest it: mere constitutional limitations are wholly insufficient. Whatever interest obtains possession of the government will, from the nature of things, be in favour of the powers, and against the limitations imposed by the Constitution, and will resort to every device that can be imagined to remove those restraints. On the contrary, the opposite interest, that which I have designated as the stockholding interest, the tax-payers, those on whom the system operates, will resist the abuse of powers, and contend for the limitations. And it is on this point, then, that the contest between the delegated and the reserved powers will be waged; but in this contest, as the interests in possession of the government are organized and armed by all its powers and patronage, the opposite interest, if not in like manner organized and possessed of a power to protect themselves under the provisions of the Constitution, will be as inevitably crushed as would be a band of unorganized militia when opposed by a veteran and trained corps of regulars. Let it never be forgotten that power can only be opposed by power, organization by organization; and on this theory stands our beautiful federal system of government. No free system was ever farther removed from the principle that the absolute majority, without check or limitation, ought to govern. To understand what our government is, we must look to the Constitution, which is the basis of the system. I do not intend to enter into any minute examination of the origin and the source of its powers: it is sufficient for my purpose to state, what I do fearlessly, that it derived its power from the people of the separate states, each ratifying by itself, each binding itself by its own separate majority, through its separate convention, the concurrence of the majorities of the several states forming the Constitution, thus taking the sense of the whole by that of the several parts, representing the various interests of the entire community. It was this concurring and perfect majority which formed the Constitution, and not that majority which would consider the American people as a single community, and which, instead of representing fairly and fully the interests of the whole, would but represent, as has been stated, the interest of the stronger section. No candid man can dispute that I have given a correct description of the constitution-making power: that power which created and organized the government, which delegated to it, as a common agent, certain powers, in trust for the common good of all the states, and which imposed strict limitation and checks against abuses and usurpations. In administering the delegated powers, the Constitution provides, very properly, in order to give promptitude and efficiency, that the government shall be organized upon the principle of the absolute majority, or, rather, of two absolute majorities combined: a majority of the states considered as bodies politic, which prevails in this body; and a majority of the people of the states, estimated in federal numbers, in the other house of Congress. A combination of the two prevails in the choice of the President, and, of course, in the appointment of judges, they being nominated by the President and confirmed by the Senate. It is thus that the concurring and the absolute majorities are combined in one complex system: the one in forming the Constitution, and the other in making and executing the laws; thus beautifully blending the moderation, justice, and equity of the former, and more perfect majority, with the promptness and energy of the latter, but less perfect.

To maintain the ascendency of the Constitution over the law-making majority is the great and essential point, on which the success of the system must depend: unless that ascendency can be preserved, the necessary consequence must be, that the laws will supersede the Constitution, and, finally, the will of the executive, by the influence of his patronage, will supersede the laws, indications of which are already perceptible. This ascendency can only be preserved through the action of the states as organized bodies, having their own separate governments, and possessed of the right, under the structure of our system, of judging of the extent of their separate powers, and of interposing their authority to arrest the enactments of the General Government within their respective limits. I will not enter at this time into the discussion of this important point, as it has been ably and fully presented by the senator from Kentucky (Mr. Bibb), and others who preceded him in this debate on the same side, whose arguments not only remain unanswered, but are unanswerable. It is only by this power of interposition that the reserved rights of the states can be peacefully and efficiently protected against the encroachments of the General Government, that the limitations imposed upon its authority will be enforced, and its movements confined to the orbit allotted to it by the Constitution.

It has, indeed, been said in debate, that this can be effected by the organization of the General Government itself, particularly by the action of this body, which represents the states, and that the states themselves must look to the General Government for the preservation of many of the most important of their reserved rights. I do not underrate the value to be attached to the organic arrangement of the General Government, and the wise distribution of its powers between the several departments, and, in particular, the structure and the important functions of this body; but to suppose that the Senate, or any department of this government, was intended to be the only guardian of the reserved rights, is a great and fundamental mistake. The government, through all its departments, represents the delegated, and not the reserved powers; and it is a violation of the fundamental principle of free institutions to suppose that any but the responsible representative of any interest can be its guardian. The distribution of the powers of the General Government, and its organization, were arranged to prevent the abuse of power in fulfilling the important trusts confided to it, and not, as preposterously supposed, to protect the reserved powers, which are confided wholly to the guardianship of the several states.

Against the view of our system which I have presented, and the right of the state to interpose, it is objected that it would lead to anarchy and dissolution. I consider the objection as without the slightest foundation, and that, so far from tending to weakness or disunion, it is the source of the highest power and of the strongest cement. Nor is its tendency in this respect difficult of explanation. The government of an absolute majority, unchecked by efficient constitutional restraint, though apparently strong, is, in reality, an exceedingly feeble government. That tendency to conflict between the parts, which I have shown to be inevitable in such governments, wastes the powers of the state in the hostile action of contending factions, which leaves very little more power than the excess of the strength of the majority over the minority. But a government based upon the principle of the concurring majority, where each great interest possesses within itself the means of self-protection, which ultimately requires the mutual consent of all the parts, necessarily causes that unanimity in council, and ardent attachment of all the parts to the whole, which give an irresistible energy to a government so constituted. I might appeal to history for the truth of these remarks, of which the Roman furnishes the most familiar and striking. It is a well-known fact, that, from the expulsion of the Tarquins to the time of the establishment of the tribunitian power, the government fell into a state of the greatest disorder and distraction, and, I may add, corruption. How did this happen? The explanation will throw important light on the sub-

ject under consideration. The community was divided into two parts—the Patricians and the Plebeians: with the power of the state principally in the hands of the former, without adequate check to protect the rights of the latter. The result was as might be expected. The patricians converted the powers of the government into the means of making money, to enrich themselves and their dependants. They, in a word, had their American system, growing out of the peculiar character of the government and condition of the country. This requires explanation. At that period, according to the laws of nations, when one nation conquered another, the lands of the vanquished belonged to the victors; and, according to the Roman law, the lands thus acquired were divided into two parts, one allotted to the poorer class of the people, and the other assigned to the use of the treasury, of which the patricians had the distribution and administration. The patricians abused their power by withholding from the plebeians that which ought to have been allotted to them, and by converting to their own use that which ought to have gone to the treasury. In a word, they took to themselves the entire spoils of victory, and they had thus the most powerful motive to keep the state perpetually involved in war, to the utter impoverishment and oppression of the plebeians. After resisting the abuse of power by all peaceable means, and the oppression becoming intolerable, the plebeians, at last, withdrew from the city—they, in a word, seceded; and, to induce them to reunite, the patricians conceded to the plebeians, as the means of protecting their separate interests, the very power which I contend is necessary to protect the rights of the states, but which is now represented as necessarily leading to disunion. They granted to them the right of choosing three tribunes from among themselves, whose persons should be sacred, and who should have the right of interposing their veto, not only against the passage of laws, but even against their execution: a power which those who take a shallow insight into human nature would pronounce inconsistent with the strength and unity of the state, if not utterly impracticable; yet, so far from that being the effect, from that day the genius of Rome became ascendant, and victory followed her steps till she had established an almost universal dominion. How can a result so contrary to all anticipation be explained? The explanation appears to me to be simple. No measure or movement could be adopted without the concurring assent of both the patricians and plebeians, and each thus became dependant on the other; and, of consequence, the desire and objects of neither could be effected without the concurrence of the other. To obtain this concurrence, each was compelled to consult the good-will of the other, and to elevate to office, not simply those who might have the confidence of the order to which he belonged, but also that of the other. The result was, that men possessing those qualities which would naturally command confidence—moderation, wisdom, justice, and patriotism—were elevated to office; and these, by the weight of their authority and the prudence of their counsel, together with that spirit of unanimity necessarily resulting from the concurring assent of the two orders, furnishes the real explanation of the power of the Roman State, and of that extraordinary wisdom, moderation, and firmness which in so remarkable a degree characterized her public men. I might illustrate the truth of the position which I have laid down by a reference to the history of all free states, ancient and modern, distinguished for their power and patriotism, and conclusively show, not only that there was not one which had not some contrivance, under some form, by which the concurring assent of the different portions of the community was made necessary in the action of government, but also that the virtue, patriotism, and strength of the state were in direct proportion to the perfection of the means of securing such assent. In estimating the operation of this principle in our system, which depends, as I have stated, on the right of interposition on the part of the state, we must not omit to take into consideration the amending power, by which new powers may be granted, or any derangement

of the system be corrected, by the concurring assent of three fourths of the states, and thus, in the same degree, strengthening the power of repairing any derangement occasioned by the eccentric action of a state. In fact, the power of interposition, fairly understood, may be considered in the light of an appeal against the usurpations of the General Government, the joint agent of all the states, to the states themselves, to be decided under the amending power, affirmatively in favour of the government, by the voice of three fourths of the states, as the highest power known under the system. I know the difficulty, in our country, of establishing the truth of the principle for which I contend, though resting upon the clearest reason, and tested by the universal experience of free nations. I know that the governments of the several states will be cited as an argument against the conclusion to which I have arrived, and which, for the most part, are constructed on the principle of the absolute majority; but, in my opinion, a satisfactory answer can be given: that the objects of expenditure which fall within the sphere of a state government are few and inconsiderable, so that, be their action ever so irregular, it can occasion but little derangement. If, instead of being members of this great confederacy, they formed distinct communities, and were compelled to raise armies, and incur other expenses necessary to their defence, the laws which I have laid down as necessarily controlling the action of a state where the will of an absolute and unchecked majority prevailed, would speedily disclose themselves in faction, anarchy, and corruption. Even as the case is, the operation of the causes to which I have referred are perceptible in some of the larger and more populous members of the Union, whose governments have a powerful central action, and which already show a strong tendency to that moneyed action which is the invariable forerunner of corruption and convulsions.

But, to return to the General Government, we have now sufficient experience to ascertain that the tendency to conflict in its action is between southern and other sections. The latter having a decided majority, must habitually be possessed of the powers of the government, both in this and in the other house; and, being governed by that instinctive love of power so natural to the human breast, they must become the advocates of the power of government, and in the same degree opposed to the limitations; while the other and weaker section is as necessarily thrown on the side of the limitations. One section is the natural guardian of the delegated powers, and the other of the reserved; and the struggle on the side of the former will be to enlarge the powers, while that on the opposite side will be to restrain them within their constitutional limits. The contest will, in fact, be a contest between power and liberty, and such I consider the present—a contest in which the weaker section, with its peculiar labour, productions, and institutions, has at stake all that can be dear to freemen. Should we be able to maintain in their full vigour our reserved rights, liberty and prosperity will be our portion; but if we yield, and permit the stronger interest to concentrate within itself all the powers of the government, then will our fate be more wretched than that of the aborigines whom we have expelled. In this great struggle between the delegated and reserved powers, so far from repining that my lot, and that of those whom I represent, is cast on the side of the latter, I rejoice that such is the fact; for, though we participate in but few of the advantages of the government, we are compensated, and more than compensated, in not being so much exposed to its corruption. Nor do I repine that the duty, so difficult to be discharged, as the defence of the reserved powers, against apparently such fearful odds, has been assigned to us. To discharge successfully this high duty requires the highest qualities, moral and intellectual; and should we perform it with a zeal and ability in proportion to its magnitude, instead of being mere planters, our section will become distinguished for its patriots and statesmen. But, on the other hand, if we prove unworthy of this high destiny—if we yield to the steady encroachment of

power, the severest calamity and most debasing corruption will overspread the land. Every Southern man, true to the interests of his section, and faithful to the duties which Providence has allotted him, will be forever excluded from the honours and emoluments of this government, which will be reserved for those only who have qualified themselves, by political prostitution, for admission into the *Magdalen* Asylum.

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## VI.

### MR. CALHOUN'S SPEECH ON HIS RESOLUTIONS, AND REPLY TO MR. WEBSTER, FEBRUARY 26, 1833.

THE following resolutions, submitted by Mr. CALHOUN, came up for consideration, viz.:

"*Resolved*, That the people of the several states composing these United States are united as parties to a constitutional compact, to which the people of each state acceded as a separate and sovereign community, each binding itself by its own particular ratification; and that the Union, of which the said compact is the bond, is a union *between the states* ratifying the same.

"*Resolved*, That the people of the several states thus united by the constitutional compact, in forming that instrument, and in creating a General Government to carry into effect the objects for which it was formed, delegated to that government, for that purpose, certain definite powers, to be exercised jointly, reserving, at the same time, each state to itself, the residuary mass of powers, to be exercised by its own separate government; and that, whenever the General Government assumes the exercise of powers not delegated by the compact, its acts are unauthorized, void, and of no effect; and that the said government is not made the final judge of the powers delegated to it, since that would make its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among sovereign parties, without any common judge, each has an equal right to judge for itself, as well of the infraction, as of the mode and measure of redress.

"*Resolved*, That the assertions that the people of these United States, taken collectively as individuals, are now, or ever have been, united on the principle of the social compact, and, as such, are now formed into one nation or people, or that they have ever been so united, in any one stage of their political existence; that the people of the several states composing the Union have not, as members thereof, retained their sovereignty; that the allegiance of their citizens has been transferred to the General Government; that they have parted with the right of punishing treason through their respective state governments; and that they have not the right of judging, in the last resort, as to the extent of powers reserved, and, of consequence, of those delegated, are not only without foundation in truth, but are contrary to the most certain and plain historical facts, and the clearest deductions of reason; and that all exercise of power on the part of the General Government, or any of its departments, deriving authority from such erroneous assumptions, must of necessity be unconstitutional—must tend directly and inevitably to subvert the sovereignty of the states—to destroy the federal character of the Union, and to rear on its ruins a consolidated government, without constitutional check or limitation, and which must necessarily terminate in the loss of liberty itself."

Which being read,

Mr. CALHOUN said: When the bill with which the resolutions are connected was under discussion, the senator from Massachusetts thought proper to give his remarks a personal bearing in reference to myself. I had said nothing to

justify this course on the part of that gentleman. I had, it is true, denounced the bill in strong language, but not stronger than the rules which govern parliamentary proceedings permit; nor stronger than the character of the bill, and its bearing on the state which it is my honour to represent, justified. I am at a loss to understand what motive governed the senator in giving a personal character to his remarks. If he intended anything unkind—(here Mr. WEBSTER said, audibly, Certainly not; and Mr. C. replied, I will not, then, say what I intended, if such had been his motives)—but still I must be permitted to ask, If he intended nothing unkind, what was the object of the senator? Was his motive to strengthen a cause, which he feels to be weak, by giving the discussion a personal direction? If such was his motive, his experience as a debater ought to have taught him that it was one of those weak devices which seldom fail to react on those who resort to them. If his motive was to acquire popularity by attacking one who had voluntarily, and from a sense of duty—from a deep conviction that liberty and the Constitution were at stake—had identified himself with an unpopular question, I would say to him that a true sense of dignity would have impelled him in an opposite direction. Among the possible motives which might have influenced him, there is another to the imputation of which he is exposed, but which, certainly, I will not attribute to him—that his motive was to propitiate in a certain high quarter—a quarter in which he must know that no offering could be more acceptable than the immolation of the character of him who now addresses you. But whatever may have been the motive of the senator, I can assure him that I will not follow his example. I never had any inclination to gladiatorial exhibitions in the halls of legislation, and if I now had, I certainly would not indulge them on so solemn a question: a question which, in the opinion of the senator from Massachusetts, as expressed in debate, involves the union of these states, and in mine, the liberty and the Constitution of the country. Before, however, I conclude the prefatory observations, I must allude to the remark which the senator made at the termination of the argument of my friend from Mississippi (Mr. POINDEXTER). I understood the senator to say that, if I chose to put at issue his character for consistency, he stood prepared to vindicate his course. I assure the senator that I have no idea of calling in question his consistency, or that of any other member of this body. It is a subject in which I feel no concern; but if I am to understand the remark of the senator as intended indirectly as a challenge to put in issue the consistency of my course as compared to his own, I have to say that, though I do not accept of his challenge, yet, if he should think proper to make a trial of character on that or any other point connected with our public conduct, and will select a suitable occasion, I stand prepared to vindicate my course, as compared with his, or that of any other member of this body, for consistency of conduct, purity of motive, and devoted attachment to the country and its institutions.

Having made these remarks, which have been forced upon me, I shall now proceed directly to the subject before the Senate; and in order that it may, with all its bearings, be fully understood, I must go back to the period at which I introduced the resolutions. They were introduced in connexion with the bill which has passed this house, and is now pending before the other. That bill was couched in general terms, without naming South Carolina or any other state, though it was understood, and avowed by the committee, as intended to act directly on her.

Believing that the government had no right to use force in the controversy, and that the attempt to introduce it rested upon principles utterly subversive of the Constitution and the sovereignty of the states, I drew up the resolutions, and introduced them expressly with the view to test those principles, with a desire that they should be discussed and voted on before the bill came up for consideration. The majority ordered otherwise. The resolutions were laid on the table, and the bill taken up for discussion. Under this arrangement, which it was under-

stood originated with the committee that reported the bill, I, of course, concluded that its members would proceed in the discussion, and explain the principles, and the necessity for the bill, before the other senators would enter into the discussion, and particularly those from South Carolina; understanding, however, that, by the arrangement of the committee, it was allotted to the senator from Tennessee to close the discussion on the bill, I waited to the last moment, in expectation of hearing from the senator from Massachusetts. He is a member of the committee. But not hearing from him, I rose to speak to the bill, and as soon as I had concluded, the senator from Massachusetts arose—I will not say to reply to me, and certainly not to discuss the bill, but the resolutions which had been laid on the table, as I have stated. I do not state these facts in the way of complaint, but in order to explain my own course. The senator having directed his argument against my resolutions, I felt myself compelled to seize the first opportunity to call them up from the table, and to assign a day for their discussion, in the hope not only that the Senate would hear me in their vindication, but would also afford me an opportunity of taking the sense of this body on the great principles on which they are based.

The senator from Massachusetts, in his argument against the resolutions, directed his attack almost exclusively against the first, on the ground, I suppose, that it was the basis of the other two, and that, unless the first could be demolished, the others would follow of course. In this he was right. As plain and as simple as the facts contained in the first are, they cannot be admitted to be true without admitting the doctrines for which I, and the state I represent, contend. He (Mr. W.) commenced his attack with a verbal criticism on the resolution, in the course of which he objected strongly to two words, "constitutional," and "accede." To the former on the ground that the word, as used (constitutional compact), was obscure—that it conveyed no definite meaning—and that the Constitution was a noun-substantive, and not an adjective. I regret that I have exposed myself to the criticism of the senator. I certainly did not intend to use any expression of a doubtful sense, and if I have done so, the senator must attribute it to the poverty of my language, and not to design. I trust, however, that the senator will excuse me, when he comes to hear my apology. In matters of criticism, authority is of the highest importance, and I have an authority of so high a character, in this case, for using the expression which he considers so obscure and so unconstitutional, as will justify me even in his eyes. It is no less than the authority of the senator himself—given on a solemn occasion (the discussion on Mr. Foote's resolution), and doubtless with great deliberation, after having duly weighed the force of the expression. (Here Mr. C. read from Mr. Webster's speech in reply to Mr. Hayne, in the Senate of the United States, delivered January 26, 1830, as follows:)

"The domestic slavery of the South I leave where I find it—in the hands of their own governments. It is their affair, not mine. Nor do I complain of the peculiar effect which the magnitude of that population has had in the distribution of power under the Federal Government. We know, sir, that the representation of the states in the other house is not equal. We know that great advantage, in that respect, is enjoyed by the slaveholding states; and we know, too, that the intended equivalent for that advantage, that is to say, the imposition of direct taxes in the same ratio, has become merely nominal: the habit of the government being almost invariably to collect its revenues from other sources, and in other modes. Nevertheless, I do not complain, nor would I countenance any movement to alter this arrangement of representation. It is the original bargain—the compact—let it stand; let the advantage of it be fully enjoyed. The Union itself is too full of benefits to be hazarded in propositions for changing its original basis. I go for the Constitution as it is, and for the Union as it is. But I am resolved not to submit in silence to accusations, either against myself individually, or against the North, wholly unfound-

ed and unjust: accusations which impute to us a disposition to evade the CONSTITUTIONAL COMPACT, and to extend the power of the government over the internal laws and domestic condition of the states."

It will be seen, by this extract, that the senator not only uses the phrase "constitutional compact," which he now so much condemns, but, what is still more important, he calls the Constitution itself a compact—a bargain; which contains important admissions, having a direct and powerful bearing on the main issue involved in the discussion, as will appear in the course of his remarks. But, as strong as his objection is to the word "constitutional," it is still stronger to the word "accede," which, he thinks, has been introduced into the resolution with some deep design, as I suppose, to entrap the Senate into an admission of the doctrine of state rights. Here, again, I must shelter myself under authority. But I suspect that the senator, by a sort of instinct (for our instincts often strangely run before our knowledge), had a prescience, which would account for his aversion for the word, that this authority was no less than Thomas Jefferson himself, the great apostle of the doctrines of state rights. The word was borrowed from him. It was taken from the Kentucky Resolution, as well as the substance of the resolution itself. But I trust that I may neutralize whatever aversion the authorship of this word may have excited in the mind of the senator, by the introduction of another authority—that of Washington himself, who, in his speech to Congress, speaking of the admission of North Carolina into the Union, uses this very term, which was repeated by the Senate in their reply. Yet, in order to narrow the ground between the senator and myself as much as possible, I will accommodate myself to his strange antipathy against the two unfortunate words, by striking them out of the resolution, and substituting in their place those very words which the senator himself has designated as constitutional phrases. In the place of that abhorred adjective "constitutional," I will insert the very noun-substantive "constitution;" and in the place of the word "accede," I will insert the word "ratify," which he designates as the proper term to be used.

Let us now see how the resolution stands, and how it will read after these amendments. Here Mr. C. said the resolution, as introduced, reads:

*Resolved*, That the people of the several states composing these United States are united as parties to a constitutional compact, to which the people of each state acceded as a separate and sovereign community, each binding itself by its own particular ratification; and that the Union, of which the said compact is a bond, is a union *between the states* ratifying the same.

As proposed to be amended:

*Resolved*, That the people of the several states composing these United States are united as parties to a compact, under the title of the Constitution of the United States, which the people of each state ratified as a separate and sovereign community, each binding itself by its own particular ratification; and that the Union, of which the said compact is the bond, is a Union *between* the states ratifying the same.

Where, sir, I ask, is that plain case of revolution? Where that hiatus, as wide as the globe, between the premises and conclusion, which the senator proclaimed would be apparent if the resolution was reduced into constitutional language? For my part, with my poor powers of conception, I cannot perceive the slightest difference between the resolution as first introduced, and as it is proposed to be amended in conformity to the views of the senator. And, instead of that hiatus between premises and conclusion, which seems to startle the imagination of the senator, I can perceive nothing but a continuous and solid surface, sufficient to sustain the magnificent superstructure of state rights. Indeed, it seems to me that the senator's vision is distorted by the medium through which he views everything connected with the subject; and that the same distortion which has presented to his imagination this hiatus, as wide as

the globe, where not even a fissure exists, also presented that beautiful and classical image of a strong man struggling in a bog without the power of extricating himself, and incapable of being aided by any friendly hand, while, instead of struggling in a bog, he stands on the everlasting rock of truth.

Having now noticed the criticism of the senator, I shall proceed to meet and repel the main assault on the resolution. He directed his attack against the strong point, the very horn of the citadel of state rights. The senator clearly perceived that, if the Constitution be a compact, it was impossible to deny the assertions contained in the resolutions, or to resist the consequences which I had drawn from them, and, accordingly, directed his whole fire against that point; but, after so vast an expenditure of ammunition, not the slightest impression, so far as I can perceive, has been made. But, to drop the simile, after a careful examination of the notes which I took of what the senator said, I am now at a loss to know whether, in the opinion of the senator, our Constitution is a compact or not, though the almost entire argument of the senator was directed to that point. At one time he would seem to deny directly and positively that it was a compact, while at another he would appear, in language not less strong, to admit that it was.

I have collated all that the senator has said upon this point; and, that what I have stated may not appear exaggerated, I will read his remarks in juxtaposition. He said that

"The Constitution means a government, not a compact. Not a constitutional compact, but a government. If compact, it rests on plighted faith, and the mode of redress would be to declare the whole void. States may secede if a league or compact."

I thank the senator for these admissions, which I intend to use hereafter. (Here Mr. C. proceeded to read from his notes.)

"The states agreed that each should participate in the sovereignty of the other."

Certainly, a very correct conception of the Constitution; but when did they make that agreement but by the Constitution, and how could they agree but by compact?

"The system, not a compact between states in their sovereign capacity, but a government proper, founded on the adoption of the people, and creating individual relations between itself and the citizens."

This the senator lays down as a leading fundamental principle to sustain his doctrine, and, I must say, by a strange confusion and uncertainty of language; not, certainly, to be explained by any want of command of the most appropriate words on his part.

"It does not call itself a compact, but a constitution. The Constitution rests on compact, but it is no longer a compact."

I would ask, To what compact does the senator refer, as that on which the Constitution rests? Before the adoption of the present Constitution, the states had formed but one compact, and that was the old confederation; and, certainly, the gentleman does not intend to assert that the present Constitution rests upon that. What, then, is his meaning? What can it be, but that the Constitution itself is a compact? and how will his language read, when fairly interpreted, but that the Constitution was a compact, but is no longer a compact? It had, by some means or another, changed its nature, or become defunct.

He next states that

"A man is almost untrue to his country who calls the Constitution a compact."

I fear the senator, in calling it a compact, a bargain, has called down this heavy denunciation on his own head. He finally states that

"It is founded on compact, but not a compact results from it."

To what are we to attribute the strange confusion of words? The senator

has a mind of high order, and perfectly trained to the most exact use of language. No man knows better the precise import of the words he uses. The difficulty is not in him, but in his subject. He who undertakes to prove that this Constitution is not a compact, undertakes a task which, be his strength ever so great, must oppress him by its weight. Taking the whole of the argument of the senator together, I would say that it is his impression that the Constitution is not a compact, and will now proceed to consider the reason which he has assigned for this opinion.

He thinks there is an incompatibility between constitution and compact. To prove this, he adduces the words "ordain and establish," contained in the preamble of the Constitution. I confess I am not capable of perceiving in what manner these words are incompatible with the idea that the Constitution is a compact. The senator will admit that a single state may ordain a constitution; and where is the difficulty, where the incompatibility of two states concurring in ordaining and establishing a constitution? As between the states themselves, the instrument would be a compact; but in reference to the government, and those on whom it operates, it would be ordained and established—ordained and established by the *joint authority of two*, instead of the single authority of one.

The next argument which the senator advances to show that the language of the Constitution is irreconcilable with the idea of its being a compact, is taken from that portion of the instrument which imposes prohibitions on the authority of the states. He said that the language used in imposing the prohibitions is the language of a superior to an inferior; and that, therefore, it was not the language of a compact, which implies the equality of the parties. As a proof, the senator cited the several provisions of the Constitution which provide that no state shall enter into treaties of alliance and confederation, lay imposts, &c., without the assent of Congress. If he had turned to the articles of the old confederation, which he acknowledges to have been a compact, he would have found that those very prohibitory articles of the Constitution were borrowed from that instrument; that the language which he now considers as implying superiority was taken verbatim from it. If he had extended his researches still farther, he would have found that it is the habitual language used in treaties, whenever a stipulation is made against the performance of any act. Among many instances which I could cite if it were necessary, I refer the senator to the celebrated treaty negotiated by Mr. Jay with Great Britain in 1793, and in which the very language used in the Constitution is employed.

To prove that the Constitution is not a compact, the senator next observes that it stipulates nothing, and asks, with an air of triumph, Where are the evidences of the stipulations between the states? I must express my surprise at this interrogatory, coming from so intelligent a source. Has the senator never seen the ratification of the Constitution by the several states? Did he not cite them on this very occasion? Do they contain no evidence of this stipulation on the part of the states? Nor is the assertion less strange that the Constitution contains no stipulation. So far from regarding it in the light in which the senator regards it, I consider the whole instrument but a mass of stipulation: what is that but a stipulation to which the senator refers when he states, in the course of his argument, that each state had agreed to participate in the sovereignty of the others?

But the principal argument on which the senator relied to show that the Constitution is not a compact, rests on the provision in that instrument which declares that "this Constitution, and the laws made in pursuance thereof, and treaties made under their authority, are the supreme laws of the land." He asked, with marked emphasis, Can a compact be the supreme law of the land? I ask, in return, whether treaties are not compacts, and whether treaties, as well as the Constitution, are not declared to be the supreme law of the land? His argument, in fact, as conclusively proves that treaties are not compacts as it

does that this Constitution is not a compact. I might rest this point on this decisive answer; but, as I desire to leave not a shadow of doubt on this important point, I shall follow the gentleman in the course of his reasoning.

He defines a constitution to be a fundamental law, which organizes the government, and points out the mode of its action. I will not object to the definition, though, in my opinion, a more appropriate one, or, at least, one better adapted to American ideas, could be given. My objection is not to the definition, but to the attempt to prove that the fundamental laws of a state cannot be a compact, as the senator seems to suppose. I hold the very reverse to be the case; and that, according to the most approved writers on the subject of government, these very fundamental laws which are now stated not only not to be compacts, but inconsistent with the very idea of compacts, are held invariably to be compacts; and, in that character, as distinguished from the ordinary laws of the country. I will cite a single authority, which is full and explicit on this point, from a writer of the highest repute.

Burlamaqui says, vol. ii., part 1, chap. i., sec. 35, 36, 37, 38: "It entirely depends upon a free people to invest the sovereigns whom they place over their heads with an authority either absolute, or limited by certain laws. These regulations, by which the supreme authority is kept within bounds, are called *the fundamental laws of the state.*"

"The fundamental laws of a state, taken in their full extent, are not only the decrees by which the entire body of the nation determine the form of government, and the manner of succeeding to the crown, but are likewise covenants between the people and the person on whom they confer the sovereignty, which regulate the manner of governing, and by which the supreme authority is limited."

"These regulations are called fundamental laws, because they are the basis, as it were, and foundation of the state on which the structure of the government is raised, and because the people look upon these regulations as their principal strength and support."

"The name of laws, however, has been given to these regulations in an improper and figurative sense, for, properly speaking, they are *real covenants.* But as those covenants are obligatory between the contracting parties, they have the force of laws themselves."

The same, vol. ii., part 2, ch. i., sec. 19 and 22, in part. "The whole body of the nation, in whom the supreme power originally resides, may regulate the government by a fundamental law in such manner as to commit the exercise of the different parts of the supreme power to different persons or bodies, who may act independently of each other in regard to the rights committed to them, but still subordinate to the laws from which those rights are derived."

"And these fundamental laws are real covenants, or what the civilians call *pacta conventa*, between the different orders of the Republic, by which they stipulate that each shall have a particular part of the sovereignty, and that this shall establish the form of government. It is evident that, by these means, each of the contracting parties acquires a right not only of exercising the power granted to it, but also of preserving that original right."

A reference to the Constitution of Great Britain, with which we are better acquainted than with that of any other European government, will show that it is a compact. Magna Charta may certainly be reckoned among the fundamental laws of that kingdom. Now, although it did not assume, originally, the form of a compact, yet, before the breaking up of the meeting of the barons which imposed it on King John, it was reduced into the form of a covenant, and duly signed by Robert Fitzwalter and others, on the one part, and the king on the other.

But we have a more decisive proof that the Constitution of England is a compact in the resolution of the Lords and Commons in 1688, which declared that

"King James the Second, having endeavoured to subvert the Constitution of the kingdom, by breaking the original *contract* between the king and people, and having, by the advice of Jesuits and other wicked persons, violated the fundamental law, and withdrawn himself out of the kingdom, hath abdicated the government, and that the throne is thereby become vacant."

But why should I refer to writers upon the subject of government, or inquire into the constitution of foreign states, when there are such decisive proofs that our Constitution is a compact? On this point the senator is estopped. I borrow from the gentleman, and thank him for the word. His adopted state, which he so ably represents on this floor, and his native state, the states of Massachusetts and New-Hampshire, both declared, in their ratification of the Constitution, that it was a compact. The ratification of Massachusetts is in the following words (here Mr. C. read):

"*In Convention of the Delegates of the People of the Commonwealth of Massachusetts, Feb.* 6, 1788.

"The Convention having impartially discussed and fully considered the Constitution of the United States of America, reported to Congress by the Convention of Delegates from the United States of America, and submitted to us by a resolution of the General Court of said Commonwealth, passed the 25th day of October last past, and acknowledging, with grateful hearts, the goodness of the Supreme Ruler of the universe, in affording the people of the United States, in the course of his providence, an opportunity deliberately and peaceably, without fraud or surprise, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new Constitution, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and of Massachusetts, assent to and ratify the said Constitution for the United States of America."

The ratification of New-Hampshire is taken from that of Massachusetts, and almost in the same words. But proof, if possible, still more decisive, may be found in the celebrated resolutions of Virginia on the alien and sedition law, in 1798, and the responses of Massachusetts and the other states. Those resolutions expressly assert that the Constitution is a compact between the states, in the following language (here Mr. C. read from the resolutions of Virginia as follows):

"That this Assembly doth explicitly and peremptorily declare that it VIEWS THE POWERS OF THE FEDERAL GOVERNMENT, AS RESULTING FROM THE COMPACT, TO WHICH THE STATES ARE PARTIES, AS LIMITED BY THE PLAIN SENSE AND INTENTION OF THE INSTRUMENT CONSTITUTING THAT COMPACT AS NO FARTHER VALID THAN THEY ARE AUTHORIZED BY THE GRANTS ENUMERATED IN THAT COMPACT; AND THAT, IN CASE OF A DELIBERATE, PALPABLE, AND DANGEROUS EXERCISE OF OTHER POWERS NOT GRANTED BY THE SAID COMPACT, THE STATES WHO ARE PARTIES THERETO HAVE THE RIGHT, AND ARE IN DUTY BOUND, TO INTERPOSE FOR ARRESTING THE PROGRESS OF THE EVIL, AND FOR MAINTAINING WITHIN THEIR RESPECTIVE LIMITS THE AUTHORITIES, RIGHTS, AND LIBERTIES APPERTAINING TO THEM.

"That the General Assembly doth also express its deep regret that a spirit has, in sundry instances, been manifested by the Federal Government to enlarge its powers by forced constructions of the constitutional charter, which defines them; and that indications have appeared of a design to expound certain general phrases (which, having been copied from the very limited grant of powers in the former articles of confederation, were the less liable to be misconstrued), so as to destroy the meaning and effect of the particular enumeration which necessity explains, and limits the general phrases, and so as to CONSOLIDATE THE STATES, BY DEGREES, INTO ONE SOVEREIGNTY, THE OBVIOUS TENDENCY

AND INEVITABLE RESULT OF WHICH WOULD BE TO TRANSFORM THE PRESENT REPUBLICAN SYSTEM OF THE UNITED STATES INTO AN ABSOLUTE, OR, AT BEST, A MIXED MONARCHY."

They were sent to the several states. We have the reply of Delaware, New-York, Connecticut, New-Hampshire, Vermont, and Massachusetts, not one of which contradicts this important assertion on the part of Virginia; and, by their silence, they all acquiesce in its truth. The case is still stronger against Massachusetts, which expressly recognises the fact that the Constitution is a compact.

In her answer she says (here Mr. C. read from the answer of Massachusetts as follows): "But they deem it their duty solemnly to declare that, while they hold sacred the principle, that consent of the people is the only pure source of just and legitimate power, they cannot admit the right of the state Legislatures to denounce the administration of that government, to which the people themselves, by a *solemn compact*, have exclusively committed their national concerns. That, although a liberal and enlightened vigilance among the people is always to be cherished, yet an unreasonable jealousy of the men of their choice, and a recurrence to measures of extremity upon groundless or trivial pretexts, have a strong tendency to destroy all rational liberty at home, and to deprive the United States of the most essential advantages in their relations abroad. That this Legislature are persuaded that the decision of all cases in law or equity, arising under the Constitution of the United States, and the construction of all laws made in pursuance thereof, are exclusively vested by the people in the judicial courts of the United States."

"That the people, in that *solemn compact*, which is declared to be *the supreme law of the land*, have not constituted the state Legislatures the judges of the acts or measures of the Federal Government, but have confided to them the power of proposing such amendments of the Constitution as shall appear to them necessary to the interests, or conformable to the wishes, of the people whom they represent."

Now, I ask the senator himself—I put it to his candour to say, if South Carolina be estopped on the subject of the protective system because Mr. Burke and Mr. Smith proposed a moderate duty on hemp, or some other article, I know not what, nor do I care, with a view of encouraging its production, of which motion, I venture to say, not one individual in a hundred in the state ever heard, whether he and Massachusetts, after this clear, full, and solemn recognition that the Constitution is a compact, both on his part and that of his state, be not forever estopped on this important point?

There remains one more of the senator's arguments to prove that the Constitution is not a compact, to be considered. He says it is not a compact, because it is a government; which he defines to be an organized body, possessed of the will and power to execute its purposes by its own proper authority; and which, he says, bears not the slightest resemblance to a compact. But I would ask the senator, Who ever considered a government, when spoken of as the agent to execute the powers of the Constitution, as distinct from the Constitution itself, as a compact?

In that light it would be a perfect absurdity. It is true that, in general and loose language, it is often said that the government is a compact, meaning the Constitution which created it, and vested it with authority to execute the powers contained in the instrument; but when the distinction is drawn between the Constitution and the government, as the senator has done, it would be as ridiculous to call the government a compact as to call an individual, appointed to execute provisions of the contract, a contract; and not less so to suppose that there could be the slightest resemblance between them. In connexion with this point the senator, to prove that the Constitution is not a compact, asserts that it is wholly independent of the state, and pointedly declares that the states

have not a right to touch a hair of its head; and this, with that provision in the Constitution that three fourths of the states have a right to alter, change, or amend, or even to abolish it, staring him in the face.

I have examined all of the arguments of the senator intended to prove that the Constitution is not a compact; and I trust I have shown, by the clearest demonstration, that his arguments are perfectly inconclusive, and that his assertion is against the clearest and most solemn evidence—evidence of record, and of such a character that it ought to close his lips forever.

I turn now to consider the other, and, apparently, contradictory aspect in which the senator presented this part of the subject: I mean that one in which he states that the government is founded in compact, but is no longer a compact. I have already remarked, that no other interpretation could be given to this assertion, except that the Constitution was once a compact, but is no longer so. There is a vagueness and indistinctness in this part of the senator's argument, which left me altogether uncertain as to its real meaning. If he meant, as I presume he did, that the compact is an executed, and not an executory one—that its object was to create a government, and to invest it with proper authority—and that, having executed this office, it had performed its functions, and, with it, had ceased to exist, then we have the extraordinary avowal that the Constitution is a dead letter—that it has ceased to have any binding effect, or any practical influence or operation.

It had, indeed, often been charged that the Constitution had become a dead letter; that it was continually violated, and had lost all its control over the government; but no one had ever before been bold enough to advance a theory on the avowed basis that it was an executed, and, therefore, an extinct instrument. I will not seriously attempt to refute an argument which to me appears so extravagant. I had thought that the Constitution was to endure forever; and that, so far from its being an executed contract, it contained great trust powers for the benefit of those who created it, and all future generations, which never could be finally executed during the existence of the world, if our government should so long endure.

I will now return to the first resolution, to see how the issue stands between the senator from Massachusetts and myself. It contains three propositions. First, that the Constitution is a compact; second, that it was formed by the states, constituting distinct communities; and, lastly, that it is a subsisting and binding compact between the states. How do these three propositions now stand? The first, I trust, has been satisfactorily established; the second, the senator has admitted, faintly, indeed, but still he has admitted it to be true. This admission is something. It is so much gained by discussion. Three years ago even this was a contested point. But I cannot say that I thank him for the admission: we owe it to the force of truth. The fact that these states were declared to be free and independent states at the time of their independence; that they were acknowledged to be so by Great Britain in the treaty which terminated the war of the Revolution, and secured their independence; that they were recognised in the same character in the old articles of the confederation; and, finally, that the present Constitution was formed by a convention of the several states, afterward submitted to them for their ratification, and was ratified by them separately, each for itself, and each, by its own act, binding its citizens, formed a body of facts too clear to be denied and too strong to be resisted.

It now remains to consider the third and last proposition contained in the resolution—that it is a binding and a subsisting compact between the states. The senator was not explicit on this point. I understood him, however, as asserting that, though formed by the states, the Constitution was not binding between the states as distinct communities, but between the American people in the aggregate, who, in consequence of the adoption of the Constitution, accord-

ing to the opinion of the senator, became one people, at least, to the extent of the delegated powers. This would, indeed, be a great change. All acknowledge that, previous to the adoption of the Constitution, the states constituted distinct and independent communities, in full possession of their sovereignty; and, surely, if the adoption of the Constitution was intended to effect the great and important change in their condition which the theory of the senator supposes, some evidence of it ought to be found in the instrument itself. It professes to be a careful and full enumeration of all the powers which the states delegated, and of every modification of their political condition. The senator said that he looked to the Constitution in order to ascertain its real character; and, surely, he ought to look to the same instrument in order to ascertain what changes were, in fact, made in the political condition of the states and the country. But with the exception of "we, the people of the United States," in the preamble, he has not pointed out a single indication in the Constitution of the great change which he conceives has been effected in this respect.

Now, sir, I intend to prove that the only argument on which the gentleman relies on this point must utterly fail him. I do not intend to go into a critical examination of the expression of the preamble to which I have referred. I do not deem it necessary; but were it, it might be easily shown that it is at least as applicable to my view of the Constitution as to that of the senator; and that the whole of his argument on this point rests on the ambiguity of the term thirteen United States; which may mean certain territorial limits, comprehending within them the whole of the states and territories of the Union. In this sense the people of the United States may mean *all* the people living within these limits, without reference to the states or territories in which they may reside, or of which they may be citizens, and it is in this sense only that the expression gives the least countenance to the argument of the senator.

But it may also mean *the states united*, which inversion alone, without farther explanation, removes the ambiguity to which I have referred. The expression, in this sense, obviously means no more than to speak of the people of the several states in their united and confederated capacity; and, if it were requisite, it might be shown that it is only in this sense that the expression is used in the Constitution. But it is not necessary. A single argument will forever settle this point. Whatever may be the true meaning of this expression, it is not applicable to the condition of the states as they exist under the Constitution, but as it was under the old confederation, before its adoption. The Constitution had not yet been adopted, and the states, in ordaining it, could only speak of themselves in the condition in which they then existed, and not in that in which they would exist under the Constitution. So that, if the argument of the senator proves anything, it proves, not, as he supposes, that the Constitution forms the American people into an aggregate mass of individuals, but that such was their political condition before its adoption, under the old confederation, directly contrary to his argument in the previous part of this discussion.

But I intend not to leave this important point, the last refuge of those who advocate consolidation, even on this conclusive argument. I have shown that the Constitution affords not the least evidence of the mighty change of the political condition of the states and the country, which the senator supposed it effected; and I intend now, by the most decisive proof, drawn from the constitutional instrument itself, to show that no such change was intended, and that the people of the states are united under it as states and not as individuals. On this point there is a very important part of the Constitution entirely and strangely overlooked by the senator in this debate, as it is expressed in the first resolution, which furnishes the conclusive evidence, not only that the Constitution is a compact, but a subsisting compact, binding between the states. I allude to the seventh article, which provides that "the ratification of the convention of nine states shall be sufficient for the establishment of this Constitution *between*

*the states* so ratifying the same." Yes, *between the states:* these little words mean a volume—compacts, not laws, bind *between* the states; and it here binds, not between individuals, but between *the states:* the states *ratifying*, implying, as strong as language can make it, that the Constitution is what I have asserted it to be—a compact, ratified by the states, and a subsisting compact, binding the states ratifying it.

But, sir, I will not leave this point, all-important in establishing the true theory of our government, on this argument alone, as demonstrative and conclusive as I hold it to be. Another, not much less powerful, but of a different character, may be drawn from the tenth amended article, which provides that "the powers not delegated to the United States by the Constitution, nor prohibited to it by the states, are reserved to the states respectively or to the people." The article of ratification which I have just cited informs us that the Constitution, which delegates powers, was ratified by the states, and is binding between them. This informs us to whom the powers are delegated, a most important fact in determining the point immediately at issue between the senator and myself. According to his views, the Constitution created a union between individuals, if the solecism may be allowed, and that it formed, at least to the extent of the powers delegated, one people, and not a Federal Union of the states, as I contend; or, to express the same idea differently, that the delegation of powers was to the American people in the aggregate (for it is only by such delegation that they could be made into one people), and not to the *United States*, directly contrary to the article just cited, which declares that the powers are delegated to the United States. And here it is worthy of notice that the senator cannot shelter himself under the ambiguous phrase "to the people of the United States," under which he would certainly have taken refuge, had the Constitution so expressed it; but, fortunately for the cause of truth and for the great principles of constitutional liberty for which I am contending, "people" is omitted: thus making the delegation of power clear and unequivocal to the *United States*, as distinct political communities, and conclusively proving that all the powers delegated are reciprocally delegated by the states to each other, as distinct political communities.

So much for the delegated powers. Now, as all admit, and as it is expressly provided for in the Constitution, the *reserved* powers are reserved to the states *respectively*, or to the people: none will pretend that, as far as they are concerned, we are one people, though the argument to prove it, however absurd, would be far more plausible than that which goes to show that we are one people to the extent of the delegated powers. This reservation "to the people" might, in the hands of subtle and trained logicians, be a peg to hang a doubt upon; and had the expression "to the people" been connected, as fortunately it is not, with the delegated instead of the reserved powers, we should not have heard of this in the present discussion.

I have now established, I hope, beyond the power of controversy, every allegation contained in the first resolution — that the Constitution is a compact formed by the people of the several states, as distinct political communities, subsisting and binding between the states in the same character; which brings me to the consideration of the consequences which may be fairly deduced in reference to the character of our political system from these established facts.

The first, and most important, is, that they conclusively establish that ours is a federal system: a system of states arranged in a Federal Union, and each retaining its distinct existence and sovereignty. Ours has every attribute which belongs to a federative system. It is founded on compact; it is formed by sovereign communities; and is binding between them in their sovereign capacity. I might appeal, in confirmation of this assertion, to all elementary writers on the subject of government, but will content myself with citing one only: Burlamaqui, quoted with approbation by Judge Tucker, in his Commentary on

Blackstone, himself a high authority, who says (here Mr. C. read from Tucker's Blackstone as follows):

*Extracts from Blackstone's Commentaries.*

"Political bodies, whether great or small, if they are constituted by a people formerly independent, and under no civil subjection, or by those who justly claim independence from any civil power they were formerly subject to, have the civil supremacy in themselves, and are in a state of equal right and liberty with respect to all other states, whether great or small. No regard is to be had in this matter to names, whether the body politic be called a kingdom, an empire, a principality, a dukedom, a country, a republic, or free town. If it can exercise justly all the essential parts of civil power within itself, independently of any other person or body politic, and no other hath any right to rescind or annul its acts, it has the civil supremacy, how small soever its territory may be, or the number of its people, and has all the rights of an independent state.

"This independence of states, and there being distinct political bodies from each other, is not obstructed by any alliance or confederacies whatsoever, about exercising jointly any parts of the supreme powers, such as those of peace and war, in league offensive and defensive. Two states, notwithstanding such treaties, are separate bodies, and independent.

"These are, then, only deemed politically united when some one person or council is constituted with a right to exercise some essential powers for both, and to hinder either from exercising them separately. If any person or council is empowered to exercise all these essential powers for both, they are then one state: such is the State of England and Scotland, since the act of union made at the beginning of the eighteenth century, whereby the two kingdoms were incorporated into one, all parts of the supreme power of both kingdoms being thenceforward united, and vested in the three estates of the realm of Great Britain; by which entire coalition, though both kingdoms retain their ancient laws and usages in many respects, they are as effectually united and incorporated as the several petty kingdoms which composed the heptarchy were before that period.

"But when only a portion of the supreme civil power is vested in one person or council for both, such as that of peace and war, or of deciding controversies between different states, or their subjects, while each within itself exercises other parts of the supreme power, independently of all the others—in this case they are called *systems of states*, which Burlamaqui defines to be an assemblage of perfect governments, strictly united by some common bond, so that they seem to make but a single body with respect to those affairs which interest them in common, though each preserves its sovereignty, full and entire, independently of all others. And in this case, he adds, the confederate states engage to each other only to exercise with common consent certain parts of the sovereignty, especially that which relates to their mutual defence against foreign enemies. But each of the confederates retains an entire liberty of exercising as it thinks proper those parts of the sovereignty which are not mentioned in the treaty of union, as parts that ought to be exercised in common. And of this nature is the American confederacy, in which each state has resigned the exercise of certain parts of the supreme civil power which they possessed before (except in common with the other states included in the confederacy), reserving to themselves all their former powers, which are not delegated to the United States by the common bond of union.

"A visible distinction, and not less important than obvious, occurs to our observation in comparing these different kinds of union. The kingdoms of England and Scotland are united into one kingdom; and the two contracting states, by such an incorporate union, are, in the opinion of Judge Blackstone, totally annihilated, without any power of revival; and a third arises from their con-

junction, in which all the rights of sovereignty, and particularly that of legislation, are vested. From whence he expresses a doubt whether any infringements of the fundamental and essential conditions of the union would of itself dissolve the union of those kingdoms; though he readily admits that, in the case of a *federate* alliance, such an infringement would certainly rescind the compact between the confederated states. In the United States of America, on the contrary, each state retains its own antecedent form of government; its own laws, subject to the alteration and control of its own Legislature only; its own executive officers and council of state; its own courts of judicature, its own judges, its own magistrates, civil officers, and officers of the militia; and, in short, its own civil state, or body politic, in every respect whatsoever. And by the express declaration of the 12th article of the amendments to the Constitution, the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. In Great Britain, a new *civil state* is created by the annihilation of two antecedent civil states; in the American States, a general *federal* council and administration is provided for the joint exercise of such of their several powers as can be more conveniently exercised in that mode than any other, leaving their *civil state* unaltered; and all the other powers, which the states antecedently possessed, to be exercised by them respectively, as if no union or connexion were established between them.

"The ancient Achaia seems to have been a confederacy founded upon a similar plan: each of those little states had its distinct possessions, territories, and boundaries; each had its Senate or Assembly, its magistrates and judges; and every state sent deputies to the general convention, and had equal weight in all determinations. And most of the neighbouring states which, moved by fear of danger, acceded to this confederacy, had reason to felicitate themselves.

"These confederacies, by which several states are united together by a perpetual league of alliance, are chiefly founded upon this circumstance, that each particular people choose to remain their own masters, and yet are not strong enough to make head against a common enemy. The purport of such an agreement usually is, that they shall not exercise some part of the sovereignty there specified without the general consent of each other. For the leagues to which these systems of states owe their rise seem distinguished from others (so frequent among different states) chiefly by this consideration, that, in the latter, each confederate people determine themselves, by their own judgment, to certain mutual performances, yet so that in all other respects they design not in the least to make the exercise of that part of the sovereignty, whence these performances proceed, dependant on the consent of their allies, or to retrench anything from their full and unlimited power of governing their own states. Thus we see that ordinary treaties propose, for the most part, as their aim, only some particular advantage of the states thus transacting—their interests happening at present to fall in with each other—but do not produce any lasting union as to the chief management of affairs. Such was the treaty of alliance between America and France in the year 1778, by which, among other articles, it was agreed that neither of the two parties should conclude either truce or peace with Great Britain without the formal consent of the other first obtained, and whereby they mutually engaged not to lay down their arms until the independence of the United States should be formally or tacitly assured by the treaty or treaties which should terminate the war. Whereas, in these confederacies, of which we are now speaking, the contrary is observable, they being established with this design, that the several states shall forever link their safety one with another, and, in order to their mutual defence, shall engage themselves not to exercise certain parts of their sovereign power, otherwise than by a common agreement and approbation. Such were the stipulations, among others, contained in the articles of confederation and perpetual union between the Ameri-

can States, by which it was agreed that no state should, without the consent of the United States in Congress assembled, send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with, any king, prince, or state; nor keep up any vessels of war, or body of forces, in time of peace; nor engage in any war, without the consent of the United States in Congress assembled, unless actually invaded; nor grant commissions to any ships of war, or letters of marque and reprisal, except after a declaration of war by the United States in Congress assembled, with several others; yet each state respectively retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not expressly delegated to the United States in Congress assembled. The promises made in these two cases here compared run very differently; in the former, thus: 'I will join you in this particular war as a confederate, and the manner of our attacking the enemy shall be concerted by our common advice; nor will we desist from war till the particular end thereof, the establishment of the independence of the United States, be obtained.' In the latter, thus: 'None of us who have entered into this alliance will make use of our right as to the affairs of war and peace, except by the general consent of the whole confederacy.' We observed before that these unions submit only some certain parts of the sovereignty to mutual direction; for it seems hardly possible that the affairs of different states should have so close a connexion, as that all and each of them should look on it as their interest to have no part of the chief government exercised without the general concurrence. The most convenient method, therefore, seems to be, that the particular states reserve to themselves all those branches of the supreme authority, the management of which can have little or no influence in the affairs of the rest."

Mr. CALHOUN proceeded:

If we compare our present system with the old confederation, which all acknowledge to have been *federal* in its character, we shall find that it possesses all the attributes which belong to that form of government as fully and completely as that did. In fact, *in this particular*, there is but a single difference, and that not essential, as regards the point immediately under consideration, though very important in other respects. The confederation was the act of the state governments, and formed a union of governments. The present Constitution is the act of the states themselves, or, which is the same thing, of the people of the several states, and forms a union of them as sovereign communities. The states, previous to the adoption of the Constitution, were as separate and distinct political bodies as the governments which represent them, and there is nothing in the nature of things to prevent them from uniting under a compact, in a federal union, without being blended in one mass, any more than uniting the governments themselves, in like manner, without merging them in a single government. To illustrate what I have stated by reference to ordinary transactions, the confederation was a contract between agents—the present Constitution between the principals themselves; or, to take a more analogous case, one is a league made by ambassadors; the other, a league made by sovereigns—the latter no more tending to unite the parties into a single sovereignty than the former. The only difference is in the solemnity of the act and the force of the obligation.

There, indeed, results a most important difference, under our theory of government, as to the nature and character of the act itself, whether executed by the states themselves, or by their governments; but a result, as I have already stated, not at all affecting the question under consideration, but which will throw much light on a subject in relation to which I must think the senator from Massachusetts has formed very confused conceptions.

The senator dwelt much on the point that the present system is a constitution and a government, in contradistinction to the old confederation, with a view

of proving that the Constitution was not a compact. Now, I concede to the senator that our present system is a constitution and a government; and that the former, the old confederation, was not a constitution or government: not, however, for the reason which he assigned, that the former was a compact, and the latter not, but from the difference of the origin from which the two compacts are derived. According to our American conception, the people alone can form constitutions or governments, and not their agents. It is this difference, and this alone, which makes the distinction. Had the old confederation been the act of the people of the several states, and not of their governments, that instrument, imperfect as it is, would have been a constitution, and the agency which it created to execute its powers, a government. This is the true cause of the difference between the two acts, and not that in which the senator seems to be bewildered.

There is another point on which this difference throws important light, and which has been frequently referred to in debate on this and former occasions. I refer to the expression in the preamble of the Constitution, which speaks of "forming a more perfect union," and in the letter of General Washington, laying the draught of the Convention before the old Congress, in which he speaks of "consolidating the Union;" both of which I conceive to refer simply to the fact that the present Union, as already stated, is a union between the states themselves, and not a union like that which had existed between the governments of the states.

We will now proceed to consider some of the conclusions which necessarily follow from the facts and positions already established. They enable us to decide a question of vital importance under our system: Where does sovereignty reside? If I have succeeded in establishing the fact that ours is a federal system, as I conceive I conclusively have, that fact of itself determines the question which I have proposed. It is of the very essence of such a system, that the sovereignty is in the parts, and not in the whole; or, to use the language of Mr. Palgrave, the parts are the units in such a system, and the whole the multiple; and not the whole the units and the parts the fractions. Ours, then, is a government of twenty-four sovereignties, united by a constitutional compact, for the purpose of exercising certain powers through a common government as their joint agent, and not a union of the twenty-four sovereignties into one, which, according to the language of the Virginia Resolutions, already cited, would form a consolidation. And here I must express my surprise that the senator from Virginia should avow himself the advocate of these very resolutions, when he distinctly maintains the idea of a union of the states in one sovereignty, which is expressly condemned by those resolutions as the essence of a consolidated government.

Another consequence is equally clear, that, whatever modification was made in the condition of the states under the present Constitution, were modifications extending only to the exercise of their powers by compact, and not to the sovereignty itself, and are such as sovereigns are competent to make: it being a conceded point, that it is competent to them to stipulate to exercise their powers in a particular manner, or to abstain altogether from their exercise, or to delegate them to agents, without in any degree impairing sovereignty itself. The plain state of the facts, as regards our government, is, that these states have agreed by compact to exercise their sovereign powers jointly, as already stated; and that, for this purpose, they have ratified the compact in their sovereign capacity, thereby making it the constitution of each state, in nowise distinguished from their own separate constitution, but in the superadded obligation of compact—of faith mutually pledged to each other. In this compact, they have stipulated, among other things, that it may be amended by three fourths of the states: that is, they have conceded to each other by compact the right to add new powers or to subtract old, by the consent of that proportion of the states, without re-

quiring, as otherwise would be the case, the consent of all: a modification no more inconsistent, as has been supposed, with their sovereignty, than any other contained in the compact. In fact, the provision to which I allude furnishes strong evidence that the sovereignty is, as I contend, in the states severally: as the amendments are effected, not by any one three fourths, but by any three fourths of the states, indicating that the sovereignty is in each of the states.

If these views be correct, it follows, as a matter of course, that the allegiance of the people is to their several states, and that treason consists in resistance to the joint authority of the *states* united, not, as has been absurdly contended, in resistance to the *government* of the United States, which, by the provision of the Constitution, has only the right of punishing.

These conclusions have all a most important bearing on that monstrous and despotic bill which, to the disgrace of the Senate and the age, has passed this body. I have still a right thus to speak without violating the rules of order, as it is not yet a law. These conclusions show that the states can violate no law; that they neither are, nor in the nature of things can be, under the dominion of the law; that the worst that can be imputed to them is a violation of compact, for which they, and not their citizens, are responsible; and that, to undertake to punish a state by law, or to hold the citizens responsible for the acts of the state, which they are on their allegiance bound to obey, and liable to be punished as traitors for disobeying, is a cruelty unheard of among civilized nations, and destructive of every principle upon which our government is founded. It is, in short, a ruthless and complete revolution of our entire system.

I was desirous to present these views fully before the passage of this long-to-be-lamented bill, but as I was prevented by the majority, as I have stated at the commencement of my remarks, I trust that it is not yet too late.

Having now said what I intended in relation to my first resolution, both in reply to the senator from Massachusetts, and in vindication of its correctness, I will now proceed to consider the conclusions drawn from it in the second resolution—that the General Government is not the exclusive and final judge of the extent of the powers delegated to it, but that the states, as parties to the compact, have a right to judge, in the last resort, of the infractions of the compact, and of the mode and measure of redress.

It can scarcely be necessary, before so enlightened a body, to premise that our system comprehends two distinct governments—the General and State Governments, which, properly considered, form but one. The former representing the joint authority of the states in their confederate capacity, and the latter that of each state separately. I have premised this fact simply with a view of presenting distinctly the answer to the argument offered by the senator from Massachusetts to prove that the General Government has a final and exclusive right to judge, not only of its delegated powers, but also of those reserved to the states. That gentleman relies for his main argument on the assertion that a government, which he defines to be an organized body, endowed with both will, and power, and authority in *proprio vigore* to execute its purpose, has a right inherently to judge of its powers. It is not my intention to comment upon the definition of the senator, though it would not be difficult to show that his ideas of government are not very American. My object is to deal with the conclusion, and not the definition. Admit, then, that the government has the right of judging of its powers, for which he contends. How, then, will he withhold, upon his own principle, the right of judging from the state governments, which he has attributed to the General Government? If it belongs to one, on his principle it belongs to both; and if to both, when they differ, the veto, so abhorred by the senator, is the necessary result: as neither, if the right be possessed by both, can control the other.

The senator felt the force of this argument, and, in order to sustain his main position, he fell back on that clause of the Constitution which provides that

"this Constitution, and the laws made in pursuance thereof, shall be the supreme law of the land."

This is admitted: no one has ever denied that the Constitution, and the laws made in *pursuance* of it, are of paramount authority. But it is equally undeniable that laws *not* made in pursuance are not only not of paramount authority, but are of no authority whatever, being of themselves null and void; which presents the question, Who are to judge whether the laws be or be not pursuant to the Constitution? and thus the difficulty, instead of being taken away, is removed but one step farther back. This the senator also felt, and has attempted to overcome the difficulity by setting up, on the part of Congress and the judiciary, the final and exclusive right of judging, both for the Federal Government and the states, as to the extent of their powers. That I may do full justice to the gentleman, I will give his doctrine in his own words. He states:

"That there is a supreme law, composed of the Constitution, the laws passed in pursuance of it, and the treaties; but in cases coming before Congress, not assuming the shape of cases in law and equity, so as to be subjects of judicial discussion, Congress must interpret the Constitution so often as it has occasion to pass laws; and in cases capable of assuming a judicial shape, the Supreme Court must be the final interpreter."

Now, passing over this vague and loose phraseology, I would ask the senator upon what principle can he concede this extensive power to the legislative and judicial departments, and withhold it entirely from the executive? If one has the right, it cannot be withheld from the other. I would also ask him on what principle, if the departments of the General Government are to possess the right of judging, finally and conclusively, of their respective powers, on what principle can the same right be withheld from the State Governments, which, as well as the General Government, properly considered, are but departments of the same general system, and form together, properly speaking, but one government. This was a favourite idea of Mr. Macon, for whose wisdom I have a respect, increasing with my experience, and whom I have frequently heard say that most of the misconceptions and errors in relation to our system originated in forgetting that they were but parts of the same system. I would farther tell the senator, that, if this right be withheld from the State Governments; if this restraining influence, by which the General Government is coerced to its proper sphere, be withdrawn, then that department of the government from which he has withheld the right of judging of its own powers (the executive) will, so far from being excluded, become the *sole* interpreter of the powers of the government. It is the *armed* interpreter, with powers to execute its own construction, and without the aid of which the construction of the other departments will be impotent.

But I contend that the states have a far clearer right to the sole construction of their powers than any of the departments of the Federal Government can have; this power is expressly reserved, as I have stated on another occasion, not only against the several departments of the General Government, but against the United States themselves. I will not repeat the arguments which I then offered on this point, and which remain unanswered, but I must be permitted to offer strong additional proof of the views then taken, and which, if I am not mistaken, are conclusive on this point. It is drawn from the ratification of the Constitution by Virginia, and is in the following words (Mr. C. then read as follows):

"We, the delegates of the people of Virginia, duly elected in pursuance of a recommendation from the General Assembly, and now met in Convention, having fully and freely investigated and discussed the proceedings of the Federal Convention, and being prepared, as well as the most mature deliberation hath enabled us, to decide thereon, do, in the name and in behalf of the people of Virginia, declare and make known that the powers granted under the Constitu-

tion, being derived from the people of the United States, may be resumed by them whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby remains with them, and at their will; that, therefore, no right of any denomination can be cancelled, abridged, restrained, or modified by the Congress, by the Senate or House of Representatives, acting in any capacity, by the President or any department or officer of the United States, except in those instances in which power is given by the Constitution for those purposes; and that, among other essential rights, the liberty of conscience and of the press cannot be cancelled, abridged, restrained, or modified by any authority of the United States. With these impressions, with a solemn appeal to the Searcher of all hearts for the purity of our intentions, and under the conviction that whatsoever imperfections may exist in the Constitution ought rather to be examined in the mode prescribed therein, than to bring the Union in danger by a delay, with the hope of obtaining amendments previous to the ratification—we, the said delegates, in the name and in the behalf of the people of Virginia, do, by these presents, assent to and ratify the Constitution recommended on the 17th day of September, 1787, by the Federal Convention, for the government of the United States, hereby announcing to all those whom it may concern, that the said Constitution is binding upon the said people, according to an authentic copy hereto annexed, in the words following," &c.

It thus appears that that sagacious state (I fear, however, that her sagacity is not as sharpsighted now as formerly) ratified the Constitution, with an explanation as to her reserved powers; that they were powers subject to her own will, and reserved against every department of the General Government—legislative, executive, and judicial—as if she had a prophetic knowledge of the attempts now made to impair and destroy them: which explanation can be considered in no other light than as containing a condition on which she ratified, and, in fact, making part of the Constitution of the United States—extending as well to the other states as herself. I am no lawyer, and it may appear to be presumption in me to lay down the rule of law which governs in such cases, in a controversy with so distinguished an advocate as the senator from Massachusetts. But I shall venture to lay it down as a rule in such cases, which I have no fear that the gentleman will contradict, that, in case of a contract between several partners, if the entrance of one on condition be admitted, the condition enures to the benefit of all the partners. But I do not rest the argument simply upon this view: Virginia proposed the tenth amended article, the one in question, and her ratification must be at least received as the highest evidence of its true meaning and interpretation.

If these views be correct—and I do not see how they can be resisted—the rights of the states to judge of the extent of their reserved powers stands on the most solid foundation, and is good against every department of the General Government; and the judiciary is as much excluded from an interference with the reserved powers as the legislative or executive departments. To establish the opposite, the senator relies upon the authority of Mr. Madison, in the Federalist, to prove that it was intended to invest the court with the power in question. In reply, I will meet Mr. Madison with his own opinion, given on a most solemn occasion, and backed by the sagacious Commonwealth of Virginia. The opinion to which I allude will be found in the celebrated report of 1799, of which Mr. Madison was the author. It says:

"But it is objected, that the JUDICIAL AUTHORITY is to be regarded as *the sole expositor of the Constitution in the last resort;* and it may be asked for what reason, the declaration by the General Assembly, supposing it to be theoretically true, could be required at the present day, and in so solemn a manner.

"On this objection it might be observed, *first*, that there may be instances of usurped power, which the forms of the Constitution would never draw within the control of the judicial department: *secondly*, that, if the decision of the ju-

diciary be raised above the authority of the sovereign parties to the Constitution, the decisions of the other departments, not carried by the forms of the Constitution before the judiciary, must be equally authoritative and final with decisions of the department. But the proper answer to this objection is, that the resolution of the General Assembly relates to those great and extraordinary cases in which all the forms of the Constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it. The resolution supposes that dangerous powers, not delegated, may not only be usurped and executed by the other departments, but that the judicial department, also, may exercise or sanction dangerous powers beyond the grant of the Constitution; and, consequently, that the ultimate right of the parties to the Constitution to judge whether the compact was dangerously violated, must extend to violations by one delegated authority as well as by another; by the judiciary as well as by the executive or the legislative."

The senator also relies upon the authority of Luther Martin to the same point, to which I have already replied so fully on another occasion (in answer to the senator from Delaware, Mr. CLAYTON), that I do not deem it necessary to add any farther remarks on the present occasion.

But why should I waste words in reply to these or any other authorities, when it has been so clearly established that the rights of the states are reserved against all and every department of the government, that no authority in opposition can possibly shake a position so well established? Nor do I think it necessary to repeat the argument which I offered when the bill was under discussion, to show that the clause in the Constitution which provides that the judicial power shall extend to all cases in law and equity arising under this Constitution, and to the laws and treaties made under its authority, has no bearing on the point in controversy; and that even the boasted power of the Supreme Court to decide a law to be unconstitutional, so far from being derived from this or any other portion of the Constitution, results from the necessity of the case—where two rules of unequal authority come in conflict—and is a power belonging to all courts, superior and inferior, state and general, domestic and foreign.

I have now, I trust, shown satisfactorily that there is no provision in the Constitution to authorize the General Government, through any of its departments, to control the action of the state within the sphere of its reserved powers; and that, of course, according to the principle laid down by the senator from Massachusetts himself, the government of the states, as well as the General Government, has the right to determine the extent of their respective powers, without the right on the part of either to control the other. The necessary result is the veto, to which he so much objects; and to get clear of which, he informs us, was the object for which the present Constitution was formed. I know not whence he has derived his information, but my impression is very different as to the immediate motives which led to the formation of that instrument. I have always understood that the principal was, to give to Congress the power to regulate commerce, to lay impost duties, and to raise a revenue for the payment of the public debt and the expenses of the government; and to subject the action of the citizens individually to the operation of the laws, as a substitute for force. If the object had been to get clear of the veto of the states, as the senator states, the Convention certainly performed their work in a most bungling manner. There was unquestionably a large party in that body, headed by men of distinguished talents and influence, who commenced early and worked earnestly to the last, to deprive the states—not directly, for that would have been too bold an attempt, but indirectly—of the veto. The good sense of the Convention, however, put down every effort, however disguised and perseveringly made. I do not deem it necessary to give from the journals the history of these various and unsuccessful attempts, though it would afford a very instructive lesson. It is sufficient to say that it was attempted by proposing to give Congress

power to annul the acts of the states which they might deem inconsistent with the Constitution; to give to the President the power of appointing the governors of the states, with a view of vetoing state laws through his authority; and, finally, to give to the judiciary the power to decide controversies between the states and the General Government: all of which failed—fortunately for the liberty of the country—utterly and entirely failed; and in their failure we have the strongest evidence that it was not the intention of the Convention to deprive the states of the veto power. Had the attempt to deprive them of this power been directly made, and failed, every one would have seen and felt that it would furnish conclusive evidence in favour of its existence. Now, I would ask, What possible difference can it make in what form this attempt was made? whether by attempting to confer on the General Government a power incompatible with the exercise of the veto on the part of the states, or by attempting directly to deprive them of the right of exercising it. We have thus direct and strong proof that, in the opinion of the Convention, the states, unless deprived of it, possess the veto power, or, what is another name for the same thing, the right of nullification. I know that there is a diversity of opinion among the friends of state rights in regard to this power, which I regret, as I cannot but consider it as a power essential to the protection of the minor and local interests of the community, and the liberty and the union of the country. It is the very shield of state rights, and the only power by which that system of injustice against which we have contended for more than thirteen years can be arrested: a system of hostile legislation, of plundering by law, which must necessarily lead to a conflict of arms if not prevented.

But I rest the right of a state to judge of the extent of its reserved powers, in the last resort, on higher grounds—that the Constitution is a compact, to which the states are parties in their sovereign capacity; and that, as in all other cases of compact between parties having no common umpire, each has a right to judge for itself. To the truth of this proposition the senator from Massachusetts has himself assented, if the Constitution itself be a compact—and that it is, I have shown, I trust, beyond the possibility of a doubt. Having established that point, I now claim, as I stated I would do in the course of the discussion, the admissions of the senator, and, among them, the right of secession and nullification, which he conceded would necessarily follow if the Constitution be indeed a compact.

I have now replied to the arguments of the senator from Massachusetts so far as they directly apply to the resolutions, and will, in conclusion, notice some of his general and detached remarks. To prove that ours is a consolidated government, and that there is an immediate connexion between the government and the citizen, he relies on the fact that the laws act directly on individuals. That such is the case I will not deny; but I am very far from conceding the point that it affords the decisive proof, or even any proof at all, of the position which the senator wishes to maintain. I hold it to be perfectly within the competency of two or more states to subject their citizens, in certain cases, to the direct action of each other, without surrendering or impairing their sovereignty. I recollect, while I was a member of Mr. Monroe's cabinet, a proposition was submitted by the British Government to permit a mutual right of search and seizure on the part of each government of the citizens of the other, on board of vessels engaged in the slave-trade, and to establish a joint tribunal for their trial and punishment. The proposition was declined, not because it would impair the sovereignty of either, but on the ground of general expediency, and because it would be incompatible with the provisions of the Constitution which establish the judicial power, and which provisions require the judges to be appointed by the President and Senate. If I am not mistaken, propositions of the same kind were made and acceded to by some of the Continental powers.

With the same view, the senator cited the suability of the states as evidence

of their want of sovereignty; at which I must express my surprise, coming from the quarter it does. No one knows better than the senator that it is perfectly within the competency of a sovereign state to permit itself to be sued. We have on the statute-book a standing law, under which the United States may be sued in certain land cases. If the provision in the Constitution on this point proves anything, it proves, by the extreme jealousy with which the right of suing a state is permitted, the very reverse of that for which the senator contends.

Among other objections to the views of the Constitution for which I contend, it is said that they are novel. I hold this to be a great mistake. The novelty is not on my side, but on that of the senator from Massachusetts. The doctrine of consolidation which he maintains is of recent growth. It is not the doctrine of Hamilton, Ames, or any of the distinguished federalists of that period, all of whom strenuously maintained the federative character of the Constitution, though they were accused of supporting a system of policy which would necessarily lead to consolidation. The first disclosure of that doctrine was in the case of M'Culloch, in which the Supreme Court held the doctrine, though wrapped up in language somewhat indistinct and ambiguous. The next, and more open avowal, was by the senator of Massachusetts himself, about three years ago, in the debate on Foot's resolution. The first official annunciation of the doctrine was in the recent proclamation of the President, of which the bill that has recently passed this body is the bitter fruit.

It is farther objected by the senator from Massachusetts, and others, against this doctrine of state rights, as maintained in this debate, that, if they should prevail, the peace of the country would be destroyed. But what if they should not prevail? Would there be peace? Yes, the peace of despotism: that peace which is enforced by the bayonet and the sword; the peace of death, where all the vital functions of liberty have ceased. It is this peace which the doctrine of state sovereignty may disturb by that conflict, which in every free state, if properly organized, necessarily exists between liberty and power; but which, if restrained within proper limits, is a salutary exercise to our moral and intellectual faculties. In the case of Carolina, which has caused all this discussion, who does not see, if the effusion of blood be prevented, that the excitement, the agitation, and the inquiry which it has caused, will be followed by the most beneficial consequences? The country had sunk into avarice, intrigue, and electioneering, from which nothing but some such event could rouse it, or restore those honest and patriotic feelings which had almost disappeared under their baneful influence. What government has ever attained power and distinction without such conflicts? Look at the degraded state of all those nations where they have been put down by the iron arm of the government.

I, for my part, have no fear of any dangerous conflict, under the fullest acknowledgment of state sovereignty: the very fact that the states may interpose will produce moderation and justice. The General Government will abstain from the exercise of any power in which they may suppose three fourths of the states will not sustain them; while, on the other hand, the states will not interpose but on the conviction that they will be supported by one fourth of their co-states. Moderation and justice will produce confidence, attachment, and patriotism; and these, in turn, will offer most powerful barriers against the excess of conflicts between the states and the General Government.

But we are told that, should the doctrine prevail, the present system would be as bad, if not worse, than the old confederation. I regard the assertion only as evidence of that extravagance of declaration in which, from excitement of feeling, we so often indulge. Admit the power, and still the present system would be as far removed from the weakness of the old confederation as it would be from the lawless and despotic violence of consolidation. So far from being the same, the difference between the confederation and the present Constitution would still be most strongly marked. If there were no other distinction, the

fact that the former required the concurrence of the states to execute its acts, and the latter, the act of a state to arrest its acts, would make a distinction as broad as the ocean: in the former, the *vis inertiæ* of our nature is in opposition to the action of the system. Not to act was to defeat. In the latter, the same principle is on the opposite side—action is required to defeat. He who understands human nature will see in this difference the difference between a feeble and illy-contrived confederation, and the restrained energy of a federal system. Of the same character is the objection that the doctrine will be the source of weakness. If we look to mere organization and physical power as the only source of strength, without taking into the estimate the operation of moral causes, such would appear to be the fact; but if we take into the estimate the latter, we shall find that those governments have the greatest strength in which power has been most efficiently checked. The government of Rome furnishes a memorable example. There, two independent and distinct powers existed—the people acting by tribes, in which the plebeians prevailed, and by centuries, in which the patricians ruled. The tribunes were the appointed representatives of the one power, and the Senate of the other: each possessed of the authority of checking and overruling one another, not as departments of the government, as supposed by the senator from Massachusetts, but as independent powers—as much so as the State and General Governments. A shallow observer would perceive, in such an organization, nothing but the perpetual source of anarchy, discord, and weakness; and yet, experience has proved that it was the most powerful government that ever existed; and reason teaches that this power was derived from the very circumstance which hasty reflection would consider the cause of weakness. I will venture an assertion, which may be considered extravagant, but in which history will fully bear me out, that we have no knowledge of any people in which a power of arresting the improper acts of the government, or what may be called the negative power of government, was too strong, except Poland, where every freeman possessed a veto; but even there, although it existed in so extravagant a form, it was the source of the highest and most lofty attachment to liberty, and the most heroic courage: qualities that more than once saved Europe from the domination of the crescent and cimeter. It is worthy of remark, that the fate of Poland is not to be attributed so much to the excess of this negative power of itself, as to the facility which it afforded to foreign influence in controlling its political movements.

I am not surprised that, with the idea of a perfect government which the senator from Massachusetts has formed—a government of an absolute majority, unchecked and unrestrained, operating through a representative body—that he should be so much shocked with what he is pleased to call the absurdity of the state *veto*. But let me tell him that his scheme of a perfect government, as beautiful as he conceives it to be, though often tried, has invariably failed, and has always run, whenever tried, through the same uniform process of faction, corruption, anarchy, and despotism. He considers the representative principle as the great modern improvement in legislation, and of itself sufficient to secure liberty. I cannot regard it in the light in which he does. Instead of modern, it is of remote origin, and has existed, in greater or less perfection, in every free state, from the remotest antiquity. Nor do I consider it as of itself sufficient to secure liberty, though I regard it as one of the indispensable means—the means of securing the people against the tyranny and oppression of their *rulers*. To secure liberty, another means is still necessary—the means of securing the different portions of society against the injustice and oppression of each other, which can only be effected by *veto*, interposition, or nullification, or by whatever name the restraining or negative power of government may be called.

The senator appears to be enamoured with his conception of a consolidated government, and avows himself to be prepared, seeking no lead, to rush, in its defence, to the front rank, where the blows fall heaviest and thickest. I ad-

mire his gallantry and courage, but I will tell him that he will find in the opposite ranks, under the flag of liberty, spirits as gallant as his own; and that experience will teach him that it is infinitely easier to carry on the war of legislative exaction by bills and enactments, than to extort by sword and bayonet from the brave and the free.

The bill which has passed this body is intended to decide this great controversy between that view of our government entertained by the senator and those who act with him, and that supported on our side. It has merged the tariff, and all other questions connected with it, in the higher and direct issue which it presents between the federal and national system of governments. I consider the bill as far worse, and more dangerous to liberty, than the tariff. It has been most wantonly passed, when its avowed object no longer justified it. I consider it as chains forged and fitted to the limbs of the states, and hung up to be used when occasion may require. We are told, in order to justify the passage of this fatal measure, that it was necessary to present the olive-branch with one hand and the sword with the other. We scorn the alternative. You have no right to present the sword. The Constitution never put the instrument in your hands to be employed against a state; and as to the olive-branch, whether we receive it or not will not depend on your menace, but on our own estimate of what is due to ourselves and the rest of the community in reference to the difficult subject on which we have taken issue.

The senator from Massachusetts has struggled hard to sustain his cause, but the load was too heavy for him to bear. I am not surprised at the ardour and zeal with which he has entered into the controversy. It is a great struggle between power and liberty—power on the side of the North, and liberty on the side of the South. But, while I am not surprised at the part which the senator from Massachusetts has taken, I must express my amazement at the principles advanced by the senator from Georgia, nearest me (Mr. Forsyth). I had supposed it was impossible that one of his experience and sagacity should not perceive the new and dangerous direction which this controversy is about to take. For the first time, we have heard an ominous reference to a provision in the Constitution which I have never known to be before alluded to in discussion, or in connexion with any of our measures. I refer to that provision in the Constitution in which the General Government guaranties a republican form of government to the states—a power which hereafter, if not rigidly restricted to the objects intended by the Constitution, is destined to be a pretext to interfere with our political affairs and domestic institutions in a manner infinitely more dangerous than any other power which has ever been exercised on the part of the General Government. I had supposed that every Southern senator, at least, would have been awake to the danger which menaces us from this new quarter; and that no sentiment would be uttered, on their part, calculated to countenance the exercise of this dangerous power. With these impressions, I heard the senator, with amazement, alluding to Carolina as furnishing a case which called for the enforcement of this guarantee. Does he not see the hazard of the indefinite extension of this dangerous power? There exists in every Southern State a domestic institution, which would require a far less bold construction to consider the government of every state, in that quarter, not to be Republican, and, of course, to demand, on the part of this government, a suppression of the institution to which I allude, in fulfilment of the guarantee. I believe there is now no hostile feelings combined with political considerations, in any section, connected with this delicate subject. But it requires no stretch of the imagination to see the danger which must one day come, if not vigilantly watched. With the rapid strides with which this government is advancing to power, a time will come, and that not far distant, when petitions will be received from the quarter to which I allude for protection: when the faith of the guarantee will be, at least, as applicable to that case as the senator from Geor-

gia now thinks it is to Carolina. Unless his doctrine be opposed by united and firm resistance, its ultimate effect will be to drive the white population from the Southern Atlantic States.

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## VII.

SPEECH ON THE SUBJECT OF THE REMOVAL OF THE DEPOSITES FROM THE BANK OF THE UNITED STATES, JANUARY 13, 1834.

THE Special Order now came up, the question being on Mr. CLAY's resolutions in regard to the removal of the Public Deposites.

Mr. CALHOUN then rose, and said, that the statement of this case might be given in a very few words. The 16th section of the act incorporating the Bank provides that, wherever there is a bank or branch of the United States Bank, the public moneys should be deposited therein, unless otherwise ordered by the Secretary of the Treasury, and that, in that case, he should report to Congress, if in session, immediately; and, if not, at the commencement of the next session. The secretary, acting under the provision of this section, has ordered the deposites to be withheld from the Bank, and has reported his reasons, in conformity with the provisions of the section. The Senate is now called upon to consider his reasons, in order to determine whether the secretary is justified or not. I have examined them with care and deliberation, without the slightest bias, as far as I am conscious, personal or political. I have but a slight acquaintance with the secretary, and that little is not unfavourable to him. I stand wholly disconnected with the two great parties now contending for ascendency. My political connexions are with that small and denounced party which has voluntarily wholly retired from the party strifes of the day, with a view of saving, if possible, the liberty and the Constitution of the country, in this great crisis of our affairs.

Having maturely considered, with these impartial feelings, the reasons of the secretary, I am constrained to say that he has entirely failed to make out his justification. At the very commencement, he has placed his right to remove the deposites on an assumption resting on a misconception of the case. In the progress of his argument he has entirely abandoned the first, and assumed a new and greatly enlarged ground, utterly inconsistent with the first, and equally untenable; and yet, as broad as his assumptions are, there is an important part of the transaction which he does not attempt to vindicate, and to which he has not even alluded. I shall, said Mr. CALHOUN, now proceed, without farther remark, to make good these assertions.

The secretary, at the commencement of his argument, assumes the position that, in the absence of all legal provision, he, as the head of the financial department, had the right, in virtue of his office, to designate the agent and place for the safe-keeping of the public deposites. He then contends that the 16th section does not restrict his power, which stands, he says, on the same ground that it had before the passing of the act incorporating the Bank. It is unnecessary to inquire into the correctness of the position assumed by the secretary; but, if it were, it would not be difficult to show that when an agent, with general powers, assumes, in the execution of his agency, a power not delegated, the assumption rests on the necessity of the case; and that no power, in such case, can be lawfully exercised, which was not necessary to effect the object intended. Nor would it be difficult to show that, in this case, the power assumed by the secretary would belong, not to him, but to the treasurer, who, under the act organizing the Treasury Department, is expressly charged with the safe-keeping of the public funds, for which he is responsible under bond, in heavy penalties.

But, as strongly and directly as these considerations bear on the question of the power of the secretary, I do not think it necessary to pursue them, for the plain reason that the secretary has entirely mistaken the case. It is not a case, as he supposes, where there is no legal provision in relation to the safe-keeping of the public funds, but one of precisely the opposite character. The 16th section expressly provides that the deposites shall be made in the Bank and its branches, and, of course, it is perfectly clear that all powers which the secretary has derived from the general and inherent powers of his office, in the absence of such provision, are wholly inapplicable to this case. Nor is it less clear that, if the section had terminated with the provision directing the deposites to be made in the Bank, the secretary would have had no more control over the subject than myself, or any other senator; and it follows, of course, that he must derive his power, not from any general reasons connected with the nature of his office, but from some express provision contained in the section, or some other part of the act. It has not been attempted to be shown that there is any such provision in any other section or part of the act. The only control, then, which the secretary can rightfully claim over the deposites is contained in the provision which directs that the deposites shall be made in the Bank, unless otherwise ordered by the Secretary of the Treasury; which brings the whole question in reference to the deposites to the extent of the power which Congress intended to confer upon the secretary, in these few words, "unless otherwise ordered."

In ascertaining the intention of Congress, I lay it down as a rule, which I suppose will not be controverted, that all political powers under our free institutions are trust powers, and not rights, liberties, or immunities, belonging personally to the officer. I also lay it down as a rule not less incontrovertible, that trust powers are necessarily limited (unless there be some express provision to the contrary) to the *subject-matter and object* of the trust. This brings us to the question, What is the subject and object of the trust in this case? The whole section relates to deposites—to the safe and faithful keeping of the public funds. With this view they are directed to be made in the Bank. With the same view, and in order to increase the security, power was conferred on the secretary to withhold the deposites; and, with the same view, he is directed to report his reasons for the removal, to Congress. All have one common object, the security of the public funds. To this point the whole section converges. The language of Congress, fairly understood, is, We have selected the Bank because we confide in it as a safe and faithful agent to keep the public money; but, to prevent the abuse of so important a trust, we invest the secretary with power to remove the deposites, with a view to their increased security. And lest the secretary, on his part, should abuse so important a trust, and in order still farther to increase that security, we direct, in case of removal, that he shall report his reasons. It is obvious, under this view of the subject, that the secretary has no right to act in relation to the deposites but with a view to their increased security; that he has no right to order them to be withheld from the Bank so long as the funds are safe, and the Bank has faithfully performed the duties imposed in relation to them; and not even then, unless the deposites can be placed in safer and more faithful hands. That such was the opinion of the executive in the first instance, we have demonstrative proof in the message of the President to Congress at the close of the last session, which placed the subject of the removal of the deposites exclusively on the question of their safety; and that such was also the opinion of the House of Representatives then, we have equally conclusive proof from the vote of that body that the public funds in the Bank were safe, which was understood, at that time, on all sides, by friends and foes, as deciding the question of the removal of the deposites.

The extent of the power intended to be conferred being established, the ques-

tion now arises, Has the secretary transcended its limit? It can scarcely be necessary to argue this point. It is not even pretended that the public deposites were in danger, or that the Bank had not faithfully performed all the duties imposed on it in relation to them, nor that the secretary had placed the money in a safer or in more faithful hands. So far otherwise, there is not a man who hears me who will not admit that the public moneys are now less safe than they were in the Bank of the United States. And I will venture to assert that not a capitalist can be found who would not ask a considerably higher per centage to ensure them in their present, than in the place of deposite designated by law. If these views are correct, and I hold them to be unquestionable, the question is decided. The secretary has no right to withhold the deposites from the Bank. There has been, and can be but one argument advanced in favour of his right, which has even the appearance of being tenable—that the power to withhold is given in general terms, and without qualification, "*unless the secretary otherwise direct.*" Those who resort to this argument must assume the position, that the letter ought to prevail over the clear and manifest intention of the act. They must regard the power of the secretary, not as a trust power, limited by the subject and the object of the trust, but as a chartered right, to be used according to his discretion and pleasure. There is a radical defect in our mode of construing political powers, of which this and many other instances afford striking examples, but I will give the secretary his choice: either the intention or the letter must prevail: he may select either, but cannot be permitted to take one or the other as may suit his purpose. If he chooses the former, he has transcended his powers, as I have clearly demonstrated. If he selects the latter, he is equally condemned, as he has clearly exercised power not comprehended in the letter of his authority. He has not confined himself simply to withholding the public moneys from the Bank of the United States, but he has ordered them to be deposited in other banks, though there is not a word in the section to justify it. I do not intend to argue the question whether he had a right to order the funds withheld from the United States Bank to be placed in the state banks, which he has selected; but I ask, How has he acquired that right? It rests wholly on construction—on the supposed intention of the Legislature, which, when it gives a power, intends to give all the means necessary to render it available. But, as clear as this principle of construction is, it is not more clear than that which would limit the right of the secretary to the question of the safe and faithful keeping of the public funds; and I cannot admit that the secretary shall be permitted to resort to the letter or to construction, as may best be calculated to enlarge his power, when the right construction is denied to those who would limit his power by the clear and obvious intention of Congress.

I might here, said Mr. Calhoun, rest the question of the power of the secretary over the deposites, without adding another word. I have placed it on grounds from which no ingenuity, however great, or subtlety, however refined, can remove it; but such is the magnitude of the case, and such my desire to give the reasons of the secretary the fullest consideration, that I shall follow him through the remainder of his reasons.

That the secretary was conscious that the first position which he assumed, and which I have considered, was untenable, we have ample proof in the precipitancy with which he retreated from it. He had scarcely laid it down, when, without illustration or argument, he passed with a rapid transition, and, I must say, a transition as obscure as rapid, to another position wholly inconsistent with the first, and in assuming which, he expressly repudiates the idea that the safe and faithful keeping of the public funds had any necessary connexion with his removal of the deposites; his power to do which, he places on the broad and unlimited ground that he had a right to make such disposition of them as the public interest or the convenience of the people might require. I have

said that the transition of the secretary was as obscure as it was rapid; but, obscure as it is, he has said enough to enable us to perceive the process by which he has reached so extraordinary a position; and we may safely affirm, that his arguments are not less extraordinary than the conclusion at which he arrives. His first proposition, which, however, he has not ventured to lay down expressly, is, that Congress has an unlimited control over the deposites, and that it may dispose of them in whatever manner it may please, in order to promote the general welfare and convenience of the people. He next asserts that Congress has parted with this power under the sixteenth section, which directs the deposites to be made in the Bank of the United States, and then concludes with affirming that it has invested the Secretary of the Treasury with it, for reasons which I am unable to understand.

It cannot be necessary, before so enlightened a body, that I should undertake to refute an argument so utterly untrue in premises and conclusion—to show that Congress never possessed the power which the secretary claims for it—that it is a power, from its very nature, incapable of such enlargement, being limited solely to the safe keeping of the public funds; that if it existed, it would be susceptible of the most dangerous abuses; that Congress might make the wildest and most dangerous association the depository of the public funds; might place them in the hands of the fanatics and the madmen of the North, who are waging war against the domestic institutions of the South, under the plea of promoting the general welfare. But admitting that Congress possessed the power which the secretary attributes to it, by what process of reasoning can he show that it has parted with this unlimited power, simply by directing the public moneys to be deposited in the Bank of the United States? or, if it has parted with the power, by what extraordinary process has it been transferred to the Secretary of the Treasury by those few and simple words, "unless he shall otherwise direct?" In support of this extraordinary argument, the secretary has offered not a single illustration, nor a single remark bearing the semblance of reason, but one, which I shall now proceed to notice.

He asserts, and asserts truly, that the Bank charter is a contract between the government, or, rather, the people of the United States and the Bank, and then assumes that it constitutes him a common agent or trustee, to superintend the execution of the stipulations contained in that portion of the contract comprehended in the sixteenth section. Let us now, taking these assumptions to be true, ascertain what those stipulations are, the superintendence of the execution of which, as he affirms, are jointly confided by the parties to the secretary. The government stipulated, on its part, that the public money should be deposited in the Bank of the United States—a great and valuable privilege, on which the successful operation of the institution mainly depends. The Bank, on its part, stipulated that the funds should be safely kept, that the duties imposed in relation to them should be faithfully discharged, and that for this, with other privileges, it would pay to the government the sum of one million five hundred thousand dollars. These are the stipulations, the execution of which, according to the secretary's assumption, he has been appointed, as joint agent or trustee, to superintend, and from which he would assume the extraordinary power which he claims over the deposites, to dispose of them in such manner as he may think the public interest or the convenience of the people may require.

Is it not obvious that the whole extent of power conferred upon him, admitting his assumption to be true, is to withhold the deposites in case that the Bank should violate its stipulations in relation to them, on one side, and on the other, to prevent the government from withholding the deposites, so long as the Bank faithfully performed its part of the contract? This is the full extent of his power. According to his own showing, not a particle more can be added. But there is another aspect in which the position in which the secretary has placed himself may be viewed. It offers for consideration not only a question of

the extent of his power, but a question as to the nature and extent of duty which has been imposed upon him. If the position be such as he has described, there has been confided to him a trust of the most sacred character, accompanied by duties of the most solemn obligation. He stands, by the mutual confidence of the parties, vested with the high judicial power to determine on the infraction or observance of a contract in which government and a large and respectable portion of the citizens are deeply interested; and, in the execution of this high power, he is bound, by honour and conscience, so to act as to protect each of the parties in the full enjoyment of their respective portion of benefit in the contract, so long as they faithfully observe it. How has the secretary performed these solemn duties, which, according to his representation, have been imposed upon him? Has he protected the Bank against the aggression of the government, or the government against the unfaithful conduct of the Bank in relation to the deposites? Or has he, forgetting his sacred obligations, disregarded the interests of both: on one side, divesting the Bank of the deposites, and on the other, defeating the government in the intended security of the public funds, by seizing on them as the property of the executive, to be disposed at pleasure to favourite and partisan banks?

But I shall relieve the secretary from this awkward and disreputable position in which his own arguments have placed him. He is not the mutual trustee, as he has represented, of the government and the Bank, but simply the agent of the former, vested, under the contract, with power to withhold the deposites, with a view, as has been stated, to their additional security—to their safe keeping; and if he had but for a moment reflected on the fact that he was directed to report his reasons to Congress only, and not also to the Bank, for withholding the deposites, he could scarcely have failed to perceive that he was simply the agent of one of the parties, and not, as he supposes, a joint agent of both.

The secretary having established, as he supposes, his right to dispose of the deposites as, in his opinion, the general interest and convenience of the people might require, proceeds to claim and exercise power with a boldness commensurate with the extravagance of the right which he has assumed. He commences with a claim to determine, in his official character, that the Bank of the United States is unconstitutional: a monopoly, baneful to the welfare of the community. Having determined this point, he comes to the conclusion that the charter of the Bank ought not to be renewed, and then assumes that it will not be renewed. Having reached this point, he then determines that it is his duty to remove the deposites. No one can object that Mr. Taney, as a citizen, in his individual character, should entertain an opinion as to the unconstitutionality of the Bank; but that he, acting in his official character, and performing official acts under the charter of the Bank, should undertake to determine that the institution was unconstitutional, and that those who granted the charter, and bestowed upon him his power to act under it, had violated the Constitution, is an assumption of power of a nature which I will not undertake to characterize, as I wish not to be personal.

But he is not content with the power simply to determine on the unconstitutionality of the Bank. He goes far beyond: he claims to be the organ of the voice of the people. In this high character, he pronounces that the question of the renewal of the Bank charter was put at issue at the last presidential election, and that the people had determined that it should not be renewed. I do not, said Mr. Calhoun, intend to enter into the argument whether, in point of fact, the renewal of the charter was put at issue at the last election. That point was ably and fully discussed by the honourable senators from Kentucky (Mr. Clay) and New-Jersey (Mr. Southard), who conclusively proved that no such question was involved in the issue; and if it were, the issue comprehended so many others, that it was impossible to conjecture on which the election

turned. I look to higher objections. I would inquire by what authority the Secretary of the Treasury constitutes himself the organ of the people of the United States. He has the reputation of being an able lawyer, and can he be ignorant that, so long as the Constitution of the United States exists, the only organs of the people of these states, as far as the action of the General Government is concerned, are the several departments, legislative, executive, and judicial, which, acting within the respective limits assigned by the Constitution, have a right to pronounce authoritatively the voice of the people? A claim on the part of the executive to interpret, as the secretary has done, the voice of the people through any other channel, is to shake the foundation of our system. Has the secretary forgotten that the last step to absolute power is this very assumption which he has claimed for that department? I am thus brought, said Mr. C., to allude to the extraordinary manifesto read by the President to the cabinet, and which is so intimately connected with the point immediately under consideration. That document, though apparently addressed to the cabinet, was clearly and manifestly intended as an appeal to the people of the United States, and opens a new and direct organ of communication between the President and them unknown to the Constitution and the laws. There are but two channels known to either through which the President can communicate with the people—by messages to the two houses of Congress, as expressly provided for in the Constitution, or by proclamation, setting forth the interpretations which he places upon a law it has become his official duty to execute. Going beyond, is one among the alarming signs of the times which portend the overthrow of the Constitution and the approach of despotic power.

The secretary, having determined that the Bank was unconstitutional, and that the people had pronounced against the recharter, concludes that Congress had nothing to do with the subject. With a provident foresight, he perceives the difficulty and embarrassment into which the currency of the country would be thrown on the termination of the Bank charter; to prevent which, he proceeds deliberately, with a parental care, to supply a new currency, "equal to or better" than that which Congress had supplied. With this view, he determines on an immediate removal of the deposites; he puts them in certain state institutions, intending to organize them, after the fashion of the empire state, into a great safety-fund system, but which, unfortunately, undoubtedly for the projectors, if not for the country, the limited power of the state banks did not permit him to effect. But a substitute was found by associating them in certain articles of agreement, and appointing an inspector-general of all this league of banks! and all this without law or appropriation! Is it not amazing that it never occurred to the secretary that the subject of currency belonged exclusively to Congress, and that to assume to regulate it was a plain usurpation of the powers of that department of the government?

Having thus assumed the power officially to determine on the constitutionality of the Bank; having erected himself into an organ of the people's voice, and settled the question of the regulation of the currency, he next proceeds to assume the judicial powers over the Bank. He declares that the Bank has transcended its powers, and has, therefore, forfeited its charter, for which he inflicts on the institution the severe and exemplary punishment of withholding the deposites; and all this in the face of an express provision investing the court with power touching the infraction of the charter, directing in what manner the trial should be commenced and conducted, and securing expressly to the Bank the sacred right of trial by jury in finding the facts. All this passed for nothing in the eyes of the secretary, who was too deeply engrossed in providing for the common welfare to regard either Congress, the Court, or the Constitution. The secretary next proceeds to supervise the general operations of the Bank, pronouncing, with authority, that at one time it has discounted too freely, and at another too sparingly, without reflecting that all the control which the government

can rightfully exercise over the operations of the institution is through the five directors who represent the government in this respect. Directors! Mr. Calhoun exclaimed, did I say? (alluding to the present). No, spies is their proper designation.

I cannot, said Mr. C., proceed with the remarks which I intended on the remainder of the secretary's reasons: I have not patience to dwell on assumptions of power so bold, so lawless, and so unconstitutional; they deserve not the name of argument, and I cannot waste time in treating them as such. There are, however, two which I cannot pass over, not because they are more extraordinary or audacious than the others, but for another quality, which I choose not to designate.

The secretary alleges that the Bank has interfered with the politics of the country. If this be true, it certainly is a most heinous offence. The Bank is a great public trust, possessing, for the purpose of discharging the trust, great power and influence, which it could not pervert from the object intended to that of influencing the politics of the country without being guilty of a great political crime. In making these remarks, I do not intend to give any countenance to the truth of the charge alleged by the secretary, nor to deny to the officers of the Bank the right which belongs to them, in common with every citizen, freely to form political principles, and act on them in their private capacity, without permitting them to influence their official conduct. But it is strange it did not occur to the secretary, while he was accusing and punishing the Bank on the charge of interfering in the politics of the country, that the government also was a great trust, vested with powers still more extensive, and influence immeasurably greater than that of the Bank, given to enable it to discharge the object for which it was created; and that it has no more right to pervert its power and influence into the means of controlling the politics of the country than the Bank itself. Can it be unknown to him that the fourth auditor of the treasury (an officer in his own department), the man who has made so prominent a figure in this transaction, was daily and hourly meddling in politics, and that he is one of the principal political managers of the administration? Can he be ignorant that the whole power of the government has been perverted into a great political machine, with a view of corrupting and controlling the country? Can he be ignorant that the avowed and open policy of the government is to reward political friends and punish political enemies? and that, acting on this principle, it has driven from office hundreds of honest and competent officers for opinion's sake only, and filled their places with devoted partisans? Can he be ignorant that the real offence of the Bank is not that it *has* intermeddled in politics, but because it *would not* intermeddle on the side of power? There is nothing more dignified than reproof from the lips of innocence, or punishment from the hands of justice; but change the picture—let the guilty reprove and the criminal punish, and what more odious, more hateful, can be presented to the imagination?

The secretary next tells us, in the same spirit, that the Bank had been wasteful of the public funds. That it has spent some thirty, forty, or fifty thousand dollars—I do not remember the exact amount (trifles have no weight in the determination of so great a question)—in circulating essays and speeches in defence of the institution, of which sum, one fifth part—some seven thousand dollars—belonged to the government. Well, sir, if the Bank has really *wasted* this amount of the public money, it is a grave charge. It has not a right to waste a single cent; but I must say, in defence of the Bank, that, assailed as it was by the executive, it would have been unfaithful to its trust, both to the stockholders and to the public, had it not resorted to every proper means in its power to defend its conduct, and, among others, the free circulation of able and judicious publications.

But admit that the Bank has been guilty of wasting the public funds to the

full extent charged by the secretary, I would ask if he, the head of the financial department of the government, is not under as high and solemn obligation to take care of the moneyed interest of the public as the Bank itself. I would ask him to answer me a few simple questions: How has he performed this duty in relation to the interest which the public holds in the Bank? Has he been less wasteful than he has charged the Bank to have been? Has he not wasted thousands where the Bank, even according to his own statement, has hundreds? Has he not, by withdrawing the deposites and placing them in the state banks, where the public receives not a cent of interest, greatly affected the dividends of the Bank of the United States, in which the government, as a stockholder, is a loser to the amount of one fifth of the diminution? a sum which I will venture to predict will many fold exceed the entire amount which the Bank has expended in its defence. But this is a small, a very small proportion of the public loss, in consequence of the course which the executive has pursued in relation to the Bank, and which has reduced the value of the shares from 130 to 108 (a senator near me says much more. It may be; I am not particular in such things), and on which the public sustains a corresponding loss on its share of the stock, amounting to seven millions of dollars—a sum more than two hundred fold greater than the waste which he has charged upon the Bank. Other administrations may exceed this in talents, patriotism, and honesty, but, certainly, in audacity, in effrontery, it stands without a parallel!

The secretary has brought forward many and grievous charges against the Bank. I will not condescend to notice them—it is the conduct of the secretary, and not that of the Bank, which is immediately under examination, and he has no right to drag the conduct of the Bank into the issue, beyond its operations in regard to the deposites. To that extent I am prepared to examine his allegations against it, but beyond that he has no right—no, not the least—to arraign the conduct of the Bank; and I, for one, will not, by noticing his charges beyond that point, sanction his authority to call its conduct in question. But let the point in issue be determined, and I, as far as my voice extends, will give to those who desire it the means of the freest and most unlimited inquiry into its conduct. I am no partisan of the Bank—I am connected with it in no way, by moneyed or political ties. I might say, with truth, that the Bank owes as much to me as to any other individual in the country; and I might even add that, had it not been for my efforts, it would not have been chartered. Standing in this relation to the institution, a high sense of delicacy, a regard to independence and character, has restrained me from any connexion with the institution whatever, except some trifling accommodations in the way of ordinary business, which were not of the slightest importance either to the Bank or myself.

But while I shall not condescend to notice the charges of the secretary against the Bank beyond the extent which I have stated, a sense of duty to the institution, and regard to the part which I took in its creation, compels me to notice two allegations against it which have fallen from another quarter. It is said that the Bank had no agency, or at least efficient agency, in the restoration of specie payment in 1817, and that it had failed to furnish the country with a uniform and sound currency, as had been promised at its creation. Both of these allegations I pronounce to be without just foundation. To enter into a minute examination of them would carry me too far from the subject, and I must content myself with saying that, having been on the political stage, without interruption, from that day to this—having been an attentive observer of the question of the currency throughout the whole period—that the Bank has been an indispensable agent in the restoration of specie payments; that without it the restoration could not have been effected short of the utter prostration of all the moneyed institutions of the country, and an entire depreciation of bank paper; and that it has not only restored specie payment, but has given a currency far more uniform between the extremes of the country than was anticipated, or even

dreamed of, at the time of its creation. I will say for myself, that I did not believe, at that time, that the exchange between the Atlantic and the West would be brought lower than two and a half per cent.—the estimated expense then, including insurance and loss of time, of transporting specie between the two points. How much it was below the anticipated point I need not state: the whole commercial world knows that it was not a fourth part at the time of the removal of the deposites.

But to return from this digression. Though I will not notice the charges of the secretary for the reasons already stated, I will take the liberty of propounding to those who support them on this floor a few plain questions. If there be in banking institutions an inherent tendency so strong to abuse and corruption as they contend—if, in consequence of this tendency, the Bank of the United States be guilty of the enormous charges and corruptions alleged, notwithstanding its responsibility to the government and our control over it, what is to be expected from an irresponsible league of banks, as called by the senator from Kentucky (M. Clay), over which we have no legal control? If our power of renewing the charter of the Bank of the United States—if our right to vacate the charter by *scire facias*, in case of misconduct—if the influence which the appointment of five government directors gives us—and, finally, if the power which we have of appointing committees to examine into its condition, are not sufficient to hold the institution in check; if, in spite of all these, it has, from the innate corruption of such institutions, been guilty of the enormous abuses and crimes charged against it, what may we not expect from the associated banks, the favourites of the treasury, over the renewal of whose charter the government has no power, against which it can issue no *scire facias*, in whose direction it has not a single individual, and into whose conduct Congress can appoint no committee to look? With these checks all withdrawn, what will be the condition of the public funds?

I, said Mr. Calhoun, stated in the outset of my remarks, that, as broad as was the power which the secretary had assumed in relation to the deposites, there was a portion of the transaction of a highly important character, to which he has not alluded, and in relation to which he has not even attempted a justification. I will now proceed to make good this assertion to the letter.

There is a material difference between *withholding* money from going into the Bank, and *withdrawing* it after it has been placed there. The former is authorized in the manner which I have stated, under the sixteenth section, which directs, as has been frequently stated, that the public money shall be deposited in the Bank, unless otherwise ordered by the Secretary of the Treasury. But neither that section, nor any portion of the act incorporating the Bank, nor, in truth, any other act, gives the secretary any authority of himself to *withdraw* public money deposited in the Bank. There is, I repeat, a material difference between *withholding* public money from deposite and *withdrawing* it. When paid into the place designated by law as the deposite of the public money, it passes to the credit of the treasurer, and then is in the treasury of the United States, where it is placed under the protection of the Constitution itself, and from which, by an express provision of the Constitution, it can only be withdrawn by an appropriation made by law. So careful were the framers of the act of 1816 to leave nothing to implication, that express authority is given to the Secretary of the Treasury, in the fifteenth section, to transfer the deposites from one place to another, for the convenience of disbursements; but which, by a strange perversion, is now attempted to be so construed as to confer on the secretary the power to withdraw the money from the deposite, and loan it to favourite state banks—I express myself too favourably, I should say give (they pay no interest)—with a view to sustain their credits or enlarge their profits—a power not only far beyond the secretary, but which Congress itself could not exercise without a flagrant breach of the Constitution. But it is said, in answer to these views,

that money paid in deposite into the Bank, as directed by law, is not in the treasury. I will not stop, said Mr. C., to reply to such an objection. If it be not in the treasury, where is the treasury? If it be not money in the treasury, where is the money annually reported to be in the treasury? where the eight or nine millions which, by the annual report of the secretary, are said to be now in the treasury? Are we to understand that none of this money is, in truth, in the treasury? that it is floating about at large, subject to be disposed of, to be given away, at the will of the executive, to favourites and partisans? So it would seem; for it appears, by a correspondence between the treasurer and the cashier of the Bank, derived through the Bank (the secretary not deeming it worth while to give the slightest information of the transaction, as if a matter of course), that he has drawn out two millions and a quarter of the public money without appropriation, and distributed it at pleasure among his favourites!

But it is attempted to vindicate the conduct of the secretary on the ground of precedent. I will not stop to notice whether the cases cited are in point, nor will I avail myself of the great and striking advantage that I might have on the question of precedent: this case stands alone and distinct from all others. There is none similar to it in magnitude and importance. I waive all that: I place myself on higher grounds—I stand on the immovable principle that, on a question of law and constitution, in a deliberative assembly, there is no room—no place for precedents. To admit them would be to make the *violation of to-day the law and Constitution of to-morrow; and to substitute in the place of the written and sacred will of the people and the Legislature, the infraction of those charged with the execution of the law.* Such, in my opinion, is the relative force of law and constitution on one side, as compared with precedents on the other. Viewed in a different light, not in reference to the law or Constitution, but to the conduct of the officer, I am disposed to give rather more weight to precedents, when the question relates to an excuse or apology for the officer, in case of infraction. If the infraction be a trivial one, in a case not calculated to excite attention, an officer might fairly excuse himself on the ground of precedent; but in one like this, of the utmost magnitude, involving the highest interests and most important principles, where the attention of the officer must be aroused to a most careful examination, he cannot avail himself of the plea of precedent to excuse his conduct. It is a case where false precedents are to be *corrected*, and not *followed*. An officer ought to be ashamed, in such a case, to attempt to vindicate his conduct on a charge of violating law or Constitution by pleading precedent. The principle in such case is obvious. If the secretary's right to withdraw public money from the treasury be clear, he has no need of precedent to vindicate him. If not, he ought not, in a case of so much magnitude, to have acted.

I have not (said Mr. Calhoun) touched a question, which has had so prominent a part in the debate, whether the withholding of the deposites was the act of the secretary or the President. Under my view of the subject, the question is not of the slightest importance. It is equally unauthorized and illegal, whether done by President or secretary; but, as the question has been agitated, and as my views do not entirely correspond on this point with those advocating the side which I do, I deem it due to frankness to express my sentiments.

I have no doubt that the President removed the former secretary, and placed the present in his place, expressly with a view to the removal of the deposites. I am equally clear, under all the circumstances of the case, that the President's conduct is wholly indefensible; and, among other objections, I fear he had in view, in the removal, an object eminently dangerous and unconstitutional—to give an advantage to his veto never intended by the Constitution—a power intended as a shield to protect the executive against the encroachment of the legislative department—to maintain the *present state of things* against dangerous or hasty innovation, but which, I fear, is, in this case, intended as a sword to

defend the usurpation of the executive. I say I fear; for, although the circumstance of this case leads to a just apprehension that such is the intention, I will not permit myself to assert that such is the fact—that so lawless and unconstitutional an object is contemplated by the President, till his act shall compel me to believe to the contrary. But while I thus severely condemn the conduct of the President in removing the former secretary and appointing the present, I must say that, in my opinion, it is a case of the *abuse*, and not of the *usurpation* of power. The President has the right of removal from office. The power of removal, wherever it exists, does, from necessity, involve the power of general supervision; nor can I doubt that it might be constitutionally exercised in reference to the deposites. Reverse the present case: suppose the late secretary, instead of being against, had been in favour of the removal, and that the President, instead of for, had been against it, deeming the removal not only inexpedient, but, under the circumstances, illegal; would any man doubt that, under such circumstances, he had a right to remove his secretary, if it were the only means of preventing the removal of the deposites? Nay, would it not be his indispensable duty to have removed him? and had he not, would not he have been universally, and justly, held responsible?

I have now (said Mr. C.) offered all the remarks I intended in reference to the deposite question; and, on reviewing the whole ground, I must say, that the secretary, in removing the deposites, has clearly transcended his power; that he has violated the contract between the Bank and the United States; that, in so doing, he has deeply injured that large and respectable portion of our citizens who have been invited, on the faith of the government, to invest their property in the institution; while, at the same time, he has deeply injured the public in its character of stockholder; and, finally, that he has inflicted a deep wound on the public faith. To this last I attribute the present embarrassment in the currency, which has so injuriously affected all the great interests of the country. The credit of the country is an important portion of the currency of the country—credit in every shape, public and private—credit, not only in the shape of paper, but that of faith and confidence between man and man—through the agency of which, in all its forms, the great and mighty exchanges of this commercial country, at home and abroad, are, in a great measure, effected. To inflict a wound anywhere, particularly on the public faith, is to embarrass all the channels of currency and exchange; and it is to this, and not to the withdrawing the few millions of dollars from circulation, that I attribute the present moneyed embarrassment. Did I believe the contrary—if I thought that any great and permanent distress would of itself result from winding up, in a regular and legal manner, the present or any other Bank of the United States, I would deem it an evidence of the dangerous power of the institution, and, to that extent, an argument against its existence; but, as it is, I regard the present embarrassment, not as an argument against the Bank, but an argument against the lawless and wanton exercise of power on the part of the executive—an embarrassment which is likely to continue if the deposites be not restored. The banks which have received them, at the expense of the public faith, and in violation of law, will never be permitted to enjoy their spoils in quiet. No one who regards the subject in the light in which I do, can ever give his sanction to any law intended to protect or carry through the present illegal arrangement; on the contrary, all such must feel bound to wage perpetual war against a usurpation of power so flagrant as that which controls the present deposites of the public money. If I stand alone (said Mr. Calhoun), I, at least, will continue to maintain the contest so long as I remain in public life.

As important (said Mr. Calhoun) as I consider the question of the deposites, in all its bearings, public and private, it is one on the surface, a mere pretext to another, and one greatly more important, which lies beneath, and which must be taken into consideration, to understand correctly all the circumstances

attending this extraordinary transaction. It is felt and acknowledged on all sides that there is another and a deeper question, which has excited the profound sensation and alarm which pervade the country.

If we are to believe what we hear from the advocates of the administration, we would suppose at one time that the real question was Bank or no Bank; at another, that the question was between the United States Bank and the state banks; and, finally, that it was a struggle on the part of the administration to guard and defend the rights of the states against the encroachments of the General Government. The administration the guardians and defenders of the rights of the states! What shall I call it? audacity or hypocrisy? The authors of the proclamation the guardians and defenders of the rights of the states! The authors of the war message against a member of this confederacy—the authors of the "bloody bill" the guardians and defenders of the rights of the states! This a struggle for state rights? No, sir: state rights are no more. The struggle is over for the present. The bill of the last session, which vested in the government the right of judging of the extent of its powers, finally and conclusively, and gave it the right of enforcing its judgments by the sword, destroyed all distinction between delegated and reserved rights, concentrated in the government the entire power of the system, and prostrated the states, as poor and helpless corporations, at the foot of this sovereignty.

Nor is it more true that the real question is Bank or no Bank. Taking the deposite question in the broadest sense: suppose, as it is contended by the friends of the administration, that it involves the question of the renewal of the charter, and, consequently, the existence of the Bank itself, still the banking system would stand almost untouched and unimpaired. Four hundred banks would still remain scattered over this wide Republic, and on the ruins of the United States Bank many would rise to be added to the present list. Under this aspect of the subject, the only possible question that could be presented for consideration would be, whether the banking system was more safe, more beneficial, or more constitutional, with or without the United States Bank.

If, said Mr. Calhoun, this was a question of Bank or no Bank—if it involved the existence of the banking system, it would indeed be a great question—one of the first magnitude, and, with my present impression, long entertained and daily increasing, I would hesitate—long hesitate—before I would be found under the banner of the system. I have great doubts, if doubts they may be called, as to the soundness and tendency of the whole system, in all its modifications: I have great fears that it will be found hostile to liberty and the advance of civilization—fatally hostile to liberty in our country, where the system exists in its worst and most dangerous form. Of all institutions affecting the great question of the distribution of wealth—a question least explored and the most important of any in the whole range of political economy—the banking institution has, if not the greatest, one of the greatest, and, I fear, most pernicious influence on the mode of distribution. Were the question really before us, I would not shun the responsibility, as great as it might be, of freely and fully offering my sentiments on these deeply-important points; but, as it is, I must content myself with the few remarks which I have thrown out.

What, then, is the real question which now agitates the country? I answer, it is a struggle between the executive and legislative departments of the government: a struggle, not in relation to the existence of the Bank, but which, Congress or the President, should have the power to create a Bank, and the consequent control over the currency of the country. This is the real question. Let us not deceive ourselves: this league, this association of banks, created by the executive, bound together by its influence, united in common articles of association, vivified and sustained by receiving the deposites of the public money, and having their notes converted, by being received everywhere by the treasury, into the common currency of the country, is, to all intents and purposes, a

Bank of the United States—the executive Bank of the United States, as distinguished from that of Congress. However it might fail to perform satisfactorily the useful functions of the Bank of the United States as incorporated by law, it would outstrip it—far outstrip it—in all its dangerous qualities, in extending the power, the influence, and the corruption of the government. It is impossible to conceive any institution more admirably calculated to advance these objects. Not only the selected banks, but the whole banking institutions of the country, and with them the entire money power, for the purpose of speculation, peculation, and corruption, would be placed under the control of the executive. A system of menaces and promises will be established: of menace to the banks in possession of the deposites, but which might not be entirely subservient to executive views; and of promise of future favours to those who may not as yet enjoy its favours. Between the two, the banks would be left without influence, honour, or honesty, and a system of speculation and stock-jobbing would commence, unequalled in the annals of our country. I fear they have already commenced; I fear the means which have been put in the hands of the minions of power by the removal of the deposites, and placing them in the vaults of dependant banks, have extended their cupidity to the public lands, particularly in the Southwest, and that to this we must attribute the recent phenomena in that quarter—immense and valuable tracts of land sold at short notice; sales fraudulently postponed to aid the speculators, with which, if I am not misinformed, a name not unknown to this body has performed a prominent part. But I leave this to my vigilant and able friend from Mississippi (Mr. Poindexter), at the head of the Committee on Public Lands, who, I doubt not, will see justice done to the public. As to stock-jobbing, this new arrangement will open a field which Rothschild himself may envy. It has been found hard work—very hard, no doubt—by the jobbers in stock, who have been engaged in attempts to raise or depress the price of United States Bank stock; but no work will be more easy than to raise or depress the price of the stock of the selected banks, at the pleasure of the executive. Nothing more will be required than to give or withhold deposites; to draw, or abstain from drawing warrants; to pamper them at one time, and starve them at another. Those who would be in the secret, and who would know when to buy and when to sell, would have the means of realizing, by dealing in the stocks, whatever fortune they might please.

So long as the question is one between a Bank of the United States incorporated by Congress, and that system of banks which has been created by the will of the executive, it is an insult to the understanding to discourse on the pernicious tendency and unconstitutionality of the Bank of the United States. To bring up that question fairly and legitimately, you must go one step farther: you must *divorce* the government and the banking system. You must refuse all connexion with banks. You must neither receive nor pay away bank-notes; you must go back to the old system of the strong box, and of gold and silver. If you have a right to receive bank-notes at all—to treat them as money by receiving them in your dues, or paying them away to creditors—you have a right to create a bank. Whatever the government receives and treats as money, is money in effect; and if it be money, then they have the right, under the Constitution, to regulate it. Nay, they are bound by a high obligation to adopt the most efficient means, according to the nature of that which they have recognised as money, to give it the utmost stability and uniformity of value. And if it be in the shape of bank-notes, the most efficient means of giving those qualities is a Bank of the United States, incorporated by Congress. Unless you give the highest practical uniformity to the value of bank-notes, so long as you receive them in your dues, and treat them as money, you violate that provision of the Constitution which provides that taxation shall be uniform throughout the United States. There is no other alternative: I repeat, you must *divorce* the government entirely from the banking system, or, if not, you are bound to incor-

porate a bank as the only safe and efficient means of giving stability and uniformity to the currency. And should the deposites not be restored, and the present illegal and unconstitutional connexion between the executive and the league of banks continue, I shall feel it my duty, if no one else moves, to introduce a measure to prohibit government from receiving or touching bank-notes in any shape whatever, as the only means left of giving safety and stability to the currency, and saving the country from corruption and ruin.

Viewing the question, in its true light, as a struggle on the part of the executive to seize on the power of Congress, and to unite in the President the power of the sword and the purse, the senator from Kentucky (Mr. Clay) said, truly, and, let me add, philosophically, that we are in the midst of a revolution. Yes, the very existence of free governments rests on the *proper distribution and organization of power;* and to destroy this distribution, and thereby concentrate power in any one of the departments, is to effect a revolution; but, while I agree with the senator that we are in the midst of a revolution, I cannot agree with him as to the time at which it commenced, or the point to which it has progressed. Looking to the distribution of the powers of the General Government—into the legislative, executive, and judicial departments—and confining his views to the encroachment of the executive upon the legislative, he dates the commencement of the revolution but sixty days previous to the meeting of the present Congress. I, said Mr. Calhoun, take a wider range, and date it from an earlier period. Besides the distribution among the departments of the General Government, there belongs to our system another, and a far more important division or distribution of power—that between the states and the General Government, the reserved and delegated rights, the maintenance of which is still more essential to the preservation of our institutions. Taking this wide review of our political system, the revolution in the midst of which we are, began, not, as supposed by the senator from Kentucky, shortly before the commencement of the present session, but many years ago, with the commencement of the restrictive system, and terminated its first stage with the passage of the force bill of the last session, which absorbed all the rights and sovereignty of the states, and consolidated them in this government. While this process was going on, of absorbing the reserved powers of the states on the part of the General Government, another commenced, of concentrating in the executive the powers of the other two, the legislative and judicial departments of the government, which constitutes the second stage of the revolution, in which we have advanced almost to the termination.

The senator from Kentucky, in connexion with this part of his argument, read a striking passage from one of the most pleasing and instructive writers in any language (Plutarch), giving the description of Cæsar forcing himself, sword in hand, into the treasury of the Roman Commonwealth. We are at the same stage of our political revolution, and the analogy between the two cases is complete, varied only by the character of the actors and the circumstances of the times. That was a case of an intrepid and bold warrior, as an open plunderer, seizing forcibly the treasury of the country, which, in that Republic, as well as ours, was confided to the custody of the legislative department of the government. The actors in our case are of a different character: artful and cunning politicians, and not fearless warriors. They have entered the treasury, not sword in hand, as public plunderers, but with the false keys of sophistry, under the silence of midnight. The motive and object are the same, varied only by character and circumstances. "With money I will get men, and with men money," was the maxim of the Roman plunderer. With money we will get partisans, with partisans votes, and with votes money, is the maxim of our public pilferers. With men and money, Cæsar struck down Roman liberty at the fatal battle of Pharsalia, never to rise again; from which disastrous hour, all the powers of the Roman Republic were consolidated in the person of Cæsar, and

perpetuated in his line. With money and corrupt partisans, a great effort is now making to choke and stifle the voice of American liberty, through all its constitutional and legal organs; by pensioning the press; by overawing the other departments; and, finally, by setting up a new organ, composed of office-holders and partisans, under the name of a national convention, which, counterfeiting the voice of the people, will, if not resisted, in their name dictate the *succession;* when the deed shall have been done—the revolution completed—and all the powers of our Republic, in like manner, consolidated in the executive in time, and perpetuated by his dictation.

The senator from Kentucky (Mr. C.) anticipates with confidence that the small party who were denounced at the last session as traitors and disunionists will be found, on this trying occasion, standing in the front rank, and manfully resisting the advance of despotic power. I, said Mr. CALHOUN, heard the anticipation with pleasure, not on account of the compliment which it implied, but the evidence which it affords that the cloud which has been so industriously thrown over the character and motive of that small, but patriotic party, begins to be dissipated. The senator hazarded nothing in the prediction. That party is the determined, the fixed, and sworn enemy to usurpation, come from what quarter and under what form it may—whether from the executive upon the other departments of this government, or from this government on the sovereignty and rights of the states. The resolution and fortitude with which it maintained its position at the last session, under so many difficulties and dangers, in defence of the states against the encroachments of the General Government, furnished evidence not to be mistaken, that that party, in the present momentous struggle, would be found arrayed in defence of the rights of Congress against the encroachments of the President. And let me tell the senator from Kentucky, said Mr. C., that, if the present struggle against executive usurpation be successful, it will be owing to the success with which we, the nullifiers—I am not afraid of the word—maintained the rights of the states against the encroachment of the General Government at the last session.

A very few words will place this point beyond controversy. To the interposition of the State of South Carolina we are indebted for the adjustment of the tariff question; without it, all the influence of the senator from Kentucky over the manufacturing interest, great as it deservedly is, would have been wholly incompetent, if he had even thought proper to exert it, to adjust the question. The attempt would have prostrated him, and those who acted with him, and not the system. It was the separate action of the state that gave him the place to stand upon, created the necessity for the adjustment, and disposed the minds of all to compromise. Now, I put the solemn question to all who hear me, If the tariff had not then been adjusted—if it was now an open question—what hope of successful resistance against the usurpations of the executive, on the part of this or any other branch of the government, could be entertained? Let it not be said that this is the result of accident—of an unforeseen contingency. It was clearly perceived, and openly stated, that no successful resistance could be made to the corruption and encroachments of the executive while the tariff question remained open—while it separated the North from the South, and wasted the energy of the honest and patriotic portions of the community against each other, the joint effort of which is indispensably necessary to expel those from authority who are converting the entire powers of government into a corrupt electioneering machine; and that, without separate state interposition, the adjustment was impossible. The truth of this position rests not upon the accidental state of things, but on a profound principle growing out of the nature of government and party struggles in a free state. History and reflection teach us that, when great interests come into conflict, and the passions and the prejudices of men are roused, such struggles can never be composed by the influence of any individuals, however great; and if there be not somewhere in the

system some high constitutional power to arrest their progress, and compel the parties to adjust the difference, they go on till the state falls by corruption or violence.

I will, said Mr. C., venture to add to these remarks another, in connexion with the point under consideration, not less true. We are not only indebted to the cause which I have stated for our present strength in this body against the present usurpation of the executive, but if the adjustment of the tariff had stood alone, as it ought to have done, without the odious bill which accompanied it—if those who led in the compromise had joined the State Rights party in their resistance to that unconstitutional measure, and thrown the responsibility on its real authors, the administration, their party would have been so prostrated throughout the entire South, and their power, in consequence, so reduced, that they would not have dared to attempt the present measure; or, if they had, they would have been broke and defeated.

Were I, said Mr. C., to select the case best calculated to illustrate the necessity of resisting usurpation at the very commencement, and to prove how difficult it is to resist it in any subsequent stage if not met at first, I would select this very case. What, he asked, is the cause of the present usurpation of power on the part of the executive? What the motive, the temptation, which has induced them to seize on the deposites? What but the large surplus revenue? the eight or ten millions in the public treasury beyond the wants of the government? And what has put so large an amount of money in the treasury, when not needed? I answer, the protective system—that system which graduated duties, not in reference to the wants of the government, but in reference to the importunities and demands of the manufacturers, and which poured millions of dollars into the treasury beyond the most profuse demands, and even the extravagance of the government—taken—unlawfully taken, from the pockets of those who honestly made it. I hold that those who make are entitled to what they make against all the world, except the government; and against it, except to the extent of its legitimate and constitutional wants; and that for the government to take one cent more is robbery. In violation of this sacred principle, *Congress first* removed the deposites into the public treasury from the pockets of those who made it, where they were rightfully placed by all laws, human and divine. The executive, in his turn, following the example, has taken them from that deposite, and distributed them among favourite and partisan banks. The means used have been the same in both cases. The Constitution gives to Congress the power to lay duties with a view to revenue. This power, without regarding the object for which it was intended, forgetting that it was a great trust power, necessarily limited, by the very nature of such powers, to the subject and the object of the trust, was perverted to a use never intended, that of protecting the industry of one portion of the country at the expense of another; and, under this false interpretation, the money was transferred from its natural and just deposite, the pockets of those who made it, into the public treasury, as I have stated. In this, too, the executive followed the example of Congress.

By the magic construction of a few simple words—"unless otherwise ordered"—intended to confer on the Secretary of the Treasury a limited power—to give additional security to the public deposites, he has, in like manner, perverted this power, and made it the instrument, by similar sophistry, of drawing the money from the treasury, and bestowing it, as I have stated, on favourite and partisan banks. Would to God, said Mr. C., would to God I could reverse the whole of this nefarious operation, and terminate the controversy by returning the money to the pockets of the honest and industrious citizens, by the sweat of whose brows it was made, and to whom only it rightfully belongs. But, as this cannot be done, I must content myself by giving a vote to return it to the public treasury, where it was ordered to be deposited by an act of the Legislature.

There is another aspect, said Mr. C., in which this subject may be viewed. We all remember how early the question of the surplus revenue began to agitate the country. At a very early period, a senator from New-Jersey (Mr. DICKERSON) presented his scheme for disposing of it by distributing it among the states. The first message of the President recommended a similar project, which was followed up by a movement on the part of the Legislature of New-York, and, I believe, some of the other states. The public attention was aroused —the scheme scrutinized—its gross unconstitutionality and injustice, and its dangerous tendency—its tendency to absorb the power and existence of the states, were clearly perceived and denounced. The denunciation was too deep to be resisted, and the scheme was abandoned. What have we now in lieu of it? What is the present scheme but a distribution of the surplus revenue? A distribution at the sole will and pleasure of the executive—a distribution to favourite banks, and through them, in the shape of discounts and loans, to corrupt partisans, as the means of increasing political influence?

We have, said Mr. C., arrived at a fearful crisis. Things cannot long remain as they are. It behooves all who love their country—who have affection for their offspring, or who have any stake in our institutions, to pause and reflect. Confidence is daily withdrawing from the General Government. Alienation is hourly going on. These will necessarily create a state of things inimical to the existence of our institutions, and, if not arrested, convulsions must follow; and then comes dissolution or despotism, when a thick cloud will be thrown over the cause of liberty and the future prospects of our country.

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## VIII.

### SPEECH ON MR. WEBSTER'S PROPOSITION TO RECHARTER THE UNITED STATES BANK, MARCH 26, 1834.

THE question being upon granting leave to Mr. Webster to introduce into the Senate a bill to recharter, for the term of six years, the Bank of the United States, with modifications:

I rise, said Mr. Calhoun, in order to avail myself of an early opportunity to express my opinion on the measure proposed by the senator from Massachusetts, and the questions immediately connected with it, under the impression that, on a subject so intimately connected with the interests of every class in the community, there should be an early declaration of their sentiments by the members of this body, so that all might know what to expect, and on what to calculate.

I shall vote for the motion of the senator, not because I approve of the measure he proposes, but because I consider it due in courtesy to grant leave, unless there be strong reasons to the contrary, which is not the case in this instance; but while I am prepared to vote for his motion, and, let me add, to do ample justice to his motives for introducing the bill, I cannot approve of the measure he proposes. In every view which I have been able to take, it is objectionable. Among the objections, I place the uncertainty as to its object. It is left perfectly open to conjecture whether a renewal of the charter is intended, or a mere continuance, with the view of affording the Bank time to wind up its affairs; and what increases the uncertainty is, if we compare the provisions of the proposed bill with the one or the other of these objects, it is equally unsuited to either. If a renewal of the charter be intended, six years is too short; if a continuance, too long. I, however, state this as a minor objection. There is another of far more decisive character: it settles nothing; it leaves everything unfixed; it perpetuates the present struggle, which so injuriously agitates

the country—a struggle of bank against bank—of one set of opinions against another; and prolongs the whole, without even an intervening armistice, to the year 1842: a period that covers two presidential terms, and, by inevitable consequence, running, for two successive presidential elections, the politics of the country into the Bank question, and the Bank question into politics, with the mutual corruption which must be engendered; keeping, during the whole period, the currency of the country, which the public interest requires should have the utmost stability, in a state of uncertainty and fluctuation.

But why should I pursue the objections to the plan proposed by the senator? He himself acknowledged the measure to be defective, and that he would prefer one of a more permanent character. He has not proposed this as the best measure, but has brought it forward under a supposed necessity—under the impression that something must be done—something prompt and immediate, to relieve the existing distress which overspreads the land. I concur with him in relation to the distress, that it is deep and extensive; that it fell upon us suddenly, and in the midst of prosperity almost unexampled; that it is daily consigning hundreds to poverty and misery; blasting the hopes of the enterprising; taking employment and bread from the labourer; and working a fearful change in the relative condition of the money dealers on one side, and the man of business on the other—raising the former rapidly to the top of the wheel, while it is whirling the latter, with equal rapidity, to the bottom. While I thus agree with the senator as to the distress, I am also sensible that there are great public emergencies in which no permanent relief can be afforded, and when the wisest are obliged to resort to expedients: to palliate and to temporize, in order to gain time with a view to apply a more effectual remedy. But there are also emergencies of precisely the opposite character: when the best and most permanent is the only practicable measure, and when mere expedients tend but to distract, to divide, and confound, and thereby to delay or defeat all relief; and such, viewed in all its relations and bearing, I consider the present; and that the senator from Massachusetts has not also so considered it, I attribute to the fact that, of the two questions blended in the subject under consideration, he has given an undue prominence to that which has by far the least relative importance—I mean those of the Bank and of the currency. As a mere bank question, as viewed by the senator, it would be a matter of but little importance whether the renewal should be for six years or for a longer period; and a preference might very properly be given to one or the other, as it might be supposed most likely to succeed; but I must say, that, in my opinion, in selecting the period of six years, he has taken that which will be much less likely to succeed than one of a reasonable and proper duration. But had he turned his view to the other and more prominent question involved; had he regarded the question as a question of currency, and that the great point was to give it uniformity, permanency, and safety; that, in effecting these essential objects, the Bank is a mere subordinate agent, to be used or not to be used, and to be modified, as to its duration and other provisions, wholly in reference to the higher question of the currency, I cannot think that he would ever have proposed the measure which he has brought forward, which leaves, as I have already said, everything connected with the subject in a state of uncertainty and fluctuation.

All feel that the currency is a delicate subject, requiring to be touched with the utmost caution; but in order that it may be seen as well as felt why it is so delicate, why slight touches, either in depressing or elevating it, agitate and convulse the whole community, I will pause to explain the cause. If we take the aggregate property of a community, that which forms the currency constitutes, in value, a very small proportion of the whole. What this proportion is in our country and other commercial and trading communities, is somewhat uncertain. I speak conjecturally in fixing it as one to twenty-five or thirty, though I presume that is not far from the truth; and yet this small proportion of the

property of the community regulates the value of all the rest, and forms the medium of circulation by which all its exchanges are effected; bearing, in this respect, a striking similarity, considering the diversity of the subjects, to the blood in the human or animal system.

If we turn our attention to the laws which govern the circulation, we shall find one of the most important to be, that, as the circulation is decreased or increased, the rest of the property will, all other circumstances remaining the same, be decreased or increased in value exactly in the same proportion. To illustrate: If a community should have an aggregate amount of property of thirty-one millions of dollars, of which one million constitutes its currency; and that one million should be reduced one tenth part, that is to say, one hundred thousand dollars, the value of the rest will be reduced in like manner one tenth part, that is, three millions of dollars. And here a very important fact discloses itself, which explains why the currency should be touched with such delicacy, and why stability and uniformity are such essential qualities; I mean that a small absolute reduction of the currency makes a great absolute reduction of the value of the entire property of the community, as we see in the case proposed; where a reduction of one hundred thousand dollars in the currency reduces the aggregate value of property three millions of dollars—a sum thirty times greater than the reduction of the currency. From this results an important consideration. If we suppose the entire currency to be in the hands of one portion of the community, and the property in the hands of the other portion, the former, by having the currency under their exclusive control, might control the value of all the property in the community, and possess themselves of it at their pleasure. Take the case already selected, and suppose that those who hold the currency diminish it one half by abstracting that amount from circulation: the effect of which would be to reduce the circulation to five hundred thousand dollars; the value of property would also be reduced one half, that is, fifteen millions of dollars. Let the process be reversed, and the money abstracted gradually restored to circulation, and the value of the property would again be increased to thirty millions. It must be obvious that, by alternating these processes, and purchasing at the point of the greatest depression, when the circulation is the least, and selling at the point of the greatest elevation, when it is the fullest, the supposed moneyed class, who could at pleasure increase or diminish the circulation, by abstracting or restoring it, might also at pleasure control the entire property of the country. Let it be ever borne in mind, that the exchangeable value of the circulating medium, compared with the property and the business of the community, remains fixed, and can never be diminished or increased by increasing or diminishing its quantity; while, on the contrary, the exchangeable value of the property, compared to the currency, must increase or decrease with every addition or diminution of the latter. It results, from this, that there is a dangerous antagonist relation between those who hold or command the currency and the rest of the community; but, fortunately for the country, the holders of property and of the currency are so blended as not to constitute separate classes. Yet it is worthy of remark—it deserves strongly to attract the attention of those who have charge of the public affairs—that under the operation of the banking system, and that peculiar description of property existing in the shape of credit or stock, public and private, which so strikingly distinguishes modern society from all that preceded it, there is a strong tendency to create a separate moneyed interest, accompanied with all the dangers which must necessarily result from such interest, and which deserves to be most carefully watched and restricted.

I do not stand here the partisan of any particular class in society—the rich or the poor, the property holder or the money holder; and, in making these remarks, I am not actuated by the slightest feeling of opposition to the latter. My object is simply to point out important relations that exist between them, re-

sulting from the laws which govern the currency, in order that the necessity for a uniform, stable, and safe currency, to guard against dangerous control of one class over another, may be clearly seen. I stand in my place simply as a senator from South Carolina, to represent her on this floor, and to advance the common interest of these states as far as we have the constitutional power, and as far as it can be done consistently with equity and justice to the parts. I am the partisan, as I have said, of no class, nor, let me add, of any political party. I am neither of the opposition nor of the administration. If I act with the former in any instance, it is because I approve of the course on the particular occasion; and I shall always be happy to act with them when I do approve. If I oppose the administration—if I desire to see power change hands—it is because I disapprove of the general course of those in authority—because they have departed from the principles on which they came into office—because, instead of using the immense power and patronage put in their hands to secure the liberty of the country and advance the public good, they have perverted them into party instruments for personal objects. But mine has not been, nor will it be, a systematic opposition. Whatever measure of theirs I may deem right, I shall cheerfully support; and I only desire that they shall afford me more frequent occasions for support, and fewer for opposition, than they have heretofore done.

With these impressions, and entertaining a deep conviction that an unfixed, unstable, and fluctuating currency is to be ranked among the most fruitful sources of evil, whether viewed politically, or in reference to the business transactions of the country, I cannot give my consent to any measure that does not place the currency on a solid foundation. If I thought this determination would delay the relief so necessary to mitigate the present calamity, it would be to me a subject of the deepest regret. I feel that sympathy which I trust I ought, for the suffering of so many of my fellow-citizens, who see their hopes daily withered. I, however, console myself with the reflection that delay will not be the result, but, on the contrary, relief will be hastened by the view which I take of the subject. I hold it impossible that anything can be effected, regarding the subject as a mere bank question. Viewed in that light, the opinion of this house, and of the other branch of Congress, is probably definitively made up. In the Senate, it is known that we have three parties, whose views, considering it as a bank question, appear to be irreconcilable. All hope, then, of relief, must centre in taking a more elevated view, and in considering it, in its true light, as a subject of currency. Thus regarded, I shall be surprised if, on full investigation, there will not appear a remarkable coincidence of opinion, even between those whose views, on a slight inspection, would seem to be contradictory. Let us, then, proceed to the investigation of the subject under the aspect which I have proposed.

What, then, is the currency of the United States? What its present state and condition? These are the questions which I propose now to consider, with a view of ascertaining what is the disease, what the remedy, and what the means of applying it, that may be necessary to restore our currency to a sound condition.

The legal currency of this country—that in which alone debts can be discharged according to law—are certain gold, silver, and copper coins authorized by Congress under an express provision of the Constitution. Such is the law. What, now, are the facts? That the currency consists almost exclusively of bank-notes, gold having entirely disappeared, and silver, in a great measure, expelled by banks instituted by twenty-five distinct and independent powers, and notes issued under the authority of the direction of those institutions. They are, in point of fact, the mint of the United States. They coin the actual money (for such we must call bank-notes), and regulate its issue, and, consequently, its value. If we inquire as to their number, the amount of their issue, and other circumstances calculated to show their actual condition, we shall find

that, so rapid has been their increase, and so various their changes, that no accurate information can be had. According to the latest and best that I have been able to obtain, they number at least four hundred and fifty, with a capital of not less than one hundred and forty-five millions of dollars, with an issue exceeding seventy millions; and the whole of this immense fabric standing on a metallic currency of less than fifteen millions of dollars, of which the greater part is held by the Bank of the United States. If we compare the notes in circulation with the metallic currency in their vaults, we shall find the proportion about six to one; and if we compare the latter with the demands that may be made upon the banks, we shall find that the proportion is about one to eleven. If we examine the tendency of the system at this moment, we shall find that it is on the increase—rapidly on the increase. There is now pending a project of a ten million bank before the Legislature of New-York; but recently one of five millions was established in Kentucky; within a short period one of a large capital was established in Tennessee, besides others in agitation in several of the other states (here Mr. Porter, of Louisiana, said that one of eleven millions had just been established in that state).

This increase is not accidental. It may be laid down as a law, that, where two currencies are permitted to circulate in any country, one of a cheap and the other of a dear material, the former necessarily tends to grow upon the latter, and will ultimately expel it from circulation, unless its tendency to increase be restrained by a powerful and efficient check. Experience tests the truth of this remark, as the history of the banking system clearly illustrates. The senator from Massachusetts truly said that the Bank of England was derived from that of Amsterdam, as ours, in turn, are from that of England. Throughout its progress, the truth of what I have stated to be a law of the system is strongly evinced. The Bank of Amsterdam was merely a bank of deposite—a storehouse for the safe-keeping of the bullion and precious metals brought into that commercial metropolis, through all the channels of its widely-extended trade. It was placed under the custody of the city authorities; and on the deposite, a certificate was issued as evidence of the fact, which was transferable, so as to entitle the holder to demand the return. An important fact was soon disclosed—that a large portion of the deposites might be withdrawn, and that the residue would be sufficient to meet the returning certificates; or, what is the same in effect, that certificates might be issued without making a deposite. This suggested the idea of a bank of discount as well as deposite. The fact thus disclosed fell too much in with the genius of the system to be lost, and, accordingly, when transplanted to England, it suggested the idea of a bank of discount and of deposite; the very essence of which form of banking, that on which their profit depends, consists in issuing a greater amount of notes than it has specie in its vaults. But the system is regularly progressing, under the impulse of the laws that govern it, from its present form to a mere paper machine—a machine for fabricating and issuing notes, not convertible into specie. Already has it once reached this condition, both in England and the United States, and from which it has been forced back, in both, to a redemption of its notes with great difficulty.

The natural tendency of the system is accelerated in our country by peculiar causes, which have greatly increased its progress. There are two powerful causes in operation. The one resulting from that rivalry which must ever take place in states situated, as ours are, under one General Government, and having a free and open commercial intercourse. The introduction of the banking system in one state necessarily, on this principle, introduces it into all the others, of which we have seen a striking illustration on the part of Virginia and some of the other Southern States, which entertained, on principle, strong aversion to the system; yet they were compelled, after a long and stubborn resistance, to yield their objections, or permit their circulation to be furnished by

the surrounding states, at the expense of their own capital and commerce. The same cause which thus compels one state to imitate the example of another, in introducing the system from self-defence, will compel the other states, in like manner, and from the same cause, to enlarge and give increased activity to the banking operation, whenever any one of the states sets the example of so doing on its part; and thus, by mutual action and reaction, the whole system is rapidly accelerated to the final destiny which I have assigned.

This is strikingly exemplified in the rapid progress of the system since its first introduction into our country. At the adoption of our Constitution, forty-five years ago, there were but three banks in the United States, the amount of whose capital I do not now recollect, but it was very small. In this short space, they have increased to four hundred and fifty, with a capital of one hundred and forty-five millions, as has already been stated: an increase exceeding nearly a hundred fold the increase of our wealth and population, as great as they have been.

But it is not in numbers only that they have increased: there has, in the same time, been a rapid advance in the proportion which their notes in circulation bear to the specie in their vaults. Some twenty or thirty years ago, it was not considered safe for the issues to exceed the specie by more than two and a half or three for one; but now, taking the whole, and including the Bank of the United States with the state banks, the proportion is about six to one; and excluding that Bank, it would very greatly exceed that proportion. This increase of paper in proportion to metal results from a cause which deserves much more notice than it has heretofore attracted. It originates mainly in the number of the banks. I will proceed to illustrate it.

The senator from New-York (Mr. WRIGHT), in assigning his reasons for believing the Bank of the United States to be more dangerous than those of the states, said that one bank was more dangerous than many. That in some respects may be true; but in one, and that a most important one, it is strikingly the opposite—I mean in the tendency of the system to increase. Where there is but one bank, the tendency to increase is not near so strong as where there are many, as illustrated in England, where the system has advanced much less rapidly, in proportion to the wealth and population of the kingdom, than in the United States. But where there is no limitation as to their number, the increase will be inevitable, so long as banking continues to be among the most certain, eligible, and profitable employments of capital, as now is the case. With these inducements, there must be constant application for new banks, whenever there is the least prospect of profitable employment—banks to be founded mainly on nominal and fictitious capital, and adding but little additional capital to that already in existence—and with our just and natural aversion to monopoly, it is difficult, on principles of equality and justice, to resist such application. The admission of a new bank tends to diminish the profits of the old, and, between the aversion of the old to reduce their income and the desire of the new to acquire profits, the result is an enlargement of discounts, effected by a mutual spirit of forbearance; an indisposition on the part of each to oppress the other; and, finally, the creation of a common feeling to stigmatize and oppose those, whether banks or individuals, who demand specie in payment of their notes. This community of feeling, which ultimately identifies the whole as a peculiar and distinct interest in the community, increases, and becomes more and more intense, just in proportion as banks multiply; as they become, if I may use the expression, too populous, when, from the pressure of increasing numbers, there results a corresponding increase of issues, in proportion to their means, which explains the present extraordinary disproportion between specie and notes in those states where banks have been most multiplied; equal, in some, to sixteen to one. There results from this state of things some political considerations, which demand the profound attention of all who value the liberty and peace of the country.

While the banking system rests on a solid foundation, there will be, on their part, but little dependance on the government, and but little means by which the government can influence them, and as little disposition on the part of the banks to be connected with the government; but in the progress of the system, when their number is greatly multiplied, and their issues, in proportion to their means, are correspondingly increased, the condition of the banks becomes more and more critical. Every adverse event in the commercial world, or political movement that disturbs the existing state of things, agitates and endangers them. They become timid and anxious for their safety, and necessarily court those in power, in order to secure their protection. Property is, in its nature, timid, and seeks protection, and nothing is more gratifying to government than to become a protector. A union is the result; and when that union takes place—when the government, in fact, becomes the bank direction, regulating its favours and accommodation—the downfall of liberty is at hand. Are there no indications that we are not far removed from this state of things? Do we not behold in those events which have so deeply agitated us within the last few months, and which have interrupted all the business transactions of this community, a strong tendency to this union on the part of a department of this government, and a portion of the banking system? Has not this union been, in fact, consummated in the largest and most commercial of the states? What is the safety-fund system of New-York but a union between the banks and the state, and a consummation by law of that community of feeling in the banking system which I have attempted to illustrate, the object of which is to extend their discounts, and to obtain which, the interior banks of that state have actually put themselves under the immediate protection of the government? The effects have been striking. Already have they become substantially mere paper machines, several having not more than from one to two cents in specie to the dollar, when compared with their circulation; and, taking the aggregate, their average condition will be found to be but little better. I care not, said Mr. C., whether the present commissioners are partisans of the present state administration or not, or whether the assertion of the senator from New-York (Mr. Wright), that the government of the state has not interfered in the control of these institutions, be correct. Whether it has taken place or not, interference is inevitable. In such state of weakness, a feeling of dependance is unavoidable, and the control of the government over the action of the banks, whenever that control shall become necessary to subserve the ambition or the avarice of those in power, is certain.

Such is the strong tendency of our banks to terminate their career in the paper system—in an open suspension of specie payment. Whenever that event occurs, the progress of convulsion and revolution will be rapid. The currency will become local, and each state will have a powerful interest to depreciate its currency more rapidly than its neighbour, as means, at the same time, of exempting itself from the taxes of the government, and drawing the commerce of the country to its ports. This was strongly exemplified after the suspension of specie payment during the late war, when the depreciation made the most rapid progress, till checked by the establishment of the present Bank of the United States, and when the foreign trade of the country was as rapidly converging to the point of the greatest depreciation, with a view of exemption from duties, by paying in the debased currency of the place.

What, then, is the disease which afflicts the system? what the remedy? and what the means of applying it? These are the questions which I shall next proceed to consider. What I have already stated points out the disease. It consists in a great and growing disproportion between the metallic and paper circulation of the country, effected through the instrumentality of the banks: a disproportion daily and hourly increasing, under the impulse of most powerful causes, which are rapidly accelerating the country to that state of convulsion

and revolution which I have indicated. The remedy is to arrest its future progress, and to diminish the existing disproportion—to increase the metals and to diminish the paper—advancing till the currency shall be restored to a sound, safe, and settled condition. On these two points all must be agreed. There is no man of any party, capable of reflecting, and who will take the pains to inform himself, but must agree that our currency is in a dangerous condition, and that the danger is increasing; nor is there any one who can doubt that the only safe and effectual remedy is to diminish this disproportion to which I have referred. Here the extremes unite: the senator from Missouri (Mr. Benton), and the senator from Massachusetts (Mr. Webster), who stands here as the able and strenuous advocate of the banking system, are on this point united, and must move from it in the same direction: though it may be the design of the one to go through, and of the other to halt after a moderate advance.

There is another point on which all must be agreed—that the remedy must be gradual—the change from the present to another and sounder condition, slow and cautious. The necessity for this results from that highly delicate nature of currency which I have already illustrated. Any sudden and great change from our present to even a sounder condition would agitate and convulse society to the centre. On another point there can be but little disagreement. Whatever may be the different theoretical opinions of the members of the Senate as to the extent to which the reformation of the currency should be carried, even those who think it may be carried practically and safely to the restoration of a metallic currency, to the entire exclusion of paper, must agree that the restoration ought not to be carried farther than a cautious and slow experience shall prove that it can be done, consistently with the prosperity of the country, in the existing fiscal and commercial condition of the world. To go beyond the point to which experience shall show it is proper to go, would be to sacrifice the public interest merely to a favourite conception. There may be ultimately a disagreement of opinion where that point is, but, since all must be agreed to move forward in the same direction and at the same pace, let us set out in the spirit of harmony and peace, though we intend to stop at different points. It may be that, enlightened by experience, those who intended to stop at the nearest point may be disposed to advance farther, and that those who intended the farthest, may halt on this side, so that finally all may agree to terminate the journey together.

This brings us to the question of how shall so salutary a change be effected? What the means, and the mode of application? A great and difficult question, on which some diversity of opinion may be expected.

No one can be more sensible than I am of the responsibility that must be incurred in proposing measures on questions of so much magnitude, and which, in so distracted a state, must affect seriously great and influential interests. But this is no time to shun responsibility. The danger is great and menacing, and delay hazardous, if not ruinous. While, however, I would not shun, I have not sought the responsibility. I have waited for others; and, had any one proposed an adequate remedy, I would have remained silent. And here, said Mr. Calhoun, let me express the deep regret which I feel that the administration, with all that weight of authority which belongs to its power and immense patronage, had not, instead of the deposite question, which has caused such agitation and distress, taken up the great subject of the currency; examined it gravely and deliberately in all its bearings; pointed out its diseased condition; designated the remedy, and proposed some safe, gradual, and effectual means of applying it. Had that course been pursued, my zealous and hearty co-operation would not have been wanting. Permit me, also, to express a similar regret that the administration, having failed in this great point of duty, the opposition, with all its weight and talents, headed on this question by the distinguished and able senator from Massachusetts, who is so capable of comprehending

this subject in all its bearings, had not brought forward, under its auspices, some permanent system of measures, based upon a deliberate and mature investigation into the cause of the existing disease, and calculated to remedy the disordered state of the currency. What might have been brought forward by them with such fair prospects of success, has been thrown on more incompetent hands, unaided by patronage or influence, save only that power which truth clearly developed, and honestly and zealously advanced, may be supposed to possess, and on which I must wholly rely.

But to return to the subject. Whatever diversity of sentiment there may be as to the means, on one point all must be agreed: nothing effectual can be done, no check interposed to restore or arrest the progress of the system, by the action of the states. The reasons already assigned to prove that banking by one state compels all others to bank, and that the excess of banking in one in like manner compels all others to like excess, equally demonstrate that it is impossible for the states, acting separately, to interpose any means to prevent the catastrophe which certainly awaits the system, and perhaps the government itself, unless the great and growing danger to which I refer be timely and effectually arrested. There is no power anywhere but in this government—the joint agent of all the states, and through which a concert of action can be effected adequate to this great task. The responsibility is upon us, and upon us alone. The means, if means there be, must be applied by our hands, or not applied at all—a consideration, in so great an emergency, and in the presence of such imminent danger, calculated, I should suppose, to arouse even the least patriotic.

What means do we possess, and how can they be applied?

If the entire banking system was under the immediate control of the General Government, there would be no difficulty in devising a safe and effectual remedy to restore the equilibrium, so desirable, between the specie and the paper which compose our currency. But the fact is otherwise. With the exception of the Bank of the United States, all the other banks owe their origin to the authority of the several states, and are under their immediate control, which presents the great difficulty experienced in devising the proper means of effecting the remedy which all feel to be so desirable.

Among the means which have been suggested, a senator from Virginia, not now a member of this body (Mr. Rives), proposed to apply the taxing power to suppress the circulation of small notes, with a view of diminishing the paper and increasing the specie circulation. The remedy would be simple and effective, but is liable to great objection. The taxing power is odious under any circumstances; it would be doubly so when called into exercise with an overflowing treasury; and still more so, with the necessity of organizing an expensive body of officers to collect a single tax, and that of an inconsiderable amount. But there is another, and of itself a decisive objection. It would be unconstitutional—palpably and dangerously so. All political powers, as I stated on another occasion, are trust powers, and limited in their exercise by the subject and object of the grant. The tax power was granted to raise revenue for the sole purpose of supplying the necessary means of carrying on the operations of the government. To pervert this power from the object thus intended by the Constitution, to that of suppressing the circulation of bank-notes, would be to convert it from a revenue into a penal power—a power in its nature and object essentially different from that intended to be granted in the Constitution; and a power which in its full extension, if once admitted, would be sufficient of itself to give an entire control to this government over the property and the pursuits of the community, and thus concentrate and consolidate in it the entire power of the system.

Rejecting, then, the taxing power, there remains two obvious and direct means in possession of the government, which may be brought into action to effect the object intended, but neither of which, either separately or jointly, is

of sufficient efficacy, however indispensable they may be as a part of an efficient system of measures, to correct the present, or repress the growing disorders of the currency; I mean that provision in the Constitution which empowers Congress to coin money, regulate the value thereof, and of foreign coin, and the power of prohibiting anything but the legal currency to be received, either in whole or in part, in the dues of the government. The mere power of coining and regulating the value of coins, of itself, and unsustained by any other measure, can exercise but a limited control over the actual currency of the country, and is inadequate to check excess or correct disorder, as is demonstrated by the present diseased state of the currency. Congress has had, from the beginning, laws upon the statute-books to regulate the value of coins; and at an early period of the government the mint was erected, and has been in active operation ever since; and yet, of the immense amount which has been coined, a small residue only remains in the country, the great body having been expelled under the banking system. To give efficiency to this power, then, some other must be combined with it. The most immediate and obvious is that which has been suggested—of excluding all but specie in the receipts of the government. This measure would be effectual to a certain extent; but with a declining income, which must take place under the operation of the act of the last session, to adjust the tariff, and which must greatly reduce the revenue (a point of the utmost importance to the reformation and regeneration of our institutions), the efficacy of the measure must be correspondingly diminished. From the nature of things, it cannot greatly exceed the average of the government deposites, which I hope will, before many years, be reduced to the smallest possible amount, so as to prevent the possibility of the recurrence of the shameful and dangerous state of things which now exists, and which has been caused by the vast amount of the surplus revenue. But there is, in *my* opinion, a strong objection against resorting to this measure, resulting from the fact that an exclusive receipt of specie in the treasury would, to give it efficacy, and to prevent extensive speculation and fraud, require an entire disconnexion on the part of the government with the banking system in all its forms, and a resort to the strong box as the means of preserving and guarding its funds—a means, if practicable, in the present state of things liable to the objection of being far less safe, economical, and efficient than the present.

What, then, Mr. Calhoun inquired, what other means do we possess, of sufficient efficacy, in combination with those to which I have referred, to arrest its progress, and correct the disordered state of the currency? This is the deeply-important question, and here some division of opinion must be expected, however united we may be, as I trust we are thus far, on all other points. I intend to meet this question explicitly and directly, without reservation or concealment.

After a full survey of the whole subject, I see none: I can conjecture no means of extricating the country from the present danger, and to arrest its farther increase, but a Bank—the agency of which, in some form, or under some authority, is indispensable. The country has been brought into the present distressed state of currency by banks, and must be extricated by their agency. We must, in a word, use a bank to unbank the banks, to the extent that may be necessary to restore a safe and stable currency—just as we apply snow to a frozen limb in order to restore vitality and circulation, or hold up a burn to the flame to extract the inflammation. All must see that it is impossible to suppress the banking system at once. It must continue for a time. Its greatest enemies, and the advocates of an exclusive specie circulation, must make it a part of their system to tolerate the banks for a longer or a shorter period. To suppress them at once would, if it were possible, work a greater revolution—a greater change in the relative condition of the various classes of the community, than would the conquest of the country by a savage enemy. What, then, must be done? I answer, a new and safe system must gradually grow up un-

der, and replace the old; imitating, in this respect, the beautiful process which we sometimes see of a wounded or diseased part in a living organic body gradually superseded by the healing process of nature.

How is this to be effected? How is a bank to be used as the means of correcting the excess of the banking system? and what bank is to be selected as the agent to effect this salutary change? I know, said Mr. C., that a diversity of opinion will be found to exist, as to the agent to be selected, among those who agree on every other point, and who, in particular, agree on the necessity of using some bank as the means of effecting the object intended: one preferring a simple recharter of the existing Bank, another the charter of a new Bank of the United States; a third, a new Bank ingrafted upon the old; and a fourth, the use of the state banks as the agent. I wish, said Mr. C., to leave all these as open questions, to be carefully surveyed and compared with each other, calmly and dispassionately, without prejudice or party feeling; and that to be selected which, on the whole, shall appear to be best, the most safe, the most efficient, the most prompt in application, and the least liable to constitutional objections. It would, however, be wanting in candour on my part not to declare that my impression is, that a new Bank of the United States, ingrafted upon the old, will be found, under all the circumstances of the case, to combine the greatest advantages, and to be liable to the fewest objections; but this impression is not so firmly fixed as to be inconsistent with a calm review of the whole ground, or to prevent my yielding to the conviction of reason, should the result of such review prove that any other is preferable. Among its peculiar recommendations may be ranked the consideration that, while it would afford the means of a prompt and effectual application for mitigating and finally removing the existing distress, it would, at the same time, open to the whole community a fair opportunity of participation in the advantages of the institution, be they what they may.

Let us, then, suppose (in order to illustrate, and not to indicate a preference) that the present Bank be selected as the agent to effect the intended object. What provisions will be necessary? I will *suggest* those that have occurred to me, mainly, however, with a view of exciting the reflections of those much more familiar with banking operations than myself, and who, of course, are more competent to form a correct judgment of their practical effect.

Let, then, the Bank charter be renewed for twelve years after the expiration of the present term, with such modifications and limitations as may be judged proper; and that after that period it shall issue no notes under ten dollars—that government shall not receive in its dues any sum less than ten dollars, except in the legal coins of the United States; that it shall not receive in its dues the notes of any bank that issues notes of a denomination less than five dollars; and that the United States Bank shall not receive in payment, or on deposite, the notes of any bank whose notes are not receivable in the dues of the government, nor the notes of any bank which may receive the notes of any bank whose notes are not receivable by the government. At the expiration of six years from the commencement of the renewed charter, let the Bank be prohibited from issuing any note under twenty dollars, and let no sum under that amount be received in dues of the government, except in specie; and let the value of gold be raised at least equal to that of silver, to take effect immediately; so that the country may be replenished with the coin, the lightest and the most portable in proportion to its value, to take the place of the receding bank-notes. It is unnecessary for me to state, that at present the standard value of gold is less than that of silver; the necessary effect of which has been to expel gold entirely from circulation, and to deprive us of a coin so well calculated for the circulation of a country so great in extent, and having so vast an intercourse, commercial, social, and political, between all its parts, as ours. As an additional recommendation to raise its relative value, gold has, of late, become an impor-

tant product of three considerable states of the Union—Virginia, North Carolina, and Georgia—to the industry of which the measure proposed would give a strong impulse, and which, in turn, would greatly increase the quantity produced.

Such are the means which have occurred to me. There are members of this body far more competent to judge of their practical operation than myself; and as my object is simply to suggest them for their reflection, and for that of others who are more familiar with this part of the subject, I will not at present enter into an inquiry as to their efficiency, with a view of determining whether they are fully adequate to effect the object in view or not. There are, doubtless, others of a similar description, and perhaps more efficacious, that may occur to the experienced, which I would freely embrace, as my object is to adopt the best and most efficient. And it may be hoped, that if, on experience, it should be found that neither these provisions, nor any other in the power of Congress, are fully adequate to effect the important reform which I have proposed, the co-operation of the states may be afforded, at least to the extent of suppressing the circulation of notes under five dollars, where such are permitted to be issued under their authority.

I omitted, in the proper place, to state my reason for suggesting twelve years as the term for the renewal of the charter of the Bank. It appears to me that it is long enough to permit the agitation and distraction which now disturbs the country to subside, while it is sufficiently short to enable us to avail ourselves of the full benefit of the light of experience, which may be expected to be derived from the operation of the system under its new provisions. But there is another reason which appears to me to be entitled to great weight. The charter of the Bank of England has recently been renewed for the term of ten years, with very important changes, calculated to furnish much experience upon the nature of banking operations and currency. It is highly desirable, if the Bank charter should be renewed, or a new bank created, that we should have the full benefit of that experience before the expiration of the term, which would be effected by fixing the period I have designated. But as my object in selecting the recharter of the Bank of the United States was simply to enable me to present the suggestions I have made in the clearest form, and not advocate the recharter, I shall omit to indicate many limitations and provisions, which seem to me to be important to be considered, when the question of its permanent renewal is presented, should it ever be. Among others, I entirely concur in the suggestion of the senator from Georgia, of fixing the rate of interest at five per cent.—a suggestion of importance, and to which but one objection can, in my opinion, be presented—I mean the opposing interest of existing state institutions, all of which discount at higher rates, and which may defeat any measure of which it constitutes a part. In addition, I will simply say that I, for one, shall feel disposed to adopt such provisions as are best calculated to secure the government from any supposed influence on the part of the Bank, or the Bank from any improper interference on the part of the government, or which may be necessary to protect the rights or interests of the states.

Having now stated the measure necessary to apply the remedy, I am thus brought to the question, Can the measure succeed? which brings up the inquiry of how far it may be expected to receive the support of the several parties which now compose the Senate, and on which I shall next proceed to make a few remarks.

First, then, can the State Rights party give it their support? that party of which I am proud of being a member, and for which I entertain so strong an attachment—the stronger because we are few among many. In proposing this question, I am not ignorant of their long-standing constitutional objection to the Bank, on the ground that this was intended to be, as it is usually expressed, a hard-money government, whose circulating medium was intended to consist of

the precious metals, and for which object the power of coining money, and regulating the value thereof, was expressly conferred by the Constitution. I know how long and how sincerely this opinion has been entertained, and under how many difficulties it has been maintained. It is not my intention to attempt to change an opinion so firmly fixed; but I may be permitted to make a few observations, in order to present what appears to me to be the true question in reference to this constitutional point, in order that we may fully comprehend the circumstances under which we are placed in reference to it.

With this view, I do not deem it necessary to inquire whether, in conferring the power to coin money, and to regulate the value thereof, the Constitution intended to limit the power strictly to coining money and regulating its value, or whether it intended to confer a more general power over the currency; nor do I intend to inquire whether the word coin is limited simply to the metals, or may be extended to other substances, if, through a gradual change, they may become the medium of the general circulation of the world. I pass these points. Whatever opinion there may be entertained in reference to them, we must all agree, as a fixed principle in our system of thinking on constitutional questions, that the power under consideration, like other powers, is a trust power; and that, like all such powers, it must be so exercised as to effect the object of the trust as far as it may be practicable. Nor can we disagree that the object of the power was to secure to these states a safe, uniform, and stable currency. The nature of the power, the terms used to convey it, the history of the times, the necessity, with the creation of a common government, of having a common and uniform circulating medium, and the power conferred to punnish those who, by counterfeiting, may attempt to debase and degrade the coins of the country, all proclaim this to be the object.

It is not my purpose to inquire whether, admitting this to be the object, Congress is not bound to use all the means in its power to give this safety, this stability, this uniformity to the currency, for which the power was conferred; nor to inquire whether the states are not bound to abstain from acts, on their part, inconsistent with them; nor to inquire whether the right of banking, on the part of a state, does not directly, and by immediate consequence, injuriously affect the currency—whether the effect of banking is not to expel the specie currency, which, according to the assumption that this is a hard-money government, it was the object of the Constitution to furnish, in conferring the power to coin money; or whether the effect of banking does not necessarily tend to diminish the value of a specie currency as certainly as clipping or reducing its weight would; and whether it has not, in fact, since its introduction, reduced the value of the coins one half. Nor do I intend to inquire whether Congress is not bound to abstain from all acts, on its part, calculated to affect injuriously the specie circulation, and whether the receiving anything but specie, in its dues, must not necessarily so affect it by diminishing the quantity in circulation, and depreciating the value of what remains. All these questions I leave open. I decide none of them. There is one, however, that I will decide. If Congress has a right to receive anything else than specie in its dues, they have the right to regulate its value; and have a right, of course, to adopt all necessary and proper means, in the language of the Constitution, to effect the object. It matters not what they receive, tobacco, or anything else, this right must attach to it. I do not assert the right of receiving, but I do hold it to be incontrovertible, that, if Congress were to order the dues of the government to be paid, for instance, in tobacco, they would have the right, nay, more, they would be bound to use all necessary and proper means to give it a uniform and stable value—inspections, appraisement, designation of qualities, and whatever else would be necessary to that object. So, on the same principle, if they receive bank-notes, they are equally bound to use all means necessary and proper, according to the peculiar nature of the subject, to give them uniformity, stability, and safety.

The very receipt of bank-notes, on the part of the government, in its dues, would, it is conceded, make them money, as far as the government may be concerned, and, by a necessary consequence, would make them, to a great extent, the currency of the country. I say nothing of the positive provisions in the Constitution which declare that "all duties, imposts, and excises shall be uniform throughout the United States," which cannot be, unless that in which they are paid should also have, as nearly as practicable, a uniform value throughout the country. To effect this, if bank-notes are received, the banking power is necessary and proper within the meaning of the Constitution; and, consequently, if the government has the right to receive bank-notes in its dues, the power becomes constitutional. Here lies, said Mr. Calhoun, the real constitutional question: Has the government a right to receive bank-notes, or not? The question is not upon the mere power of incorporating a bank, as it has been commonly argued; though even in that view there would be as great a constitutional objection to any act on the part of the executive, or any other branch of the government, which should unite any association of state banks into one system, as the means of giving the uniformity and stability to the currency which the Constitution intends to confer. The very act of so associating or uniting them into one, by whatever name called, or by whatever department performed, would be, in fact, an act of incorporation.

But, said Mr. Calhoun, my object, as I have stated, is not to discuss the constitutional questions, nor to determine whether the Bank be constitutional or not. It is, I repeat, to show where the difficulty lies: a difficulty which I have felt from the time I first came into the public service. I found then, as now, the currency of the country consisting almost entirely of bank-notes. I found the government intimately connected with the system: receiving bank-notes in its dues, and paying them away, under its appropriations, as cash. The fact was beyond my control: it existed long before my time, and without my agency; and I was compelled to act on the fact as it existed, without deciding on the many questions which I have suggested as connected with this subject, and on many of which I have never yet formed a definite opinion. No one can pay less regard to the precedent than I do, acting here, in my representative and deliberative character, on legal or constitutional questions; but I have felt from the beginning the full force of the distinction so sensibly taken by the senator from Virginia (Mr. Leigh) between doing and undoing an act, and which he so strongly illustrated in the case of the purchase of Louisiana. The constitutionality of that act was doubted by many at the time, and, among others, by its author himself; yet he would be considered a madman who, coming into political life at this late period, would now seriously take up the question of the constitutionality of the purchase, and, coming to the conclusion that it was unconstitutional, should propose to rescind the act, and eject from the Union two flourishing states and a growing territory: nor would it be an act of much less madness thus to treat the question of the currency, and undertake to suppress at once the system of bank circulation which has been growing up from the beginning of the government, which has penetrated into and connected itself with every department of our political system, on the ground that the Constitution intended a specie circulation; or who would treat the constitutional question as one to be taken up *de novo*, and decided upon elementary principles, without reference to the imperious state of facts.

But in raising the question whether my friends of the State Rights party can consistently vote for the measure which I have suggested, I rest not its decision on the ground that their constitutional opinion in reference to the Bank is erroneous. I assume their opinion to be correct—I place the argument, not on the constitutionality or unconstitutionality, but on wholly different ground. I lay it down, as an incontrovertible principle, that, admitting an act to be unconstitutional, but of such a nature that it cannot be reversed at once, or at least without

involving gross injustice to the community, we may, under such circumstances, vote for its temporary continuance, for undoing gradually, as the only practicable mode of terminating it, consistently with the strictest constitutional objects. The act of the last session, adjusting the tariff, furnishes an apt illustration. All of us believed that measure to be unconstitutional and oppressive, yet we voted for it without supposing that we violated the Constitution in so doing, although it allowed upward of eight years for the termination of the system, on the ground that to reverse it at once would spread desolation and ruin over a large portion of the country. I ask the principle in that case to be applied to this. It is equally as impossible to terminate suddenly the present system of paper currency, without spreading a desolation still wider and deeper over the face of the country. If it can be reversed at all—if we can ever return to a metallic currency, it must be by gradually undoing what we have done, and to tolerate the system while the process is going on. Thus, the measure which I have suggested proposes, for the period of twelve years, to be followed up by a similar process, as far as a slow and cautious experience shall prove we may go consistently with the public interest, even to its entire reversal, if experience shall prove we may go so far, which, however, I, for one, do not anticipate; but the effort, if it should be honestly commenced and pursued, would present a case every way parallel to the instance of the tariff to which I have already referred. I go farther, and ask the question, Can you, consistently with your obligation to the Constitution, refuse to vote for a measure, if intended, in good faith, to effect the object already stated? Would not a refusal to vote for the only means of terminating it consistently with justice, and without involving the horror of revolution, amount in fact, and in all its practical consequences, to a vote to perpetuate a state of things which all must acknowledge to be eminently unconstitutional, and highly dangerous to the liberty of the country?

But I know that it will be objected that the Constitution ought to be amended, and the power conferred in express terms. I feel the full force of the objection. I hold the position to be sound, that, when a constitutional question has been agitated involving the powers of the government, which experience shall prove cannot be settled by reason, as is the case of the Bank question, those who claim the power ought to abandon it, or obtain an express grant by an amendment of the Constitution; and yet, even with this impression, I would, at the present time, feel much, if not insuperable objection, to vote for an amendment, till an effort shall be fairly made, in order to ascertain to what extent the power might be dispensed with, as I have proposed.

I hold it a sound principle, that no more power should be conferred upon the General Government than is indispensable; and if experience should prove that the power of banking is indispensable, in the actual condition of the currency of this country and of the world generally, I should even then think that, whatever power ought to be given, should be given with such restrictions and limitations as would limit it to the smallest amount necessary, and guard it with the utmost care against abuse. As it is, without farther experience, we are at a loss to determine how little or how much would be required to correct a disease which must, if not corrected, end in convulsions and revolution. I consider the whole subject of banking and credit as undergoing at this time, throughout the civilized world, a progressive change, of which I think I perceive many indications. Among the changes in progression, it appears to me there is a strong tendency in the banking system to resolve itself into two parts—one becoming a bank of circulation and exchange, for the purpose of regulating and equalizing the circulating medium, and the other assuming more the character of private banking; of which separation there are indications in the tendency of the English system, particularly perceptible in the late modification of the charter of the Bank of England. In the mean time, it would be wise in us to avail ourselves of the experience of the next few years before

any change be made in the Constitution, particularly as the course which, it seems to me, it would be advisable to pursue, would be the same, whether the power be expressly conferred or not.

I next address myself to the members of the opposition, who principally represent the commercial and manufacturing portions of the country, where the banking system has been the farthest extended, and where a larger portion of the property exists in the shape of credit than in any other section, and to whom a sound and stable currency is most necessary, and the opposite most dangerous. You have no constitutional objection: to you it is a mere question of expediency. Viewed in this light, can you vote for the measure suggested? A measure designed to arrest the approach of events which, I have demonstrated, must, if not arrested, create convulsions and revolutions; and to correct a disease which must, if not corrected, subject the currency to continued agitations and fluctuations; and, in order to give that permanence, stability, and uniformity, which is so essential to your safety and prosperity. To effect this may require some diminution of the profits of banking, some temporary sacrifice of interest; but if such should be the fact, it will be compensated more than a hundred fold by increased security and durable prosperity. If the system must advance in the present course without a check, and if explosion must follow, remember that where you stand will be the crater—should the system quake, under your feet the chasm will open that will ingulf your institutions and your prosperity.

Can the friends of the administration vote for this measure? If I understand their views, as expressed by the senator from Missouri, behind me (Mr. Benton), and the senator from New-York (Mr. Wright), and other distinguished members of the party, and the views of the President as expressed in reported conversations, I see not how they can reject it. They profess to be the advocates of a metallic currency.

I propose to restore it by the most effectual measures that can be devised; gradually and slowly, and to the extent that experience may show that it can be done consistently with a due regard to the public interest. Farther no one can desire to go. If the means I propose are not the best and most effectual, let better and more effectual be devised. If the process which I propose be too slow or too fast, let it be accelerated or retarded. Permit me to add to these views what, it appears to me, those whom I address ought to feel with deep and solemn obligation of duty. They are the advocates and the supporters of the administration. It is now conceded, almost universally, that a rash and precipitate act of the executive, to speak in the mildest terms, has plunged this country into deep and almost universal distress. You are the supporters of that measure—you personally incur the responsibility by that support. How are its consequences to terminate? Do you see the end? Can things remain as they are, with the currency and the treasury of the country under the exclusive control of the executive? And by what scheme, what device, do you propose to extricate the country and the Constitution from their present dangers?

I have now said what I intended. I have pointed out, without reserve, what I believe in my conscience to be for the public interest. May what I have said be received as favourably as is the sincerity with which it has been uttered. In conclusion, I have but to add, that, if what I have said shall in any degree contribute to the adjustment of this question, which I believe cannot be left open without imminent danger, I shall rejoice; but if not, I shall at least have the consolation of having discharged my duty.

# IX.

SPEECH DELIVERED IN THE SENATE OF THE UNITED STATES APRIL 9, 1834, ON THE BILL TO REPEAL THE FORCE ACT.

I HAVE, said Mr. Calhoun, introduced this bill from a deep conviction that the act which it proposes to repeal is, in its tendency, subversive of our political institutions, and fatal to the liberty and happiness of the country; which I trust to be able to establish to the satisfaction of the Senate, should I be so fortunate as to obtain a dispassionate and favourable hearing.

In resting the repeal on this ground, it is not my intention to avail myself of the objections to the details of the act, as repugnant as many of them are to the principles of our government. In illustration of the truth of this assertion, I might select that provision which vests in the President, in certain cases, of which he is made the judge, the entire force of the country, civil, military, and naval, with the implied power of pledging the public faith for whatever expenditure he may choose to incur in its application. And, to prove how dangerous it is to vest such extraordinary powers in the executive, I might avail myself of the experience which we have had in the last few months of the aspiring character of that department of the government, and which has furnished conclusive evidence of the danger of vesting in it even a very limited discretion. It is not for me to judge of the propriety of the course which the members of this body may think proper to pursue in reference to the question under consideration; but I must say that I am at a loss to understand how any one, who regards as I do the acts to which I have referred, as palpable usurpations of power, and as indicating on the part of the executive a dangerous spirit of aggrandizement, can vote against the bill under consideration, and thereby virtually vote to continue in the President the extraordinary and dangerous power in question.

But it may be said that the provision of the act which confers this power will expire, by its own limitation, at the termination of the present session. It is true it will then cease to be law; but it is no less true that the precedent, unless the act be expunged from the statute-book, will live forever, ready, on any pretext of future danger, to be quoted as an authority to confer on the chief magistrate similar, or even more dangerous powers, if more dangerous can be devised. We live in an eventful period, and, among other things, we have had, recently, some impressive lessons on the danger of precedents. To them immediately we owe the act which has caused the present calamitous and dangerous condition of the country; which has been defended almost solely on the ground of precedents —precedents almost unnoticed at the time; but had they not existed, or had they been reversed at the time by Congress, the condition of the country would this day be far different from what it is. With this knowledge of the facts, we must see that a bad precedent is as dangerous as the bad measure itself; and in some respects more so, as it may give rise to acts far worse than itself, as in the case to which I have alluded. In this view of the subject, to refuse to vote against the repeal of the act, and thereby constitute a precedent to confer similar, or more dangerous powers hereafter, would be as dangerous as to vote for an act to vest permanently in the President the power in question.

But I pass over this and other objections to the details not much less formidable. I take a higher stand against the act: I object to the principle in which it originated, putting the details aside, on the ground, as I

have stated, that they are subversive of our political institutions, and fatal, in their tendency, to the liberty and happiness of the country. Fortunately, we are not left to conjecture or inference as to what these principles are. It was openly proclaimed, both here and elsewhere, in the debates of this body and the proclamation and message of the President, in which the act originated, that the very basis on which it rests—the assumption on which only it could be supported—was, that this government had the final and conclusive right, in the last resort, to judge of the extent of its powers; and that, to execute its decision, it had the right to use all the means of the country, civil, military, and fiscal, not only against individuals, but against the states themselves, and all acting under their authority, whether in a legislative, executive, or judicial capacity.

If farther evidence be required as to the nature and character of the act, it will be found in the history of the events in which it took its origin. It originated, as we all know, in a controversy between this government and the State of South Carolina, in reference to a power which involved the question of the constitutionality of a protective tariff. I do not intend to give the history of this controversy; it is sufficient for my purpose to say that the state, in maintenance of what she believed to be her unquestionable power, assumed the highest ground: she placed herself on her sovereign authority as a constituent member of this confederacy, and made her opposition to the encroachment on her rights through a convention of the people, the only organ by which, according to our conception, the sovereign will of a state can be immediately and directly pronounced. This government, on its part, in resistance to the action of the state, assumed the right to trample upon the authority of the convention, and to look beyond the state to the individuals who compose it: not as forming a political community, but as a mere mass of insolated individuals, without political character or authority; and thus asserted in the strongest manner, not only the right of judging of its own powers, but that of overlooking, in a contest for power, the very existence of the state itself, and of recognising, in the assertion of what it might claim to be its power, no other authority whatever in the system but its own.

Such being the principle in which this bill originated, we are brought to the consideration of a question of the deepest import. Is an act, which assumes such powers for this government, consistent with the nature and character of our political institutions?

It is not my intention, in the discussion of this question, to renew the debate of the last session. But, in declining to renew that discussion, I wish to be directly understood that I do so exclusively on the ground that I do not feel myself justified in repeating arguments so recently advanced; and not on the ground that there is the least abatement of confidence in the positions then assumed, or in the decisive bearing which they ought to have against the act. So far otherwise, time and reflection have but served to confirm me in the impression which I then entertained; and, without repeating the arguments, I now avail myself, in this discussion, of the positions then established, and stand prepared to vindicate them against whatever assaults may be made upon them, come from what quarter they may. Without, then, reopening the discussion of the last session on the elementary principles of our government, which were then brought into controversy, I shall now proceed to take the plainest and most common-sense view of our political institutions, regarding them merely in a matter-of-fact way, in order to ascertain the parts of which they are composed, and the relations which they bear to each other.

Thus regarding our institutions, we are struck, on the first view, with the number and complexity of the parts—with the division, classification,

and organization which pervade every part of the system. It is, in fact, *a system of governments;* and these, in turn, are a system of departments—a system in which government bears the same relation to government, in reference to the whole, as departments do to departments, in reference to each particular government. As each government is made up of the legislative, executive, and judicial departments organized into one, so the system is made up of this government, and the state governments, in like manner, organized into one system. So, too, as the powers which constitute the respective governments are divided and organized into departments, in like manner in the formation of the governments, their powers are classed into two distinct divisions: the one containing powers local and peculiar in their character, which the interests of the states require to be exercised by each state through a separate government; the other containing those which are more general and comprehensive, and which can be best exercised in some uniform mode through a common government. The former of these divisions constitutes what, in our system, are known as the reserved powers, and are exercised by each state through its own separate government. The latter are known as the delegated powers, and are exercised through this, the common government of the several states. This division of power into two parts, with distinct and independent governments, regularly organized into departments, legislative, executive, and judicial, to carry their respective parts into effect, constitutes the great striking and peculiar character of our system, and is without example in ancient or modern times; and may be regarded as the fundamental distribution of power under the system, and as constituting its great conservative principle.

If we extend our eyes beyond, we shall find another striking division between the power of the people and that of the government—between that inherent, primitive, creative power which resides exclusively in the people, and from which all authority is derived, and the delegated power or trust conferred upon the government to effect the object of their creation. If we look still beyond, we shall find another and most important dicision. The people, instead of being united in one general community, are divided into twenty-four states, each forming a distinct sovereign community, and in which, separately, the whole power of the system ultimately resides.

If we examine how this ultimate power is called into action, we shall find that its only organ is a primary assemblage of the people, known under the name of a convention, through which their sovereign will is announced, and by which governments are formed and organized. If we trace historically the exertion of this power in the formation of the governments constituting our system, we shall find that, originally, on the separation of the thirteen colonies from the crown of Great Britain, each state for itself, through its own convention, formed separate constitutions and governments, and that these governments, in turn, formed a league or confederacy for the purpose of exercising those powers, in the regulation of which the states had a common interest. But this confederacy, proving incompetent for its object, was superseded by the present Constitution, which essentially changed the character of the system. If we compare the mode of the adoption of this Constitution with that of the adoption of original constitutions of the several states, we shall find them precisely the same. In both, each state adopted the Constitution through its own convention, by its separate act, each for itself, and is only bound in consequence of its own adoption, without reference to the adoption of any other state. The only point in which they can be distinguished is the mutual compact, in which each state stipulated with the

other to adopt it as a common Constitution. Thus regarded, this Constitution is, in fact, the Constitution of each state. In Virginia, for instance, it is the Constitution of Virginia; and so, too, this government, and the laws which it enacts, are, within the limits of the state, the government and the laws of the state. It is, in fact, the Constitution and government of the whole, because it is the Constitution and government of each part; and not the Constitution and government of the parts because it is of the whole. The system commences with the parts, and ends with the whole. The parts are the units, and the whole the multiple, instead of the whole being a unit and the parts the fractions. Thus viewed, each state has two distinct Constitutions and governments—a separate Constitution and government, instituted, as I have stated, to regulate the object in which each has a peculiar interest; and a general one to regulate the interests common to all, and binding by a common compact the whole into one community, in which the separate and independent existence of each state as a sovereign community is preserved, instead of being fused into a common mass.

Such is our system: such are its parts, and such their relation to each other. I have stated no fact that can be questioned, nor have I omitted any that is essential which I am capable of perceiving. In reviewing the whole, we must be no less struck with the simplicity of the means by which all are blended into one, than we are by the number and complexity of the parts. I know of no system, in either respect, ancient or modern, to be compared with it; and can compare it to nothing but that sublime and beautiful system of which our globe constitutes a part, and to which it bears in many particulars so striking a resemblance. In this system, this government, as we have seen, constitutes a part—a prominent, but a subordinate part, with defined, limited, and restricted powers.

I now repeat the question, Is the act which assumes for this government the right to interpret, in the last resort, the extent of its powers, and to enforce its interpretation against all other authority, consistent with our institutions? To state the question is to answer it. We might with equal propriety ask whether a government of unlimited power is consistent with one of enumerated and restricted powers. I say unlimited, for I would hold his understanding in low estimation who can make, practically, any distinction between a government of unlimited powers, and one which has an unlimited right to construe and enforce its powers as it pleases; who does not see that, to divide power, and to give one of the parties the exclusive right to determine what share belongs to him, is to annihilate the division, and to vest the whole in him who possesses the right? It would be no less absurd, than for one in private life to divide his property with another, and vest in that other the absolute and unconditional right to determine the extent of his share; which would be, in fact, to give him the whole. Nor could I think much more highly of the understanding of him who does not perceive that this exclusive right, on the part of this government, of determining the extent of its powers, necessarily destroys all distinction between reserved and delegated powers; and that it thus strikes a fatal blow at that fundamental distribution of power which lies at the bottom of our system. It also, by inevitable consequence, destroys all distinction between constitutional and unconstitutional laws, making the latter to the full as obligatory as the former; of which we had a remarkable example when the act proposed to be repealed was before the Senate. It is well known that the power in controversy between this government and the State of South Carolina had been pronounced to be unconstitutional by the legislatures of most of the Southern States, and also by many of the members of this body; and yet

there were instances, however extraordinary it may appear, of members of the body voting to enforce an act which they believed to be unconstitutional, and that, too, at the hazard of civil war. As strange as such a course must appear, it was the natural and legitimate consequence of the power which the act assumed for this government, and illustrates, in the strongest manner imaginable, the truth of what I have advanced. But to proceed. This unlimited right of judging as to its powers, not only destroys, as I have stated, all distinction between constitutional and unconstitutional acts, but merges in *this* government the very existence of the separate governments of the states, by reducing them from that independent and distinct existence, as co-governments, assigned to them in the system, to mere subordinate and dependant bodies, holding their power and existence at the mercy of this government. It stops not here—it annihilates the states themselves. The right which it assumes of trampling upon the authority of a Convention of the people of the states, the only organ through which the sovereignty of the states can exert itself, and to look beyond the states to the individuals who compose them, and to treat them as entirely destitute of all political character or power, is, in fact, to annihilate the states, and to transfer their sovereignty, and all their powers, to this government.

If we now raise our eyes, and direct them towards that once beautiful system, with all its various, separate, and independent parts blended into one harmonious whole, we must be struck with the mighty change! All have disappeared—gone—absorbed—concentrated and consolidated in this government, which is left alone in the midst of the desolation of the system, the sole and unrestricted representative of an absolute and despotic majority.

Will it be tolerated, that I should ask whether an act which has caused so complete a revolution—which has entirely subverted our political system, as it emanated from the hands of its creators, and reared in its place one in every respect so different—must not, in its consequences, prove fatal to the liberty and the happiness of these states? Can it be necessary for me to prove that no other system that human ingenuity can devise, or imagination conceive, but that which this fatal act has subverted, can preserve the liberty or secure the happiness of the country? Need I show that the most difficult problem which ever was presented to the mind of a legislator to solve, was to devise a system of government for a country of such vast extent, that should at once possess sufficient power to hold the whole together, without, at the same time, proving fatal to liberty? There never existed an example before of a free community spreading over such an extent of territory; and the ablest and profoundest thinkers, at the time, believed it to be utterly impracticable that there should be. Yet this difficult problem was solved—successfully solved, by the wise and sagacious men who framed our Constitution. No: it was above unaided human wisdom—above the sagacity of the most enlightened. It was the result of a fortunate combination of circumstances, co-operating and leading the way to its formation; directed by that kind Providence which has so often and so signally disposed events in our favour.

To solve this difficult problem, and to overcome the apparently insuperable obstacle which it presents, required that peculiar division, distribution, and organization of power which, as I have stated, so remarkably distinguish our system, and which serve as so many breakwaters to arrest the angry waves of power, impelled by avarice and ambition, and which, driven furiously over a broad and unbroken expanse, would be resistless. Of this partition and breaking up of power into separate parts, the most remarkable division is that between the reserved and delegated

powers, which forms the basis on which this and the separate governments of the states are organized, as the great and primary departments of the system. It is this important division which mainly gives that expansive character to our institutions, by means of which they have the capacity of being spread over the vast extent of our country without exposing us on the one side to the danger of disunion, or on the other to the loss of liberty. Without this happy device, the people of these states, after having achieved their independence, would have been compelled to resolve themselves into small and hostile communities, in despite of a common origin, a common language, and the common renown and glory acquired by their united wisdom and valour in the war of the Revolution, or have submitted quietly to the yoke of despotic power as the only alternative.

In the place of this admirably-contrived system, the act proposed to be repealed has erected one great consolidated government. Can it be necessary for me to show what must be the inevitable consequences? Need I prove that all consolidated governments—governments in which a single power predominates (for such is their essence)—are necessarily despotic, whether that power be wielded by the will of one man, or that of an absolute and unchecked majority? Need I demonstrate that it is, on the contrary, the very essence of liberty that the power should be so divided, distributed, and organized, that one interest may check the other, so as to prevent the excessive action of the separate interests of the community against each other; on the principle that organized power can only be checked by organized power?

The truth of these doctrines was fully understood at the time of the formation of this Constitution. It was then clearly foreseen and foretold what must be the inevitable consequences of concentrating all the powers of the system in this government. Yes, we are in a state predicted, foretold, prophesied from the beginning. All the calamities we have experienced, and those which are yet to come, are the result of the consolidating tendency of the government; and unless that tendency be arrested —unless we reverse our steps, all that has been foretold will certainly befall us—even to the pouring out of the last vial of wrath—military despotism. To this fruitful source of woes may be traced that remarkable decay of public virtue; that rapid growth of corruption and subserviency; that decline of patriotism; that increase of faction; that tendency to anarchy; and, finally, that visible approach of the absolute power of one man which so lamentably characterizes the times. Should there be any one seeing and acknowledging all these morbid and dangerous symptoms, but should doubt whether the disease is to be traced to the cause which I have assigned, I would ask him, To what other can it be attributed? There is no event—no, not in the political or moral world, more than in the physical—without an adequate cause. I would ask him, Does he attribute it to the people? to their want of sufficient intelligence and virtue for self-government? If the true cause may be traced to them, very melancholy would be our situation; gloomy would be the prospect before us. If such be the fact, that our people are, indeed, incapable of self-government, I know of no people upon earth with whom we might not desire to change condition. When the day comes when this people shall be compelled to surrender self-government, a people so spirited and so long accustomed to liberty, it will be indeed a day of revolution, of convulsion and blood, such as has rarely, if ever, been witnessed in any age or country; and, until compelled by irresistible evidence, so fearful a cause cannot be admitted.

Can it be attributed to the nature of our system of government? Shall we pronounce it radically defective, and incapable of effecting the objects

for which it was created? If that be, in truth, the case, our situation would be, in fact, not much less calamitous than if attributable to the people. To what other system could we resort? To a confederation? That has already been tried, and has proved utterly inadequate. To consolidation? Reason and experience (as far as we have had experience) proclaim it to be the worst possible form. But if the cause be not in the people or the system, to what can it be attributed but to some misapprehension of the nature and character of our institutions, and consequent misdirection of their powers or functions? And if so, to what other misapprehension or misdirection, but that which directed our system towards consolidation, and consummated its movement in that direction in the act proposed to be repealed? That such is the fact—that this is the true explanation of all the symptoms of decay and corruption which I have enumerated—is, in reality, our only consolation; furnishes the only hope that can be rationally entertained of extricating ourselves from our present calamity, and of averting the still greater that are impending.

I know that there are those who take a different, but, in my opinion, a very superficial view of the cause of our difficulties. They attribute it exclusively to those who are in power, and see in the misconduct of General Jackson the cause of all that has befallen us. That he has done much to aggravate the evil, I acknowledge with pain. I had my full share of responsibility in elevating him to power, and there once existed between us friendly relations, personal and political, and I would rejoice had he so continued to conduct himself as to advance the interests of the country, and his own reputation and fame. He certainly might have effected much good. He came into office under circumstances, and had a weight of popularity which placed much in his power, for good or for evil; but either from a want of a just comprehension of the duties attached to the situation in which he is placed, or an indisposition to discharge them, or the improper influence and control of those who, unfortunately for the country and for himself, have acquired, through flattery and subserviency, an ascendency over him, he has disappointed the hopes of his friends, and realized the predictions of his enemies. But the question recurs, How happened it that he who has proved himself so illy qualified to fill the high station that he occupies, was elected by the people? If it be attributed to a misapprehension of his qualifications, or to an undue gratitude for distinguished military services, which at times leads astray the most intelligent and virtuous people in the selection of rulers—how shall we explain his re-election, after he had actually proved himself so incompetent; after he had violated every pledge which he had made previous to election; after he had disregarded the principles on which he had permitted his friends and partisans to place his elevation, and had outraged the feelings of the community by attempting to regulate the domestic intercourse and relations of society? Shall we say that the feelings of gratitude for military services outweighed all this? or that the people, with all this experience, were incapable of forming a correct opinion of his conduct or character, or of understanding the tendency of the measures of his administration? To assert this would be neither more nor less than to assert that they have neither the intelligence nor the virtue for self-government; as the very criterion by which their capacity in that respect is tested, is their ability duly to appreciate the character and conduct of public rulers, and the true tendency of their public measures; and to admit their incapacity in that respect would, in fact, bring us back to the people as the cause.

To understand truly how the distinguished individual now at the head of the nation was elevated to this exalted station, in despite of his ac-

knowledged defects in several respects, and how he has retained his power among an intelligent and patriotic people, notwithstanding all the objections to his administration that have been stated, we must elevate our views from the individual, and his qualifications and conduct, to the working of the system itself, by which only we can come to a knowledge of the true cause of our present condition; how we have arrived at it, and by what means we can extricate ourselves from its dangers and difficulties. I do not deem it necessary, in taking this view, to go back and trace the operation of our government from the commencement, or to point out the departure from its true principles from the beginning, with the evils thence resulting, however interesting and instructive the investigation might be. I might show that from the first, beginning with the formation of the Constitution, there were two parties in the Convention: one in favour of a national, or, what is the same thing, a consolidated government, and the other in favour of the confederative principle; how the latter, from being in the minority at first, gradually, and after a long struggle, gained the ascendency; and how the fortunate result of that ascendency terminated in the establishment of that beautiful, complex, federative system of government which I have attempted to explain.

I might show that the struggle between the two parties did not terminate with the adoption of the Constitution; that after it went into operation the national party gained the ascendency in the counsels of the nation; and that the result of that ascendency was to give an impulse to the government in the direction which their principles led, and from which it never afterward recovered. I am far from attributing this to any sinister design. The party were not less distinguished for patriotism than for ability, and no doubt honestly intended to give the system a fair trial; but they would have been more than men, if their attachment to a favourite plan had not biased their feelings and judgment. I (said Mr. C.) avail myself of the occasion to avow my high respect for both of the great parties which divided the country in its early history. They were both eminently honest and patriotic, and the preference which each gave to its respective views resulted from a zealous attachment to the public interest. At that early period, before there was any experience as to the operation of the system, it is not surprising that one should believe that the danger was a tendency to anarchy, while the other believed it to be towards despotism, and that these different theoretical views should honestly have a decided influence on their public conduct.

I pass over the intermediate events: the reaction against the national, or, as it was then called, federal party—the elevation of Mr. Jefferson in consequence of that reaction in 1801—and the gradual departure (from the influence of power) of the Republican party from the principles which brought them into office. I come down at once to the year eighteen hundred and twenty-four, when a protective tariff was for the first time adopted; when the power to impose duties, granted for the purpose of raising revenue, was converted into an instrument of regulating, controlling, and organizing the entire capital and industry of the country, and placing them under the influence of this government; and when the principles of consolidation gained an entire ascendency in both houses of Congress. Its first fruit was to give a sectional action to the government, and, of course, a sectional character to political parties—arraying the non-exporting states against the exporting, and the Northern against the Southern section.

It is my wish to speak of the events to which I feel myself compelled to refer, in illustration of the practical operation of that consolidating tendency of the government, which was consummated by the act proposed to be repealed, and which I believe to be the cause of all our evils,

with the greatest possible moderation. I know how delicate a task it is to speak of recent political events, and of the actors concerned in them; and I would, on this occasion, gladly avoid so painful a duty, if I did not believe that truth and public interest require it. Without a full understanding of the events of this period, from '24 down to the present time, it is impossible that we can have a just knowledge of the cause of our present condition, or a clear perception of the means of remedying it. To avoid all personal feeling, I shall endeavour to recede, in imagination, a century from the present time, and from that distant position regard the events to which I allude, in that spirit of philosophical inquiry by which an earnest seeker after truth, at so remote a day, may be supposed to be actuated. I feel I may be justified in speaking with the less reserve of these events, as the great question which, during the greater part of the period, so deeply agitated the country (the protective tariff), may now be considered as terminated in the adjustment of the last winter, never to be re-agitated, as I trust; and, of course, may be spoken of with the freedom of a past event.

But to proceed with the narrative: the presidential contest, which was terminated the next year, placed the executive department under the control of the same interest that controlled the legislative, so that all departments of this government were united in favour of that great interest. The successful termination of the election in favour of the individual then elevated to the chief magistracy, and for whom I then and now entertain kind feelings, may be attributed in part, no doubt, to the predominance of the tariff interest, and may be considered as the first instance of the predominance of that interest in a presidential contest.

Let us pause at this point (it is an important one), in order to survey the state of public affairs at that juncture. In casting our eyes over the scene, we find the country divided into two great hostile and sectional parties—placed in conflict on a question, believed to be on both sides of vital importance, in reference to their respective interests; and, on the side of the weaker party, believed, in addition, to involve a constitutional question of the greatest magnitude, and having a direct and important bearing on the duration of the liberty and Constitution of the country. In this conflict, we find both houses of Congress, with the chief magistrate, and, of course, the government itself, on the side of the dominant interest, and identified with it in principles and feelings. In this state of things, a great and solemn question, What ought to be done? was forced on the decision of the minority. Shall we acquiesce, or shall we oppose? and if oppose, how? To acquiesce quietly would be to subject the property and industry of an entire section of the country to an unlimited and indefinite exaction; as it was openly avowed that the protective system could only be perfected by being carried to the point of prohibition on all articles of which a sufficient supply could be made or manufactured in the country. To submit under such circumstances would have been, according to our view of the subject, a gross dereliction both of interest and duty. It was impossible. But how could the majority be successfully opposed, possessed, as they were, of every department of the government? How, in this state of things, could the minority effect a change in their favour through the ordinary operations of the government? They could effect no favourable change in this or the other house—the majority in both but too faithfully represented what their constituents believed to be the interest of their section, to whom only, and not to us, they were responsible. The only branch of the government, then, on which the minority could act, and through which they could hope to effect a favourable change, was the executive. The President is elected by a majority of

the whole electoral votes, and, of course, the minority have a weight in his election, in proportion to their number and the unity of their voice. Here was all our hope, and to this point all our efforts to effect a change were necessarily directed; but even here our power of acting with effect was limited to a narrow circle. It would have been hopeless to present a candidate openly and fully identified with our own interest. Defeat would have been the certain result, had his acknowledged qualifications for intelligence, experience, and patriotism been ever so great. We were thus forced by inevitable consequence—neither to be avoided nor resisted—to abandon the contest, or to select a candidate who, at best, was but a choice of evils; one whose opinions were intermediate or doubtful on the subject which divided the two sections. However great the hazard, or the objections to such a selection for such an office, it must be charged, not to us, but to that action of the system which compelled us to make the choice—compelling us by that consolidating tendency which had drawn under the control of this government the local and reserved powers belonging to the states separately; the exercise of which had necessarily given that direction to its action, that created and placed in conflict the two great sectional, political parties.

But it was not sufficient that the opinion of our candidate should not be fully in coincidence with our own. That alone could not be sufficient to ensure his success. It was necessary that he should have great *personal* popularity, distinct from political; to be, in a word, a successful military chieftain, which gives a popularity the most extensive, and the least affected by political considerations; and this was another fruit—a necessary fruit of consolidation. To these recommendations others must be added, in order to conciliate the feelings of the minority—that he should be identified, for instance, with them in interest, possess the same property, and pursue the same industry. These qualifications, all of which were made indispensable by the juncture, pointed clearly to one man, and but one, General Jackson. There was, however, another circumstance which gave him great prominence and strength, and which greatly contributed to recommend him as the opposing candidate. He had been defeated in the presidential contest before the House of Representatives (though returned with the highest vote) under circumstances which were supposed to involve a disregard of the public voice. I do not deem it necessary to enter into an inquiry as to the principles which controlled the election, or as to the view of the actors in that scene. Many considerations doubtless governed, and, among others, the feelings of prominent individuals in reference to the candidates, and their opinion of their respective qualifications, besides the one to which I have alluded—that of giving to the dominant interest that control over the executive which they had over the legislative department.

These combined motives, as I have stated, pointed distinctly to General Jackson. He was selected as the candidate of the minority, and the canvass entered into with all that zeal which belonged to the magnitude of the stake, united with the consciousness of honest and patriotic purpose. The leading objects were to effect a great political reform, and to arrest, if possible, what we believed to be a dangerous, and felt to be an oppressive action of the government. It is true that the qualifications of the individual, thus necessarily selected, were believed to be, in many important particulars, defective; that he lacked experience, extensive political information, and a command of temper; but it was believed that his firmness of purpose, and his natural sagacity, by calling to his aid the experience, the talents, and patriotism of those who supported his claims, would compensate for these defects.

I do not deem it necessary to enter into a history of this interesting and animated canvass; but there is one circumstance attending it so striking, so full of instruction, and so illustrative of the point under consideration, that I cannot pass it in silence. The canvass soon ran into the great and absorbing question of the day, as all ordinary diseases run into the prevailing one. Those in power sought to avail themselves of the popularity of the system with which they were identified. I speak it not in censure. It was natural, perhaps unavoidable, as connected with the morbid action of the government. That portion of our allies identified with the same interest were in like manner, and from the same motive and cause, forced into a rivalry of zeal for the same interest. The result of these causes, combined with a monopolizing spirit of the protective system, was the tariff of eighteen hundred and twenty-eight: that disastrous measure, which has brought so many calamities upon us, and put in peril the Union and liberty of the country. It poured millions into the treasury, beyond even the most extravagant wants of the government; and which, on the payment of the public debt, caused that hazardous juncture, resulting from a large undisposable surplus revenue, which has spread such deep corruption in every direction.

This disastrous event opened our eyes (I mean myself, and those immediately connected with me) as to the full extent of the danger and oppression of the protective system, and the hazard of failing to effect the reform intended through the election of General Jackson. With these disclosures, it became necessary to seek some other ultimate, but more certain measure of protection. We turned to the Constitution to find this remedy. We directed a more diligent and careful scrutiny into its provisions, in order to ascertain fully the nature and character of our political system. We found a certain and effectual remedy in that great fundamental division of the powers of the system between this government and its independent co-departments: the separate government of the states, to be called into action to arrest the unconstitutional acts of this government, by the interposition of the state—the paramount source from which both governments derive their power. But in relying on this as our ultimate remedy, we did not abate our zeal in the presidential canvass; we still hoped that General Jackson, if elected, would effect the necessary reform, and thereby supersede the necessity for calling into action the sovereign authority of the state, which we were anxious to avoid. With these views, the two were pushed with equal zeal at the same time; which double operation commenced in the fall of eighteen hundred and twenty-eight, but a few months after the passage of the Tariff Act of that year; and at the meeting of the Legislature of the State, at the same period, a paper, known as the South Carolina Exposition, was reported to that body, containing a full development, as well on the constitutional point, as the operation of the protective system, preparatory to a state of things which might eventually render the action of the state necessary in order to protect her rights and interests, and to stay a course of policy which we believed would, if not arrested, prove destructive of liberty and the Constitution. This movement on the part of the state places beyond all controversy the true character of the motives which governed us in the presidential canvass. We were not the mere partisans of the candidate we supported. We aimed at a far more exalted object than his election—the defence of the rights of the state, and the security of liberty and of the Constitution. To this we held his election entirely subordinate. This we pursued, unwarped by selfish or ambitious views.

The contest terminated in the elevation of him who now presides; but it soon became apparent that our apprehensions that we might be dis-

appointed in the expected reform, was not without foundation. That occurred, which we ought, perhaps, to have expected, and which, under similar circumstances, has rarely failed to follow. He who was elevated to power proved to be more solicitous to retain what he had acquired than to fulfil the expectation of those who had honestly contributed to his elevation, with a view to political reform. The tale may be readily told: not a promise fulfilled—not a measure adopted to correct the abuses of the system—not a step taken to arrest the progress of consolidation, and to restore the confederative principles of our government—not a look cast to the near approach of the payment of the public debt—nor an effort made to reduce gradually the duties, in order to prevent a surplus revenue, and to save the manufactures which had grown up under the protective system, from the hazard of a shock caused by a sudden reduction of the duties. All were forgotten; and, instead of attempting to control events, the executive was only solicitous to occupy a position the most propitious to retain and increase his power. It required but little penetration to see that the position sought was a middle one between the contending parties: to be identified with no principle or policy, and rely on the personal popularity of the incumbent, and the power and patronage of the government, as the means of support. Hence a third party was formed, a personal and government party, made up of those who were attached to the person and the fortunes of a successful political chief. In a word, we had exhibited to our view, for the first time under our system, that most dangerous spectacle, in a country like ours, a *prerogative* party, who take their creed wholly from the mandate of their chief. The times were eminently propitious for the formation of such a party. Millions were poured into the treasury by the high protective duties of eighteen hundred and twenty-eight, furnishing an overflowing fund to secure the services of expectants and partisans. Against these superabundant means of power there was not, nor could there be, as things were situated, any effective resistance, all being necessarily withdrawn in consequence of the fierce contest between the two sections which continued to rage with increasing violence, and which wasted the strength of the parties on each other, instead of opposing the rapidly-increasing power of the executive. This, and not the personal or the military popularity of General Jackson, is the true explanation of the fact, which has struck so many with wonder, that no misconduct, that no neglect of duty nor perversions of the power of government, however gross, has been able to shake his power and popularity; and that the people have looked idly on, apparently bereaved of every patriotic sentiment, or joined to swell the tide of power with shouts of approbation at every act, however outrageous. I do not doubt that his personal popularity, arising from his military achievements, contributed much to his elevation (in fact, it was one of the elements, as stated, which governed his selection as a candidate), and to sustain him while in power; but I feel a perfect conviction that, whatever advantage he has gained from this source, has been more than counterbalanced by the mismanagement and blunders of his administration, and that it would be equally difficult to expel from power any individual of sagacity and firmness, in possession of that department, under the circumstances which he has held it. Let us learn, from the instructive history of this interesting period, that despotic power, under our system, commences with usurpation of this government on the reserved powers of the states, and terminates in the concentration of all the powers of this government in the person of a chief magistrate; and that, unless the first be resisted, the latter follows by a necessary, resistless, and inevitable law, as much so as that which governs the movements of the solar system.

As soon as it was perceived that he whom we had elevated to office was, as I have stated, more intent to retain and augment his power than to meet the just expectations on which he was supported, we totally despaired of relief and reform through the ordinary action of this government, and separated, from that moment, from the administration; withdrew from the political contest here, and concentrated all our energies on that ultimate remedy which we had taken the precaution to prepare, in order to be called into action in the event of things taking the direction which they have.

An active discussion followed in the state, in which the principles and character of our political institutions were fully investigated, and a clear perception of the danger to which the country was exposed was impressed upon the public mind. Still the determination was fixed not to act while there was a ray of hope of redress from the government; and we accordingly waited the approach of the final payment of the public debt, when all pretexts for keeping up the extravagant duties of eighteen hundred and twenty-eight would cease. The near approach of that event caused the passage of the act of eighteen hundred and thirty-two, which was proclaimed on both sides, by the opposition and the administration, to be a final and permanent adjustment of the protective system. We felt every disposition to acquiesce in any reasonable adjustment, but it was impossible, consistently with our views of the nature of our rights, and the consequences involved in the contest, to submit to the act. The protective principle was fully maintained; the reduction was small, and the distribution of the burden between the two sections more unequal than under the act of eighteen hundred and twenty-eight. Every effort was made to magnify the amount of reduction. With that view false and deceptious calculations were made, and that, too, in official documents, in order to make the impression that the revenue would be reduced to the legitimate wants of the government, or, at least, nearly so. We were not to be imposed upon by such calculations. We clearly perceived that the income would be at least from twenty-two to twenty-five millions of dollars, nearly double what the government ought to expend; and we as clearly saw how much so large a permanent surplus must contribute to corrupt the country and undermine our political institutions. Seeing this, with a prospect of an indefinite continuance of the heavy and useless tax levied in the shape of duties, the state interposed, and by that interposition prepared to arrest within its limits the operation of the protective system—interposed, not to dissolve the Union, as was calumniously charged, but to compel an adjustment here or through a convention of the states, or, if an adjustment could not be had through either, to compel the government to abandon the protective system.

The moment was portentous. Our political system rocked to the centre. Whatever diseases existed within, engendered by long corruption and abuse, were struck to the surface. The proclamation and the message of the President appeared, containing doctrines never before officially avowed—going far beyond the extreme tenets of the Federal party, and in direct conflict with all that had ever been entertained by the Republican party; and yet, such was the corruption, such the subserviency to power, that both parties, forgetting the past, abandoning every political principle, however sacred or long entertained, rushed to the embrace of the new creed—suddenly, instantly, without the slightest hesitation. Never did a free people exhibit so degraded a spectacle; give such evidence of the loose attachment to principle, or greater subserviency to power. At this moment the current of events tended towards despotic authority in the person of the chief magistrate on one side, and to dis-

union on the other: on one side to clothe the President with power more than dictatorial, in order to maintain the ascendency of the protective system; and, on the other, to resist the loss of liberty at every hazard. Fortunately for the country, there was at the time in the councils of the nation an individual who had the highest weight of authority with the supporters of that system—one who had done more to advance it than any other—who was the most intimately identified with it, and to whom, of course, the task of adjustment most appropriately belonged. Fortunately, also, he had the disposition and the fortitude to undertake it. An adjustment followed; the crisis of our disease was passed; the body politic from that moment became convalescent; the tendency to despotic power in the executive was weakened—doubly weakened—by enabling those who had been so long wasting their strength in mutual conflict, to unite in resisting the usurpation of that department, as we this day behold on the question of the deposites; and by diminishing the revenue—the food on which it had grown to such enormous dimensions. In a short time the decreasing scale of duties will cause the effect of this diminution to be felt: a period that will be hastened by that profuse and profligate disbursement which has nearly doubled the public expenditure, and which is so rapidly absorbing the surplus revenue.

I have said that the crisis is passed; yet there remains some troublesome and even dangerous symptoms, growing out of the former cause of the disease, which, however, may be overcome by skill and decision; unless, indeed, they should run into the lurking cause of another, and most dangerous disease, with which it is intimately connected, and excite it into action; I mean the rotten state of the currency. There are indications of a very dangerous and alarming character of this tendency, at the point where the currency is the most disordered. I refer to the measure now pending before the Legislature of New-York, to pledge the capital and the industry of the state, to the amount of six millions of dollars, in support of the banks—a measure of a kind that a British minister (Lord Althorp), with all the power of Parliament to support him, refused to adopt, because of its dangerous and corrupting tendency.

Let us now turn, and inquire, What would have been the course of events if the state had not interposed, and things had been permitted to take their natural course? The act of eighteen hundred and thirty-two was proclaimed, as I have stated, on both sides, to be a final settlement of the tariff question, and, of course, was intended to be a permanent law of the land. The revenue, as I have already stated, under that act, and the sales of public lands, would, in all probability, be not less than twenty-five millions of dollars per annum: a sum exceeding the legitimate wants of the government, estimated on a liberal scale, by ten or eleven millions of dollars. Now, I ask, What would have been our situation, with so large an annual surplus, and a fierce sectional conflict raging between the Northern and Southern portions of the Union? If we find it so difficult to resist the usurpation of the executive department with a temporary surplus revenue, to continue at most but for one or two years, how much more difficult would it have been to resist with a permanent surplus such as I have stated? If we find it so difficult to resist that department when those who have been separated by the tariff are united, how utterly hopeless would have been the prospect of resistance were that question now open, and those who are now united against executive encroachments were exhausting their strength against each other? Is it not obvious that the executive power, under such circumstances, would have been irresistible, and that we should have been impelled rapidly to despotism or disunion? One or the other would certainly have been our

fate, if events had been permitted to move in the channel in which they were then flowing, and despotism much more probably than disunion. It is almost without example that free states should be disunited in consequence of the violence of internal conflicts; but very numerous are the cases in which such conflicts have terminated in the establishment of despotic power. The danger of disunion is small; that of despotism great. We have, however, I trust, escaped, for the present, the danger of both, for which we are indebted to that great conservative principle of our system, which considers this government and that of the states as co-departments; and which proved successful, although rejected by every state but one, and although called into action on the most trying occasion that can be imagined, and under the most adverse circumstances.

I said that the danger has passed for the present. The seeds of the disease still remain in the system. The act which I propose to repeal accompanied the adjustment of the tariff. It was passed solely on the ground of recognising the principles in which it originated, and to establish them, as far as an act of Congress could do so, as the permanent law of the land. While these seeds remain, it will be in vain to expect a healthy state of the body politic: alienation, the loss of confidence, suspicion, jealousy, on the part of the weaker section at least, who have experienced the bitter fruits that spring from those principles, must accompany the movements of this government. But these seeds will not remain in the system without germinating. Unless removed, the genius of consolidation will again exhibit itself; but in what form, whether in revival of the question from whose dangers we have not yet wholly escaped; whether between North and South, East and West; whether between the slaveholding and the non-slaveholding states; the rich and poor, or the capitalists and the operatives, it is not for me to say; but that it will again revive (unless, by your votes, you expunge the act from your statute-book), to divide, distract, and corrupt the community, is certain. Nor is it much less so that, when it again revives, it will pass through all those stages which we have witnessed, and, in all human probability, consummate itself, and terminate, finally, in a military despotism. Reverse the scene—let the act be obliterated forever from among our laws; let the principle of consolidation be forever suppressed, and that admirable and beautiful federative system, which I have so imperfectly portrayed, be firmly established, and renovated health and vigour will be restored to the body politic, and our country may yet realize that permanent state of liberty, prosperity, and greatness, which we all once so fondly hoped was our allotted destiny.

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## X.

### A REPORT ON THE EXTENT OF EXECUTIVE PATRONAGE, FEBRUARY 9, 1835

*The Select Committee appointed to inquire into the extent of the executive patronage; the circumstances which have contributed to its great increase of late; the expediency and practicability of reducing the same, and the means of such reduction, have bestowed on the subjects into which they were directed to inquire that deliberate attention which their importance demands, and submit, as the result of their investigation, the following report, in part:*

To ascertain the extent of executive patronage, the first subject to which the resolution directs the attention of the committee, it becomes necessary to as-

certain previously the amount of the revenue and the expenditure, and the number of officers, agents, and persons in the employment of the government, or who receive money from the public treasury, all of which, taken collectively, constitute the elements of which patronage is mainly composed.

As the returns of the revenue and expenditure for the year 1834 are not yet completed, your committee have selected the year 1833 as being the last of which complete and certain returns can be obtained.

The result of their investigation on all these points will be found in a table annexed to the report, which contains a statement of the gross amount of the revenue under the various heads of customs, lands, postoffice, and miscellaneous, for the year 1833 ; the expenditures for the same period, arranged under the various heads of appropriations, the number of officers, agents, contractors, and persons in the employment of the government, or who receive money from the public treasury. From this table it appears that the aggregate amount of the revenue for the year was $35,298,426, and of the disbursements $22,713,755; that the number of officers, agents, and persons in the employment of the government is 60,294: of which there belong to the civil list, including persons in civil employ, attached to the army and navy, 12,144; to the military and Indian department, 9643 ; to the navy, including marine corps, 6499; to the postoffice, 31,917; all of whom hold their places directly or indirectly from the executive, and, with the exception of the judicial officers, are liable to be dismissed at his pleasure. If to the above there be added 39,549 pensioners, we shall have a grand total of 100,079 persons who are in the employ of the government, or dependant directly on the public treasury.

But, as great as is this number, it gives a very imperfect conception of the sum-total of those who, as furnishing supplies or otherwise, are connected with, and more or less dependant on, the government, and, of course, liable to be influenced by its patronage, the number of whom, with their dependants, cannot even be conjectured. If to these be added the almost countless host of expectants who are seeking to displace those in office, or to occupy their places as they become vacant, all of whom must look to the executive for the gratification of their wishes, some conception may be formed of the immense number subject to the influence of executive patronage.

But to ascertain the full extent of this influence, and the prodigious control which it exerts over public opinion and the movements of the government, we must, in addition to the amount of the revenue and expenditure, and the number of persons dependant upon the government, or in its employ, take into the estimate a variety of circumstances which contribute to add to the force and extent of patronage. These, in the regular course of the investigation, would next claim the attention of your committee ; but as all, or, at least, a far greater part of them, are of recent origin, they will properly fall under the next head to which the resolution directs the attention of your committee, and which they will now proceed to investigate.

Among the circumstances which have contributed to the great increase of executive patronage of late, the most prominent, doubtless, are the great increase of the expenditure of the government, which, within the last eight years (from 1825 to 1833), *has* risen from $11,490,460 to $22,713,755, not including payments on account of the public debt ; a corresponding increase of officers, agents, contractors, and others, dependant on the government ; the vast quantity of land to which the Indian title has, in the same period, been extinguished, and which has been suddenly thrown into the market, accompanied with the patronage incident to holding Indian treaties, and removing the Indians to the west of the Mississippi, and also a great increase of the number and influence of surveyors, receivers, registers, and others employed in the branch of the administration connected with the public lands ; all of which have greatly increased the influence of executive patronage over an extensive region, and that the most

growing and flourishing portion of the Union. In this connexion, the recent practice of the government must be taken into estimate, of reserving to individual Indians a large portion of the best land of the country, to which the title of the nation is extinguished, to be disposed of under the sanction of the executive, on the recommendation of agents appointed solely by him, and which has prevailed to so great an extent of late, especially in the Southwestern section of the Union.

It is difficult to imagine a device better calculated to augment the patronage of the executive, and, with it, to give rise to speculations calculated to deprave and corrupt the community, without benefit to the Indians. But as greatly as these causes have added to the force of patronage of late, there are others of a different nature, which have contributed to give it a far greater and more dangerous influence. At the head of these should be placed the practice so greatly extended, if not for the first time introduced, of removing from office persons well qualified, and who had faithfully performed their duty, in order to fill their places with those who are recommended on the ground that they belong to the party in power.

Your committee feel that they are touching ground which may be considered of a party character, and which, were it possible consistently with the discharge of their duty, they would wholly avoid, as their object is to inquire into facts only, as contributing to increase the patronage of the executive, without looking to intention, or desiring to cast censure on those in power; but while they would cautiously avoid any remark of a party character, as inconsistent with the gravity of the subject, and incompatible with the intention of the Senate in directing the inquiry, they trust that they are incapable of shrinking from the performance of the important and solemn duty confided to them, of thoroughly investigating to the bottom a subject involving, as they believe, the fate of our political institutions and the liberty of the country, by declining to investigate, fully and freely, as regards its character and consequence, every measure or practice of the government connected with the inquiry, whether it has or has not been a subject of party controversy.

In speaking of the practice of removing from office on party ground as of recent date, and, of course, comprehended under the causes which have, of late, contributed to the increase of executive patronage, your committee are aware that cases of such removals may be found in the early stages of the government; but they are so few, and exercised so little influence, that they may be said to constitute instances rather than as forming a practice. It is only within the last few years that removals from office have been introduced as a system; and for the first time, an opportunity has been afforded of testing the tendency of the practice, and witnessing the mighty increase which it has given to the force of executive patronage; and the entire and fearful change, in conjunction with other causes, it is effecting in the character of our political system. Nor will it require much reflection to perceive in what manner it contributes to increase so vastly the extent of executive patronage.

So long as offices were considered as public trusts, to be conferred on the honest, the faithful, and capable, for the common good, and not for the benefit or gain of the incumbent or his party, and so long as it was the practice of the government to continue in office those who faithfully performed their duties, its patronage, in point of fact, was limited to the mere power of nominating to accidental vacancies or to newly-created offices, and could, of course, exercise but a moderate influence, either over the body of the community, or of the office-holders themselves; but when this practice was reversed—when offices, instead of being considered as public trusts, to be conferred on the deserving, were regarded as the spoils of victory, to be bestowed as rewards for partisan services, without respect to merit; when it came to be understood that all who hold office hold by the tenure of partisan zeal and party service, it is easy to see that

the certain, direct, and inevitable tendency of such a state of things is to convert the entire body of those in office into corrupt and supple instruments of power, and to raise up a host of hungry, greedy, and subservient partisans, ready for every service, however base and corrupt. Were a premium offered for the best means of extending to the utmost the power of patronage; to destroy the love of country, and to substitute a spirit of subserviency and man-worship; to encourage vice and discourage virtue; and, in a word, to prepare for the subversion of liberty and the establishment of despotism, no scheme more perfect could be devised; and such must be the tendency of the practice, with whatever intention adopted, or to whatever extent pursued.

As connected with this portion of the inquiry, your committee cannot avoid adverting to the practice, similar in its character and tendency, growing out of the act of the 15th of May, 1820, which provides, among other things, that, from and after its passage, all district attorneys, collectors, and other disbursing officers therein mentioned, to be appointed under the laws of the United States, shall be appointed for the term of four years. The object of Congress in passing this act was, doubtless, to enforce a more faithful performance of duty on the part of the disbursing officers, by withholding reappointments from those who had not faithfully discharged their duty, without intending to reject those who had. At first the practice conformed to the intention of the law, and thereby the good intended was accomplished, without materially increasing the patronage of the executive; but a very great change has followed, which has, in the opinion of your committee, defeated the object of the act, and, at the same time, added greatly to the influence of patronage. Faithful performance of duty no longer ensures a renewal of appointment. The consequence is inevitable: a feeling of dependance on the executive, on the part of the incumbent, increasing as his term approaches its end, with a great increase of the number of those who desire his place, followed by an active competition between the occupant and those who seek his place, accompanied by all those acts of compliance and subserviency by which power is conciliated; and, of course, with a corresponding increase of the number of those influenced by the executive will.

In enumerating the causes which have, of late, increased executive patronage, your committee cannot, without a dereliction of duty, pass over one of very recent origin, although they are aware that it is almost impossible to allude to it, in the most delicate manner, without exciting feelings of a party character, which they are sincerely anxious to avoid: they refer to the increased power which late events have given to the executive over the public funds, and, with it, the currency of the country.

In considering this part of the subject of their inquiry, it is the intention of the committee to confine themselves exclusively to the tendency of the events to which they refer as increasing executive patronage, avoiding all allusion to motives, or to the legality of the acts in question.

Whatever diversity of opinion may exist as to the expediency or the legality of removing the deposites, there can, it is supposed, be none as to the fact that the removal has, as things now stand, increased the power and patronage of the executive in reference to the public funds. They are now, in point of fact, under his sole and unlimited control; and may, at his pleasure, be withdrawn from the banks where he has ordered them to be deposited, be placed in other banks, or in the custody of whomsoever he may choose to select, without limitation or restriction; and must continue subject to his sole will, till placed, by an act of Congress, under the custody of the laws. Whether any provision can be devised which would place them as much beyond the control of the executive in their present as they were in their former place of deposite, and which, at the same time, would not endanger their safety, are points on which your committee do not deem it necessary to venture an opinion. What addition this un-

limited control over the public funds, from the time of their collection till that of their expenditure, makes to the patronage of the executive, is difficult to estimate. According to the report of the Secretary of the Treasury, the amount of the public funds in deposite on the 1st of January, 1834, was $11,702,905; and their estimated amount, on the 31st of December last, was $8,695,981; making an average amount for the year of $10,199,443, the use of which, considering the permanency of the deposites, may be estimated as not of less value to the banks in which they were deposited than four per cent.; making, at that rate, on the average amount in deposite, the sum of $407,977 per annum. This immense gain to these powerful and influential monopolies depends upon the will and pleasure of the executive, and must give him a corresponding control over them; but this, of itself, affords a very imperfect view of the extent of his patronage, dependant on his control over the public deposites. To ascertain its full extent, the advantages which these banks have, in consequence of the deposites, in circulating their notes and in dealing in exchanges, and the competition which it must excite among the banks generally to supplant each other in these advantages, and, of course, in executive favour, on which they depend, and which must tend to create, on their part, a universal spirit of dependance and subserviency; the means which the deposites necessarily afford to raise or depress at pleasure the value of the stock of this or that bank; and the wide field which is consequently opened to the initiated partisans of power for the accumulation of fortunes by speculations in bank stock; the facility which all these causes combined must give to political favourites in obtaining bank accommodations; and, finally, the control which the accompanying power of designating the notes of what banks may, and what may not, be received in the public dues, gives to the executive over these institutions, must be taken into the estimate, to form a correct opinion of the full force of this tremendous engine of power and influence, wielded, as things now stand, by the will of a single individual.

Your committee have now enumerated the principal causes which have of late contributed to increase so greatly the patronage of the executive. There are others still remaining to be noticed, which have greatly contributed to this increase, and which claim the most serious consideration; but, as they are of an incidental character, it is proposed to consider them in their proper connexion, in a subsequent part of this report. Having completed, under its proper head, the inquiry as to the extent of executive patronage, and the cause of its recent increase, your committee will next proceed to investigate the deeply-interesting questions of the expediency and practicability of its reduction.

In considering the question of the expediency of its reduction, your committee do not deem it necessary to enter into an elaborate argument to prove that patronage, at best, is but a necessary evil; that its tendency, where it is not effectually checked and regulated, is to debase and corrupt the community; and that it is, of course, a fundamental maxim in all states having free and popular institutions, that no more should be tolerated than is necessary to maintain the proper efficacy of government. How little this principle, so essential to the preservation of liberty in popular governments, has been respected under ours, the view which has already been presented of the vast extent to which patronage has already attained under this government, and its rapid growth, but too clearly demonstrate. But as great and as rapid as has been its growth, it may be thought by some who have not duly reflected upon the subject, that it is not more than sufficient to maintain the government in its proper efficiency, and that it cannot be diminished without exposing our institutions to the danger of weakness and anarchy. To demonstrate the utter fallacy of such a supposition, it is only necessary to compare the present to the past, in reference to the point under consideration.

No one capable of judging will venture to assert that the patronage of the

executive branch of this government, in any stage of its existence, from the time it went fairly into operation, has ever proved deficient in proper influence and control; yet, if the present be compared with any past period of our history, excluding, of course, that of the late war, the patronage now under the control of the executive will be found greatly to exceed that of any former period. To illustrate the truth of this remark, your committee will select, for comparison, the years 1825 and 1833: the former, because it was thought, even then, by many of the most experienced and reflecting of our citizens, that executive patronage had attained a dangerous extent; and the latter, because it is the latest period of which we have the requisite materials with which to make the comparison. What, then, is the comparative extent of executive patronage, respectively, with the short interval of but eight years between them? What, at these respective periods, was the amount of the revenue and expenditure? What the number of persons in the employ of the government, or dependant on its bounty? and what the extent to which, according to the practice of the respective periods, the patronage of the government was brought to exert over those subject to its control? A short comparative statement will show.

The income of the government, in all its branches, including the postoffice, was, in 1825, $28,147,383; and 1833, $36,667,274. The gross expenditures, including the public debt, in 1825, was $24,814,847; in 1833, $27,229,389. Excluding the public debt, it was, in 1825, $12,719,503; in 1833, $25,685,846. The number of persons employed, and living on the bounty of the government, in 1825, 55,777; in 1833, 100,079.

Measuring the extent of the patronage, at these respective periods, by these elements combined, without taking into consideration the circumstances which, as already shown, have in this short period given such increased force to executive patronage, the result of the whole, in 1825, compared to 1833, is as 65 to 89, making an increase of upward of 36 per cent. If the comparative rapidity of this great increase be examined, it will be found that it has had a progressive acceleration throughout the period. If we divide the period into equal parts of four years each, the increase in the first four years will be found much less than in the last four. The increase, for instance, of the revenue during the first four years, was 4,616,594 dollars; and during the last four, 4,906,026 dollars; of the expenditures during the first four, 1,873,675 dollars; and during the last four, 9,313,340 dollars.

It may be said that this increase of patronage, great as it is, does not materially exceed the growth and population of the country, with which it is assumed that it ought to keep pace. This view overlooks entirely the increase of patronage from those circumstances which have so much increased it during the period in question, as has already been shown. If these be taken into consideration; if to the increase of revenue and expenditure, and the number dependant on government, we add the vast increase of executive patronage from the immense public domain recently thrown into market, the great extent of Indian reservations, the control which the practice of removal has established over those in office, and the great addition to executive power over the public funds, and, through this, over the banking institutions of the country, it cannot be doubted that, instead of increasing only 36 per cent., it has more than doubled in the period in question, while the growth and population of the country have probably not exceeded 24 per cent.

But your committee cannot agree that there is any substantial reason why executive patronage should increase in the same proportion with the growth and population of the country. With the exception of the postoffice establishment, there is no necessary connexion between the increasing growth and population of the country and the increasing patronage of the government. On the contrary, many of the public establishments are, or ought to be, stationary; others on the decrease; others, though necessarily increasing, increase at a rate far

less than our population; and yet we find that, for the last eight years, there has been a progressive increase of patronage far greater than the growth and population of the country.

But the assumption that executive patronage and influence should increase in the same ratio with the growth and population of the country, is not less dangerous than it is erroneous. If this assumption be carried out in practice, it must finally prove fatal to our institutions and liberty. The same amount of patronage and influence, in proportion to the extent and population of a country, which, in a small state, moderately populous, would be perfectly safe, might prove fatal in an extensive and populous community, just as a much smaller military force, in proportion, would hold under subjection the latter than the former. The principle is the same in both cases: the great advantage which an organized body, such as a government or an army, has over an unorganized mass—an advantage increasing with the increased difficulty of concert and co-operation; and this, again, increasing with the number and dispersion of those on whose concert and co-operation resistance depends; and hence, from their combined action, both as applied to the civil and military, the great advantage which power has over liberty in large and populous countries—an advantage so great that it is utterly impossible in such countries to defend the latter against the former, unless aided by a highly artificial political organization such as ours, based on local and geographical interests. If to this difficulty, resulting from numbers and extent only, there be added others of a most formidable character, the greater capacity, in proportion, on the part of the government, in large communities, to seize on and corrupt all the organs of public opinion, and thus to delude and impose on the people; the greater tendency in such communities to the formation of parties on local and separate interests, resting on opposing and conflicting principles, with separate and rival leaders at the head of each, and the great difficulty of combining such parties in any system of resistance against the common danger from the government, some conception may be formed of the vast superiority which that organized and central party, consisting of office-holders and office-seekers, with their dependants, forming one compact, disciplined corps, wielded by a single individual, without conflict of opinion within either as to policy or principle, and aiming at the single object of retaining and perpetuating power in their own ranks, must have, in such a country as ours, over the people a superiority so decisive, that it may be safely asserted that, whenever the patronage and influence of the government are sufficiently strong to form such a party, liberty, without a speedy reform, must inevitably be lost. When we add that this great advantage of the government over the people, of power over liberty, must increase proportionately with the growth and population of our country, it must be apparent how fatal would be the assumption, if acted on, that patronage and influence should increase in the same proportion; and how infinitely dangerous has been the tendency of our affairs of late, when, as has been shown, instead of increasing simply in the same proportion, they have advanced with a rapidity more than double. So far is the assumption from being true, if we regard the duration of our institutions and the preservation of our liberty, we must hold it as a fundamental maxim, that the action of the government should, with our growth, gradually become more moderate instead of more intense: a maxim resting on principles deep and irreversible, and which cannot be violated without inevitable destruction. Moderation in the action of this government, the great central power of our system, is, in fact, the condition on which our political existence depends; and, in acting in conformity, it but conforms to the principle which Divine wisdom has impressed upon the beautiful and sublime system of which our globe is a part, and in which the great mass that gives life, and harmony, and action to the whole, reposes almost motionless in the centre.

Your committee are aware that, since 1833, there has been a very consid-

erable decrease of revenue, under the act of March 2d, 1833, known as the Compromise Law, with other preceding acts, in consequence of the payment of the public debt, which would very considerably affect the comparison, if the year 1834, instead of 1833, had been selected; and they have to express their regret that the want of full and accurate materials for the former year prevents them from furnishing a statement which, while it would show the decrease, would also show how little the final discharge of the public debt has contributed to diminish either the public expenditure or the patronage of the executive: facts of no small moment, as connected with the subject of inquiry. The deep interest which the enlightened and patriotic took in that great event was not to indulge in the idle boast that the country was free from debt, but that it would, as they believed, be necessarily followed by the substantial blessing of reducing the public burdens, and, with it, the patronage of the government; and thus, while it relieved industry, it would, at the same time, strengthen liberty against power. Thus far, these anticipations have been but very imperfectly, if at all, realized. As great as has been the reduction of the revenue, it is still as great as it was when the debt exceeded more than $100,000,000; and, what is more to the point, what conclusively shows how much easier it is to discharge a public debt than to obtain the corresponding benefits, a proportionate diminution of the public expenditure, is the fact, that now, when we are free from all debt, the public expenditure is as great as it was when the debt was most burdensome to the country. The only difference is, that then the money went to the public creditors, but now goes into the pockets of those who live on the government, with great addition to the patronage and influence of the executive, but without diminution of burden to the people.

Your committee will next proceed to inquire what has been the effects of this great, growing, and excessive patronage on our political condition and prospects: a question of the utmost importance in deciding on the expediency of its reduction. Has it tended to strengthen our political institutions, and to give a stronger assurance of perpetuating them, and, with them, the blessings of liberty to our posterity? Has it purified the public and political morals of our country, and strengthened the feeling of patriotism? Or, on the other hand, has it tended to sap the foundation of our institutions; to throw a cloud of uncertainty over the future; to degrade and corrupt the public morals; and to substitute devotion and subserviency to power, in the place of that disinterested and noble attachment to principles and country, which are essential to the preservation of free institutions? These are the questions to be decided; and it is with profound regret that your committee are constrained, however painful, to say that the decision admits of little doubt. They are compelled to admit the fact, that there never has been a period, from the foundation of the government, when there were such general apprehensions and doubts as to the permanency and success of our political institutions; when the prospect of perpetuating them, and, with them, our liberty, appeared so uncertain; when public and political morals were more depressed; when attachment to country and principles were more feeble, and devotion to party and power stronger: for the truth of all which they appeal to the observation and reflections of the experienced and enlightened of all parties. If we turn our eyes to the government, we shall find that, with this increase of patronage, the entire character and structure of the government itself is undergoing a great and fearful change, which, if not arrested, must, at no distant period, concentrate all its power in a single department.

Your committee are aware that, in a country of such vast extent and diversity of interests as ours, a strong executive is necessary; and, among other reasons, in order to sustain the government, by its influence, against the local feelings and interests which it must, in the execution of its duties, necessarily encounter; and it was doubtless with this view mainly that the framers of the Constitution vested the executive powers in a single individual, and clothed him with

the almost entire patronage of the government. As long as the patronage of the executive is so moderate as to compel him to identify his administration with the public interest, and to hold his patronage subordinate to the principles and measures necessary to promote the common good, the executive power may be said to act within the sphere assigned to it by the Constitution, and may be considered as essential to the steady and equal operation of the government; but when it becomes so strong as to be capable of sustaining itself by its influence alone, unconnected with any system of measures or policy, it is the certain indication of the near approach of irresponsible and despotic power. When it attains that point, it will be difficult to find anywhere in our system a power sufficient to restrain its progress to despotism. The very causes which render a strong executive necessary, the great extent of country and diversity of interests, will form great and almost insuperable impediments to any effectual resistance. Each section, as has been shown, will have its own party and its own favourites, entertaining views of principles and policy so different as to render a united effort against executive power almost impossible, while their separate and disjointed efforts must prove impotent against a power far stronger than either, taken separately; nor can the aid of the states be successfully invoked to arrest the progress to despotism. So far from weakening, they will add strength to executive patronage. A majority of the states, instead of opposing, will be usually found acting in concert with the Federal Government, and, of course, will increase the influence of the executive: so that, to ascertain his patronage, the sum-total of the patronage of all the states, acting in conjunction with the federal executive, must be added to his. The two, as things now stand, constitute a joint force, difficult to be resisted.

Against a danger so formidable, which threatens, if not arrested, and that speedily, to subvert the Constitution, there can be but one effectual remedy: a prompt and decided reduction of executive patronage; the practicability and means of effecting which, your committee will next proceed to consider.

The first, most simple, and usually the most certain mode of reducing patronage, is to reduce the public income, the prolific source from which it almost exclusively flows. Experience has shown that it is next to impossible to reduce the public expenditure with an overflowing treasury; and not much less difficult to reduce patronage without a reduction of expenditure; or, in other words, that the most simple and effectual mode of retrenching the superfluous expenditure of the government, of introducing a spirit of frugality and economy in the administration of public affairs, of correcting the corruption and abuses of the government, and, finally, of arresting the progress of power, is to leave the money in the pockets of those who made it, where all laws, human and divine, place it, and from which it cannot be removed by government itself, except for its necessary and indispensable wants, without violation of its highest trust and the most sacred principles of justice. Yet, as manifest as is this truth, such is our peculiar (it may be said extraordinary) situation, that this simple and obvious remedy to excessive patronage, the reduction of the revenue, can be applied only to a very limited extent.

But before they proceed to the question of reducing the revenue, your committee propose to show what will be its probable amount in future, as the laws now stand, to what limits the public expenditure may be reduced consistently with the just wants of government, and, finally, what, with such reduction, will be the probable annual surplus to the year 1842, when the highest duties will be reduced to 20 per cent. under the act of March 2, 1833; and when, as the act provides, the revenue is to be reduced to a sum necessary to an economical administration of the government.

According to the statement from the Treasury Department, the receipts of the year 1834, from all sources, amounted to $22,584,365; of which, customs yielded $16,105,372; land, $5,020,940; the residue being made up of bank divi-

dends and incidental items; and the question now for consideration is, What will be the probable annual receipts from all sources during the next seven years, if the income, as has just been stated, is to be reduced to the economical wants of the government? a question which, from its nature, can only be answered by probable estimates and conjectures, and which, in this case, is the more difficult to be answered from a defect of data in reference to the customs, the principal source of revenue. The changes in the rates of duties have been so great latterly, and the period so recent since the laws, as they now stand, commenced operation, that it is impracticable to resort to those average results, deduced from long periods, by which only the temporary changes and fluctuations of commerce can be detected, and its habitual current ascertained and subjected to calculation. The act of the 2d of March, 1833, which made the last change, and on the provisions of which the estimates of the income from the customs for the period in question must be based, commenced its operation on the first of January, 1834, and we, of course, have the result of but a single year. From a statement furnished by the treasury department, it seems that the domestic exports of that year amounted, in round numbers, to eighty millions of dollars, and the imports, given in round numbers (as all the subsequent statements are), to $125,500,000; of which $23,000,000 were reshipped, leaving $102,500,000 for the consumption and use of the country, of which $55,000,000 were of articles free of duty, and $47,000,000 of those liable to duties; that the gross receipts amounted to $15,572,448, and the nett to $14,222,448, leaving $1,350,000 as the expense of collection; that the reduction of one tenth of the duties above 20 per cent. ad valorem every two years, according to the provisions of the act of 2d of March, 1833, amounted to $850,000.

As scanty as are these data, it is believed that it may be safely anticipated that the average annual income of the period in question will be equal, at least, to the income of the last year. Instead of entering into all the details through which your committee have come to this conclusion, which would swell this report to an unwieldy size, they will content themselves with simply giving the results of the causes which, as far as can be foreseen, may either increase or diminish the receipts of the customs for the next seven years as compared with the past year, accompanied by a statement of their probable effects in the aggregate.

It will, however, be previously necessary to inquire whether the receipts from the customs during the last year in fact equalled the amount which the commercial transactions of the year, under ordinary circumstances, ought to have produced. It is not possible, in such an inquiry, to overlook the very unusual importation of the precious metals during the year, which, according to the statements from the treasury department, amounted to $16,572,582, constituting, to that amount, a part of the articles imported in the year free of duty. The reshipment for the same period amounted to $1,676,208, leaving in the country, of the amount imported, $14,896,374: a sum greatly exceeding our annual consumption, which, in addition to the supplies from our own mines, probably falls short of $2,000,000. The excess was doubtless caused by the peculiar condition of the country, in reference to its currency, during the year; and would, under ordinary circumstances, have been imported in goods of various descriptions for the usual supply of the country instead of gold and silver. Subtracting, then, the two millions from this sum, and the balance from the amount of the articles free of duty, which, as stated, is $55,000,000, it would reduce the annual consumption of goods free of duty, including the precious metals, to $42,103,626; and assuming that the proportion between goods free of duty, and those liable to duty, to be as that sum is to $47,000,000; and, also, that the excess of the supply of gold and silver imported during the year would, under ordinary circumstances, have returned in that proportion between the dutied and the free articles, it would add to the former $7,133,313, and, of course, in-

crease the receipts from the customs in the same proportion; that is, it would make an addition to them of $2,150,000, and would have raised the receipts from customs during the year from $14,220,000 to $16,370,000; which last, it is believed, may be assumed, at the present rate of the duties, as the probable receipts, under ordinary circumstances, of an export and import trade equal to that of the last year.

Let us now inquire into the causes which may tend to diminish or increase this estimated receipt during the next seven years, and their probable effects, in the aggregate, on the income from the customs.

The only cause, as is believed, that will tend to diminish the amount, as far as can now be foreseen, is the gradual reduction of one tenth every two years, under the act of the 2d of March, 1833, till the year 1841, as has been stated. It will be seen, by reference to the statement from the treasury already given, that this reduction last year, on an importation of $47,000,000 of dutiable articles, amounted to $850,000. If, however, instead of that amount, the importation of such articles had been $54,133,000, as it is assumed they would have been had not the derangement of the currency prevented, the reduction on account of the one tenth would have increased in the same proportion, and would have, of course, amounted to $975,000.

Against this increased reduction there must be set off a probable gradual increase of the domestic exports of the country; and with them, as a necessary consequence, a corresponding increase of the imports, and with them the receipts from the customs. If we take the last six years, from 1828 to 1834, the last included, the average annual increase of domestic exports in the period is nearly $5,000,000, of which the increase in 1833 was $7,200,000, and in 1834, $9,600,000, making in the last two years an average increase of $8,800,000: thus showing a much more rapid increase at the end than at the beginning of the series. If to this fact we add the effect which the decrease of duties under the act of the 2d of March, 1833, must have on the exports, the growing demand for the great staples of the country, and the vast amount of fertile and fresh lands brought into market within the last five years in the region most congenial to the growth of cotton, it is believed that it may be safely assumed that the average annual increase of our domestic exports for the next seven years will, at least, equal $6,000,000. This increase must be followed by a corresponding increase of imports, and with them, as stated, of the receipts from the customs. Assuming that the proportion between the free and dutied articles, in consequence of this increase of imports, will be as has been estimated, it will add to the receipts from the customs an annual increase of $1,000,000, from which, however, must be deducted $59,000 on account of the biennial reduction of one tenth, which would reduce the increase to $941,000. If this be deducted from the average reduction of one tenth, as above ascertained, we shall have, taking the two causes together, the increase of the customs from increased imports, and the decrease from the biennial reduction of one tenth, a decrease of revenue equal to $34,000 annually: making, in seven years, $238,000.

But it must be taken into the estimate, that the increase of revenue from the increase of exports is annually added, while the reduction on account of the one tenth is biennially. Taking this into the estimate, the increase of revenue on account of the increase of the exports over the decrease, on account of the biennial reduction of one tenth, will in the seven years equal $3,298,500; from which take $238,000, and it will leave an aggregate increase over the decrease of $3,060,500.

This conclusion, however, rests on the assumption that the proportion between the free and dutied articles will remain during the period the same as is estimated for last year; but it is probable that the reduction of the price of the free articles, in consequence of the repeal of the duties, will greatly increase

their consumption, and, of course, have a corresponding effect in reducing the amount of the dutiable articles, and, with them, the receipts into the treasury. It is, however, believed to be a safe estimate, that the reduction of the receipts from this cause will be more than counterbalanced by the excess of the increase of income from the increase of exports over the reduction of one tenth biennially, as has been shown ; and that it may, therefore, be assumed with reasonable confidence, if no untoward event should intervene, that the average annual receipts from the customs will be equal to the sum of $16,370,000, the sum which the commerce of last year ought to have yielded, as has been shown, under ordinary circumstances.

Your committee will next inquire what will be the probable amount of receipts from the public lands during the period in question. The receipts from that source during the last year, according to a statement from the treasury, equalled $5,020,940. This, however, probably greatly exceeds the permanent receipts from that source, as it was caused, probably, by the great quantity of rich and valuable land thrown into the market during the year. The receipts of 1833 equalled $3,967,682, and that of the last four years averaged $3,705,405. If we take into consideration, with these facts, the rapid increase of our population, the steady rise in landed property generally, the vast quantity of lands held by the government, it is believed to be a safe estimate, that the average annual income from this source, during the period in question, will be at least equal to $3,500,000.

Of the remaining sources of revenue, the bank dividends is the only one that requires notice. They amounted in 1833 to $450,000 ;* and it is probable that they will give an equal annual income till the expiration of its charter, 1836, after which time there will be a reduction from the income of the government equal to the annual dividends ; but it is believed, by those who are most familiar with the subject, that a retrenchment in the collection of the customs, by a reformation of that branch of the administration, may be effected, at least equal to this reduction. It cost the government the last year $1,350,000 to collect $14,222,448, which is more than equal to nine per cent. : a rate, considering the facility of collecting this branch of the revenue, and the decreased inducement to elude the duties in consequence of the great reduction in the rate of duties, altogether extravagant.

If these calculations should prove correct, the average income of the government for the next seven years, not including incidental items, will equal $20,320,000, making in the whole period the aggregate sum of $142,240,000 ; to which, if we add the residue of the government stock in the United States Bank, amounting to $6,343,400, and which must be paid into the treasury at the expiration of its charter, and the surplus in the treasury on the 31st of December last, which, after deducting $2,000,000, will amount to $6,695,981, it will give an aggregate sum of $148,679,381 ; which, divided by seven, will make the average annual sum, subject to the disposition of the government for the next seven years, amount to $21,239,911.

Such being the probable average annual income and means of the government for the seven ensuing years, the next question which presents itself for consideration is, What ought to be the average expenditure for the same period ?

The expenditure for the year 1834, as taken from the annual report of the Secretary of the Treasury, equals $19,430,373, and for the preceding year $22,713,753 ; deducting in both cases the payments on account of the public debt. Your committee are, however, of the opinion, that these amounts far exceed what ought to be the expenditure on a just and economical scale, and that it may be very greatly reduced without injury to the public service. They are also of opinion, that to this great and extravagant expenditure may be at-

* The amount of dividends for 1834 could not be obtained from the treasury.

tributed, in no small degree, the disease which now threatens so seriously the body politic. That a just conception may be formed of this extraordinary increase, they have annexed a table of expenditures from the year 1823 to 1833, deducting the payment on account of the public debt, by which it appears that, in this short period of ten years, the expenditure has risen from $9,784,000 to $22,713,000, being an increase in the latter over the former of almost $3,000,000 beyond the whole expenditure of the government in 1823, excluding, as stated, the public debt; and this, too, during a period of profound peace, when not an event had occurred calculated to warrant any unusual expenditure. Of this enormous increase the greater part occurred in the last three years, in which time the expenditure has risen nearly $9,000,000, which may well account for the present dangerous symptoms.

Your committee have not time to give that minute attention to the expenditures necessary to determine what particular items can or ought to be retrenched; nor do they deem it important, at present, to enter into so laborious an inquiry, even if time did not prevent. It is sufficient for their purpose to assume that the expenditures of 1823 were, at the time, considered ample to meet all the just wants of the government; and that, so far from being a period distinguished by parsimony, the then administration were thought by many to be unreasonably profuse, and were, accordingly, the object of systematic attacks on account of their supposed extravagance. Assuming, then, the expenditure of $9,784,000 to have been ample at that period, the question which presents itself is, What ought it to be at present, taking into consideration the necessity of increased expenditures in consequence of increased population?

They have already shown that the government cannot bear a permanent increase of expenditure in proportion to the growth of the population, which may be estimated at about three per cent., without an increase of patronage which must, in its progress, inevitably prove fatal to the institutions and liberty of the country. On this principle, the expenditure, instead of increasing nearly thirteen millions in ten years, as it has, ought to have increased much less than three, and ought not, in the opinion of your committee, to have exceeded two millions at the farthest. Assuming that sum as a liberal allowance, and adding it to the expenditure of 1823, we shall have the sum of $11,784,000, beyond which the present expenditure ought not to have passed, including the pensions; and, excluding them, $10,012,412, instead of $22,713,000, the sum actually expended.

But it is believed that this sum will very considerably exceed, on the basis assumed, what ought to be the average annual expenditure for the next seven years. Of the items which compose the present expenditure, that for pensions constituted, last year, the sum of $3,341,877. Considering the advanced age of the pensioners, there ought to be, according to the annuity tables, a decrease by deaths of fourteen per cent. annually, which, in seven years, would diminish the expenditure on pensions from the sum above mentioned to $1,040,802 annually, giving an annual average deduction of $328,725, and would reduce the expenditure on pensions for the ensuing seven years to an average sum of $2,048,000. Add this sum to $10,012,412, the sum beyond which the present expenditure ought not to extend, excluding the pensions, and we shall have $12,060,412, as what the annual average expenditure for the next seven years ought to be.

Take this from the sum of $21,239,911, which, as has been shown, will be the probable average annual means of the government for the same period, and it would leave $9,179,499; or, in round numbers, for the facility of calculation, nine millions, as the average surplus means during the period at the disposition of the government, on the supposition that the expenditures will be reduced to the economical wants of the government.

Having shown what will be the probable surplus revenue should the expen-

diture be reduced to its proper limits, the committee propose next to consider whether, under existing circumstances, the revenue can be reduced.

The two great sources of revenue are lands and customs. The others (not including the postoffice, which is a particular fund) are of small amount. After a careful investigation, your committee are of opinion that the act of 2d of March, 1833, has reduced the duties on imports, with some exceptions, as far as is practicable, under existing circumstances, consistently with the intent and spirit of the act.

The act provides, among other things, that after the 31st day of December, 1833, in all cases where the duties shall exceed twenty per cent. ad valorem, one tenth part of such excess shall be reduced, and, in like manner, one tenth part every two years, till the 31st of December, 1839; and that, on the 31st of December, 1841, one half of the residue of such excess shall be deducted; and on the 30th of June, 1842, the residue. It also provides that, till the 30th of June, 1842, the duties imposed by the then existing law shall remain unchanged, except as provided in the sixth section.

Your committee do not deem it necessary to inquire whether the circumstances under which it passed involves anything in the nature of a pledge or contract, which would forbid any alterations of its provisions. It is sufficient for their purpose to state the fact, that the act is the result of a compromise between great sectional interests, brought into conflict under circumstances which threatened the peace and safety of the country; and that it continues to be the only ground on which the adjustment of the controversy can stand. Under these circumstances, to disregard the provisions of the act would be to open a controversy which your committee hope is closed forever: a controversy which, if renewed, would do more to increase the power and influence of the executive than any other event that could occur. With the impression, then, that the provisions of the act cannot be disturbed without endangering the peace of the country, and adding greatly, by its consequences, to executive patronage, your committee have limited their inquiries to the reduction of the duties on such articles as, by the provisions of the act, are subject to be reduced; and, after a careful investigation, they are of the opinion that all the reductions which can be effected, consistently with the spirit of the compromise, are inconsiderable; and that, to make those that might be made, would require too much time and investigation to permit it to be done at this session, as will appear by a reference to the letter of the Secretary of the Treasury, herewith annexed; but, in order that the subject may be taken up with full information at the next session, they have instructed their chairman to submit a resolution for the consideration of the Senate, directing the Secretary of the Treasury to report, at the commencement of the next session, what duties under twenty per cent. ad valorem may, with a due regard to the manufacturing interests of the country, be repealed or reduced, with an estimate of the probable amount of the reduction.

In turning from the customs to the public lands, your committee find that the difficulty of reducing the revenue from that source is not less considerable than that from the customs. They fully agree in that liberal policy in relation to the public lands that regards them as the means of settlement, as well as a source of revenue; and that they should be disposed of, accordingly, in the manner best calculated to diffuse a flourishing and happy population over the vast regions placed under our dominion; a policy, the wisdom of which is best illustrated by the wonderful success with which it has been accomplished. It is an essential maxim of this noble and generous policy, that the price of the public lands should be fixed so low as to be accessible to the great mass of the citizens, and, at the same time, so high as not to subject them to the monopoly of the great capitalists of the country. Your committee are of opinion that this happy medium is attained by the present price; and, judging from many indications of late, that no considerable reduction can be made in the price without

making them the prey of hungry and voracious speculators and monopolists, to the great injury of the honest and industrious portion of the community, as well as to the portion of the country where the lands may be situated. Be this, however, as it may, it is at least certain that the immediate effect of reduction would be to increase rather than diminish the revenue from lands, and, of course, to augment instead of reducing the public income.

To this may be added another, and, under ordinary circumstances, conclusive objection against the reduction.

The reduction of the price of public lands, while it would act, in effect, as a bounty to the purchasers from the government, by enabling them to acquire more land for the same sum of money, would act, at the same time, as a tax upon the entire body of landholders, who constitute the great mass of our population—a tax on them immeasurably greater than the bounty to the purchasers.

The government of the United States is, in fact, the great land-dealer of the country, and, as such, has the power, by raising or reducing the price of its lands, to reduce or raise, in a greater or less degree, the value of lands everywhere, and, of course, to affect in the same degree the property of the landholders throughout the Union. To what extent any given reduction of the price of public lands would affect the price of lands generally, would be difficult, if not impossible, to ascertain. It would be greater or less, according to the circumstances. The price of land in the adjacent portion of the country, or that from which emigration principally flowed, would be reduced nearly in the same proportion with that of the public lands; that is, if the price of public lands be reduced one half, lands adjacent, or lying in the emigrating portion of the country, would generally fall one half, while the more remote would be less affected, in proportion to distance and the absence of emigration. But it may be safely assumed, taking the whole country, that the actual fall in the value of lands generally, in the hands of the holders, would greatly exceed the actual reduction of the price of public lands. To illustrate: if the price of the latter be reduced one half, which at present would be sixty-two and one half cents per acre, lands generally throughout the country would be reduced in value per acre much more than that sum; and if the far greater quantity held by the whole body of land proprietors, compared to the quantity sold by the government, be taken into the estimate, some idea may be formed how great the aggregate loss of the proprietors generally would be, on any reduction of price, compared with the aggregate gain of the purchasers. As great, however, as it must be, none who know the public spirit and enlightened patriotism of that great and respectable portion of our citizens can doubt their cheerful acquiescence in the sacrifice, should the public interest, or the fundamental maxim which ought to govern in the disposition of the public lands, require it; but, otherwise, it would be a plain and palpable sacrifice of one, and that the largest portion of the community, to the other, without a corresponding benefit. In presenting this view, it is not the intention of your committee to offer any opinion on the propriety of a graduated reduction, as a measure of general policy, in the price of such public lands as have remained long in the market unsold, and of which there is no immediate prospect of making sale at the present price, because of their inferior quality. Their case is very distinguishable from that of the great *body of the public* lands; but the immediate effects of such reduction would obviously be to raise instead of reduce the revenue, and would, of course, increase instead of diminish the difficulty under consideration.

Having now shown that no other reduction of the revenue can be effected, under existing circumstances, than the progressive reduction already provided for by the act of March 2d, 1833, in either of the great sources of our public income, with the exception already stated, your committee will next proceed to inquire whether executive patronage can be reduced by reducing the expenditures of the government.

The result of their investigation on this point is, that, for reasons which will hereafter be offered, a reduction of expenditure, under existing circumstances, would tend to increase instead of reducing executive patronage. But if it were otherwise, it would be found utterly impracticable, for reasons already assigned, to reduce the expenditure much below the income. Experience has abundantly proved that, so long as there is a large surplus in the treasury, the interests in favour of its expenditure will ever be stronger than that opposed to it; and that no prudential consideration, arising from the necessity of accumulating funds to meet future wants, or the hazard of enlarging executive patronage, or the danger of corrupting the political and public morals of the country by useless and profuse expenditure, or any other whatever, is sufficient to resist the temptation to expend. If one unworthy object of appropriation is defeated, another, with no greater claims on the public bounty or justice, will ever stand ready to urge its claims, till the frugal and patriotic are wearied out with incessant and useless efforts to guard the treasury. But were it practicable, with an overflowing treasury, to bring the expenditures within proper limits, such is the present condition of things, that to reduce expenditure would, as has been stated, increase the patronage of the executive, and that to an extent so great that no object of expenditure can be suggested, having a plausible claim on the justice or bounty of the public, which would tend half so much to increase his patronage as leaving the public money unexpended, to accumulate as surplus revenue in the deposite banks.

To realize the truth of this remark, it must be borne in mind that the deposites are under the exclusive *control* of the executive; that they are deposited in banks selected by him; that they have the free use of them without compensation to the public, and they may be continued or dismissed as depositories of the public funds, at the pleasure of the executive.

With these facts before us, the result must be obvious. To accumulate a permanent surplus revenue in the banks is, in fact, but to add so much additional bank capital—capital, in this case, exclusively under executive control, without check or limitation; and, with its increasing amount, daily giving to him a greater control over the deposite banks, and, through them, over the banking institutions of the country generally: thus adding the deep and wide-spread influence of the banks to the already almost overwhelming patronage of the executive.

As the expenditure cannot be reduced, the next inquiry is, whether some object of general utility, in which every portion of the country has an interest, may not be selected as a fixed and permanent object on which to expend the surplus revenue.

Your committee admit that, if such an object of expenditure could be selected, under a well-regulated system of disbursements established by law, much of the patronage incident to the present loose and unregulated disbursements might be curtailed; but they are at a loss to find such an object. Internal improvement approaches the nearest; but there is opposed to it, with the object in view, insuperable objections. To pass by the formidable difficulty, the long-established diversity of opinion as to its constitutionality, which divides the two great sections of the country, experience has shown that there is no expenditure so little susceptible of being regulated by law; none calculated to excite deeper competition, or to enlist a greater number in its favour, in proportion to the amount expended; and, of course, calculated to add more to executive patronage. To these an additional objection of a recent origin may be added. Your committee allude to the executive veto, as applied to internal improvements, the effect of which has been to increase very considerably his power and patronage in reference to this branch of expenditure. The executive, in his veto message, assumes the ground that internal improvements may or may not be constitutional, according to the nature of each particular object; the distinction to

be determined by him in the exercise of his constitutional function of giving or withholding his approval to acts of Congress; the practical effect of which is to draw within his control the power and influence which appertain, not only to the administration, but also to the enactment of the law; and, of course, to increase in the same degree his influence and patronage in reference to internal improvements.

In making these remarks, the object of your committee is not to call in question the motive of the executive, or his right to draw what distinction he may think just and right in the exercise of his veto power, or the correctness of the distinctions in reference to the particular subject under consideration; but simply to exhibit the full extent of the objections to selecting it as the subject on which to expend the surplus revenue—objections, in their nature, incapable of being wholly removed even by an amendment of the Constitution, were an amendment practicable.

But if no subject of expenditure can be selected on which the surplus can be safely expended, and if neither the revenue nor expenditure can, under existing circumstances, be reduced, the next inquiry is, What is to be done with the surplus? which, as has been shown, will probably equal, on an average, for the next eight years, the sum of $9,000,000 beyond the just wants of the government: a surplus of which, unless some safe disposition can be made, all other means of reducing the patronage of the executive must prove ineffectual.

Your committee are deeply sensible of the great difficulty of finding any satisfactory solution of this question; but, believing that the very existence of our institutions, and, with them, the liberty of the country, may depend on the success of their investigation, they have carefully explored the whole ground, and the result of their inquiry is, that but one means has occurred to them holding out any reasonable prospect of success. A few preliminary remarks will be necessary to explain their views.

Amid all the difficulties of our situation, there is one consolation—that the danger from executive patronage, as far as it depends on excess of revenue, must be temporary. Assuming that the act of 2d of March, 1833, will be left undisturbed by its provisions, the income, after the year 1842, is to be reduced to the economical wants of the government. The government, then, is in a state of passage from one where the revenue is excessive, to another in which, at a fixed and no distant period, it will be reduced to its proper limits. The difficulty, in the intermediate time, is, that the revenue cannot be brought down to the expenditure, nor the expenditure, without great danger, raised to the revenue, for reasons already explained. How is this difficulty to be overcome? It might seem that the simple and natural means would be to vest the surplus in some safe and profitable stock, to accumulate for future use; but the difficulty in such a course will, on examination, be found insuperable.

At the very commencement, in selecting the stock, there would be great, if not insurmountable difficulties. No one would think of investing the surplus in bank stock, against which there are so many, and such decisive reasons, that it is not deemed necessary to state them; nor would the objections be less decisive against vesting in the stock of the states, which would create the dangerous relation of debtor and creditor between the government and the members of the Union. But suppose this difficulty surmounted, and that some stock, perfectly safe, was selected, there would still remain another that could not be surmounted. There cannot be found a stock with an interest in its favour sufficiently strong to compete with the interests which, with a large surplus revenue, will ever be found in favour of expenditures. It must be perfectly obvious to all who have the least experience, or who will duly reflect on the subject, that, were a fund selected in which to vest the surplus revenue for future use, there would be found in practice a constant conflict between the interest in favour of some local or favourite scheme of expenditure, and that in favour of the

stock. Nor can it be less obvious that, in point of fact, the former would prove far stronger than the latter. The result is obvious. The surplus, be it ever so great, would be absorbed by appropriations instead of being vested in the stock, and the scheme, of course, would, in practice, prove an abortion; which brings us back to the original inquiry, How is the surplus to be disposed of until the excess shall be reduced to the just and economical wants of the government?

After bestowing on this question, on the successful solution of which so much depends, the most deliberate attention, your committee, as they have already stated, can advise but one means by which it can be effected; and that is an amendment of the Constitution, authorizing the temporary distribution of the surplus revenue among the states till the year 1843, when, as has been shown, the income and expenditure will be equalized.

Your committee are fully aware of the many and fatal objections to the distribution of the surplus revenue among the states, considered as a part of the ordinary and regular system of this government. They admit them to be as great as can be well imagined. The proposition itself, that the government should collect money for the *purpose of such distribution*, or should distribute a surplus for the purpose of *perpetuating taxes*, is too absurd to require refutation; and yet what would be, when applied, as supposed, so absurd and pernicious, is, in the opinion of your committee, in the present extraordinary and deeply-disordered state of our affairs, not only useful and salutary, but indispensable to the restoration of the body politic to a sound condition: just as some potent medicine, which it would be dangerous and absurd to prescribe to the healthy, may, to the diseased, be the only means of arresting the hand of death. Distribution, as proposed, is not for the preposterous and dangerous purpose of raising a revenue for distribution, or of distributing the surplus as a means of perpetuating a system of duties or taxes, but a temporary measure to dispose of an unavoidable surplus while the revenue is in the course of reduction, and which cannot be otherwise disposed of without greatly aggravating a disease that threatens the most dangerous consequences; and which holds out hope, not only of arresting its farther progress, but also of restoring the body politic to a state of health and vigour. The truth of this assertion a few observations will suffice to illustrate.

It must be obvious, on a little reflection, that the effects of distribution of the surplus would be to place the interests of the states, on all questions of expenditure, in opposition to expenditure, as every reduction of expense would necessarily increase the sum to be distributed among the states. The effect of this would be to convert them, through their interests, into faithful and vigilant sentinels on the side of economy and accountability in the expenditures of this government; and would thus powerfully tend to restore the government, in its fiscal action, to the honest simplicity of former days.

It may, perhaps, be thought by some that the power which the distribution among the states would bring to bear against the expenditure, and its consequent tendency to retrench the disbursements of the government, would be so strong as not only to curtail useless or improper expenditure, but also the useful and necessary. Such, undoubtedly, would be the consequence if the process were too long continued; but in the present irregular and excessive action of the system, when its centripetal force threatens to concentrate all its powers in a single department, the fear that the action of this government will be too much reduced by the measure under consideration, in the short period to which it is proposed to limit its operation, is without just foundation. On the contrary, if the proposed measure should be applied in the present diseased state of the government, its effect would be like that of some powerful alterative medicine, operating just long enough to change the present morbid action, but not sufficiently long to superinduce another of an opposite character.

But it may be objected, that, though the distribution might reduce all useless expenditure, it would, at the same time, give additional power to the interest in favour of taxation. It is not denied that such would be its tendency; and, if the danger from increased duties or taxes was at this time as great as that from a surplus revenue, the objection would be fatal; but it is confidently believed that such is not the case. On the contrary, in proposing the measure, it is assumed that the act of March 2, 1833, will remain undisturbed. It is on the strength of this assumption that the measure is proposed, and, as it is believed, safely proposed.

It may, however, be said that the distribution may create, on the part of the states, an appetite in its favour which may ultimately lead to its adoption as a permanent measure. It may, indeed, tend to excite such an appetite, short as is the period proposed for its operation; but it is obvious that this danger is far more than countervailed by the fact, that the proposed amendment to the Constitution to authorize the distribution would place the power beyond the reach of legislative construction, and thus effectually prevent the possibility of its adoption as a permanent measure, as it cannot be conceived that three fourths of the states will ever assent to an amendment of the Constitution to authorize a distribution, except as an extraordinary measure, applicable to some extraordinary condition of the country like the present.

Giving, however, to these, and other objections which may be urged, all the force that can be claimed for them, it must be remembered, the question is not whether the measure proposed is or is not liable to this or that objection, but whether any other less objectionable can be devised; or, rather, whether there is any other which promises the least prospect of relief that can be applied. Let not the delusion prevail that the disease, after running through its natural course, will terminate of itself, without fatal consequences. Experience is opposed to such anticipations. Many and striking are the examples of free states perishing under that excess of patronage which now afflicts ours. It may, in fact, be said with truth, that all, or nearly all, diseases which afflict free governments, may be traced directly or indirectly to excess of revenue and expenditure; the effect of which is to rally around the government a powerful, corrupt, and subservient corps—a corps ever obedient to its will, and ready to sustain it in every measure, whether right or wrong, and which, if the cause of the disease be not eradicated, must ultimately render the government stronger than the people.

What progress this dangerous disease has already made in our country it is not for your committee to say; but when they reflect on the present symptoms, on the almost unbounded extent of executive patronage, wielded by a single will; the surplus revenue, which cannot be reduced within proper limits in less than seven years—a period which covers two presidential elections, on both of which all this mighty power and influence will be brought to bear—and when they consider that, with the vast patronage and influence of this government, that of all the states acting in concert with it will be combined, there are just grounds to fear that the fate which has befallen so many other free governments must also befall ours, unless, indeed, some effectual remedy be forthwith applied. It is under this impression that your committee have suggested the one proposed, not as free from all objections, but as the only one of sufficient power to arrest the disease, and to restore the body politic to a sound condition; and they have, accordingly, reported a resolution so to amend the Constitution that the money remaining in the treasury at the end of each year, till the 1st of January, 1843, deducting therefrom the sum of $2,000,000 to meet current and contingent expenses, shall annually be distributed among the states and territories, including the District of Columbia; and, for that purpose, the sum to be distributed to be divided into as many shares as there are senators and representatives in Congress, adding two for each territory, and two for the Dis-

trict of Columbia; and that there shall be allotted to each state a number of shares equal to its representation in both houses, and to the territories, including the District of Columbia, two shares each. Supposing the surplus to be distributed should average $9,000,000 annually, as estimated, it would give to each share $30,405; which, multiplied by the number of senators and representatives of any state, would show the sum to which it would be entitled.

The reason for selecting the ratio of distribution proposed in the amendment is too obvious to require much illustration. It is that which indicates the relative political weight assigned by the Constitution to the members of the confederacy respectively, and, it is believed, approaches as nearly to equality as any other that can be selected. It may be objected that some states, under the distribution, may receive more, and others less than their actual contribution to the treasury, under the existing system of revenue. The truth of the objection may be acknowledged, but it must also be acknowledged that the inequality is at least as great under the present system of disbursement, and would be as great under any other disposition of the surplus that can be adopted.

But as effectual as the distribution must be, if adopted, to retrench improper expenditure, and reduce correspondingly the patronage of the government, yet other means must be added to bring it within safe limits, and to prevent the recurrence hereafter of the danger which now threatens the institutions and the liberty of the country; and, with this view, your committee have reported a bill to repeal the first and second sections of the act to limit the term of certain officers therein named, passed 13th May, 1820; to make it the duty of the President to lay before Congress, on the first of January next, and on the first of January every four years thereafter, the names of all defaulting officers and agents charged with the collection and disbursement of the public money, whose commissions shall be vacated from and after the date of such message; and also to make it his duty, in all cases of nomination to fill vacancies occasioned by removal from office, to assign the reason for which said officer may have been removed.

The provisions of this bill are the same as those contained in bill No. 2, reported to the Senate on the 4th of May, 1826, by a select committee appointed to "inquire into the expediency of reducing the patronage of the government of the United States," and which was accompanied by an explanatory report, to which your committee would refer the Senate; and, in order to facilitate the reference, they have instructed their chairman to move to reprint the report for their use.

But the great and alarming strides which patronage has made in the short period that has intervened since the date of the report, has demonstrated the necessity of imposing other limitations on the discretionary powers of the executive, particularly in reference to the General Postoffice and the public funds, on which important subject the executive has an almost unlimited discretion as things now are.

In a government like ours, liable to dangers so imminent from the excess and abuse of patronage, it would seem extraordinary that a department of such vast powers, with an annual income and expenditure so great, and with a host of persons in its service, extending and ramifying itself to the remotest point, and into every neighbourhood of the Union, and having a control over the correspondence and intercourse of the whole community, should be permitted to remain so long, without efficient checks or responsibility, under the almost unlimited control of the executive. Such a power, wielded by a single will, is sufficient of itself, when made an instrument of ambition, to contaminate the community, and to control to a great extent public opinion. To guard against this danger, and to impose effectual restrictions on executive patronage, acting through this important department, your committee are of the opinion that an entire reorganization of the department is required; but their labour, in refer-

ence to this subject, has been superseded by the Committee on the Postoffice, which has bestowed so much attention on it, and which is so much more minutely acquainted with the diseased state of the department than your committee can be, that it would be presumption on their part to attempt to add to their recommendation.

But, as extensive and dangerous as is the patronage of the executive through the postoffice department, it is not much less so in reference to the public funds, over which, as has been stated, it now has *unlimited control*, and, through them, over the entire banking system of the country. With a banking system spread from Maine to Louisiana, from the Atlantic to the utmost West, consisting of not less than five or six hundred banks, struggling among themselves for existence and gain, with an immense public fund under the control of the executive, to be deposited in whatever banks he may favour, or to be withdrawn at his pleasure, it is impossible for ingenuity to devise any scheme better calculated to convert the surplus revenue into a most potent engine of power and influence; and, it may be added, of peculation, speculation, corruption, and fraud. The first and most decisive step against this danger is that already proposed, of distributing the surplus revenue among the states, which will prevent its growing accumulation in the banks, and, with it, the corresponding increase of executive power and influence over the banking system. In addition, your committee have reported a bill to charge the deposite banks at the rate of per cent. per annum for the use of the public funds, to be calculated on the average monthly deposites; to prohibit transfers, except for the purpose of disbursements; and to prevent a removal of the public funds from the banks in which they are now, or may hereafter be deposited, without the consent of Congress, except as is provided in the bill. The object of the bill is to secure to the government an equivalent for the use of the public funds, to prevent the abuses and influence incident to transfer-warrants, and to place the deposite banks, as far as it may be practicable, beyond the control of the executive.

In addition to these measures, there are, doubtless, many others connected with the customs—Indian affairs, public lands, army, navy, and other branches of the administration—into which, it is feared, there have crept many abuses, which have unnecessarily increased the expenditures and the number of persons employed, and, with them, the executive patronage; but to reform which would require a more minute investigation into the general state of the administration than your committee can at present bestow. Should the measures which they have recommended receive the sanction of Congress, they feel a strong conviction that they will greatly facilitate the work of carrying accountability, retrenchment, and economy through every branch of the administration, and thereby reduce the patronage of the executive to those safe and economical limits which are necessary to a complete restoration of the equilibrium of the system, now so dangerously disturbed. Your committee are deeply impressed with the necessity of commencing early, and of carrying through to its full and final completion, this great work of reform.

The disease is daily becoming more aggravated and dangerous, and, if it be permitted to advance for a few years longer with the rapidity with which it has of late, it will soon pass beyond the reach of remedy. This is no party question. Every lover of his country and of its institutions, be his party what it may, must see and deplore the rapid growth of patronage, with all its attendant evils, and the certain catastrophe which awaits its farther progress, if not timely arrested. The question now is not how, or where, or with whom the danger originated, but how it is to be arrested; not the cause, but the remedy; not how our institutions and liberty have been endangered, but how they are to be rescued.

# XI.

A REPORT ON THAT PORTION OF THE PRESIDENT'S MESSAGE WHICH RELATED TO THE ADOPTION OF EFFICIENT MEASURES TO PREVENT THE CIRCULATION OF INCENDIARY ABOLITION PETITIONS THROUGH THE MAIL, FEBRUARY 4, 1836.

*The Select Committee to whom was referred that portion of the President's Message which relates to the attempts to circulate, through the mail, inflammatory appeals, to excite the slaves to insurrection, submit the following report:*

THE committee fully concur with the President as to the character and tendency of the papers which have been attempted to be circulated in the South through the mail, and participate with him in the indignant regret which he expresses at conduct so destructive of the peace and harmony of the country, and so repugnant to the Constitution and the dictates of humanity and religion. They also concur in the hope that, if the strong tone of disapprobation which these unconstitutional and wicked attempts have called forth does not arrest them, the non-slaveholding states will be prompt to exercise their power to suppress them, as far as their authority extends. But, while they agree with the President as to the evil and its highly dangerous tendency, and the necessity of arresting it, they have not been able to assent to the measure of redress which he recommends—that Congress should pass a law prohibiting, under severe penalty, the transmission of incendiary publications through the mail, intended to instigate the slaves to insurrection.

After the most careful and deliberate investigation, they have been constrained to adopt the conclusion that Congress has not the power to pass such a law; that it would be a violation of one of the most sacred provisions of the Constitution, and subversive of reserved powers essential to the preservation of the domestic institutions of the slaveholding states, and, with them, their peace and security. Concurring, as they do, with the President in the magnitude of the evil and the necessity of its suppression, it would have been the cause of deep regret to the committee, if they thought the difference of opinion, as to the right of Congress, would deprive the slaveholding states of any portion of the protection which the measure recommended by the President was intended to afford them. On the contrary, they believe all the protection intended may be afforded, according to the views they take of the power of Congress, without infringing on any provision of the Constitution on one side, or the reserved rights of the states on the other.

The committee, with these preliminary remarks, will now proceed to establish the positions which they have assumed; beginning with the first—that the passage of a law would be a violation of an express provision of the Constitution.

In the discussion of this point, the committee do not deem it necessary to inquire whether the right to pass such a law can be derived from the power to establish postoffices and postroads, or from the trust of "preserving the relation created by the Constitution between the states," as supposed by the President. However ingenious or plausible the arguments may be by which it may be attempted to derive the right from these or any other sources, they must fall short of their object. The jealous spirit of liberty which characterized our ancestors at the period when the Constitution was adopted, forever closed the door by which the right might be implied from any of the granted powers, or any other source, if there be any other. The committee refer to the amended article of the Constitution, which, among other things, provides that Congress shall pass no law which shall abridge the liberty of the press—a provision which interposes, as will be hereafter shown, an insuperable objection to the measure rec-

ommended by the President. That the true meaning of this provision may be fully comprehended, as bearing on the point under consideration, it will be necessary to recur briefly to the history of the adoption of the Constitution.

It is well known that great opposition was made to the adoption of the Constitution. It was acknowledged on all sides, at the time, that the old confederation, from its weakness, had failed, and that something must be done to save the country from anarchy and convulsion; yet, so high was the spirit of liberty —so jealous were our ancestors of that day of power, that the utmost efforts were necessary, under all the then existing pressure, to obtain the assent of the states to the ratification of the Constitution. Among the many objections to its adoption, none were more successfully urged than the absence in the instrument of those general provisions which experience had shown to be necessary to guard the outworks of liberty: such as the freedom of the press and of speech, the rights of conscience, of trial by jury, and others of like character. It was the belief of those jealous and watchful guardians of liberty, who viewed the adoption of the Constitution with so much apprehension, that all these sacred barriers, without some positive provision to protect them, would, by the power of construction, be undermined and prostrated. So strong was this apprehension, that it was impossible to obtain a ratification of the instrument in many of the states without accompanying it with the recommendation to incorporate in the Constitution various articles, as amendments, intended to remove this defect, and guard against the danger apprehended, by placing these important rights beyond the possible encroachment of Congress. One of the most important of these is that which stands at the head of the list of amended articles, and which, among other things, as has been stated, prohibits the passage of any law abridging the freedom of the press, and which left that important barrier against power under the exclusive authority and control of the states.

That it was the object of this provision to place the freedom of the press beyond the possible interference of Congress, is a doctrine not now advanced for the first time. It is the ground taken, and so ably sustained by Mr. Madison, in his celebrated report to the Virginia Legislature, in 1799, against the alien and sedition law, and which conclusively settled the principle that Congress has no right, in any form or in any manner, to interfere with the freedom of the press.* The establishment of this principle not only overthrew the sedition act, but was the leading cause of the great political revolution which, in 1801, brought the Republican party, with Mr. Jefferson at its head, into power.

With these remarks, the committee will turn to the sedition act, in order to show the identity in principle between it and the act which the message recommends to be passed, as far as it relates to the freedom of the press. Among its other provisions, it inflicted punishment on all persons who should publish any false, scandalous, or malicious writing against the government, with intent to defame the same, or bring it into contempt or disrepute. Assuming this provision to be unconstitutional, as abridging the freedom of the press, which no one now doubts, it will not be difficult to show that if, instead of inflicting punishment for publishing, the act had inflicted punishment for circulating through the mail for the same offence, it would have been equally unconstitutional. The one would have abridged the freedom of the press as effectually as the other. The object of publishing is circulation; and to prohibit circulation is, in effect, to prohibit publication. They both have a common object—the communication of sentiments and opinions to the public; and the prohibition of one may as effectually suppress such communication as the prohibition of the other; and, of

* The article is in the following words:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and petition the government for a redress of grievances."

course, would as effectually interfere with the freedom of the press, and be equally unconstitutional.

But, to understand more fully the extent of the control which the right of prohibiting circulation through the mail would give to the government over the press, it must be borne in mind that the power of Congress over the post-office and the mail is an exclusive power. It must also be remembered that Congress, in the exercise of this power, may declare any road or navigable water to be a post-road; and that, by the act of 1825, it is provided "that no stage, or other vehicle which regularly performs trips on a post-road, or on a road parallel to it, shall carry letters." The same provision extends to packets, boats, or other vessels, on navigable waters. Like provision may be extended to newspapers and pamphlets; which, if it be admitted that Congress has the right to discriminate in reference to their character, what papers shall or what shall not be transmitted by the mail, would subject the freedom of the press on all subjects, political, moral, and religious, completely to its will and pleasure. It would, in fact, in some respects, more effectually control the freedom of the press than any sedition law, however severe its penalties. The mandate of the government alone would be sufficient to close the door against circulation through the mail; and thus, at its sole will and pleasure, might intercept all communication between the press and the people, while it would require the intervention of courts and juries to enforce the provisions of a sedition law, which experience has shown are not always passive and willing instruments in the hands of government, where the freedom of the press is concerned.

From these remarks, it must be apparent that, to prohibit publication on one side, and circulation through the mail on the other, of any paper, on account of its religious, moral, or political character, rests on the same principle; and that each is equally an abridgment of the freedom of the press, and a violation of the Constitution. It would, indeed, have been but a poor triumph for the cause of liberty, in the great contest of 1799, had the sedition law been put down on principles that would have left Congress free to suppress the circulation through the mail of the very publications which that odious act was intended to prohibit. The authors of that memorable achievement would have had but slender claims on the gratitude of posterity, if their victory over the encroachment of power had been left so imperfect.

It will, after what has been said, require but few remarks to show that the same principle which applied to the sedition law would apply equally to a law punishing, by Congress, such incendiary publications as are referred to in the message, and, of course, to the passage of a law prohibiting their transmission through the mail. The principle on which the sedition act was condemned as unconstitutional was a general one, and not limited in its application to that act. It withdraws from Congress all right of interference with the press, in any form or shape whatever; and the sedition law was put down as unconstitutional, not because it prohibited publications against the government, but because it interfered at all with the press. The prohibition of any publication on the ground of its being immoral, irreligious, or intended to excite rebellion or insurrection, would have been equally unconstitutional; and, from parity of reason, the suppression of their circulation through the mail would be no less so.

But, as conclusive as these reasons are against the right, there are others not less so, derived from the powers reserved to the states, which the committee will next proceed to consider.

The message, as has been stated, recommends that Congress should pass a law to punish the transmission through the mail of incendiary publications intended to instigate the slaves to insurrection. It of course assumes for Congress a right to determine what papers are incendiary and intended to excite insurrection. The question, then, is, Has Congress such a right? A question of vital importance to the slaveholding states, as will appear in the course of the discussion.

After examining this question with due deliberation, in all its bearings, the committee are of opinion, not only that Congress has not the right, but to admit it would be fatal to the states. Nothing is more clear than that the admission of the right, on the part of Congress, to determine what papers are incendiary, and, as such, to prohibit their circulation through the mail, necessarily involves the right to determine what are not incendiary, and to enforce their circulation. Nor is it less certain that, to admit such a right, would be virtually to clothe Congress with the power to abolish slavery, by giving it the means of breaking down all the barriers which the slaveholding states have erected for the protection of their lives and property. It would give Congress, without regard to the prohibition laws of the states, the authority to open the gates to the flood of incendiary publications which are ready to break into those states, and to punish all who dare resist as criminals. Fortunately, Congress has no such right. The internal peace and security of the states are under the protection of the states themselves, to the entire exclusion of all authority and control on the part of Congress. It belongs to them, and not to Congress, to determine what is, or is not, calculated to disturb their peace and security; and, of course, in the case under consideration, it belongs to the slaveholding states to determine what is incendiary and intended to incite to insurrection, and to adopt such defensive measures as may be necessary for their security, with unlimited means of carrying them into effect, except such as may be expressly inhibited to the states by the Constitution. To establish the truth of this position, so essential to the safety of those states, it would seem sufficient to appeal to their constant exercise of this right at all times, without restriction or question, both before and since the adoption of the Constitution. But, on a point of so much importance, which may involve the safety, if not the existence itself, of an entire section of the Union, it will be proper to trace it to its origin, in order to place it on a more immovable foundation.

That the states which form our Federal Union are sovereign and independent communities, bound together by a constitutional compact, and are possessed of all the powers belonging to distinct and separate states, excepting such as are delegated to be exercised by the General Government, is assumed as unquestionable. The compact itself expressly provides that all powers not delegated are reserved to the states and the people. To ascertain, then, whether the power in question is delegated or reserved, it is only necessary to ascertain whether it is to be found among the enumerated powers or not. If it be not among them, it belongs, of course, to the reserved powers. On turning to the Constitution, it will be seen that, while the power of defending the country against external danger is found among the enumerated, the instrument is wholly silent as to the power of defending the internal peace and security of the states, and, of course, reserves to the states this important power, as it stood before the adoption of the Constitution, with no other limitation, as has been stated, except such as are expressly prescribed by the instrument itself. From what has been stated, it may be inferred that the right of a state to defend itself against internal dangers is a part of the great, primary, and inherent right of self-defence, which, by the laws of nature, belongs to all communities; and so jealous were the states of this essential right, without which their independence could not be preserved, that it is expressly provided by the Constitution,* that the General Government shall not assist a state, even in case of domestic violence, except on the application of the authorities of the state itself: thus excluding, by a necessary consequence, its interference in all other cases.

Having now shown that it belongs to the slaveholding states, whose institutions are in danger, and not to Congress, as is supposed by the message, to determine what papers are incendiary and intended to excite insurrection among

* See 4th article, 4th section, of the Constitution.

the slaves, it remains to inquire, in the next place, what are the corresponding duties of the General Government, and the other states, from within whose limits and jurisdiction their institutions are attacked: a subject intimately connected with that with which the committee are immediately charged, and which, at the present juncture, ought to be fully understood by all the parties. The committee will begin with the first.

It may not be entirely useless to premise that rights and duties are reciprocal—the existence of a right always implying a corresponding duty. If, consequently, the right to protect her internal peace and security belongs to a state, the General Government is bound to respect the measures adopted by her for that purpose, and to co-operate in their execution, as far as its delegated powers may admit, or the measure may require. Thus, in the present case, the slaveholding states having the unquestionable right to pass all such laws as may be necessary to maintain the existing relation between master and slave in those states, their right, of course, to prohibit the circulation of any publication or any intercourse calculated to disturb or destroy that relation, is incontrovertible. In the execution of the measures which may be adopted by the states for this purpose, the powers of Congress over the mail, and of regulating commerce with foreign nations and between the states, may require co-operation on the part of the General Government; and it is bound, in conformity to the principle established, to respect the laws of the state in their exercise, and so to modify its acts as not only not to violate those of the states, but, as far as practicable, to co-operate in their execution. The practice of the government has been in conformity to these views.

By the act of the 28th of February, 1803, entitled "An act to prevent the importation of certain persons into certain states," where, by the laws of those states, their importation is prohibited, masters or captains of ships or vessels are forbidden, under severe penalty, "to import or bring, or cause to be imported or brought, any negro or mulatto, or person of colour, not being a native or citizen, or registered seaman of the United States, or seamen, natives of countries beyond the Cape of Good Hope, into any port or place which shall be situated in any state which, by law, has prohibited, or shall prohibit, the admission or importation of such negro, mulatto, or other person of colour." This provision speaks for itself, and requires no illustration. It is a case in point, and fully embraces the principle laid down. To the same effect is the act of the 25th of February, 1799, respecting quarantine and health laws, which, as belonging to the internal police of the states, stand on the same ground. The act, among other things, "directs the collectors and all other revenue officers, the masters and crews of the revenue cutters, and the military officers in command on the station, to co-operate faithfully in the execution of the quarantine and other restrictions which the health laws of the state may establish."

The principles embraced by these acts, in relation to the commercial intercourse of the country, are equally applicable to the intercourse by mail. There may, indeed, be more difficulty in co-operating with the states in the latter than in the former, but that cannot possibly affect the principle. Regarding it, then, as established both by reason and precedents, the committee, in conformity with it, have prepared a bill, and directed their chairman to report the same to the Senate, prohibiting, under the penalty of fine and dismission from office, any deputy postmaster in any state, territory, or district, from knowingly receiving and putting into the mail any letter, packet, pamphlet, paper, or pictorial representation, directed to any postoffice or person in a state, territory, or district, by the laws of which the circulation of the same is forbidden; and also prohibiting, under a like penalty, any deputy postmaster in said state, territory, or district, from knowingly delivering the same, except to such persons as may be authorized to receive them by the civil authority of said state, territory, or district.

It remains next to inquire into the duty of the states, from within whose limits and jurisdiction the internal peace and security of the slaveholding states are endangered.

In order to comprehend more fully the nature and extent of their duty, it will be necessary to make a few remarks on the relations which exist between the states of our Federal Union, with the rights and obligations reciprocally resulting from such relations.

It has already been stated that the states which compose our Federal Union are sovereign and independent communities, united by a constitutional compact. Among its members the laws of nations are in full force and obligation, except as altered or modified by the compact; and, of course, the states possess, with that exception, all the rights, and are subject to all the duties which separate and distinct communities possess, or to which they are subject. Among these are comprehended the obligation which all states are under to prevent their citizens from disturbing the peace or endangering the security of other states; and, in case of being disturbed or endangered, the right of the latter to demand of the former to adopt such measures as will prevent their recurrence; and, if refused or neglected, to resort to such measures as its protection may require. This right remains, of course, in force among the states of this Union, with such limitations as are imposed expressly by the Constitution. Within their limits, the rights of the slaveholding states are as full to demand of the states within whose limits and jurisdiction their peace is assailed, to adopt the measures necessary to prevent the same, and, if refused or neglected, to resort to means to protect themselves, as if they were separate and independent communities.

Those states, on the other hand, are not only under all the obligations which independent communities would be to adopt such measures, but also under the obligation which the Constitution superadds, rendered more sacred, if possible, by the fact that, while the Union imposes restrictions on the right of the slaveholding states to defend themselves, it affords the medium through which their peace and security are assailed. It is not the intention of the committee to inquire what those restrictions are, and what are the means which, under the Constitution, are left to the slaveholding states to protect themselves. The period has not yet come, and they trust never will, when it may be necessary to decide those questions; but come it must, unless the states whose duty it is to suppress the danger shall see in time its magnitude, and the obligations which they are under to adopt speedy and effectual measures to arrest its farther progress. That the full force of this obligation may be understood by all parties, the committee propose, in conclusion, to touch briefly on the movements of the Abolitionists, with the view of showing the dangerous consequences to which they must lead if not arrested.

Their professed object is the emancipation of slaves in the Southern States, which they propose to accomplish through the agency of organized societies, spread throughout the non-slaveholding states, and a powerful press, directed mainly to excite in the other states hatred and abhorrence against the institutions and citizens of the slaveholding states, by addresses, lectures, and pictorial representations, abounding in false and exaggerated statements.

If the magnitude of the mischief affords, in any degree, the measure by which to judge of the criminality of a project, few have ever been devised to be compared with the present, whether the end be regarded, or the means by which it is proposed to be accomplished. The blindness of fanaticism is proverbial. With more zeal than understanding, it constantly misconceives the nature of the object at which it aims, and towards which it rushes with headlong violence, regardless of the means by which it is to be effected. Never was its character more fully exemplified than in the present instance. Setting out with the abstract principle that slavery is an evil, the fanatical zealots come at once to

the conclusion that it is their duty to abolish it, regardless of all the disasters which must follow. Never was conclusion more false or dangerous. Admitting their assumption, there are innumerable things which, regarded in the abstract, are evils, but which it would be madness to attempt to abolish. Thus regarded, government itself is an evil, with most of its institutions intended to protect life and property, comprehending the civil as well as the criminal and military code, which are tolerated only because to abolish them would be to increase instead of diminishing the evil. The reason is equally applicable to the case under consideration: to illustrate which, a few remarks on slavery, as it actually exists in the Southern States, will be necessary.

He who regards slavery in those states simply under the relation of master and slave, as important as that relation is, viewed merely as a question of property to the slaveholding section of the Union, has a very imperfect conception of the institution, and the impossibility of abolishing it without disasters unexampled in the history of the world. To understand its nature and importance fully, it must be borne in mind that slavery, as it exists in the Southern States (including under the Southern all the slaveholding States), involves not only the relation of master and slave, but also the social and political relations of two races, of nearly equal numbers, from different quarters of the globe, and the most opposite of all others in every particular that distinguishes one race of men from another. Emancipation would destroy these relations—would divest the masters of their property, and subvert the relation, social and political, that has existed between the races from almost the first settlement of the Southern States.

It is not the intention of the committee to dwell on the pecuniary aspect of this vital subject: the vast amount of property involved, equal, at least, to $950,000,000, the ruin of families and individuals, the impoverishment and prostration of an entire section of the Union, and the fatal blow that would be given to the productions of the great agricultural staples, on which the commerce, the navigation, the manufactures, and the revenue of the country almost entirely depend. As great as these disasters would be, they are nothing compared to what must follow the subversion of the existing relation between the two races, to which the committee will confine their remarks.

Under this relation the two races have long lived in peace and prosperity, and, if not disturbed, would long continue so to live. While the European race has rapidly increased in wealth and numbers, and, at the same time, has maintained an equality, at least morally and intellectually, with their brethren of the non-slaveholding states, the African race has multiplied with not less rapidity, accompanied by great improvement, physically and intellectually, and a degree of comfort which the labouring class in few other countries enjoy, and confessedly greatly superior to what the free people of the same race possess in the non-slaveholding states. It may, indeed, be safely asserted, that there is no example in history in which a savage people, such as their ancestors were when brought into the country, have ever advanced in the same period so rapidly in numbers and improvement.

To destroy the existing relations, would be to destroy this prosperity, and to place the two races in a state of conflict, which must end in the expulsion or extirpation of one or the other. No other can be substituted compatible with their peace or security. The difficulty is in the diversity of the races. So strongly drawn is the line between the two in consequence, and so strengthened by the force of habit and education, that it is impossible for them to exist together in the same community, where their numbers are so nearly equal as in the slaveholding states, under any other relation than that which now exists. Social and political equality between them is impossible. No power on earth can overcome the difficulty. The causes lie too deep in the principles of our nature to be surmounted. But, without such equality, to change the present

condition of the African race, were it possible, would be but to change the form of slavery. It would make them the slaves of the community instead of the slaves of individuals, with less responsibility and interest in their welfare on the part of the community than is felt by their present masters; while it would destroy the security and independence of the European race, if the African should be permitted to continue in their changed condition within the limits of those states. They would look to the other states for support and protection, and would become, virtually, their allies and dependants; and would thus place in the hands of those states the most effectual instrument to destroy the influence and control the destiny of the rest of the Union.

It is against this relation between the two races that the blind and criminal zeal of the Abolitionists is directed—a relation that now preserves in quiet and security more than 6,500,000 of human beings, and which cannot be destroyed without destroying the peace and prosperity of nearly half the states of the Union, and involving their entire population in a deadly conflict, that must terminate either in the expulsion or extirpation of those who are the object of the misguided and false humanity of those who claim to be their friends.

He must be blind indeed who does not perceive that the subversion of a relation which must be followed with such disastrous consequences, can only be effected by convulsions that would devastate the country, burst asunder the bonds of the Union, and ingulf in a sea of blood the institutions of the country. It is madness to suppose that the slaveholding states would quietly submit to be sacrificed. Every consideration—interest, duty, and humanity; the love of country, the sense of wrong, hatred of oppressors, and treacherous and faithless confederates, and, finally, despair—would impel them to the most daring and desperate resistance in defence of property, family, country, liberty, and existence.

But wicked and cruel as is the end aimed at, it is fully equalled by the criminality of the means by which it is proposed to be accomplished. These, as has been stated, consist in organized societies and a powerful press, directed mainly with a view to excite the bitterest animosity and hatred of the people of the non-slaveholding states against the citizens and institutions of the slaveholding states. It is easy to see to what disastrous results such means must tend. Passing over the more obvious effects, their tendency to excite to insurrection and servile war, with all its horrors, and the necessity which such tendency must impose on the slaveholding states to resort to the most rigid discipline and severe police, to the great injury of the present condition of the slaves, there remains another threatening, incalculable mischief to the country.

The inevitable tendency of the means to which the Abolitionists have resorted to effect their object must, if persisted in, end in completely alienating the two great sections of the Union. The incessant action of hundreds of societies, and a vast printing establishment, throwing out daily thousands of artful and inflammatory publications, must make, in time, a deep impression on the section of the Union where they freely circulate, and are mainly designed to have effect. The well-informed and thoughtful may hold them in contempt, but the young, the inexperienced, the ignorant, and thoughtless will receive the poison. In process of time, when the number of proselytes is sufficiently multiplied, the artful and profligate, who are ever on the watch to seize on any means, however wicked and dangerous, will unite with the fanatics, and make their movements the basis of a powerful political party, that will seek advancement by diffusing, as widely as possible, hatred against the slaveholding states. But, as hatred begets hatred, and animosity animosity, these feelings would become reciprocal, till every vestige of attachment would cease to exist between the two sections; when the Union and the Constitution, the offspring of mutual affection and confidence, would forever perish.

Such is the danger to which the movements of the Abolitionists expose the

country. If the force of the obligation is in proportion to the magnitude of the danger, stronger cannot be imposed than is at present on the states within whose limits the danger originates, to arrest its farther progress—a duty they owe, not only to the states whose institutions are assailed, but to the Union and Constitution, as has been shown, and, it may be added, to themselves. The sober and considerate portions of citizens of the non-slaveholding states, who have a deep stake in the existing institutions of the country, would have little forecast not to see that the assaults which are now directed against the institutions of the Southern States may be very easily directed against those which uphold their own property and security. A very slight modification of the arguments used against the institutions which sustain the property and security of the South would make them equally effectual against the institutions of the North, including banking, in which so vast an amount of its property and capital is invested. It would be well for those interested to reflect whether there now exists, or ever has existed, a wealthy and civilized community in which one portion did not live on the labour of another; and whether the form in which slavery exists in the South is not but one modification of this universal condition; and, finally, whether any other, under all the circumstances of the case, is more defensible, or stands on stronger ground of necessity. It is time to look these questions in the face. Let those who are interested remember that labour is the only source of wealth, and how small a portion of it, in all old and civilized countries, even the best governed, is left to those by whose labour wealth is created. Let them also reflect how little volition or agency the operatives in any country have in the question of its distribution—as little, with a few exceptions, as the African of the slaveholding states has in the distribution of the proceeds of his labour. Nor is it the less oppressive, that in the one case it is effected by the stern and powerful will of the government, and in the other by the more feeble and flexible will of a master. If one be an evil, so is the other. The only difference is the amount and mode of the exaction and distribution, and the agency by which they are effected.

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## XII.

### SPEECH ON THE ABOLITION PETITIONS, MARCH 9, 1836.

The question of receiving the petitions from Pennsylvania for the abolition of slavery in the District of Columbia being under consideration,

Mr. Calhoun rose and said: If we may judge from what has been said, the mind of the Senate is fully made up on the subject of these petitions. With the exception of the two senators from Vermont, all who have spoken have avowed their conviction, not only that they contain nothing requiring the action of the Senate, but that the petitions are highly mischievous, as tending to agitate and distract the country, and to endanger the Union itself. With these concessions, I may fairly ask, Why should these petitions be received? Why receive when we have made up our mind not to act? Why idly waste our time and lower our dignity in the useless ceremony of receiving to reject, as is proposed, should the petitions be received? Why, finally, receive what all acknowledge to be highly dangerous and mischievous? But one reason has, or can be assigned—that not to receive would be a violation of the right of petition, and, of course, that we are bound to receive, however objectionable and dangerous the petitions may be. If such be the fact, there is an end to the question. As great as would be the advantage to the Abolitionists if we are bound to receive, if it would be a violation of the right of petition

not to receive, we must acquiesce. On the other hand, if it shall be shown, not only that we are not bound to receive, but that to receive, on the ground on which it has been placed, would sacrifice the constitutional rights of this body, would yield to the Abolitionists all they could hope at this time, and would surrender all the outworks by which the slave-holding states can defend their rights and property HERE, then a unanimous rejection of these petitions ought of right to follow.

The decision, then, of the question now before the Senate is reduced to the single point, Are we bound to receive these petitions? Or, to vary the form of the question, Would it be a violation of the right of petition not to receive them?

When the ground was first taken that it would be a violation, I could scarcely persuade myself that those who took it were in earnest, so contrary was it to all my conceptions of the rights of this body and the provisions of the Constitution; but finding it so earnestly maintained, I have since carefully investigated the subject, and the result has been a confirmation of my first impression, and a conviction that the claim of right is without shadow of foundation. The question, I must say, has not been fairly met. Those opposed to the side which we support have discussed the question as if we denied the right of petition, when they could not but know that the true issue is not as to the *existence* of the right, which is acknowledged by all, but its *extent* and *limits*, which not one of our opponents has so much as attempted to ascertain. What they have declined doing I undertake to perform.

There must be some point, all will agree, where the right of petition ends, and that of this body begins. Where is that point? I have examined this question carefully, and I assert boldly, without the least fear of refutation, that, stretched to the utmost, the right cannot be extended beyond the presentation of a petition, at which point the rights of this body commence. When a petition is presented, it is before the Senate. It must then be acted on. Some disposition must be made of it before the Senate can proceed to the consideration of any other subject. This no one will deny. With the action of the Senate its rights commence: rights secured by an express provision of the Constitution, which vests each house with the right of regulating its own proceedings, that is, to determine by fixed rules the order and form of its action. To extend the right of petition beyond presentation, is clearly to extend it beyond that point where the action of the Senate commences, and, as such, is a manifest violation of its constitutional rights. Here, then, we have the limits between the right of petition and the right of the Senate to regulate its proceedings clearly fixed, and so perfectly defined as not to admit of mistake, and, I would add, of controversy, had it not been questioned in this discussion.

If what I have asserted required confirmation, ample might be found in our rules, which imbody the deliberate sense of the Senate on this point, from the commencement of the government to this day. Among them, the Senate has prescribed that of its proceedings on the presentation of petitions. It is contained in the 24th Rule, which I ask the secretary to read, with Mr. Jefferson's remarks in reference to it.

"Before any petition or memorial addressed to the Senate shall *be received* and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer."—Rule 24.

Mr. Jefferson's remarks: "*Regularly a motion for receiving it must be made and seconded, and a question put whether it shall be received;* but a cry from the house of 'Receive,' or even a silence, dispenses with the formality of the question."

Here we have a confirmation of all I have asserted. It clearly proves that, when a petition is presented, the action of the Senate commences. The first act is to receive the petition. Received by whom? Not the secretary, but the Senate. And how can it be received by the Senate but on a motion to receive, and a vote of a majority of the body? And Mr. Jefferson, accordingly, tells us that, regularly, such a motion must be made and seconded. On this question, then, the right of the Senate begins, and its right is as perfect and full to receive or reject, as it is to adopt or reject any other question, in any subsequent stage of its proceedings. When I add that this rule was adopted as far back as the 19th of April, 1789, at the first session of the Senate, and that it has been retained, without alteration, in all the subsequent changes and modifications of the rules, we have the strongest evidence of the deliberate sense of this body in reference to the point under consideration.

I feel that I might here terminate the discussion. I have shown conclusively that the right of petition cannot possibly be extended beyond presentation. At that point it is met by the rights of the Senate; and it follows, as a necessary consequence, that, so far from being bound to receive these petitions, so far would a rejection be from violating the right of petition, we are left perfectly free to reject or to receive at pleasure, and that we cannot be deprived of it without violating the rights of this body, secured by the Constitution.

But, on a question of such magnitude, I feel it to be a duty to remove every difficulty; and, that not a shadow of doubt may remain, I shall next proceed to reply to the objections our opponents have made to the grounds I have taken. At the head of these it has been urged, again and again, that petitioners have a right to be heard, and that not to receive petitions is to refuse a hearing. It is to be regretted that, throughout this discussion, those opposed to us have dealt in such vague generalities, and ventured assertions with so little attention to facts. Why have they not informed us, in the present instance, what is meant by the right to be heard, and how that right is violated by a refusal to receive? Had they thought proper to give us this information, it would, at least, have greatly facilitated my reply; but as it is, I am constrained to inquire into the different senses in which the assertion may be taken, and then to show that in not one of them is the right of petition in the slightest degree infringed by a refusal to receive.

What, then, is meant by the assertion that these petitioners have a right to be heard? Is it meant that they have a right to appear in the Senate chamber in person to present their petition and to be heard in its defence? If this be the meaning, the dullest apprehension must see that the question on receiving has not the slightest bearing on such right. If they have the right to be heard personally at our bar, it is not the 24th rule of our proceedings, but the 19th which violates that right. That rule expressly provides that a motion to admit any person whatever within the doors of the Senate to present a petition shall be out of order, and, of course, excludes the petitioners from being heard in person. But it may be meant that petitioners have a right to have their petitions presented to the Senate and read in their hearing. If this be the meaning, the right has been enjoyed in the present instance to the fullest extent. The petition was presented by the senator from Pennsylvania (Mr. Buchanan) in the usual mode, by giving a statement of its contents, and on my call was read by the secretary at his table.

But one more sense can be attached to the assertion. It may be meant that the petitioners have a right to have their petitions discussed by the Senate. If this be intended, I will venture to say that there never was an

assertion more directly in the teeth of facts than that which has been so frequently made in the course of this discussion, that, to refuse to receive the petition, is to refuse a hearing to the petitioners. Has not this question been before us for months? Has not the petition been discussed day after day, fully and freely, in all its bearings? And how, with these facts before us, with the debates still ringing in our ears, any senator can rise in his place, and gravely pronounce that to refuse to receive this petition is to refuse a hearing to the petitioners, to refuse discussion in the broadest sense, is past my comprehension. Our opponents, as if in their eagerness to circumscribe the rights of the Senate, and to enlarge those of the Abolitionists (for such must be the effect of their course), have closed their senses against facts passing before their eyes; and have entirely overlooked the nature of the question now before the Senate, and which they have been so long discussing.

The question on receiving the petition not only admits discussion, but admits it in the most ample manner; more so, in fact, than any other, except the final question on the rejection of the prayer of the petition, or some tantamount question. Whatever may go to show that the petition is or is not deserving the action of this body, may be freely urged for or against it, as has been done on the present occasion. In this respect there is a striking difference between it and many of the subsequent questions which may be raised after reception, and particularly the one made by the senator from Tennessee (Mr. Grundy), who now is so strenuous an advocate in favour of the right of the petitioners to be heard. He spoke with apparent complacency of his course as it respects another of these petitions. And what was that course? He who is now so eager for discussion to give a hearing, moved to lay the petition on the table, a motion which cuts off all discussion.

But it may be asked, If the question on receiving petitions admits of so wide a scope for discussion, why not receive this petition, and discuss it at some subsequent stage? Why not receive, in order to reject its prayer, as proposed by the senator from Pennsylvania (Mr. Buchanan), instead of rejecting the petition itself on the question of receiving, as we propose? What is the difference between the two?

I do not intend at this stage to compare, or, rather, to contrast the two courses, for they admit of no comparison. My object at present is to establish, beyond the possibility of a doubt, that we are not bound to receive these petitions; and when that is accomplished, I will then show the disastrous consequences which must follow the reception of the petition, be the after disposition what it may. In the mean time, it is sufficient to remark, that it is only on the question of receiving that opposition can be made to the *petition itself*. On all others the opposition is to its *prayer*. On the decision, then, of the question of receiving depends the important question of jurisdiction. To receive is to take jurisdiction; to give an implied pledge to investigate and decide on the prayer, and to give the petition a place in our archives, and become responsible for its safe keeping; and who votes for receiving this petition on the ground on which its reception is placed, votes that Congress is bound to take jurisdiction of the question of abolishing slavery both here and in the states; gives an implied pledge to take the subject under consideration, and orders the petition to be placed among the public records for safe keeping.

But to proceed in reply to the objections of our opponents. It is next urged that precedents are against the side we support. I meet this objection with a direct denial. From the beginning of the government to the commencement of this session, there is not a single precedent that

justifies the receiving of these petitions on the ground on which their reception is urged. The real state of the case is, that we are not following, but making precedents. For the first time has the principle been assumed that we are bound to receive petitions; that we have no discretion, but must take jurisdiction over them, however absurd, frivolous, mischievous, or foreign from the purpose for which the government was created. Receive these petitions, and you will create a precedent which will hereafter establish this monstrous principle. As yet there are none. The case relied on by the senator from Tennessee (Mr. Grundy) is in no respect analogous. No question, in that case, was made on the reception of the petition. The petition slipped in without taking a vote, as is daily done where the attention of the Senate is not particularly called to the subject. The question on which the discussion took place was on the reference, and not on the reception, as in this case; but what is decisive against the precedent, and which I regret the senator (Mr. Grundy) did not state, so that it might accompany his remarks, is the fact that the petition was not for abolishing slavery. The subject was the African slave-trade; and the petition simply prayed that Congress would *inquire* whether they might not adopt some measure of interdiction prior to 1808, when, by the Constitution, they would be authorized to suppress that trade. I ask the secretary to read the prayer of the petition:

"But we find it indispensably incumbent on us, as a religious body, assuredly believing that both the true temporal interests of nations and eternal well-being of individuals depend on doing justly, loving mercy, and walking humbly before God, the creator, preserver, and benefactor of men, thus to attempt to excite your attention to the affecting subject (slave-trade), earnestly desiring that the infinite Father of Spirits may so enrich our minds with his love and truth, and so influence your understanding by that pure wisdom which is full of mercy and good fruits, as that a sincere and an impartial inquiry may take place, whether it be not an essential part of the duty of your exalted station to exert upright endeavours, to the full extent of your power, to remove every obstruction to public righteousness, which the influence of artifice of particular persons, governed by the narrow, mistaken views of self-interest, has occasioned; and whether, notwithstanding such seeming impediments, it be not really within your power to exercise justice and mercy, which, if adhered to, we cannot doubt abolition must produce the abolition of the slave-trade."

Now, I ask the senator, Where is the analogy between this and the present petition, the reception of which he so strenuously urges? He is a lawyer of long experience and of distinguished reputation, and I put the question to him, On what possible principle can a case so perfectly dissimilar justify the vote he intends to give on the present occasion? On what possible ground can the vote of Mr. Madison, to refer that petition, on which he has so much relied, justify him in receiving this? Does he not perceive, in his own example, the danger of forming precedents? If he may call to his aid the authority of Mr. Madison, in a case so dissimilar, to justify the reception of this petition, and thereby extend the jurisdiction of Congress over the question of emancipation, to what purpose, hereafter, may not the example of his course on the present occasion be perverted?

It is not my design to censure Mr. Madison's course, but I cannot refrain from expressing my regret that his name is not found associated, on that occasion, with the sagacious and firm representatives from the South —Smith, Tucker, and Burke of South Carolina, James Jackson of Georgia, and many others, who, at that early period, foresaw the danger,

and met it as it ought ever to be met by those who regard the peace and security of the slaveholding states. Had he added the weight of his talents and authority to theirs, a more healthy tone of sentiment than that which now, unfortunately, exists, would this day have been the consequence.

Another case has been cited to justify the vote for reception. I refer to the petition from the Quakers in 1805, which the senator from Pennsylvania (Mr. Buchanan) relies on to sustain him in receiving the present petition. What I have said in reply to the precedent cited by the senator from Tennessee applies equally to this. Like that, the petition prayed legislation, not on abolition of slavery, but the African slave-trade, over which subject Congress then in a few years would have full jurisdiction by the Constitution, and might well have their attention called to it in advance. But, though their objects were the same, the manner in which the petitions were met was very dissimilar. Instead of being permitted to be received silently, like the former, this petition was met at the threshold. The question of receiving was made, as on the present occasion, and its rejection sustained by a strong Southern vote, as the journal will show. The secretary will read the journal:

"Mr. Logan presented a petition, signed Thomas Morris, clerk, on behalf of the meeting of the representatives of the people called Quakers, in Pennsylvania, New-Jersey, &c., stating that the petitioners, from a sense of religious duty, had again come forward to plead the cause of their oppressed and degraded fellow-men of the African race. On the question, 'Shall this petition be received?' it passed in the affirmative—yeas 19, nays 9."

Among those to receive the petition there were but four from the slaveholding states, and this on a single petition praying for legislation on a subject over which Congress in so short a time would have full authority. What an example to us on the present occasion! Can any man doubt, from the vote, if the Southern senators on that occasion had been placed in our present situation—that, had it been their lot, as it is ours, to meet that torrent of petitions which is now poured in on Congress, not from peaceable Quakers, but ferocious incendiaries—not to suppress the African slave-trade, but to abolish slavery, they would with united voice have rejected the petition with scorn and indignation? Can any one who knew him doubt that one of the senators from the South (the gallant Sumter), who, on that occasion, voted for receiving the petition, would have been among the first to vindicate the interests of those whom he represented, had the question at that day been what it is on the present occasion?

We are next told that, instead of looking to the Constitution in order to ascertain what are the limits to the right of petition, we must push that instrument aside, and go back to Magna Charta and the Declaration of Rights for its origin and limitation. We live in strange times. It seems there are Christians now more orthodox than the Bible, and politicians whose standard is higher than the Constitution; but I object not to tracing the right to these ancient and venerated sources; I hold in high estimation the institutions of our English ancestors. They grew up gradually, through many generations, by the incessant and untiring efforts of an intelligent and brave people struggling for centuries against the power of the crown. To them we are indebted for nearly all that has been gained for liberty in modern times, excepting what we have added. But may I not ask how it has happened that our opponents, in going back to these sacred instruments, have not thought proper to cite their provisions, or to show in what manner our refusal to receive these petitions can violate

the right of petition as secured by them? I feel under no obligation to supply the omission—to cite what they have omitted to cite, or to prove, from the instruments themselves, that to be no violation of them which they have not proved to be a violation. It is unnecessary. The practice of Parliament is sufficient for my purpose. It proves conclusively that it is no violation of the right, as secured by those instruments, to refuse to receive petitions. To establish what this practice is, I ask the secretary to read from Hatsel, a work of the highest authority, the several paragraphs which are marked with a pencil, commencing at page 760, under the head of Petitions on Matter of Supply:

"On the 9th of April, 1694, a petition was tendered to the house relating to the bill for granting to their majesties several duties upon the tonnage of ships; and the question being put that the petition be received, it passed in the negative."

"On the 28th of April, 1698, a petition was offered to the house against the bill for laying a duty upon inland pit coal; and the question being put that the petition be received, it passed in the negative. See, also, the 29th and 30th of June, 1698, petitions relating to the duties upon Scotch linens, and upon whale fins imported.—*Vid.* 20th of April, 1698."

"On the 5th of January, 1703, a petition of the maltsters of Nottingham being offered against the bill for continuing the duties on malt, and the question being put that the petition be brought up, it passed in the negative."

"On the 21st of December, 1706, *Resolved*, That this house will receive no petition for any sum of money relating to public service but what is recommended from the crown. Upon the 11th of June, 1713, this is declared to be a standing order of the house."

"On the 29th of March, 1707, *Resolved*, That the house will not proceed on any petition, motion, or bill for granting any money, or for releasing or compounding any money owing to the crown, but in a committee of the whole house; and this is declared to be a standing order. See, also, the 29th of November, 1710."

"On the 23d of April, 1713, *Resolved*, That the house will receive no petition for compounding debts to the crown, upon any branch of the revenue, without a certificate from the proper officer annexed, stating the debt, what prosecutions have been made for the recovery thereof, and what the petitioner and his security are able to pay."

"On the 25th of March, 1715, this is declared to be a standing order. See the 2d of March, 1735, and the 9th of January, 1752, the proceedings upon petitions of this sort."

"On the 8th of March, 1732, a petition being offered against a bill depending for securing the trade of the sugar colonies, it was refused to be brought up. A motion was then made that a committee be appointed to search precedents in relation to the receiving or not receiving petitions against the imposing of duties; and the question being put, it passed in the negative."

Nothing can be more conclusive. Not only are petitions rejected, but resolutions are passed refusing to receive entire classes of petitions, and that, too, on the subject of imposing taxes—a subject, above all others, in relation to which we would suppose the right ought to be held most sacred, and this within a few years after the Declaration of Rights. With these facts before us, what are we to think of the assertion of the senator from Tennessee (Mr. Grundy), who pronounced in his place, in the boldest and most unqualified manner, that there was no deliberative body which did not act on the principle that it was bound to receive petitions? That a member of his long experience and caution should venture to

make an assertion so unfounded, is one among the many proofs of the carelessness, both as to facts and argument, with which this important subject has been examined and discussed on that side.

But it is not necessary to cross the Atlantic, or to go back to remote periods, to find precedents for the rejection of petitions. This body, on a memorable occasion, and after full deliberation, a short time since rejected a petition; and among those who voted for the rejection will be found the names (of course I exclude my own) of the most able and experienced members of the Senate. I refer to the case of resolutions in the nature of a remonstrance from the citizens of York, Pennsylvania, approving the act of the President in removing the deposites. I ask the secretary to read the journals on the occasion:

"The Vice-president communicated a preamble and a series of resolutions adopted at a meeting of the citizens of York county, Pennsylvania, approving the act of the executive removing the public money from the Bank of the United States, and opposed to the renewal of the charter of said bank; which having been read, Mr. Clay objected to the reception. And on the question, 'Shall they be received?' it was determined in the negative—yeas 20, nays 24.

"On motion of Mr. Preston, the yeas and nays being desired by one fifth of the senators present, those who voted in the affirmative are,

"Messrs. Benton, Brown, Forsyth, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Linn, M'Kean, Mangum, Morris, Robinson, Shepley, Tallmadge, Tipton, White, Wilkins, Wright.

"Those who voted in the negative, are,

"Messrs. Bibb, Black, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, Leigh, Moore, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Waggaman, Webster."

In citing this case it is not my intention to call in question the consistency of any member on this floor: it would be unworthy of the occasion. I doubt not the vote then given was given from a full conviction of its correctness, as it will doubtless be in the present case, on whatever side it may be found. My object is to show that the principle for which I contend, so far from being opposed, is sustained by precedents, here and elsewhere, ancient and modern.

In following as I have those opposed to me, to Magna Charta and the Declaration of Rights for the origin and the limits of the right of petition, I am not disposed, with them, to set aside the Constitution. I assent to the position they assume, that the right of petition existed before the Constitution, and that it is not derived from it; but while I look beyond that instrument for the right, I hold the Constitution, on a question as to its extent and limits, to be the highest authority. The first amended article of the Constitution, which provides that Congress shall pass no law to prevent the people from peaceably assembling and petitioning for a redress of grievances, was clearly intended to prescribe the limits within which the right might be exercised. It is not pretended that to refuse to receive petitions touches in the slightest degree on these limits. To suppose that the framers of the Constitution—no, not the framers, but those jealous patriots who were not satisfied with that instrument as it came from the hands of the framers, and who proposed this very provision to guard what they considered a sacred right, performed their task so bunglingly as to omit any essential guard, would be to do great injustice to the memory of those stern and sagacious men; and yet this is what the senator from Tennessee (Mr. Grundy) has ventured to assert. He said that no provision was added to guard against the rejection of petitions,

because the obligation to receive was considered so clear that it was deemed unnecessary; when he ought to have known that, according to the standing practice at that time, Parliament was in the constant habit, as has been shown, of refusing to receive petitions—a practice which could not have been unknown to the authors of the amendment; and from which it may be fairly inferred that, in omitting to provide that petitions should be received, it was not intended to comprehend their reception in the right of petition.

I have now, I trust, established, beyond all controversy, that we are not bound to receive these petitions, and that if we should reject them we would not in the slightest degree infringe the right of petition. It is now time to look to the rights of this body, and to see whether, if we should receive them, when it is acknowledged that the only reason for receiving is that we are bound to do so, we would not establish a principle which would trench deeply on the rights of the Senate. I have already shown that, where the action of the Senate commences, there also its rights to determine how and when it shall act also commences. I have also shown that the action of the Senate necessarily begins on the presentation of a petition; that the petition is then before the body; that the Senate cannot proceed to other business without making some disposition of it; and that, by the 24th rule, the first action after presentation is on a question to receive the petition. To extend the right of petition to the question on receiving is to expunge this rule—to abolish this unquestionable right of the Senate, and that for the benefit, in this case, of the Abolitionists. Their gain would be at the loss of this body. I have not expressed myself too strongly. Give the right of petition the extent contended for, decide that we are bound under the Constitution to receive these incendiary petitions, and the very motion before the Senate would be out of order. If the Constitution makes it our duty to receive, we would have no discretion left to reject, as the motion presupposes. Our rules of proceeding must accord with the Constitution. Thus, in the case of revenue bills, which, by the Constitution, must originate in the other house, it would be out of order to introduce them here, and it has, accordingly, been so decided. For like reason, if we are bound to receive petitions, the present motion would be out of order; and, if such be your opinion, it is your duty, as the presiding officer, to call me to order, and to arrest all farther discussion on the question of reception. Let us now turn our eyes for a moment to the nature of the right which, I fear, we are about to abandon, with the view to ascertain what must be the consequence if we should surrender it.

Of all the rights belonging to a deliberative body, I know of none more universal, or indispensable to a proper performance of its functions, than the right to determine at its discretion what it shall receive, over what it shall extend its jurisdiction, and to what it shall direct its deliberation and action. It is the first and universal law of all such bodies, and extends not only to petitions, but to reports, to bills, and resolutions, varied only in the two latter in the form of the question. It may be compared to the function in the animal economy, with which all living creatures are endowed, of selecting through the instinct of taste what to receive or reject, and on which the preservation of their existence depends. Deprive them of this function, and the poisonous as well as the wholesome would be indifferently received into their system. So with deliberative bodies: deprive them of the essential and primary right to determine at their pleasure what to receive or reject, and they would become the passive receptacle, indifferently, of all that is frivolous, absurd, unconstitutional, immoral, and impious, as well as what may properly demand their de-

liberation and action. Establish this monstrous, this impious principle (as it would prove to be in practice), and what must be the consequence? To what would we commit ourselves? If a petition should be presented praying the abolition of the Constitution (which we are bound by our oaths to protect), according to this abominable doctrine it must be received. So if it prayed the abolition of the Decalogue, or of the Bible itself. I go farther. If the abolition societies should be converted into a body of Atheists, and should ask the passage of a law denying the existence of the Almighty Being above us, the Creator of all, according to this blasphemous doctrine we would be bound to receive the petition; to take jurisdiction of it. I ask the senators from Tennessee and Pennsylvania (Mr. Grundy and Mr. Buchanan), Would they vote to receive such a petition? I wait not an answer. They would instantly reject it with loathing. What, then, becomes of the unlimited, unqualified, and universal obligation to receive petitions, which they so strenuously maintain, and to which they are prepared to sacrifice the constitutional rights of this body?

I shall now descend from these hypothetical cases to the particular question before the Senate. What, then, must be the consequences of receiving this petition, on the principle that we are bound to receive it, and all similar petitions whenever presented? I have considered this question calmly in all its bearings, and do not hesitate to pronounce that to receive would be to yield to the Abolitionists all that the most sanguine could for the present hope, and to abandon all the outworks upon which we of the South rely for our defence against their attacks here.

No one can believe that the fanatics, who have flooded this and the other house with their petitions, entertain the slightest hope that Congress would pass a law *at this time* to abolish slavery in this District. Infatuated as they are, they must see that public opinion at the North is not yet prepared for so decisive a step, and that seriously to attempt it now would be fatal to their cause. What, then, do they hope? What but that Congress should take jurisdiction of the subject of abolishing slavery —should throw open to the Abolitionists the halls of legislation, and enable them to establish a permanent position within their walls, from which hereafter to carry on their operations against the institutions of the slaveholding states? If we receive this petition, all these advantages will be realized to them to the fullest extent. Permanent jurisdiction would be assumed over the subject of slavery not only in this District, but in the states themselves, whenever the Abolitionists might choose to ask Congress, by sending their petitions here, for the abolition of slavery in the states. We would be bound to receive such petitions, and, by receiving, would be fairly pledged to deliberate and decide on them. Having succeeded in this point, a most favourable position would be gained. The centre of operations would be transferred from Nassau Hall to the Halls of Congress. To this common centre the incendiary publications of the Abolitionists would flow, in the form of petitions, to be received and preserved among the public records. Here the subject of abolition would be agitated session after session, and from hence the assaults on the property and institutions of the people of the slaveholding states would be disseminated, in the guise of speeches, over the whole Union.

Such would be the advantages yielded to the Abolitionists. In proportion to their gain would be our loss. What would be yielded to them would be taken from us. Our true position—that which is indispensable to our defence *here*—is, that Congress has no legitimate jurisdiction over the subject of slavery either here or elsewhere. The reception of this petition surrenders this commanding position; yields the question of ju-

risdiction, so important to the cause of abolition, and so injurious to us; compels us to sit in silence to witness the assaults on our character and institutions, or to engage in an endless contest in their defence. Such a contest is beyond mortal endurance. We must, in the end, be humbled, degraded, broken down, and worn out.

The senators from the slaveholding states, who, most unfortunately, have committed themselves to vote for receiving these incendiary petitions, tell us, that whenever the attempt shall be made to abolish slavery, they will join with us to repel it. I doubt not the sincerity of their declaration. We all have a common interest, and they cannot betray ours without betraying, at the same time, their own. But I announce to them that they are now called on to redeem their pledge. *The attempt is* NOW *making*. The work is going on daily and hourly. The war is waged, not only in the most dangerous manner, but in the only manner it can be waged. Do they expect that the Abolitionists will resort to arms, and commence a crusade to liberate our slaves by force? Is this what they mean when they speak of the attempt to abolish slavery? If so, let me tell our friends of the South who differ from me, that the war which the Abolitionists wage against us is of a very different character, and far more effective. It is a war of religious and political fanaticism, mingled, on the part of the leaders, with ambition and the love of notoriety, and waged, not against our lives, but our character. The object is to humble and debase us in our own estimation, and that of the world in general; to blast our reputation, while they overthrow our domestic institutions. This is the mode in which they are attempting abolition with such ample means and untiring industry; and *now is the time* for all who are opposed to them to meet the attack. How can it be successfully met? This is the important question. There is but one way: we must meet the enemy on the frontier—on the question of receiving; we must secure that important pass—it is our Thermopylæ. The power of resistance, by a universal law of nature, is on the exterior. Break through the shell—penetrate the crust, and there is no resistance within. In the present contest, the question on receiving constitutes our frontier. It is the first, the exterior question, that covers and protects all the others. Let it be penetrated by receiving this petition, and not a point of resistance can be found within, as far as this government is concerned. If we cannot maintain ourselves there, we cannot on any interior position. Of all the questions that can be raised, there is not one on which we can rally on ground more tenable for ourselves, or more untenable for our opponents, not excepting the ultimate question of abolition in the states. For our right to reject this petition is as clear and unquestionable as that Congress has no right to abolish slavery in the states.

Such is the importance of taking our stand immovably on the question now before us. Such are the advantages that we of the South would sacrifice, and the Abolitionists would gain, were we to surrender that important position by receiving this petition. What motives have we for making so great a sacrifice? What advantages can we hope to gain that would justify us?

We are told of the great advantages of a strong majority. I acknowledge it in a good cause, and on sound principles. I feel, in the present instance, how much our cause would be strengthened by a strong and decided majority for the rejection of these incendiary petitions. If anything we could do here could arrest the progress of the Abolitionists, it would be such a rejection. But, as advantageous as would be a strong majority on sound principles, it is in the same degree dangerous when on the opposite—when it rests on improper concessions and the surrender of prin-

ciples, which would be the case at present. Such a majority must, in this instance, be purchased by concessions to the Abolitionists, and a surrender, on our part, that would demolish all our outworks, give up all our strong positions, and open all the passes to the free admission of our enemies. It is only on this condition that we can hope to obtain such a majority—a majority which must be gathered together from all sides, and entertaining every variety of opinion. To rally such a majority, the senator from Pennsylvania has fallen on the device to receive this petition, and immediately reject it, without consideration or reflection. To my mind, the movement looks like a trick—a mere piece of artifice to juggle and deceive. I intend no disrespect to the senator. I doubt not his intention is good, and believe his feelings are with us; but I must say that the course he has intimated is, in my opinion, the worst possible for the slaveholding states. It surrenders all to Abolitionists, and gives nothing in turn that would be of the least advantage to us. Let the majority for the course he indicates be ever so strong, can the senator hope that it will make any impression on the Abolitionists? Can he even hope to maintain his position of rejecting their petitions without consideration or deliberation on their merits? Does he not see that, in assuming jurisdiction by receiving their petitions, he gives an implied pledge to inquire, to deliberate, and decide on them? Experience will teach him that we must either refuse to receive, or go through. I entirely concur with the senator from Vermont (Mr. Prentiss) on that point. There is no middle ground that is tenable, and, least of all, that proposed to be occupied by the senator from Pennsylvania, and those who act with him. In the mean time, the course he proposes is calculated to lull the people of the slaveholding states into a false security, under the delusive impression which it is calculated to make, that there is more strength here against the Abolitionists than really does exist.

But we are told that the right of petition is popular in the North, and that to make an issue, however true, which might bring it in question, would weaken our friends here, and strengthen the Abolitionists. I have no doubt of the kind feelings of our brethren from the North on this floor; but I clearly see that, while we have their feelings in our favour, their constituents, right or wrong, will have their votes, however we may be affected. But I assure our friends that we would not do anything willingly which would weaken them at home; and if we could be assured that, by yielding to their wishes the right of receiving petitions, they would be able to arrest permanently the progress of the Abolitionists, we then might be induced to yield; but nothing short of the certainty of permanent security can induce us to yield an inch. If to maintain our rights must increase the Abolitionists, be it so. I would at no period make the least sacrifice of principle for any temporary advantage, and much less at the present. If there must be an issue, now is our time. We never can be more united or better prepared for the struggle; and I, for one, would much rather meet the danger now than to turn it over to those who are to come after us.

But, putting these views aside, it does seem to me, taking a general view of the subject, that the course intimated by the senator from Pennsylvania is radically wrong, and must end in disappointment. The attempt to unite all must, as it usually does, terminate in division and distraction. It will divide the South on the question of receiving, and the North on that of rejecting, with a mutual weakening of both. I already see indications of division among Northern gentlemen on this floor, even in this stage of the question. A division among them would give a great impulse to the cause of abolition. Whatever position the parties may

take, in the event of such division, one or the other would be considered more or less favourable to the abolition cause, which could not fail to run it into the political struggles of the two great parties of the North. With these views, I hold that the only possible hope of arresting the progress of the Abolitionists in that quarter is to keep the two great parties there united against them, which would be impossible if they divide here. The course intimated by the senator from Pennsylvania will effect a division here, and, instead of uniting the North, and thereby arresting the progress of the Abolitionists, as he anticipates, will end in division and distraction, and in giving thereby a more powerful impulse to their cause. I must say, before I close my remarks in this connexion, that the members from the North, it seems to me, are not duly sensible of the deep interest which they have in this question, not only as affecting the Union, but as it relates immediately and directly to their particular section. As great as may be our interests, theirs are not less. If the tidecontinues to roll on its turbid waves of folly and fanaticism, it must, in the end, prostrate in the North all the institutions that uphold their peace and prosperity, and ultimately overwhelm all that is eminent, morally and intellectually.

I have now concluded what I intended to say on the question immediately before the Senate. If I have spoken earnestly, it is because I feel the subject to be one of the deepest interest. We are about to take the first step; that must control all our subsequent movements. If it should be such as I fear it will, if we receive this petition, and thereby establish the principle that we are obliged to receive all such petitions; if we shall determine to take permanent jurisdiction over the subject of abolition, whenever and in whatever manner the Abolitionists may ask, either here or in the states, I fear that the consequences will be ultimately disastrous. Such a course would destroy the confidence of the people of the slaveholding states in this government. We love and cherish the Union: we remember with the kindest feelings our common origin, with pride our common achievements, and fondly anticipate the common greatness and glory that seem to await us; but origin, achievements, and anticipation of coming greatness are to us as nothing compared to this question. It is to us a vital question. It involves not only our liberty, but, what is greater (if to freemen anything can be), existence itself. The relation which now exists between the two races in the slaveholding states has existed for two centuries. It has grown with our growth, and strengthened with our strength. It has entered into and modified all our institutions, civil and political. None other can be substituted. We will not, cannot permit it to be destroyed. If we were base enough to do so, we would be traitors to our section, to ourselves, our families, and to posterity. It is our anxious desire to protect and preserve this relation by the joint action of this government and the confederated states of the Union; but if, instead of closing the door—if, instead of denying all jurisdiction and all interference in this question, the doors of Congress are to be thrown open; and if we are to be exposed here, in the heart of the Union, to an endless attack on our rights, our character, and our institutions; if the other states are to stand and look on without attempting to suppress these attacks, originating within their borders; and, finally, if this is to be our fixed and permanent condition as members of this confederacy, we will then be compelled to turn our eyes on ourselves. Come what will, should it cost every drop of blood and every cent of property, we must defend ourselves; and if compelled, we would stand justified by all laws, human and divine.

If I feel alarm, it is not for ourselves, but the Union and the institutions of the country, to which I have ever been devotedly attached, how-

ever calumniated and slandered. Few have made greater sacrifices to maintain them, and none is more anxious to perpetuate them to the latest generation; but they can and ought to be perpetuated only on the condition that they fulfil the great objects for which they were created—the liberty and protection of these states.

As for ourselves, I feel no apprehension. I know to the fullest extent the magnitude of the danger that surrounds us. I am not disposed to underestimate it. My colleague has painted it truly. But, as great as is the danger, we have nothing to fear if true to ourselves. We have many and great resources; a numerous, intelligent, and brave population; great and valuable staples; ample fiscal means; unity of feeling and interest, and an entire exemption from those dangers originating in a conflict between labour and capital, which at this time threatens so much danger to constitutional governments. To these may be added, that we would act under an imperious necessity. There would be to us but one alternative—to triumph or perish as a people. We would stand alone, compelled to defend life, character, and institutions. A necessity so stern and imperious would develop to the full all the great qualities of our nature, mental and moral, requisite for defence—intelligence, fortitude, courage, and patriotism; and these, with our ample means, and our admirable materials for the construction of durable free states, would ensure security, liberty, and renown.

With these impressions, I ask neither sympathy nor compassion for the slaveholding states. We can take care of ourselves. It is not we, but the Union which is in danger. It is that which demands our care—demands that the agitation of this question shall cease *here*—that you shall refuse to receive these petitions, and decline all jurisdiction over the subject of abolition in every form and shape. It is only on these terms that the Union can be safe. We cannot remain here in an endless struggle in defence of our character, our property, and institutions.

I shall now, in conclusion, make a single remark as to the course I shall feel myself compelled to pursue, should the Senate, by receiving this petition, determine to entertain jurisdiction over the question of abolition. Thinking as I do, I can perform no act that would countenance so dangerous an assumption; and, as a participation in the subsequent proceedings on this petition, should it unfortunately be received, might be so construed, in that event I shall feel myself constrained to decline such participation, and to leave the responsibility wholly on those who may assume it.

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## XIII.

SPEECH ON THE BILL TO PROHIBIT DEPUTY POSTMASTERS FROM RECEIVING AND TRANSMITTING THROUGH THE MAIL CERTAIN PAPERS THEREIN MENTIONED, APRIL 12, 1836.

I AM aware, said Mr. Calhoun, how offensive it is to speak of one's self; but as the senator from Georgia on my right (Mr. King) has thought proper to impute to me improper motives, I feel myself compelled, in self-defence, to state the reasons which have governed my course in reference to the subject now under consideration. The senator is greatly mistaken in supposing that I was governed by hostility to General Jackson. So far is that from being the fact, that I came here at the commencement of the session with fixed and settled principles on the subject under discussion, and which, in pursuing the course that the senator condemns, I have but attempted to carry into effect.

As soon as the subject of abolition began to agitate the South last summer, in consequence of the transmission of incendiary publications through the mail, I saw at once that it would force itself on the notice of Congress at the present session, and that it involved questions of great delicacy and difficulty. I immediately turned my attention, in consequence, to the subject, and, after due reflection, arrived at the conclusion that Congress could exercise no direct power over it; and that, if it acted at all, the only mode in which it could act, consistently with the Constitution and the rights and safety of the slaveholding states, would be in the manner proposed by this bill. I also saw that there was no inconsiderable danger in the excited state of the feelings of the South; that the power, however dangerous and unconstitutional, might be thoughtlessly yielded to Congress, knowing full well how apt the weak and timid are, in a state of excitement and alarm, to seek temporary protection in any quarter, regardless of after-consequences, and how ready the artful and designing ever are to seize on such occasions to extend and perpetuate their power.

With these impressions I arrived here at the beginning of the session. The President's message was not calculated to remove my apprehensions. He assumed for Congress direct power over the subject, and that on the broadest, most unqualified, and dangerous principles. Knowing the influence of his name, by reason of his great patronage and the rigid discipline of party, with a large portion of the country, who have scarcely any other standard of Constitution, politics, and morals, I saw the full extent of the danger of having these dangerous principles reduced to practice, and I determined at once to use every effort to prevent it. The senator from Georgia will, of course, understand that I do not include him in this subservient portion of his party. So far from it, I have always considered him as one of the most independent. It has been our fortune to concur in opinion in relation to most of the important measures which have been agitated since he became a member of this body, two years ago, at the commencement of the session during which the deposite question was agitated. On that important question, if I mistake not, the senator and myself concurred in opinion, at least as to its inexpediency, and the dangerous consequences to which it would probably lead. If my memory serves me, we also agreed in opinion on the connected subject of the currency, which was then incidentally discussed. We agreed, too, on the question of raising the value of gold to its present standard, and in opposition to the bill for the distribution of the proceeds of public land, introduced by the senator from Kentucky (Mr. Clay). In recurring to the events of that interesting session, I can remember but one important subject on which we disagreed, and that was the President's protest. Passing to the next, I find the same concurrence of opinion on most of the important subjects of the session. We agreed on the question of executive patronage, on the propriety of amending the Constitution for a temporary distribution of the surplus revenue, on the subject of regulating the deposites, and in support of the bill for restricting the power of the executive in making removals from office. We also agreed in the propriety of establishing branch mints in the South and West—a subject not a little contested at the time.

Even at the present session we have not been so unfortunate as to disagree entirely. We have, it is true, on the question of receiving abolition petitions, which I regret, as I must consider their reception, on the principle on which they were received, as a surrender of the whole ground to the Abolitionists, as far as this government is concerned. It is also true that we disagreed, in part, in reference to the present subject. The senator has divided, in relation to it, between myself and General Jackson. He has given his speech in support of his message, and announced his intention of giving his vote in favour of my bill. I certainly have no right to complain of this division. I had rather have his vote than his speech. The one will stand forever on the records of the Senate

(*unless expunged*) in favour of the bill, and the important principles on which it rests, while the other is destined, at no distant day, to oblivion.

I now put to the senator from Georgia two short questions. In the numerous and important instances in which we have agreed, I must have been either right or wrong. If right, how could he be so uncharitable as to attribute my course to the low and unworthy motive of inveterate hostility to General Jackson? But if wrong, in what condition does his charge against me place himself, who has concurred with me in all these measures? (Here Mr. King disclaimed the imputation of improper motives to Mr. C.) I am glad to hear the gentleman's disclaimer, said Mr. C., but I certainly understood him as asserting that, such was my hostility to General Jackson, that his support of a measure was sufficient to ensure my opposition; and this he undertook to illustrate by an anecdote borrowed from O'Connell and the pig, which, I must tell the senator, was much better suited to the character of the Irish mob to which it was originally addressed, than to the dignity of the Senate, where he has repeated it.

But to return from this long digression. I saw, as I have remarked, that there was reason to apprehend that the principles embraced in the message might be reduced to practice—principles which I believe to be dangerous to the South, and subversive of the liberty of the press. The report fully states what those principles are, but it may not be useless to refer to them briefly on the present occasion.

The message assumed for Congress the right of determining what publications are incendiary and calculated to excite the slaves to insurrection, and to prohibit the transmission of such publications through the mail; and, of course, it also assumes the right of deciding what are not incendiary, and of enforcing the transmission of such through the mail. But the senator from Georgia denies this inference, and treats it as a monstrous absurdity. I had (said Mr. C.) considered it so nearly intuitive, that I had not supposed it necessary in the report to add anything in illustration of its truth; but as it has been contested by the senator, I will add, in illustration, a single remark.

The senator will not deny that the right of determining what papers are incendiary, and of preventing their circulation, implies that Congress has jurisdiction over the subject; that is, of discriminating as to what papers ought or ought not to be transmitted by the mail. Nor will he deny that Congress has a right, when acting within its acknowledged jurisdiction, to enforce the execution of its acts; and yet the admission of these unquestionable truths admits the consequence asserted by the report, and so sneered at by the senator. But, lest he should controvert so plain a deduction, to cut the matter short, I shall propound a plain question to him. He believes that Congress has the right to say what papers are incendiary, and to prohibit their circulation. Now, I ask him, if he does not also believe that it has the right to enforce the circulation of such as it may determine not to be incendiary, even against a law of Georgia that might prohibit their circulation? If the senator should answer in the affirmative, I then would prove by his admission the truth of the inference for which I contend, and which he has pronounced to be so absurd; but if he should answer in the negative, and deny that Congress can enforce the circulation against the law of the state, I must tell him he would place himself in the neighbourhood of nullification. He would, in fact, go beyond. (The denial would assume the right of nullifying what the senator himself must, with his views, consider a constitutional act, when nullification only assumes the right of a state to nullify an unconstitutional act.)

But the principle of the message goes still farther. It assumes for Congress jurisdiction over the liberty of the press. The framers of the Constitution (or, rather, those jealous patriots who refused to consent to its adoption without amendments to guard against the abuse of power) have, by the first amended article, provided that Congress shall pass no law abridging the liberty of the

press, with the view of placing the press beyond the control of congressional legislation. But this cautious foresight would prove in vain, if we should concede to Congress the power which the President assumes of discriminating, in reference to character, what publications shall not be transmitted by the mail. It would place in the hands of the General Government an instrument more potent to control the freedom of the press than the sedition law itself, as is fully established in the report.

Thus regarding the message, the question which presented itself on its first perusal was, How to prevent powers so dangerous and unconstitutional from being carried into practice? To permit the portion of the message relating to the subject under consideration to take its regular course, and be referred to the Committee on Postoffices and Post-roads, would, I saw, be the most certain way to defeat what I had in view. I could not doubt, from the composition of the committee, that the report would coincide with the message, and that it would be drawn up with all that tact, ingenuity, and address, for which the chairman of the committee and the head of the postoffice department are not a little distinguished. With this impression, I could not but apprehend that the authority of the President, backed by such a report, would go far to rivet in the public mind the dangerous principles which it was my design to defeat, and which could only be effected by referring the portion of the message in question to a select committee, by which the subject might be thoroughly investigated, and the result presented in a report. With this view I moved the committee, and the bill and report which the senator has attacked so violently are the result.

These are the reasons which governed me in the course I took, and not the base and unworthy motive of hostility to General Jackson. I appeal with confidence to my life to prove that neither hostility nor attachment to any man or any party can influence me in the discharge of my public duties; but were I capable of being influenced by such motives, I must tell the senator from Georgia, that I have not such regard for the opinion of General Jackson as to permit his course to influence me in the slightest degree, either for or against any measure.

Having now assigned the motives which governed me, it is with satisfaction I add that I have a fair prospect of success. So entirely are the principles of the message abandoned, that not a friend of the President has ventured, and I hazard nothing in saying, will venture, to assert them practically, whatever they may venture to do in argument. They well know now that, since the subject has been investigated, a bill to carry into effect the recommendation of the message would receive no support even from the ranks of the administration, devoted as they are to their chieftain.

The senator from Georgia made other objections to the report besides those which I have thus incidentally noticed, to which I do not deem it necessary to reply. I am content with his vote, and cheerfully leave the report and his speech to abide their fate, with a brief notice of a single objection.

The senator charges me with what he considers a strange and unaccountable contradiction. He says that the freedom of the press and the right of petition are both secured by the same article of the Constitution, and both stand on the same principle; yet I, who decidedly opposed the receiving of abolition petitions, now as decidedly support the liberty of the press. To make out the contradiction, he assumes that the Constitution places the right of petitioners to have their petitions received and the liberty of the press on the same ground. I do not deem it necessary to show that in this he is entirely mistaken, and that my course on both occasions is perfectly consistent. I take the senator at his word, and put to him a question for *his decision*. If, in opposing the receiving of the abolition petitions, and advocating the freedom of the press, I have involved myself in a palpable contradiction, how can he escape a similar charge,

when his course was the reverse of mine on both occasions? Does he not see that, if mine be contradictory, as he supposes, his too must necessarily be so? But the senator forgets his own argument, of which I must remind him, in order to relieve him from the awkward dilemma in which he has placed himself in his eagerness to fix on me the charge of contradiction. He seems not to recollect that, in his speech on receiving the abolition petitions, he was compelled to abandon the Constitution, and to place the right, not on that instrument, as he would now have us believe, but expressly on the ground that the right existed anterior to the Constitution, and that we must look for its limits, not to the Constitution, but to the Magna Charta and the Declaration of Rights.

Having now concluded what I intended to say in reply to the senator from Georgia, I now turn to the objections of the senator from Massachusetts (Mr. Davis), which were directed, not against the report, but the bill itself. The senator confined his objections to the principles of the bill, which he pronounces dangerous and unconstitutional. It is my wish to meet his objections fully, fairly, and directly. For this purpose, it will be necessary to have an accurate and clear conception of the principles of the bill, as it is impossible, without it, to estimate correctly the force either of the objections or the reply. I am thus constrained to restate what the principles are, at the hazard of being considered somewhat tedious.

The first and leading principle is, that the subject of slavery is under the sole and exclusive control of the states where the institution exists. It belongs to them to determine what may endanger its existence, and when and how it may be defended. In the exercise of this right, they may prohibit the introduction or circulation of any paper or publication which may, in their opinion, disturb or endanger the institution. Thus far all are agreed. To this extent no one has questioned the right of the states; not even the senator from Massachusetts, in his numerous objections to the bill.

The next and remaining principle of the bill is intimately connected with the preceding, and, in fact, springs directly from it. It assumes that it is the duty of the General Government, in the exercise of its delegated rights, to respect the laws which the slaveholding states may pass in protection of its institutions; or, to express it differently, it is its duty to pass such laws as may be necessary to make it obligatory on its officers and agents to abstain from violating the laws of the states, and to co-operate, as far as it may consistently be done, in their execution. It is against this principle that the objections of the senator from Massachusetts have been directed, and to which I now proceed to reply.

His first objection is, that the principle is new; by which I understand him to mean, that it never has, heretofore, been acted on by the government. The objection presents two questions: Is it true in point of fact? and if so, what weight or force properly belongs to it? If I am not greatly mistaken, it will be found wanting in both particulars; and that, so far from being new, it has been frequently acted on; and that if it were new, the fact would have little or no force.

If our government had been in operation for centuries, and had been exposed to the various changes and trials to which political institutions, in a long-protracted existence, are exposed in the vecissitudes of events, the objection, under such circumstances, that a principle has never been acted upon, if not decisive, would be exceedingly strong; but when made in reference to our government, which has been in operation for less than half a century, and which is so complex and novel in its structure, it is very feeble. We all know that new principles are daily developing themselves under our system, with the changing condition of the country, and, doubtless, will long continue so to do in the new and trying scenes through which we are destined to pass. It may, I admit, be good reason even with us for caution—for thorough and careful investigation, if a principle proposed to be acted upon be new; for I have long since been

taught by experience, that whatever is untried is to be received with caution in politics, however plausible. But to go farther in this early stage of our political existence, would be to deprive ourselves of means that might be indispensable to meet future dangers and difficulties.

But I take higher grounds in reply to the objection. I deny its truth in point of fact, and assert that the principle is not new. The report refers to two instances in which it has been acted on, and to which, for the present, I shall confine myself: one in reference to the quarantine laws of the states, and the other more directly connected with the subject of this bill. I propose to make a few remarks in reference to both: beginning with the former, with the view of showing that the principle in both cases is strictly analogous, or, rather, identical with the present.

The health of the state, like that of the subject of slavery, belongs exclusively to the states. It is reserved, and not delegated; and, of course, each state has a right to judge for itself what may endanger the health of its citizens, what measures are necessary to prevent it, and when and how such measures are to be carried into effect. Among the causes which may endanger the health of a state, is the introduction of infectious or contagious diseases through the medium of commerce. The vessel returning with a rich cargo, in exchange for the products of a state, may also come freighted with the seeds of disease and death. To guard against this danger, the states at a very early period adopted quarantine or health laws. These laws, it is obvious, must necessarily interfere with the power of Congress to regulate commerce—a power as expressly given as that to regulate the mail, and, as far as the present question is concerned, every way analogous; and acting, accordingly, on the principles of this bill, Congress, as far back as the year '96, passed an act making it the duty of its civil and military officers to abstain from the violation of the health laws of the states, and to co-operate in their execution. This act was modified and repealed by that of '99, which has since remained unchanged on the statute-book.

But the other precedent referred to in the report is still more direct and important. That case, like the present, involved the right of the slaveholding states to adopt such measures as they may think proper to prevent their domestic institutions from being disturbed or endangered. They may be endangered, not only by introducing and circulating inflammatory publications calculated to excite insurrection, but also by the introduction of free people of colour from abroad, who may come as emissaries, or with opinions and sentiments hostile to the peace and security of those states. The right of a state to pass laws to prevent danger from publications is not more clear than the right to pass those which may be necessary to guard against this danger. The act of 1803, to which the report refers as a precedent, recognises this right to the fullest extent. It was intended to sustain the laws of the states against the introduction of free people of colour from the West India Islands. The senator from Massachusetts, in his remarks upon this precedent, supposes the law to have been passed under the power given to Congress by the Constitution to suppress the slave-trade. I have turned to the journals in order to ascertain the facts, and find that the senator is entirely mistaken. The law was passed on a memorial of the citizens of Wilmington, North Carolina, and originated in the following facts:

After the successful rebellion of the slaves of St. Domingo, and the expulsion of the French power, the government of the other French West India Islands, in order to guard against the danger from the example of St. Domingo, adopted rigid measures to expel and send out their free blacks. In 1803, a brig, having on board five persons of that description who were driven from Guadaloupe, arrived at Wilmington. The alarm which this caused gave birth to the memorial, and the memorial to the act.

I learn from the journals, that the subject was fully investigated and discuss-

ed in both houses, and that it passed by a very large majority. The first section of the bill prevents the introduction of any negro, mulatto, or mustee, into any state, by the laws of which they are prevented from being introduced, except persons of the description from beyond the Cape of Good Hope, or registered seamen, or natives of the United States. The second section prohibits the entry of vessels having such persons on board, and subjects the vessels to seizure and forfeiture for landing, or attempting to land them contrary to the laws of the states; and the third and last section makes it the duty of the officers of the General Government to co-operate with the states in the execution of their laws against their introduction. I consider this precedent to be one of vast importance to the slaveholding states. It not only recognises the right of those states to pass such laws as they may deem necessary to protect themselves against the slave population, and the duty of the General Government to respect those laws, but also the very important right, that the states have the authority to exclude the introduction of such persons as may be dangerous to their institutions: a principle of great extent and importance, and applicable to other states as well as slaveholding, and to other persons as well as blacks, and which may hereafter occupy a prominent place in the history of our legislation.

Having now, I trust, fully and successfully replied to the first objection of the senator from Massachusetts, by showing that it is not true in fact, and if it were, that it would have had little or no force, I shall now proceed to reply to the second objection, which assumes that the principles for which I contend would, if admitted, transfer the power over the mail from the General Government to the states.

If the objection be well founded, it must prove fatal to the bill. The power over the mail is, beyond all doubt, a delegated power; and whatever would divest the government of this power, and transfer it to the states, would certainly be a violation of the Constitution. But would the principle, if acted on, transfer the power? If admitted to its full extent, its only effect would be to make it the duty of Congress, in the exercise of its power over the mail, to abstain from violating the laws of the state in protection of their slave property, and to co-operate, where it could with propriety, in their execution. Its utmost effect would then be a modification, and not a transfer or destruction of the power; and surely the senator will not contend that to modify a right amounts either to its transfer or annihilation. He cannot forget that all rights are subject to modifications, and all, from the highest to the lowest, are held under one universal condition—that their possessors should so use them as not to injure others. Nor can he contend that the power of the General Government over the mail is without modification or limitation. He himself admits that it is subject to a very important modification, when he concedes that the government cannot discriminate in reference to the character of the publications to be transmitted by the mail, without violating the first amended article of the Constitution, which prohibits Congress from passing laws abridging the liberty of the press. Other modifications of the right might be shown to exist, not less clear, nor of much less importance. It might be easily shown, for instance, that the power over the mail is limited to the transmission *of intelligence*, and that Congress cannot, consistently with the nature and the object of the power, extend it to the ordinary objects of transportation without a manifest violation of the Constitution, and the assumption of a principle which would give the government control over the general transportation of the country, both by land and water. But if it be subject to these modifications, without either annihilating or transferring the power, why should the modification for which I contend, and which I shall show hereafter to rest upon unquestionable principles, have such effect? That it would not, in fact, might be shown, if other proof were necessary, by a reference to the practical operation of the principle in the two instances already referred to. In both, the principle which I contend for in relation to the mail

has long been in operation in reference to commerce, without the transfer of the power of Congress to regulate commerce to the states, which the senator contends would be its effect if applied to the mail. So far otherwise, so little has it affected the power of Congress to regulate the commerce of the country, that few persons, comparatively, are aware that the principle has been recognised and acted on by the General Government.

I come next (said Mr. Calhoun) to what the senator seemed to rely upon as his main objection. He stated that the principles asserted in the report were contradicted by the bill, and that the latter undertakes to do indirectly what the former asserts that the General Government cannot do at all.

Admit (said Mr. C.) the objection to be true in fact, and what does it prove, but that the author of the report is a bad logician, and that there is error somewhere, but without proving that it is in the bill, and that it ought, therefore, to be rejected, as the senator contends. If there be error, it may be in the report instead of the bill, and till the senator can fix it on the latter, he cannot avail himself of the objection. But does the contradiction which he alleges exist? Let us turn to the principles asserted in the report, and compare them with those of the bill, in order to determine this point.

What, then, are the principles which the report maintains? It asserts that Congress has no right to determine what papers are incendiary, and calculated to excite insurrection, and, as such, to prohibit their circulation, but, on the contrary, that it belongs to the states to determine on the character and tendency of such publications, and to adopt such measures as they may think proper to prevent their introduction or circulation. Does the bill deny any of these principles? Does it not assume them all? Is it not drawn up on the supposition that the General Government have none of the powers denied by the report, and that the states possess all for which it contends? How, then, can it be said that the bill contradicts the report? But the difficulty, it seems, is, that the General Government would do through the states, under the provisions of the bill, what the report denies that it can do directly; and this, according to the senator from Georgia, is so manifest and palpable a contradiction, that he can find no explanation for my conduct but an inveterate hostility to General Jackson, which he is pleased to attribute to me.

I have, I trust, successfully repelled already the imputation, and it now remains to show that the gross and palpable errors which the senator perceives exist only in his own imagination, and that, instead of the cause he supposes, it originates, on his part, in a dangerous and fundamental misconception of the nature of our political system—particularly of the relation between the states and the General Government. Were the states the agents of the General Government, as the objection clearly presupposes, then what he says would be true, and the government, in recognising the law of the states, would adopt the acts of its agents. But the fact is far otherwise. The General Government and the governments of the states are distinct and independent departments in our complex political system. The states, in passing laws in protection of their domestic institutions, act in a sphere as independent as the General Government passing laws in regulation of the mail; and the latter, in abstaining from violating the laws of the states, as provided for in the bill, so far from making the states its agents, but recognises the right of the states, and performs on its part a corresponding duty. Rights and duties are in their nature reciprocal. The existence of one presupposes that of the other, and the performance of the duty, so far from denying the right, distinctly recognises its existence. The senator, for example, next to me (Judge White) has the unquestionable right to the occupation of his chair, and I am, of course, in duty bound to abstain from violating that right; but would it not be absurd to say, that in performing that duty by abstaining from violating his right, I assume the right of occupation? Again: suppose the very quiet and peaceable senator from Maine (Mr.

Shepley), who is his next neighbour on the other side, should undertake to oust the senator from Tennessee, would it not be a strange doctrine to contend that, if I were to co-operate with the senator from Tennessee in maintaining possession of his chair, it would be an assumption on my part of a right to the chair? And yet this is the identical principle which the senator from Georgia assumed, in charging a manifest and palpable contradiction between the bill and the report.

But to proceed with the objections of the senator from Massachusetts. He asserts, and asserts truly, that rights and duties are reciprocal; and that, if it be the duty of the General Government to respect the laws of the state, it is in like manner the duty of the states to respect those of the General Government. The practice of both have been in conformity to the principle. I have already cited instances of the General Government respecting the laws of the states, and many might be shown of the states respecting those of the General Government.

But the senator from Massachusetts affirms that the laws of the General Government regulating the mail, and those of the government of the states prohibiting the introduction and circulation of incendiary publications, may come into conflict, and that, in such event, the latter must yield to the former; and he rests this assertion on the ground that the power of the General Government is *expressly delegated* by the Constitution. I regard the argument as wholly inconclusive. Why should the mere fact that a power is expressly delegated give it paramount control over the reserved powers? What possible superiority can the mere fact of delegation give, unless, indeed, it be supposed to render the right more clear, and, of course, less questionable? Now I deny that it has, in this instance, any such superiority. Though the power of the General Government over the mail is delegated, it is not more clear and unquestionable than the rights of the states over the subject of slavery—a right which neither has, nor can be denied. In fact, I might take higher grounds, if higher grounds were possible, by showing that the rights of the states are as expressly reserved as those of the General Government are delegated; for, in order to place the reserved rights beyond controversy, the tenth amended article of the Constitution expressly provides, that all powers not delegated to the United States, nor prohibited to the states, are reserved to the states or the people; and, as the subject of slavery is acknowledged by all not to be delegated, it may be fairly considered as expressly reserved under this provision of the Constitution.

But, while I deny his conclusion, I agree with the senator that the laws of the states and General Government may come into conflict, and that, if they do, one or the other must yield; the question is, Which ought to yield? The question is one of great importance. It involves the whole merit of the controversy, and I must entreat the Senate to give me an attentive hearing while I state my views in relation to it.

In order to determine satisfactorily which ought to yield, it becomes necessary to have a clear and full understanding of the point of difficulty; and for this purpose it is necessary to make a few preliminary remarks.

Properly considered, the reserved and delegated powers can never come into conflict. The fact that a power is delegated is conclusive that it is not reserved; and that it is not delegated, that it is reserved, unless, indeed, it be prohibited to the states. There is but a single exception: the case of powers of such nature that they be exercised concurringly by the state and General Government—such as the power of laying taxes, which, though delegated, may also be exercised by the states. In illustration of the truth of the position I have laid down, I might refer to the case now under consideration. Regarded in the abstract, there is not the slightest conflict between the power delegated by the Constitution to the General Government to establish postoffices and post-roads, and that reserved to the states over the subject of slavery. How, then,

can there be conflict? It occurs, not between the powers themselves, but the laws respectively passed to carry them into effect. The laws of the state, prohibiting the introduction or circulation of incendiary publications, may come in conflict with the laws of the General Government in relation to the mail; and the question to be determined is, Which, in the event, ought to give way?

I will not pretend to enter into a full and systematic investigation of this highly important question, which involves, as I have said, the merits of the whole controversy. I do not deem it necessary. I propose to lay down a single principle, which I hold to be not only unquestionable, but decisive of the question as far as the present controversy is concerned. My position is, that, in deciding which ought to yield, regard must be had to the nature and magnitude of the powers to which the laws respectively relate. The low must yield to the high; the convenient to the necessary; mere accommodation to safety and security. This is the universal principle which governs in all analogous cases, both in our social and political relations. Wherever the means of enjoying or securing rights come into conflict (rights themselves never can), this universal and fundamental principle is the one which, by the consent of mankind, governs in all such cases. Apply it to the case under consideration, and need I ask which ought to yield? Will any rational being say that the laws of eleven states of this Union, which are necessary to their peace, security, and very existence, ought to yield to the laws of the General Government regulating the postoffice, which, at best, is a mere accommodation and convenience, and this, when this government was formed *by the states* mainly with a view to secure more perfectly their peace and safety? But one answer can be given. All must feel that it would be improper for the laws of the states, in such case, to yield to those of the General Government, and, of course, that the latter ought to yield to the former. When I say *ought*, I do not mean on the principle of *concession*. I take higher grounds. I mean under the obligation of the *Constitution itself*. That instrument does not leave this important question to be decided by mere inference. It contains an express provision which is decisive of the question. I refer to the provision which invests Congress with the power of passing laws to carry into effect the granted powers, and which expressly restricts its power to laws necessary and *proper* to carry into effect the delegated powers. We here have the limitation on the power of passing laws. They must be necessary and proper. I pass the term necessary with the single remark, that, whatever may be its true and accurate meaning, it clearly indicates that this important power was granted with the intention of being sparingly used by the framers of the Constitution. I come to the term proper; and I boldly assert, if it has any meaning at all—if it can be said of any law whatever that it is not proper, and that, as such, Congress has no constitutional right to pass it, surely it may be said of that which would abrogate, in fact, the laws of nearly half of the states of the Union, and which are conceded to be necessary for their peace and safety. If it be proper for Congress to pass such a law, what law could possibly be improper? We have heard much, of late, of state rights. All parties profess to respect them, as essential to the preservation of our liberty. I do not except the members of the old Federal party—that honest, high-minded, patriotic party, though mistaken as to the principles and tendency of the government. But what, let me ask, would be the value of state rights, if the laws of Congress, in such cases, ought not to yield to the states? If they must be considered paramount, whenever they come into conflict with those of the states, without regard to their safety, what possible value can be attached to the rights of the states, and how perfectly unmeaning their reserved powers? Surrender the principle, and there is not one of the reserved powers which may not be annulled by Congress under the pretext of passing laws to carry into effect the delegated powers.

The senator from Massachusetts next objects, that, if the principles of the bill

be admitted, they may be extended to morals and religion. I do not feel bound to admit or deny the truth of this assertion; but if the senator will show me a case in which a state has passed laws under its unquestionable reserved powers, in protection of its morality or religion, I would hold it to be the duty of the General Government to respect the laws of the states, in conformity to the principles which I maintain.

His next objection is, that the bill is a manifest violation of the liberty of the press. He has not thought proper to specify wherein the violation consists. Does he mean to say that the laws of the states prohibiting the introduction and circulation of papers calculated to excite insurrection, are in violation of the liberty of the press? Does he mean that the slaveholding states have no right to pass such laws? I cannot suppose such to be his meaning; for I understood him, throughout his remarks, to admit the right of the states—a right which they have always exercised, without restriction or limitation, before and since the adoption of the Constitution, without ever having been questioned. But if this be not his meaning, he must mean that this bill, in making it the duty of the officers and agents of the government to respect the laws of the states, violates the liberty of the press, and thus involves the old misconception that the states are the agents of this government, which pervades the whole argument of the senator, and to which I have already replied.

The senator next objects that the bill makes it penal on deputy postmasters to receive the papers and publications which it embraces. I must say, that my friend from Massachusetts (for such I consider him, though we differ in politics) has not expressed himself with his usual accuracy on the present occasion. If he will turn to the provisions of the bill, he will find that the penalty attaches only in cases of knowingly receiving and delivering out the papers and publications in question. All the consequences which the senator drew from the view which he took of the bill of course fall, and relieves me from the necessity of showing that the deputy postmasters will not be compelled to resort to the espionage into letters and packages, in order to exonerate themselves from the penalty of the bill, which he supposed.

The last objection of the senator is, that, under the provision of the bill, everything touching on the subject of slavery will be prohibited from passing through the mail. I again must repeat, that the senator has not expressed himself with sufficient accuracy. The provisions of the bill are limited to the transmission of such papers in reference to slavery as are prohibited by the laws of the slaveholding states—that is, by eleven states of the Union—leaving the circulation through the mail without restriction or qualification as to all other papers, and wholly so as to the remaining thirteen states. But the senator seems to think that even this restriction, as limited as it is, would be a very great inconvenience. It may, indeed, prove so to the lawless Abolitionists, who, without regard to the obligations of the Constitution, are attempting to scatter their firebrands throughout the Union. But is their convenience the only thing to be taken into the estimate? Are the peace, security, and safety of the slaveholding states nothing? or are these to be sacrificed for the accommodation of the Abolitionists?

I have now replied directly, fully, and, I trust, successfully to the objections to the bill, and shall close what I intended to say by a few general and brief remarks.

We have arrived at a new and important point in reference to the abolition question. It is no longer in the hands of quiet and peaceful, but I cannot add, harmless Quakers. It is now under the control of ferocious zealots, blinded by fanaticism, and, in pursuit of their object, regardless of the obligations of religion or morality. They are organized throughout every section of the non-slaveholding states; they have the disposition of almost unlimited funds, and are in possession of a powerful press, which, for the first time, is enlisted in the cause

of abolition, and turned against the domestic institutions, and the peace and security of the South. To guard against the danger in this new and more menacing form, the slaveholding states will be compelled to revise their laws against the introduction and circulation of publications calculated to disturb their peace and endanger their security, and to render them far more full and efficient than they have heretofore been. In this new state of things, the probable conflict between the laws which those states may think proper to adopt, and those of the General Government regulating the mail, becomes far more important than in any former state of the controversy; and Congress is now called upon to say what part it will take in reference to this deeply-interesting subject. We of the slaveholding states ask nothing of the government but that it should abstain from violating laws passed within our acknowledged constitutional competency, and conceded to be essential to our peace and security. I am anxious to see how this question will be decided. I am desirous that my constituents should know what they have to expect, either from this government or from the non-slaveholding states. Much that I have said and done during the session has been with the view of affording them correct information on this point, in order that they might know to what extent they might rely upon others, and how far they must depend on themselves.

Thus far (I say it with regret) our just hopes have not been realized. The Legislatures of the South, backed by the voice of their constituents, expressed through innumerable meetings, have called upon the non-slaveholding states to repress the movements made within the jurisdiction of those states against their peace and security. Not a step has been taken; not a law has been passed, or even proposed; and I venture to assert that none will be: not but what there is a favourable disposition towards us in the North, but I clearly see the state of political parties there presents insuperable impediments to any legislation on the subject. I rest my opinion on the fact that the non-slaveholding states, from the elements of their population, are, and will continue to be, divided and distracted by parties of nearly equal strength; and that each will always be ready to seize on every movement of the other which may give them the superiority, without much regard to consequences as affecting their own states, and much less remote and distant sections.

Nor have we been less disappointed as to the proceedings of Congress. Believing that the General Government has no right or authority over the subject of slavery, we had just grounds to hope Congress would refuse all jurisdiction in reference to it, in whatever form it might be presented. The very opposite course has been pursued. Abolition petitions have not only been received in both houses, but received on the most obnoxious and dangerous of all grounds—*that we are bound to receive them;* that is, to take jurisdiction of the question of slavery whenever the Abolitionists may think proper to petition for its abolition, either here or in the states.

Thus far, then, we of the slaveholding states have been grievously disappointed. One question still remains to be decided—that presented by this bill. To refuse to pass this bill would be virtually to co-operate with the Abolitionists—would be to make the officers and agents of the postoffice department in effect their agents and abettors in the circulation of their incendiary publications in violation of the laws of the states. It is your unquestionable duty, as I have demonstrably proved, to abstain from their violation; and, by refusing or neglecting to discharge that duty, you would clearly enlist in the existing controversy, on the side of the Abolitionists, against the Southern States. Should such be your decision by refusing to pass this bill, I shall say to the people of the South, look to yourselves—you have nothing to hope from others. But I must tell the Senate, be your decision what it may, the South will never abandon the principles of this bill. If you refuse co-operation with our laws, and conflict should ensue between your and our law, the Southern States will never yield

to the superiority of yours. We have a remedy in our hands, which, in such event, we shall not fail to apply. We have high authority for asserting, that in such cases "state interposition is the rightful remedy"—a doctrine first announced by Jefferson—adopted by the patriotic and Republican State of Kentucky, by a solemn resolution in '98, and finally carried out into successful practice on a recent occasion, ever to be remembered by the gallant state which I, in part, have the honour to represent. In this well-tested and efficient remedy, sustained by the principles developed in the report, and asserted in this bill, the slaveholding states have an ample protection. Let it be fixed—let it be riveted in every Southern mind, that the laws of the slaveholding states for the protection of their domestic institutions are paramount to the laws of the General Government in regulation of commerce and the mail, and that the latter must yield to the former in the event of conflict; and that, if the government should refuse to yield, the states have a right to interpose, and we are safe. With these principles, nothing but concert would be wanting to bid defiance to the movements of the Abolitionists, whether at home or abroad; and to place our domestic institutions, and, with them, our security and peace, under our own protection, and beyond the reach of danger.

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## XIV.

### SPEECH ON THE RECEPTION OF ABOLITION PETITIONS, FEBRUARY, 1837.

If the time of the Senate permitted, I should feel it to be my duty to call for the reading of the mass of petitions on the table, in order that we might know what language they hold towards the slaveholding states and their institutions; but as it will not, I have selected indiscriminately from the pile, two: one from those in manuscript, and the other from the printed; and, without knowing their contents, will call for the reading of them, so that we may judge, by them, of the character of the whole.

(Here the secretary, on the call of Mr. Calhoun, read the two petitions.)

Such, resumed Mr. C., is the language held towards us and ours; the peculiar institutions of the South, that on the maintenance of which the very existence of the slaveholding states depends, is pronounced to be sinful and odious, in the sight of God and man; and this with a systematic design of rendering us hateful in the eyes of the world, with a view to a general crusade against us and our institutions. This, too, in the legislative halls of the Union; created by these confederated states for the better protection of their peace, their safety, and their respective institutions; and yet we, the representatives of twelve of these sovereign states against whom this deadly war is waged, are expected to sit here in silence, hearing ourselves and our constituents day after day denounced, without uttering a word; if we but open our lips, the charge of agitation is resounded on all sides, and we are held up as seeking to aggravate the evil which we resist. Every reflecting mind must see in all this a state of things deeply and dangerously diseased.

I do not belong, said Mr. C., to the school which holds that aggression is to be met by concession. Mine is the opposite creed, which teaches that encroachments must be met at the beginning, and that those who act on the opposite principle are prepared to become slaves. In this case, in particular, I hold concession or compromise to be fatal. If we concede an inch, concession would follow concession—compromise would follow compromise, until our ranks would be so broken that effectual resistance would be impossible. We must meet the enemy on the frontier, with a

fixed determination of maintaining our position at every hazard. Consent to receive these insulting petitions, and the next demand will be that they be referred to a committee, in order that they may be deliberated and acted upon. At the last session, we were modestly asked to receive them simply to lay them on the table, without any view of ulterior action. I then told the senator from Pennsylvania (Mr. Buchanan), who strongly urged that course in the Senate, that it was a position that could not be maintained; as the argument in favour of acting on the petitions, if we were bound to receive, could not be resisted. I then said that the next step would be to refer the petition to a committee, and I already see indications that such is now the intention. If we yield, that will be followed by another, and we would thus proceed, step by step, to the final consummation of the object of these petitions. We are now told that the most effectual mode of arresting the progress of abolition is to reason it down; and with this view, it is urged that the petitions ought to be referred to a committee. That is the very ground which was taken at the last session in the other house; but, instead of arresting its progress, it has since advanced more rapidly than ever. The most unquestionable right may be rendered doubtful, if once admitted to be a subject of controversy, and that would be the case in the present instance. The subject is beyond the jurisdiction of Congress—they have no right to touch it in any shape or form, or to make it the subject of deliberation or discussion.

In opposition to this view, it is urged that Congress is bound by the Constitution to receive petitions in every case and on every subject, whether within its constitutional competency or not. I hold the doctrine to be absurd, and do solemnly believe that it would be as easy to prove that it has the right to abolish slavery, as that it is bound to receive petitions for that purpose. The very existence of the rule that requires a question to be put on the reception of petitions, is conclusive to show that there is no such obligation. It has been a standing rule from the commencement of the government, and clearly shows the sense of those who formed the Constitution on this point. The question on the reception would be absurd, if, as is contended, we are bound to receive; but I do not intend to argue the question; I discussed it fully at the last session, and the arguments then advanced neither have nor can be answered.

As widely as this incendiary spirit has spread, it has not yet infected this body, or the great mass of the intelligent and business portion of the North; but unless it be speedily stopped, it will spread and work upward till it brings the two great sections of the Union into deadly conflict. This is not a new impression with me. Several years since, in a discussion with one of the senators from Massachusetts (Mr. Webster), before this fell spirit had showed itself, I then predicted that the doctrine of the proclamation and the force bill—that this government had a right, in the last resort, to determine the extent of its own powers, and enforce it at the point of the bayonet, which was so warmly maintained by that senator—would at no distant day arouse the dormant spirit of Abolitionism; I told him that the doctrine was tantamount to the assumption of unlimited power on the part of the government, and that such would be the impression on the public mind in a large portion of the Union. The consequence would be inevitable—a large portion of the Northern States believed slavery to be a sin, and would believe it to be an obligation of conscience to abolish it, if they should feel themselves in any degree responsible for its continuance, and that his doctrine would necessarily lead to the belief of such responsibility. I then predicted that it would commence, as it has, with this fanatical portion of society; and that they would begin their operation on the ignorant, the weak, the

young, and the thoughtless, and would gradually extend upward till they became strong enough to obtain political control, when he, and others holding the highest stations in society, would, however reluctant, be compelled to yield to their doctrine, or be driven into obscurity. But four years have since elapsed, and all this is already in a course of regular fulfilment.

Standing at the point of time at which we have now arrived, it will not be more difficult to trace the course of future events now than it was then. Those who imagine that the spirit now abroad in the North will die away of itself without a shock or convulsion, have formed a very inadequate conception of its real character; it will continue to rise and spread, unless prompt and efficient measures to stay its progress be adopted. Already it has taken possession of the pulpit, of the schools, and, to a considerable extent, of the press; those great instruments by which the mind of the rising generation will be formed.

However sound the great body of the non-slaveholding states are at present, in the course of a few years they will be succeeded by those who will have been taught to hate the people and institutions of nearly one half of this Union, with a hatred more deadly than one hostile nation ever entertained towards another. It is easy to see the end. By the necessary course of events, if left to themselves, we must become, finally, two people. It is impossible, under the deadly hatred which must spring up between the two great sections, if the present causes are permitted to operate unchecked, that we should continue under the same political system. The conflicting elements would burst the Union asunder, as powerful as are the links which hold it together. Abolition and the Union cannot coexist. As the friend of the Union, I openly proclaim it, and the sooner it is known the better. The former may now be controlled, but in a short time it will be beyond the power of man to arrest the course of events. We of the South will not, cannot surrender our institutions. To maintain the existing relations between the two races inhabiting that section of the Union is indispensable to the peace and happiness of both. It cannot be subverted without drenching the country in blood, and extirpating one or the other of the races. Be it good or bad, it has grown up with our society and institutions, and is so interwoven with them that to destroy it would be to destroy us as a people. But let me not be understood as admitting, even by implication, that the existing relations between the two races, in the slaveholding states, is an evil: far otherwise; I hold it to be a good, as it has thus far proved itself to be, to both, and will continue to prove so, if not disturbed by the fell spirit of abolition. I appeal to facts. Never before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized and so improved, not only physically, but morally and intellectually. It came among us in a low, degraded, and savage condition, and, in the course of a few generations, it has grown up under the fostering care of our institutions, as reviled as they have been, to its present comparative civilized condition. This, with the rapid increase of numbers, is conclusive proof of the general happiness of the race, in spite of all the exaggerated tales to the contrary.

In the mean time, the white or European race has not degenerated. It has kept pace with its brethren in other sections of the Union where slavery does not exist. It is odious to make comparison; but I appeal to all sides whether the South is not equal in virtue, intelligence, patriotism, courage, disinterestedness, and all the high qualities which adorn our nature. I ask whether we have not contributed our full share of talents and political wisdom in forming and sustaining this political fabric; and

whether we have not constantly inclined most strongly to the side of liberty, and been the first to see, and first to resist, the encroachments of power. In one thing only are we inferior—the arts of gain; we acknowledge that we are less wealthy than the Northern section of this Union, but I trace this mainly to the fiscal action of this government, which has extracted much from, and spent little among us. Had it been the reverse—if the exaction had been from the other section, and the expenditure with us—this point of superiority would not be against us now, as it was not at the formation of this government.

But I take higher ground. I hold that, in the present state of civilization, where two races of different origin, and distinguished by colour, and other physical differences, as well as intellectual, are brought together, the relation now existing in the slaveholding states between the two is, instead of an evil, a good—a positive good. I feel myself called upon to speak freely upon the subject, where the honour and interests of those I represent are involved. I hold, then, that there never has yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live on the labour of the other. Broad and general as is this assertion, it is fully borne out by history. This is not the proper occasion, but, if it were, it would not be difficult to trace the various devices by which the wealth of all civilized communities has been so unequally divided, and to show by what means so small a share has been allotted to those by whose labour it was produced, and so large a share given to the non-producing class. The devices are almost innumerable, from the brute force and gross superstition of ancient times, to the subtle and artful fiscal contrivances of modern. I might well challenge a comparison between them and the more direct, simple, and patriarchal mode by which the labour of the African race is among us commanded by the European. I may say, with truth, that in few countries so much is left to the share of the labourer, and so little exacted from him, or where there is more kind attention to him in sickness or infirmities of age. Compare his condition with the tenants of the poor-houses in the most civilized portions of Europe—look at the sick, and the old and infirm slave, on one hand, in the midst of his family and friends, under the kind superintending care of his master and mistress, and compare it with the forlorn and wretched condition of the pauper in the poor-house. But I will not dwell on this aspect of the question: I turn to the political; and here I fearlessly assert, that the existing relation between the two races in the South, against which these blind fanatics are waging war, forms the most solid and durable foundation on which to rear free and stable political institutions. It is useless to disguise the fact. There is, and always has been, in an advanced stage of wealth and civilization, a conflict between labour and capital. The condition of society in the South exempts us from the disorders and dangers resulting from this conflict; and which explains why it is that the political condition of the slaveholding states has been so much more stable and quiet than those of the North. The advantages of the former, in this respect, will become more and more manifest, if left undisturbed by interference from without, as the country advances in wealth and numbers. We have, in fact, but just entered that condition of society where the strength and durability of our political institutions are to be tested; and I venture nothing in predicting that the experience of the next generation will fully test how vastly more favourable our condition of society is to that of other sections for free and stable institutions, provided we are not disturbed by the interference of others, or shall have sufficient intelligence and spirit to resist promptly and successfully such interference. It rests with our-

selves to meet and repel them. I look not for aid to this government, or to the other states; not but there are kind feelings towards us on the part of the great body of the non-slaveholding states; but, as kind as their feelings may be, we may rest assured that no political party in those states will risk their ascendency for our safety. If we do not defend ourselves, none will defend us; if we yield, we will be more and more pressed as we recede; and, if we submit, we will be trampled under foot. Be assured that emancipation itself would not satisfy these fanatics: that gained, the next step would be to raise the negroes to a social and political equality with the whites; and, that being effected, we would soon find the present condition of the two races reversed. They, and their Northern allies, would be the masters, and we the slaves; the condition of the white race in the British West India Islands, as bad as it is, would be happiness to ours; there the mother-country is interested in sustaining the supremacy of the European race. It is true that the authority of the former master is destroyed, but the African will there still be a slave, not to individuals, but to the community—forced to labour, not by the authority of the overseer, but by the bayonet of the soldiery and the rod of the civil magistrate.

Surrounded, as the slaveholding states are, with such imminent perils, I rejoice to think that our means of defence are ample, if we shall prove to have the intelligence and spirit to see and apply them before it is too late. All we want is concert, to lay aside all party differences, and unite with zeal and energy in repelling approaching dangers. Let there be concert of action, and we shall find ample means of security without resorting to secession or disunion. I speak with full knowledge and a thorough examination of the subject, and, for one, see my way clearly. One thing alarms me—the eager pursuit of gain which overspreads the land, and which absorbs every faculty of the mind and every feeling of the heart. Of all passions, avarice is the most blind and compromising—the last to see, and the first to yield to danger. I dare not hope that anything I can say will arouse the South to a due sense of danger; I fear it is beyond the power of mortal voice to awaken it in time from the fatal security into which it has fallen.

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## XV.

### SPEECH ON THE PUBLIC DEPOSITES, MAY 28, 1836.

The Senate then proceeded to the consideration of the bill to regulate the deposites of the public money.

After some words from Mr. Wright in explanation, Mr. Calhoun said: This bill, which the senator from New-York proposes to strike out in order to substitute his amendment, is no stranger to this body. It was reported at the last session by the Select Committee on Executive Patronage, and passed the Senate after a full and deliberate investigation, by a mixed vote of all parties, of twenty to twelve. As strong as is this presumptive evidence in its favour, I would, notwithstanding, readily surrender the bill and adopt the amendment of the senator from New-York, if I did not sincerely believe that it is liable to strong and decisive objections. I seek no lead on this important subject; my sole aim is to aid in applying a remedy to what I honestly believe to be a deep and dangerous disease of the body politic: and I stand prepared to co-operate with any one, be he of what party he may, who may propose a remedy, provided it shall promise to be safe and efficient. I, in particular, am desirous of co-

operating with the senator from New-York, not only because I desire the aid of his distinguished talents, but, still more, of his decisive influence with the powerful party of which he is so distinguished a member, and which now, for good or evil, holds the destiny of the country in its hands. It was in this spirit that I examined the amendment proposed by the senator; and I regret to say, after a full investigation, I cannot acquiesce in it, as I feel a deep conviction that it will be neither safe nor efficient. So far from being substantially the same as the bill, as stated by the senator, I cannot but regard it as essentially different, both as to objects and means. The objects of the bill are, first, to secure the public interest as far as it is connected with the deposites; and, next, to protect the banks in which they are made against the influence and control of the executive branch of this government, with the view both to their and the public interest. Compared with the bill, in respect to both, the proposed amendment will be found to favour the banks against the people, and the executive against the banks. I do not desire the Senate to form their opinion on my authority. I wish them to examine for themselves; and, in order to aid them in the examination, I shall now proceed to state, and briefly illustrate, the several points of difference between the bill and the proposed amendment, taking them in the order in which they stand in the bill.

The first section of the bill provides that the banks shall pay at the rate of two per cent. per annum on the deposites for the use of the public money. This provision is entirely omitted in the amendment, which proposes to give to the banks the use of the money without interest. That the banks ought to pay something for the use of the public money, all must agree, whatever diversity of opinion there may be as to the amount. According to the last return of the treasury department, there was, on the first of this month, $45,000,000 of public money in the thirty-six depository banks, which they are at liberty to use as their own for discount or business, till drawn out for disbursements, an event that may not happen for years. In a word, this vast amount is so much additional banking capital, giving the same, or nearly the same, profit to those institutions as their permanent chartered capital, without rendering any other service to the public than paying away, from time to time, the portion that might be required for the service of the government. Assuming that the banks realize a profit of six per cent. on these deposites (it cannot be estimated at less), it would give, on the present amount, nearly three millions of dollars per annum, and on the probable average public deposites of the year, upward of two millions of dollars; which enormous profit is derived from the public by comparatively few individuals, without any return or charge, except the inconsiderable service of paying out the draughts of the treasury when presented. But it is due to the senator to acknowledge that his amendment is predicated on the supposition that some disposition must be made of the surplus revenue, which would leave in the banks a sum not greater than would be requisite to meet the current expenditure: a supposition which necessarily must affect, very materially affect, the decision of the question of the amount of compensation the banks ought to make to the public for the use of its funds; but, let the disposition be what it may, the omission in the amendment of any compensation whatever is, in my opinion, wholly indefensible.

The next point of difference relates to transfer warrants. The bill prohibits the use of transfer warrants, except with a view to disbursement, while the amendment leaves them, without regulation, under the sole control of the treasury department. To understand the importance of this difference, it must be borne in mind that the transfer warrants are the lever by which the whole banking operations of the country may be controlled through the deposites. By them the public money may be transferred from one bank to another, or from one state or section of the country to another state or section; and thus one bank may be elevated and another depressed, and a redundant currency created in one state

or section, and a deficient in another; and, through such redundancy or deficiency, all the moneyed engagements and business transactions of the whole community may be made dependant on the will of one man. With the present enormous surplus, it is difficult to assign limits to the extent of this power. The secretary, or the irresponsible agent unknown to the laws, who, rumour says, has the direction of this immense power (we are permitted to have no certain information), may raise and depress stocks and property of all descriptions at his pleasure, by withdrawing from one place and transferring to another, to the unlimited gain of those who are in the secret, and certain ruin of those who are not. Such a field of speculation has never before been opened in any country; a field so great, that the Rothschilds themselves might be tempted to enter it with their immense funds. Nor is the control which it would give over the politics of the country much less unlimited. To the same extent that it may be used to affect the interests and the fortunes of individuals, to the like extent it may be employed as an instrument of political influence and control. I do not intend to assert that it has or will be so employed; it is not essential at present to inquire how it has or will be used. It is sufficient for my purpose to show, as I trust I have satisfactorily, that it may be so employed. To guard against the abuse of so dangerous a power, the provision was inserted in the bill to prohibit the use of transfer warrants, except, as stated, for the purpose of disbursement; the omission of which provision in the amendment is a fatal objection to it of itself, were there no other. But it is far from standing alone: the next point of difference will be found to be not less striking and fatal.

The professed object of both the bill and the amendment is to place the safe-keeping of the public moneys under the regulation and control of law, instead of being left, as it now is, at the discretion of the executive. However strange it may seem, the fact is, nevertheless, so, that the amendment entirely fails to effect the object which it is its professed object to accomplish. In order that it may be distinctly seen that what I state is the case, it will be necessary to view the provisions of the bill and the amendment in reference to the deposite separately, as they relate to the banks in which the public funds are now deposited, and those which may hereafter be selected to receive them.

The bill commences with the former, which it adopts as banks of deposite, and prescribes the regulations and conditions on the observance of which they shall continue such; while, at the same time, it places them beyond the control and influence of the executive department, by placing them under the protection of law so long as they continue faithfully to perform their duty as fiscal agents of the government. It next authorizes the Secretary of the Treasury to select, under certain circumstances, additional banks of deposite, as the exigency of the public service may require, on which it imposes like regulations and conditions, and places, in like manner, under the protection of law. In all this the amendment pursues a very different course. It begins with authorizing the secretary to select the banks of deposite, and limits the regulations and conditions it imposes on such banks; leaving, by an express provision, the present banks wholly under the control of the treasury or the executive department, as they now are, without prescribing any time for the selection of other banks of deposite, or making it the duty of the secretary so to do. The consequence is obvious. The secretary may continue the present banks as long as he pleases; and so long as he may choose to continue them, the provisions of the amendment, so far as relates to the deposites, will be a dead letter; and the banks, of course, instead of being under the control of the law, will be contrary, as I have said, to the professed object both of the bill and amendment—subject exclusively to his will.

The senator has attempted to explain this difference, but, I must say, very unsatisfactorily. He said that the bill prohibited the selection of other banks; and, as he deemed others to be necessary, at certain important points, in con-

sequence of the present enormous surplus, he inserted the provision authorizing the selection of other banks. The senator has not stated the provisions of the bill accurately: so far from not authorizing, it expressly authorizes the selection of other banks where there are now none; but I presume he intended to limit his remarks to places where there are no existing banks of deposite. Thus limited, the fact is as he states; but it by no means explains the extraordinary omission (for such I must consider it) of not extending the regulations to the existing banks, as well as to those hereafter to be selected. If the public service requires additional banks at New-York and other important points, in consequence of the vast sums deposited there (as I readily agree it does), if no disposition is to be made of the surplus, it is certainly a very good reason for enlarging the provisions of the bill, by authorizing the secretary to select other banks at those points; but it is impossible for me to comprehend how it proves that the regulations which the amendment proposes to impose should be exclusively limited to such newly-selected banks. Nor do I see why the senator has not observed the same rule, in this case, as that which he adopted in reference to the compensation the banks ought to pay for the use of the public money. He omitted to provide for any compensation, on the ground that his amendment proposed to dispose of all the surplus money, leaving in the possession of the banks a sum barely sufficient to meet the current expenditure, for the use of which he did not consider it right to charge a compensation. On the same principle, it was unnecessary to provide for the selection of additional banks where there are now banks of deposite, as they would be ample if the surplus was disposed of. In this I understood the senator himself to concur.

But it is not only in the important point of extending the regulations to the existing banks of deposite that the bill and the amendment differ. There is a striking difference between them in reference to the authority of Congress over the banks of deposite embraced both in the bill and the amendment. The latter, following the provision in the charter of the late Bank of the United States, authorizes the secretary to withdraw the public deposites, and to discontinue the use of any one of the banks whenever, in his opinion, such bank shall have violated the conditions on which it has been employed, or the public funds are not safe in its vaults, with the simple restriction, that he shall report the fact to Congress. We know, from experience, how slight is the check which this restriction imposes. It not only requires the concurrence of both houses of Congress to overrule the act of the secretary, where his power may be improperly exercised, but the act of Congress itself, intended to control such exercise of power, may be overruled by the veto of the President, at whose will the secretary holds his place; so as to leave the control of the banks virtually under the control of the executive department of the government. To obviate this, the bill vests the secretary with the power simply of withdrawing the deposites and suspending the use of the bank as a place of deposite; and provides that, if Congress shall not confirm the removal, the deposites shall be returned to the bank after the termination of the next session of Congress.

The next point of difference is of far less importance, and is only mentioned as tending to illustrate the different character of the bill and the amendment. The former provides that the banks of deposite shall perform the duties of commissioners of loans without compensation, in like manner as was the duty of the late Bank of the United States and its branches, under its charter. Among these duties is that of paying the pensioners—a very heavy branch of disbursement, and attended with considerable expense, and which will be saved to the government under the bill, but will be lost if the amendment should prevail.

Another difference remains to be pointed out, relating to the security of the deposites. With so large an amount of public money in their vaults, it is important that the banks should always be provided with ample means to meet their engagements. With this view, the bill provides that the specie in the

vaults of the several banks, and the aggregate of the balance in their favour with other specie-paying banks, shall be equal to one fifth of the entire amount of their notes and bills in circulation, and their public and private deposites—a sum, as is believed, sufficient to keep them in a sound, solvent condition. The amendment, on the contrary, provides that the banks shall keep in their own vaults, or the vaults of other banks, specie equal to one fourth of its notes and bills in circulation, and the balance of its accounts with other banks payable on demand.

I regret that the senator has thought proper to change the phraseology, and to use terms less clear and explicit than those in the bill. I am not certain that I comprehend the exact meaning of the provision in the amendment. What is meant by specie in the vaults of other banks? In a general sense, all deposites are considered as specie; but I cannot suppose that to be the meaning in this instance, as it would render the provision in a great measure inoperative. I presume the amendment means special deposites in gold and silver in other banks, placed there for safe keeping, or to be drawn on, and not to be used by the bank in which it is deposited. Taking that to be the meaning, what is there to prevent the same sum from being twice counted in estimating the means of the several banks of deposite? Take two of them, one having $100,000 in specie in its vaults, and the other the same amount in the vaults of the other bank, which, in addition, has, besides, another $100,000 of its own; what is there to prevent the latter from returning, under the amendment, $200,000 of specie in its vaults, while the former would return $100,000 in its own vaults, and another in the vaults of the other bank, making, in the aggregate, between them, $400,000, when, in reality, the amount in both would be but $300,000?

But this is not the only difference between the bill and amendment, in this particular, deserving of notice. The object of the provision is to compel the banks of deposite to have, at all times, ample means to meet their liabilities, so that the government should have sufficient assurance that the public moneys in their vaults would be forthcoming when demanded. With this view, the bill provides that the available means of the bank shall never be less than one fifth of its aggregate liabilities, including bills, notes, and deposites, public and private; while the amendment entirely omits the private deposites, and includes only the balance of its deposites with other banks. This omission is the more remarkable, inasmuch as the greater portion of the liabilities of the deposite banks must, with the present large surplus, result from their deposites, as every one who is familiar with banking operations will readily perceive.

I have now presented to the Senate the several points of difference which I deem material between the bill and the amendment, with such remarks as to enable them to form their own opinion in reference to the difference, so that they may decide how far the assertion is true with which I set out, that, wherever they differ, the amendment favours the banks against the interests of the public, and the executive against the banks.

The senator, acting on the supposition that there would be a permanent surplus beyond the expenditures of the government, which neither justice nor regard to the public interest would permit to remain in the banks, has extended the provisions of his amendment, with great propriety, so as to comprehend a plan to withdraw the surplus from the banks. His plan is to vest the commissioners of the sinking fund with authority to estimate, at the beginning of every quarter, the probable receipts and expenditures of the quarter; and if, in their opinion, the receipts, with the money in the treasury, should exceed the estimated expenditure by a certain sum, say $5,000,000, the excess should be vested in state stocks; and if it should fall short of that sum, a sufficient amount of the stocks should be sold to make up the deficit. We have thus presented for consideration the important subject of the surplus revenue, and with it the question so anxiously and universally asked, What shall be done with the surplus? Shall it be ex-

pended by the government, or remain where it is, or be disposed of as proposed by the senator? or, if not, what other disposition shall be made of it? questions, the investigation of which necessarily embraces the entire circle of our policy, and on the decision of which the future destiny of the country may depend.

But before we enter on the discussion of this important question, it will be proper to ascertain what will be the probable available means of the year, in order that some conception may be formed of the probable surplus which may remain, by comparing it with the appropriations that may be authorized.

According to the late report of the Secretary of the Treasury, there was deposited in the several banks a little upward of $33,000,000 at the termination of the first quarter of the year, not including the sum of about $3,000,000 deposited by the disbursing agents of the government. The same report stated the receipts of the quarter at about $11,000,000, of which lands and customs yielded nearly an equal amount. Assuming for the three remaining quarters an equal amount, it would give, for the entire receipts of the year, $44,000,000. I agree with the senator, that this sum is too large. The customs will probably average an amount throughout the year corresponding with the receipts of the first quarter, but there probably will be a considerable falling off in the receipts from the public lands. Assuming $7,000,000 as the probable amount, which I presume will be ample, the receipts of the year, subtracting that sum from $44,000,000, will be $37,000,000; and subtracting from that $11,000,000, the receipts of the first quarter, would leave $26,000,000 as the probable receipts of the last three quarters. Add to this sum $33,000,000, the amount in the treasury on the last day of the first quarter, and it gives $59,000,000. To this add the amount of stock in the United States Bank, which, at the market price, is worth at least $7,000,000, and we have $66,000,000, which I consider as the least amount at which the probable available means of the year can be fairly estimated. It will, probably, very considerably exceed this amount. The range may be put down at between $66,000,000 and $73,000,000, which may be considered as the two extremes between which the means of the year may vibrate. But, in order to be safe, I have assumed the least of the two.

The first question which I propose to consider is, Shall this sum be expended by the government in the course of the year? A sum nearly equal to the entire debt of the war of the Revolution, by which the liberty and independence of these states were established; more than five times greater than the expenditure of the government at the commencement of the present administration, —deducting the payments on account of the public debt—and more than four times greater than the average annual expenditure of the present administration, making the same deduction, extravagant as its expenditure has been. The very magnitude of the sum decides the question against expenditure. It may be wasted, thrown away, but it cannot be expended. There are not objects on which to expend it; for proof of which I appeal to the appropriations already made and contemplated. We have passed the navy appropriations, which, as liberal as they are admitted to be on all sides, are raised only about $2,000,000 compared with the appropriations of last year. The appropriations for fortifications, supposing the bills now pending should pass, will amount to about $3,500,000, and would exceed the ordinary appropriations, assuming them at $1,000,000, which I hold to be ample, by $2,500,000. Add a million for ordnance, seven or eight for Indian treaties, and four for Indian wars, and supposing the companies of the regular army to be filled as recommended by the war department, the aggregate amount, including the ordinary expenditures, would be between thirty and thirty-five millions, and would leave a balance of at least $30,000,000 in the treasury at the end of the year.

But suppose objects could be devised on which to expend the whole of the available means of the year, it would still be impossible to make the expendi-

ture without immense waste and confusion. To expend so large an amount, regularly and methodically, would require a vast increase of able and experienced disbursing officers, and a great enlargement of the organization of the government, in all the branches connected with disbursements. To effect such an enlargement, and to give a suitable organization, placed under the control of skilful and efficient officers, must necessarily be a work of time; but, without it, so sudden and great an increase of expenditure would necessarily be followed by inextricable confusion and heavy losses.

But suppose this difficulty overcome, and suitable objects could be devised, would it be advisable to make the expenditure? Would it be wise to draw off so vast an amount of productive labour, to be employed in unproductive objects, in building fortifications, dead walls, and in lining the interior frontier with a large military force, neither of which would add a cent to the productive power of the country?

The ordinary expenditure of the government, under the present administration, may be estimated, say at $18,000,000, a sum exceeding by five or six millions what, in my opinion, is sufficient for a just and efficient administration of the government. Taking eighteen from sixty-six would leave forty-eight millions as the surplus, if the affairs of the government had been so administered as to avoid the heavy expenditures of the year, which I firmly believe, by early and prudent management, might have been effected. The expenditure of this sum, estimating labour at $20 a month, would require 200,000 operatives, equal to one third of the whole number of labourers employed in producing the great staple of our country, which is spreading wealth and prosperity over the land, and controlling, in a great measure, the commerce and manufactures of the world. But take what will be the actual surplus, and estimate that at half the sum which, with prudence and economy, it might have been, and it would require the subtraction of 100,000 operatives from their present useful employment, to be employed in the unproductive service of the government. Would it, I again repeat, be wise to draw off this immense mass of productive labour, in order to employ it in building fortifications and swelling the military establishment of the country? Would it add to the strength of the Union, or give increased security to its liberty, or accelerate its prosperity? the great objects for which the government was constituted.

To ascertain how the strength of any country may be best developed, its peculiar state and condition must be taken into consideration. Looking to ours with this view, who can doubt that, next to our free institutions, the main source of our growing greatness and power is to be found in our great and astonishing increase of numbers, wealth, and facility of intercourse? If we desire to see our country powerful, we ought to avoid any measure opposed to their development, and, in particular, ought to make the smallest possible draught, consistent with our peace and security, on the productive powers of the country. Let these have the freest possible play. Leave the resources of individuals under their own direction, to be employed in advancing their own and their country's wealth and prosperity, with the extraction of the least amount required for the expenditure of the government; and draw off not a single labourer from his present productive pursuits to the unproductive employment of the government, excepting such as the public service may render indispensable. Who can doubt that such a policy would add infinitely more to the power and strength of the country than the extravagant schemes of spending millions on fortifications and the increase of the military establishment?

Let us next examine how the liberty of the country may be affected by the scheme of disposing of the surplus by disbursements. And here I would ask, Is the liberty of the country at present in a secure and stable condition? and, if not, by what is it endangered? and will an increase of disbursements augment or diminish the danger?

Whatever may be the diversity of opinion on other points, there is not an intelligent individual of any party, who regards his reputation, that will venture to deny that the liberty of the country is at this time more insecure and unstable than it ever has been. We all know that there is in every portion of the Union, and with every party, a deep feeling that our political institutions are undergoing a great and hazardous change. Nor is the feeling much less strong, that the vast increase of patronage and influence of the government is the cause of the great and fearful change which is so extensively affecting the character of our people and institutions. The effect of increasing the expenditures at this time, so as to absorb the surplus, would be to double the number of those who live, or expect to live, by the government, and in the same degree augment its patronage and influence, and accelerate that downward course which, if not arrested, must speedily terminate in the overthrow of our free institutions.

These views I hold to be decisive against the wild attempt to absorb the immense means of the government by the expenditures of the year. In fact, with the exception of a few individuals, all seem to regard the scheme either as impracticable or unsafe; but there are others, who, while they condemn the attempt of disposing of the surplus by immediate expenditures, believe it can be safely and expediently expended in a period of four or five years, on what they choose to call the defences of the country.

In order to determine how far this opinion may be correct, it will be necessary first to ascertain what will be the available means of the next four or five years; by comparing which with what ought to be the expenditure, we may determine whether the plan would, or would not, be expedient. In making the calculation, I will take the term of five years, including the present, and which will, of course, include 1840, after the termination of which, the duties above twenty per cent. are to go off, by the provisions of the Compromise Act, in eighteen months, when the revenue is to be reduced to the economical and just wants of the government.

The available means of the present year, as I have already shown, will equal at least $66,000,000. That of the next succeeding four years (including 1840) may be assumed to be twenty-one millions annually. The reason for this assumption may be seen in the report of the select committee at the last session, which I have reviewed, and in the correctness of which I feel increased confidence. The amount may fall short of, but will certainly not exceed, the estimate in the report, unless some unforeseen event should occur. Assuming, then, $21,000,000 as the average receipts of the next four years, it will give an aggregate of $84,000,000, which, added to the available means of this year, will give $150,000,000 as the sum that will be at the disposal of the government for the period assumed. Divide this sum by five, the number of years, and it will give $30,000,000 as the average annual available means of the period.

The next question for consideration is, Will it be expedient to raise the disbursement during the period to an average expenditure of $30,000,000 annually? The first, and strong objection to the scheme is, that it would leave in the deposite banks a heavy surplus during the greater part of the time, beginning with a surplus of upward of thirty millions at the commencement of next year, and decreasing at the rate of eight or nine millions a year till the termination of the period. But, passing this objection by, I meet the question directly. It would be highly inexpedient and dangerous to attempt to keep up the disbursements at so high a rate. I ask, On what shall this money be expended? Shall it be expended by an increase of the military establishment? by an enlargement of the appropriations for fortifications, ordnance, and the navy, far beyond what is proposed for the present year? Have those who advocate the scheme reflected to what extent this enlargement must be carried to absorb so great a sum? Even this year, with the extraordinary expenditure upon Indian treaties

and Indian wars, and with profuse expenditure in every other branch of service, the aggregate amount of appropriations will not greatly exceed $30,000,000, and that of disbursements will not, probably, equal that sum.

To what extent, then, must the appropriations for the army, the navy, the fortifications, and the like, be carried, in order to absorb that sum, especially with a declining expenditure in several branches of the service, particularly in the pensions, which, during the period, will fall off more than a million of dollars? But, in order to take a full view of the folly and danger of the scheme, it will be necessary to extend our view beyond 1842, in order to form some opinion of what will be the income of the government when the tariff shall be so reduced, under the Compromise Act, that no duty shall exceed twenty per cent. ad valorem. I know that any estimate made at this time cannot be considered much more than conjectural; but still, it would be imprudent to adopt a system of expenditure now, without taking into consideration the probable state of the revenue a few years hence.

After bestowing due reflection on the subject, I am of the impression that the income from the imposts, after the period in question, will not exceed $10,000,000. It will probably fall below, rather than rise above, that sum. I assume, as the basis of this estimate, that our consumption of foreign articles will not then exceed $150,000,000. We all know that the capacity of the country to consume depends upon the value of its domestic exports, and the profits of its commerce and navigation. Of its domestic exports it would not be safe to assume any considerable increase in any article except cotton. To what extent the production and consumption of this great staple, which puts in motion so vast an amount of the industry and commerce of the world, may be increased between now and 1842, is difficult to conjecture; but I deem it unsafe to suppose that it can be so increased as to extend the capacity of the country to consume beyond the limits I have assigned. Assuming, then, the amount which I have, and dividing the imports into free and dutiable articles, the latter, according to the existing proportion between the two descriptions, would amount in value to something less than $70,000,000. According to the Compromise Act, no duty, after the period in question, can exceed twenty per cent., and the rates would range from that down to five or six per cent. Taking fifteen per cent. as the average, which would be, probably, full high, and allowing for the expenses of collection, the nett income would be something less than $10,000,000.

The income from public lands is still more conjectural than that from customs. There are so many, and such various causes in operation affecting this source of the public income, that it is exceedingly difficult to form even a conjectural estimate as to its amount, beyond the current year. But, in the midst of this uncertainty, one fact may be safely assumed, that the purchases during the last year, and thus far this, greatly exceed the steady, progressive demand for public lands, from increased population, and the consequent emigration to the new states and territories. Much of the purchases have been, unquestionably, made upon speculation, with a view to resales, and must, of course, come into market hereafter in competition with the lands of the government, and to that extent must reduce the income from their sales. Estimating even the demand for public lands from what it was previous to the recent large sales, and taking into estimate the increased population and wealth of the country, I do not consider it safe to assume more than $5,000,000 annually from this branch of the revenue, which, added to the customs, would give for the annual receipts between fourteen and fifteen millions of dollars after 1842.

I now ask whether it would be prudent to raise the public expenditures to the sum of $30,000,000 annually during the intermediate period, with the prospect that they must be suddenly reduced to half that amount? Who does not see the fierce conflict which must follow between those who may be interested in keeping up the expenditures, and those who have an equal interest against

an increase of the duties as the means of keeping them up? I appeal to the senators from the South, whose constituents have so deep an interest in low duties, to resist a course so impolitic, unwise, and extravagant, and which, if adopted, might again renew the tariff, so recently thrown off by such hazardous and strenuous efforts, with all its oppression and disaster. Let us remember what occurred in the fatal session of 1828. With a folly unparalleled, Congress then raised the duties to a rate so enormous as to average one half the value of the imports, when on the eve of discharging the debt, and when, of course, there would be no objects on which the immense income from such extravagant duties could be justly and constitutionally expended. It is amazing that there was such blindness then as not to see what has since followed—the sudden discharge of the debt, and an overflowing treasury, without the means of absorbing the surplus; the violent conflict resulting from such a state of things; and the vast increase of the power and patronage of the government, with all its corrupting consequences. We are now about, I fear, to commit an error of a different character: to raise the expenditure far beyond all example, in time of peace, and with a decreasing revenue, which must, with equal certainty, bring on another conflict, not much less dangerous, in which the struggle will not be to find objects to absorb an overflowing treasury, but to devise means to continue an expenditure far beyond the just and legitimate wants of the country. It is easy to foresee that, if we are thus blindly to go on in the management of our affairs, without regard to the future, the frequent and violent concussion which must follow from such folly cannot but end in a catastrophe that will ingulf our political institutions.

With such decided objections to the dangerous and extravagant scheme of absorbing the surplus by disbursements, I proceed to the next question, Shall the public money remain where it now is? Shall the present extraordinary state of things, without example or parallel, continue, of a government, calling itself free, extracting from the people millions beyond what it can expend, and placing that vast sum in the custody of a few monopolizing corporations, selected at the sole will of the executive, and continued during his pleasure, to be used as their own from the time it is collected till it is disbursed? To this question there must burst from the lips of every man who loves his country and its institutions, and who is the enemy of monopoly, injustice, and oppression, an indignant *no*. And here let me express the pleasure I feel that the senator from New-York, in moving his amendment, however objectionable his scheme, has placed himself in opposition to the continuance of the present unheard-of and dangerous state of things; and I add, as a simple act of justice, that the tone and temper of his remarks in support of his amendment were characterized by a courtesy and liberality which I, on my part, shall endeavour to imitate. But I fear, notwithstanding this favourable indication in so influential a quarter, the very magnitude of the evil (too great to be concealed) will but serve to perpetuate it. So great and various are the interests enlisted in its favour, that I greatly fear that all the efforts of the wise and patriotic to arrest it will prove unavailing. At the head of these stand the depository banks themselves, with their numerous stockholders and officers; with their $40,000,000 of capital, and an equal amount of public deposites, associated into one great combination extending over the whole Union, under the influence and control of the treasury department. The whole weight of this mighty combination, so deeply interested in the continuance of the present state of things, is opposed to any change. To this powerful combination must be added the numerous and influential body who are dependant on banks to meet their engagements, and who, whatever may be their political opinions, must be alarmed at any change which may limit their discounts and accommodation. Then come the stock-jobbers, a growing and formidable class, who live by raising and depressing stocks, and who behold in the present state of things the most favourable opportunity of

carrying on their dangerous and corrupting pursuits. With the control which the Secretary of the Treasury has over the banks of deposite, through transfer warrants, with the power of withdrawing the deposites at pleasure, he may, whenever he chooses, raise or depress the stock of any bank, and, if disposed to use this tremendous power for corrupt purposes, may make the fortunes of the initiated, and overwhelm in sudden ruin those not in the secret. To the stock-jobbers must be added speculators of every hue and form; and, in particular, the speculators in public lands, who, by the use of the public funds, are rapidly divesting the people of the noble patrimony left by our ancestors in the public domain, by giving in exchange what may, in the end, prove to be broken credit and worthless rags. To these we must add the artful and crafty politicians, who wield this mighty combination of interests for political purposes. I am anxious to avoid mingling party politics in this discussion; and, that I may not even seem to do so, I shall not attempt to exhibit, in all its details, the fearful, and, I was about to add, the overwhelming power which the present state of things places in the hands of those who have control of the government, and which, if it be not wielded to overthrow our institutions and destroy all responsibility, must be attributed to their want of inclination, and not to their want of means.

Such is the power and influence interested to continue the public money where it is now deposited. To these there are opposed the honest, virtuous, and patriotic of every party, who behold in the continuance of the present state of things almost certain convulsion and overthrow of our liberty. There would be found on the same side the great mass of the industrious and labouring portion of the community, whose hard earnings are extracted from them without their knowledge, were it not that what is improperly taken from them is successfully used as the means of deceiving and controlling them. If such were not the case—if those who work could see how those who profit are enriched at their expense—the present state of things would not be endured for a moment; but as it is, I fear that, from misconception, and consequent want of union and co-operation, things may continue as they are, till it will be too late to apply a remedy. I trust, however, that such will not be the fact; that the people will be roused from their false security; and that Congress will refuse to adjourn till an efficient remedy is applied. In this hope, I recur to the inquiry, What shall that remedy be? Shall we adopt the measure recommended by the senator from New-York, which, as has been stated, proposes to authorize the commissioners of the sinking fund to ascertain the probable income of each quarter, and, if there should be a probable excess above $5,000,000, to vest the surplus in the purchase of state stocks; but, if there shall be a deficiency, to sell so much of the stock previously purchased as would make up the difference?

I regret that the senator has not furnished a statement of facts sufficiently full to enable us to form an opinion of what will be the practical operation of his scheme. He has omitted, for instance, to state what is the aggregate amount of stocks issued by the several states: a fact indispensable in order to ascertain how the price of the stocks would be affected by the application of the surplus to their purchase. All who are in the least familiar with subjects of this kind, must know that the price of stocks rises proportionably with the amount of the sum applied to their purchase. I have already shown that the probable surplus at the end of this year, notwithstanding the extravagance of the appropriations, will be between thirty and thirty-five millions; and before we can decide understandingly whether this great sum can with propriety be applied as the senator proposes, we should know whether the amount of state stocks be sufficient to absorb it, without raising their price extravagantly high.

The senator should also have informed us, not only as to the amount of the stock, but how it is distributed among the states, in order to enable us to determine whether his scheme would operate equally between them. In the ab-

sence of correct information on both of these points, we are compelled to use such as we may possess, however defective and uncertain, in order to make up our mind on his amendment.

We all know, then, that while several of the states have no stocks, and many a very inconsiderable amount, three of the large states (Pennsylvania, Ohio, and New-York) have a very large amount, not less in the aggregate, if I am correctly informed, than thirty-five or forty millions. What amount is held by the rest of the states is uncertain, but I suppose that it may be safely assumed that, taking the whole, it is less than that held by those states. With these facts, it cannot be doubted that the application of the surplus, as proposed to be applied by the senator, would be exceedingly unequal among the states, and that the advantage of the application would mainly accrue to these states. To most of these objections, the senator, while he does not deny that the application of the surplus will greatly raise the price of stocks, insists that the states issuing them will not derive any benefit from the advance, and, consequently, have no interest in the question of the application of the surplus to their purchase.

If by states he means the government of the states, the view of the senator may be correct. They may, as he says, have but little interest in the market value of their stocks, as it must be redeemed by the same amount, whether that be high or low. But if we take a more enlarged view, and comprehend the people of the state as well as the government, the argument entirely fails. The senator will not deny that the holders have a deep interest in the application of so large a sum as the present surplus in the purchase of their stocks. He will not deny that such application must greatly advance the price; and, of course, in determining whether the states having stocks will be benefited by applying the surplus as he proposes, we must first ascertain who are the holders. Where do they reside? Are they foreigners residing abroad? If so, would it be wise to apply the public money so as to advance the interests of foreigners, to whom the states are under no obligation but honestly to pay to them the debts which they have contracted? But if not held by foreigners, are they held by citizens of such states? If such be the fact, will the senator deny that those states will be deeply interested in the application of the surplus, as proposed in his amendment, when the effects of such application must be, as is conceded on all sides, greatly to enhance the price of the stocks, and, consequently, to increase the wealth of their citizens? Let us suppose that, instead of purchasing the stocks of the states in which his constituents are interested, the senator's amendment had proposed to apply the present enormous surplus to the purchase of cotton or slaves, in which the constituents of the Southern senators are interested, would any one doubt that the cotton-growing or slaveholding states would have a deep interest in the question? It will not be denied that, if so applied, their price would be greatly advanced, and the wealth of their citizens proportionably increased. Precisely the same effect would result from the application to the purchase of stocks, with like benefits to the citizens of the states which have issued large amounts of stock. The principle is the same in both cases.

But there is another view of the subject which demands most serious consideration. Assuming, what will not be questioned, that the application of the surplus, as proposed by the amendment, will be very unequal among the states, some having little or none, and others a large amount of stocks, the result would necessarily be to create, in effect, the relation of debtor and creditor between the states. The states whose stocks might be purchased by the commissioners would become the debtors of the government; and as the government would, in fact, be but the agent between them and the other states, the latter would, in reality, be their creditors. This relation between them could not fail to be productive of important political consequences, which would influence all the operations of the government. It would, in particular, have a powerful bearing

upon the presidential election; the debtor and creditor states each striving to give such a result to the elections as might be favourable to their respective interests; the one to exact, and the other to exempt themselves from the payment of the debt. Supposing the three great states to which I have referred, whose united influence would have so decided a control, to be the principal debtor states, as would, in all probability, be the fact, it is easy to see that the result would be, finally, the release of the debt, and, consequently, a correspondent loss to the creditor, and gain to the debtor states.

But there is another view of the subject still more deserving, if possible, of attention than either of those which have been presented. It is impossible not to see, after what has been said, that the power proposed to be conferred by the amendment of the senator, of applying the surplus in buying and selling the stocks of the states, is one of great extent, and calculated to have powerful influence, not only on a large body of the most wealthy and influential citizens of the states which have issued stocks, but on the states themselves. The next question is, In whom is the exercise of this power to be vested? Where shall we find individuals sufficiently detached from the politics of the day, and whose virtue, patriotism, disinterestedness, and firmness can raise them so far above political and sinister motives as to exercise powers so high and influential exclusively for the public good, without any view to personal or political aggrandizement? Who has the amendment selected as standing aloof from politics, and possessing these high qualifications? Who are the present commissioners of the sinking fund, to whom this high and responsible trust is to be confided? At the head stands the Vice-president of the United States, with whom the Chief-justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Attorney-general, are associated; all party men, deeply interested in the maintenance of power in the present hands, and having the strongest motives to apply the vast power which the amendment would confer upon them, should it become a law, to party purposes. I do not say it would be so applied; but I must ask, Would it be prudent, would it be wise, would it be seemly, to vest such great and dangerous powers in those who have so strong a motive to abuse it, and who, if they should have elevation and virtue enough to resist the temptation, would still be suspected of having used the power for sinister and corrupt purposes? I am persuaded, in drawing the amendment, that the senator from New-York has, without due reflection on the impropriety of vesting the power where he proposes, inadvertently inserted the provision which he has, and that, on review, he will concur with me, that, should his amendment be adopted, the power ought to be vested in others, less exposed to temptation, and, consequently, less exposed to suspicion.

I have now stated the leading objections to the several modes of disposing of the surplus revenue which I proposed to consider; and the question again recurs, What shall be done with the surplus? The Senate is not uninformed of my opinion on this important subject. Foreseeing that there would be a large surplus, and the mischievous consequences that must follow, I moved, during the last session, for a select committee, which, among other measures, reported a resolution so to amend the Constitution as to authorize the temporary distribution of the surplus among the states; but so many doubted whether there would be a surplus at the time, that it rendered all prospect of carrying the resolution hopeless. My opinion still remains unchanged, that the measure then proposed was the best; but so rapid has been the accumulation of the surplus, even beyond my calculation, and so pressing the danger, that what would have been then an efficient remedy, would now be too tardy to meet the danger, and, of course, another remedy must be devised, more speedy in its action.

After bestowing on the subject the most deliberate attention, I have come to the conclusion that there is no other so safe, so efficient, and so free from objections as the one I have proposed, of depositing the surplus that may remain

at the termination of the year, in the treasury of the several states, in the manner provided for in the amendment. But the senator from New-York objects to the measure, that it would, in effect, amount to a distribution, on the ground, as he conceives, that the states would never refund. He does not doubt but that they would, if called on to refund by the government; but he says that Congress will, in fact, never make the call. He rests this conclusion on the supposition that there would be a majority of the states opposed to it. He admits, in case the revenue should become deficient, that the Southern or staple states would prefer to refund their quota rather than to raise the imposts to meet the deficit; but he insists that the contrary would be the case with the manufacturing states, which would prefer to increase the imposts to refunding their quota, on the ground that the increase of the duties would promote the interests of manufactures. I cannot agree with the senator that those states would assume a position so entirely untenable as to refuse to refund a deposite which their faith would be plighted to return, and rest the refusal on the ground of preferring to lay a tax, because it would be a bounty to them, and would, consequently, throw the whole burden of the tax on the other states. But, be this as it may, I can tell the senator that, if they should take a course so unjust and monstrous, he may rest assured that the other states would most unquestionably resist the increase of the imposts; so that the government would have to take its choice, either to go without the money, or call on the states to refund the deposites. But I so far agree with the senator as to believe that Congress would be very reluctant to make the call; that it would not make it till, from the wants of the treasury, it should become absolutely necessary; and that, in order to avoid such necessity, it would resort to a just and proper economy in the public expenditures as the preferable alternative. I see in this, however, much good instead of evil. The government has long since departed from habits of economy, and fallen into a profusion, a waste, and an extravagance in its disbursements, rarely equalled by any free state, and which threatens the most disastrous consequences.

But I am happy to think that the ground on which the objection of the senator stands may be removed, without materially impairing the provisions of the bill. It will require but the addition of a few words to remove it, by giving to the deposites all the advantages, without the objections, which he proposes by his plan. It will be easy to provide that the states shall authorize the proper officers to give negotiable certificates of deposite, which shall not bear interest till demanded, when they shall bear the usual rates till paid. Such certificates would be, in fact, state stocks, every way similar to that in which the senator proposes to vest the surplus, but with this striking superiority: that, instead of being partial, and limited to a few states, they would be fairly and justly apportioned among the several states. They would have another striking advantage over his. They would create among all the members of the confederacy, reciprocally, the relation of debtor and creditor, in proportion to their relative weight in the Union; which, in effect, would leave them in their present relation, and would, of course, avoid the danger that would result from his plan, which, as has been shown, would necessarily make a part of the states debtors to the rest, with all the dangers resulting from such relation.

The next objection of the senator is to the ratio of distribution proposed in the bill among the states, which he pronounces to be unequal, if not unconstitutional. He insists that the true principle would be to distribute the surplus among the states in proportion to the representation of the House of Representatives, without including the senators, as is proposed in the bill, for which he relies on the fact, that, by the Constitution, representation and taxation are to be apportioned in the same manner among the states.

The Senate will see that the effect of adopting the ratio supported by the senator would be to favour the large states, while that in the bill will be more favourable to the small.

The state I in part represent occupies a neutral position between the two. She cannot be considered either a large or a small state, forming, as she does, one twenty-fourth part of the Union; and, of course, it is the same to her whichever ratio may be adopted. But I prefer the one contained in my amendment, on the ground that it represents the relative weight of the states in the government. It is the weight assigned to them in the choice of the President and Vice-president in the electoral college, and, of course, in the administration of the laws. It is also that assigned to them in the making of the laws by the action of the two houses, and corresponds very nearly to their weight in the judicial department of the government, the judges being nominated by the President and confirmed by the Senate. In addition, I was influenced, in selecting the ratio, by the belief that it was a wise and magnanimous course, in case of doubt, to favour the weaker members of the confederacy. The larger can always take care of themselves; and, to avoid jealousy and improper feelings, ought to act liberally towards the weaker members of the confederacy. To which may be added, that I am of the impression that, even on the principle assumed by the senator, that the distribution of the surplus ought to be apportioned on the ratio with direct taxation (which may be well doubted), the ratio which I support would conform in practice more nearly to the principle than that which he supports. It is a fact not generally known, that representation in the other house, and direct taxes, should they be laid, would be very far from being equal, although the Constitution provides that they should be. The inequality would result from the mode of apportioning the representatives. Instead of apportioning them among the states, as near as may be, as directed by the Constitution, an artificial mode of distribution has been adopted, which, in its effects, gives to the large states a greater number, and to the small a less than that to which they are entitled. I would refer those who may desire to understand how this inequality is effected, to the discussion in this body on the apportionment bill under the last census. So great is this inequality, that, were a direct tax to be laid, New-York, for instance, would have at least three members more than her apportionment of the tax would require. The ratio which I have proposed would, I admit, produce as great an inequality in favour of some of the small states, particularly the old, whose population is nearly stationary; but among the new and growing members of the confederacy, which constitute the greater portion of the small states, it would not give them a larger share of the deposites than what they would be entitled to on the principle of direct taxes. But the objection of the senator to the ratio of distribution, like his objection to the condition on which the bill proposes to make it, is a matter of small comparative consequence. I am prepared, in the spirit of concession, to adopt either, as one or the other may be more acceptable to the Senate.

It now remains to compare the disposition of the surplus proposed in the bill with the others I have discussed; and, unless I am greatly deceived, it possesses great advantages over them. Compared with the scheme of expending the surplus, its advantage is, that it would avoid the extravagance and waste which must result from suddenly more than quadrupling the expenditures, without a corresponding organization in the disbursing department of the government to enforce economy and responsibility. It would also avoid the diversion of so large a portion of the industry of the country from its present useful direction to unproductive objects, with heavy loss to the wealth and prosperity of the country, as has been shown, while it would, at the same time, avoid the increase of the patronage and influence of the government, with all their corruption and danger to the liberty and institutions of the country. But its advantages would not be limited simply to avoiding the evil of extravagant and useless disbursements. It would confer positive benefits, by enabling the states to discharge their debts, and complete a system of internal improvements, by railroads and canals, which would not only greatly strengthen the bonds of the confederacy, but increase its power, by augmenting infinitely our resources and prosperity

I do not deem it necessary to compare the disposition of the surplus which is proposed in the bill with the dangerous, and, I must say, wicked scheme of leaving the public funds where they are, in the banks of deposite, to be loaned out by those institutions to speculators and partisans, without authority or control of law.

Compared with the plan proposed by the senator from New-York, it is sufficient, to prove its superiority, to say that, while it avoids all of the objections to which his is liable, it at the same time possesses all the advantages, with others peculiar to itself. Among these, one of the most prominent is, that it provides the only efficient remedy for the deep-seated disease which now afflicts the body politic, and which threatens to terminate so fatally, unless it be speedily and effectually arrested.

All who have reflected on the nature of our complex system of government, and the dangers to which it is exposed, have seen that it is susceptible, from its structure, to two dangers of opposite character, one threatening consolidation, and the other anarchy and dissolution. From the beginning of the government, we find a difference of opinion among the wise and patriotic to which the government was most exposed: one part believing that the danger was that the government would absorb the reserved powers of the states, and terminate in consolidation, while the other were equally confident that the states would absorb the powers of the government, and the system end in anarchy and dissolution. It was this diversity of opinion which gave birth to the two great, honest, and patriotic parties which so long divided the community, and to the many political conflicts which so long agitated the country. Time has decided the controversy. We are no longer left to doubt that the danger is on the side of this government, and that, if not arrested, the system must terminate in an entire absorption of the powers of the states.

Looking back, with the light which experience has furnished, we now clearly see that both of the parties took a false view of the operation of the system. It was admitted by both that there would be a conflict for power between the government and the states, arising from a disposition on the part of those who, for the time being, exercised the powers of the government and the states, to enlarge their respective powers at the expense of each other, and which would induce each to watch the other with incessant vigilance. Had such proved to be the fact, I readily concede that the result would have been the opposite to what has occurred, and the Republican, and not the Federal party, would have been mistaken as to the tendency of the system. But so far from this jealousy, experience has shown that, in the operation of the system, a majority of the states have acted in concert with the government at all times, except upon the eve of a political revolution, when one party was about to go out, to make room for the other to come in; and we now clearly see that this has not been the result of accident, but that the habitual operation must necessarily be so. The misconception resulted from overlooking the fact, that the government is but an agent of the states, and that the dominant majority of the Union, which elect and control a majority of the State Legislatures, would elect also those who would control this government, whether that majority rested on sectional interests, on patronage and influence, or whatever basis it might, and that they would use the power both of the General and State Governments jointly, for aggrandizement and the perpetuation of their power. Regarded in this light, it is not at all surprising that the tendency of the system is such as it has proved itself to be, and which any intelligent observer now sees must necessarily terminate in a central, absolute, irresponsible, and despotic power. It is this fatal tendency that the measure proposed in the bill is calculated to counteract, and which, I believe, would prove effective if now applied. It would place the states in the relation in which it was universally believed they would stand to this government at the time of its formation, and make them those jealous and

vigilant guardians of its action on all measures touching the disbursements and expenditures of the government, which it was confidently believed they would be; which would arrest the fatal tendency to the concentration of the entire power of the system in this government, if any power on earth can.

But it is objected that the remedy would be too powerful, and would produce an opposite and equally dangerous tendency. I coincide that such would be the danger, if permanently applied; and, under that impression, and believing that the present excess of revenue would not continue longer, I have limited the measure to the duration of the Compromise Act. Thus limited, it will act sufficiently long, I trust, to eradicate the present disease, without superinducing one of an opposite character.

But the plan proposed is supported by its justice, as well as these high considerations of political expediency. The surplus money in the treasury is not ours. It properly belongs to those who made it, and from whom it has been unjustly taken. I hold it an unquestionable principle, that the government has no right to take a cent from the people beyond what is necessary to meet its legitimate and constitutional wants. To take more intentionally would be robbery; and, if the government has not incurred the guilt in the present case, its exemption can only be found in its folly—the folly of not seeing and guarding against a vast excess of revenue, which the most ordinary understanding ought to have foreseen and prevented. If it were in our power—if we could ascertain from whom the vast amount now in the treasury was improperly taken, justice would demand that it should be returned to its lawful owners. But, as that is impossible, the measure next best, as approaching nearest to restitution, is that which is proposed, to deposite it in the treasuries of the several states, which will place it under the disposition of the immediate representatives of the people, to be used by them as they may think fit till the wants of the government may require its return.

But it is objected that such a disposition would be a bribe to the people. A bribe to the people! to return it to those to whom it justly belongs, and from whose pockets it should never have been taken. A bribe! to place it in the charge of those who are the immediate representatives of those from whom we derive our authority, and who may employ it so much more usefully than we can. But what is to be done? If not returned to the people, it must go somehow; and is there no danger of bribing those to whom it may go? If we disburse it, is there no danger of bribing the thousands of agents, contractors, and jobbers, through whose hands it must pass, and in whose pockets, and those of their associates, so large a part would be deposited? If, to avoid this, we leave it where it is, in the banks, is there no danger of bribing the banks in whose custody it is, with their various dependants, and the numerous swarms of speculators which hover about them in hopes of participating in the spoil? Is there no danger of bribing the political managers, who, through the deposites, have the control of these banks, and, by them, of their dependants, and the hungry and voracious hosts of speculators who have overspread and are devouring the land? Yes, literally devouring the land. Finally, if it should be vested as proposed by the senator from New-York, is there no danger of bribing the holders of state stocks, and, through them, the states which have issued them? Are the agents, the jobbers, and contractors; are the directors and stockholders of the banks; are the speculators and stock-jobbers; are the political managers and holders of state securities, the only honest portion of the community? Are they alone incapable of being bribed? And are the people the least honest, and most liable to be bribed? Is this the creed of those now in power? of those who profess to be the friends of the people, and to place implicit confidence in their virtue and patriotism?

I have now (said Mr. Calhoun) stated what, in my opinion, ought to be done with the surplus. Another question still remains: not what shall, but what

will be done with the surplus? With a few remarks on this question, I shall conclude what I intended to say.

There was a time, in the better days of the Republic, when to show what ought to be done was to ensure the adoption of the measure. Those days have passed away, I fear, forever. A power has risen up in the government greater than the people themselves, consisting of many, and various, and powerful interests, combined into one mass, and held together by the cohesive power of the vast surplus in the banks. This mighty combination will be opposed to any change; and it is to be feared that, such is its influence, no measure to which it is opposed can become a law, however expedient and necessary, and that the public money will remain in their possession, to be disposed of, not as the public interest, but as theirs may dictate. The time, indeed, seems fast approaching, when no law can pass, nor any honour be conferred, from the chief magistrate to the tide-waiter, without the assent of this powerful and interested combination, which is steadily becoming the government itself, to the utter subversion of the authority of the people. Nay, I fear we are in the midst of it; and I look with anxiety to the fate of this measure as the test whether we are or not.

If nothing should be done—if the money which justly belongs to the people be left where it is, with the many and overwhelming objections to it—the fact will prove that a great and radical change has been effected; that the government is subverted; that the authority of the people is suppressed by a union of the banks and executive—a union a hundred times more dangerous than that of Church and State, against which the Constitution has so jealously guarded. It would be the announcement of a state of things from which, it is to be feared, there can be no recovery—a state of boundless corruption, and the lowest and basest subserviency. It seems to be the order of Providence that, with the exception of these, a people may recover from any other evil. Piracy, robbery, and violence of every description may, as history proves, be followed by virtue, patriotism, and national greatness; but where is the example to be found of a degenerate, corrupt, and subservient people, who have ever recovered their virtue and patriotism? Their doom has ever been the lowest state of wretchedness and misery: scorned, trodden down, and obliterated forever from the list of nations. May Heaven grant that such may never be our doom!

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## XVI.

SPEECH ON THE BILL FOR THE ADMISSION OF MICHIGAN, JANUARY 2, 1837.

Mr. Grundy moved that the previous orders of the day be postponed, for the purpose of considering the bill to admit the State of Michigan into the Union.

Mr. Calhoun was opposed to the motion; the documents accompanying the bill had but this morning been laid upon the tables, and no time had been allowed for even reading them over.

Mr. Grundy insisted on his motion. Of one point he was fully satisfied, that Michigan had a right to be received into the Union; on this, he presumed, there would be but little difference of opinion, the chief difficulty having respect to the mode in which it was to be done. There seemed more difference of opinion, and he presumed there would be more debate, touching the preamble than concerning the bill itself; but he could not consent to postpone the subject. Congress were daily passing laws, the effect of which pressed immediately upon the people of Michigan, and concerning which they were entitled to have a voice and

a vote upon this floor; and, therefore, the bill for their admission ought to receive the immediate action of the Senate. As to the documents, they were not numerous. The gentleman from South Carolina might readily run his eye over them, and he would perceive that the facts of the case were easily understood. Indeed, there was but one of any consequence respecting which there was any controversy. When the Senate adjourned on Thursday, many senators had been prepared, and were desirous to speak, although the documents were not then printed. It was the great principles involved in the case which would form the subjects of discussion, and they could as well be discussed now. He thought the Senate had better proceed. One fact in the case was very certain: there had been more votes for the members to the last convention than for the first. How many more was a matter of little comparative consequence. The great question for the Senate to consider was this: What is the will of Michigan on the subject of entering the Union?

If this could be decided, it was of less consequence whether the bill should or should not expressly state that the last convention, and the assent by it given, formed the ground of the admission of the state.

Mr. Calhoun here inquired whether the chairman of the committee was to be understood as being now ready to abandon the preamble? If the Judiciary Committee were agreed to do this, he thought all difficulty would be at an end.

Mr. Grundy replied, that, as chairman of the Judiciary Committee, he had no authority to reply to the inquiry, but, as an individual, he considered the preamble as of little consequence, and he should vote for the bill whether it were in or out. Michigan ought, undoubtedly, to be admitted, and all the consequences would result, whether the preamble were retained or not. He had received no authority from the committee to consent that it should be stricken out. For himself, he was settled in the belief that Congress possessed full power to prescribe the boundaries of a territory, and that, when that territory passed into a state, the right remained still the same. Congress had already established the boundary of Ohio, and that settled the question. He never had perceived the necessity of inserting in the admission bill the section which made the assent of Michigan to the boundaries fixed for her by Congress a prerequisite to her admission, because the disputed boundary line was fixed by another bill; and, whether the preamble to this bill should be retained or not, Michigan could not pass the line, so that the preamble was really of very little consequence.

Mr. Calhoun said that, in inquiring of the honourable chairman whether he intended to abandon the preamble of the bill, his question had had respect, not to any pledge respecting boundaries, but to the recognition of the second convention and of its doings. He wanted to know whether the chairman was ready to abandon that principle. He had examined the subject a good deal, and his own mind was fully made up that Michigan could not be admitted on the ground of that second convention; but the Senate might set aside the whole of what had been done, and receive Michigan as she stood at the commencement of the last session.

Mr. Grundy observed, that if the gentleman's mind was fully made up, then there could be no necessity of postponing the subject. The gentleman has fully satisfied himself, and now (said Mr. G.) let us see if he can satisfy us. His argument, it seems, has been fully matured, and we are now ready to listen to it. Though I consider that there is no virtue in the preamble, and that the effect of the bill will be the same whether it is stricken out or retained, yet I am not ready to say that I shall vote to strike it out. I am ready to hear what can be said both for and against it.

The question was now put on the motion of Mr. Grundy to postpone the previous orders, and carried, 22 to 16. So the orders were postponed, and the Senate proceeded to consider the bill, which having been again read at the clerk's table, as follows:

*A Bill to admit the State of Michigan into the Union upon an equal footing with the original States.*

Whereas, in pursuance of the act of Congress of June the fifteenth, eighteen hundred and thirty-six, entitled, "An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed," a convention of delegates, elected by the people of the said State of Michigan, for the sole purpose of giving their assent to the boundaries of the said State of Michigan as described, declared, and established in and by the said act, did, on the fifteenth of December, eighteen hundred and thirty-six, assent to the provisions of said act: therefore,

*Be it enacted, &c.*, That the State of Michigan shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original states, in all respects whatever.

Sec. 2. *And be it farther enacted*, That the Secretary of the Treasury, in carrying into effect the thirteenth and fourteenth sections of the act of the twenty-third of June, eighteen hundred and thirty-six, entitled, "An act to regulate the deposites of the public money," shall consider the State of Michigan as being one of the United States.

Mr. Calhoun then rose, and addressed the Senate as follows:

I have bestowed on this subject all the attention that was in my power, and, although actuated by a most anxious desire for the admission of Michigan into the Union, I find it impossible to give my assent to this bill. I am satisfied the Judiciary Committee has not bestowed upon the subject all that attention which its magnitude requires, and I can explain it on no other supposition why they should place the admission on the grounds they have. One of the committee, the senator from Ohio on my left (Mr. Morris), has pronounced the grounds as dangerous and revolutionary; he might have gone farther, and, with truth, pronounced them utterly repugnant to the principles of the Constitution.

I have not ventured this assertion, as strong as it is, without due reflection, and weighing the full force of the terms I have used, and do not fear, with an impartial hearing, to establish its truth beyond the power of controversy.

To understand fully the objection to this bill, it is necessary that we should have a correct conception of the facts. They are few, and may be briefly told.

Some time previous to the last session of Congress, the Territory of Michigan, through its Legislature, authorized the people to meet in convention for the purpose of forming a state government. They met, accordingly, and agreed upon a constitution, which they forthwith transmitted to Congress. It was fully discussed in this chamber, and, objectionable as the instrument was, an act was finally passed, which accepted the constitution, and declared Michigan to be a state and admitted into the Union, on the single condition that she should, by a convention of the people, assent to the boundaries prescribed by the act. Soon after our adjournment, the Legislature of the State of Michigan (for she had been raised by our assent to the dignity of a state) called a convention of the people of the state, in conformity to the act, which met, at the time

appointed, at Ann Arbour. After full discussion, the convention withheld its assent, and formally transmitted the result to the President of the United States. This is the first part of the story. I will now give the sequel. Since then, during the last month, a self-constituted assembly met, professedly as a convention of the people of the state, but without the authority of the state. This unauthorized and lawless assemblage assumed the high function of giving the assent of the State of Michigan to the condition of admission, as prescribed in the act of Congress. They communicated their assent to the executive of the United States, and he to the Senate. The Senate referred his message to the Committee on the Judiciary, and that committee reported this bill for the admission of the state.

Such are the facts, out of which grows the important question, Had this self-constituted assembly the authority to assent for the state? Had they the authority to do what is implied in giving assent to the condition of admission? That assent introduces the state into the Union, and pledges it, in the most solemn manner, to the constitutional compact which binds these states in one confederated body; imposes on her all its obligations, and confers on her all its benefits. Had this irregular, self-constitued assemblage, the authority to perform these high and solemn acts of sovereignty in the name of the State of Michigan? She could only come in *as a state*, and none could act or speak for her without her express authority; and to assume the authority without her sanction is nothing short of treason against the state.

Again: the assent to the conditions prescribed by Congress implies an authority in those who gave it to supersede, in part, the Constitution of the State of Michigan; for her Constitution fixes the boundaries of the state as part of that instrument, which the condition of admission entirely alters, and, to that extent, the assent would supersede the Constitution; and thus the question is presented, whether this self-constituted assembly, styling itself a convention, had the authority to do an act which necessarily implies the right to supersede, in part, the Constitution.

But farther: the State of Michigan, through its Legislature, authorized a convention of the people, in order to determine whether the condition of admission should be assented to or not. The convention met, and, after mature deliberation, it dissented from the condition of admission; and thus, again, the question is presented, whether this self-called, self-constituted assemblage, this caucus—for it is entitled to no higher name—had the authority to annul the dissent of the state, solemnly given by a convention of the people, regularly convoked under the express authority of the constituted authorities of the state?

If all or any of these questions be answered in the negative—if the self-created assemblage of December had no authority to speak in the name of the State of Michigan—if none to supersede any portion of her Constitution—if none to annul her dissent from the condition of admission, regularly given by a convention of the people of the state, convoked by the authority of the state—to introduce her on its authority would be not only revolutionary and dangerous, but utterly repugnant to the principles of our Constitution. The question, then, submitted to the Senate is, Had that assemblage the authority to perform these high and solemn acts?

The chairman of the Committee on the Judiciary holds that this self-constituted assemblage had the authority; and what is his reason? Why, truly, because a greater number of votes were given for those who constituted that assemblage than for those who constituted the convention of the people of the state, convened under its constituted authorities. This argument resolves itself into two questions—the first of fact, and

the second of principle. I shall not discuss the first. It is not necessary to do so. But, if it were, it would be easy to show that never was so important a fact so loosely testified. There is not one particle of official evidence before us. We have nothing but the private letters of individuals, who do not know even the numbers that voted on either occasion; they know nothing of the qualifications of voters, nor how their votes were received, nor by whom counted. Now, none knows better than the honourable chairman himself, that such testimony as is submitted to us to establish a fact of this moment, would not be received in the lowest magistrate's court in the land. But I waive this. I come to the question of the principle involved; and what is it? The argument is, that a greater number of persons voted for the last convention than for the first, and, therefore, the acts of the last of right abrogated those of the first; in other words, *that mere numbers*, without regard to the forms of law or the principles of the Constitution, give authority. *The authority of numbers, according to this argument, sets aside the authority of law and the Constitution.* Need I show that such a principle goes to the entire overthrow of our constitutional government, and would subvert all social order? It is the identical principle which prompted the late revolutionary and anarchical movement in Maryland, and which has done more to shake confidence in our system of government than any event since the adoption of our Constitution, but which, happily, has been frowned down by the patriotism and intelligence of the people of that state.

What was the ground of this insurrectionary measure, but that the government of Maryland did not represent the voice of the numerical majority of the people of Maryland, and that the authority of law and the Constitution was nothing against that of numbers? Here we find on this floor, and from the head of the Judiciary Committee, the same principle revived, and, if possible, in a worse form; for, in Maryland, the anarchists assumed that they were sustained by the numerical majority of the people of the state in their revolutionary movements; but the utmost the chairman can pretend to have is a mere plurality. The largest number of votes claimed for the self-created assemblage is 8000; and no man will undertake to say that this constitutes anything like a majority of the voters of Michigan; and he claims the high authority which he does for it, not because it is a majority of the people of Michigan, but because it is a greater number than voted for the authorized convention of the people that refused to agree to the condition of admission. It may be shown, by his own witness, that a majority of the voters of Michigan greatly exceed 8000. Mr. Williams, the president of the self-created assemblage, stated that the population of that state amounted to nearly 200,000 persons. If so, there cannot be less than from 20,000 to 30,000 voters, considering how nearly universal the right of suffrage is under its Constitution; and it thus appears that this irregular, self-constituted meeting did not represent the vote of one third of the state; and yet, on a mere principle of plurality, we are to supersede the Constitution of Michigan, and annul the act of a convention of the people, regularly convened under the authority of the government of the state.

But, says the senator from Pennsylvania (Mr. Buchanan), this assembly was not self-constituted. It met under the authority of an act of Congress; and that act had no reference to the state, but only to the people; and that the assemblage in December was just such a meeting as that act contemplated. It is not my intention to discuss the question whether the honourable senator has given the true interpretation of the act, but, if it were, I could very easily show his interpretation to be erroneous; for, if such had been the intention of Congress, the act surely would have spe-

cified the time when the convention was to be held, who were to be the managers, who the voters, and would not have left it to individuals who might choose to assume the authority to determine all these important points. I might also readily show that the word "convention" of the people, as used in law or the Constitution, always means a meeting of the people regularly convened *by the constituted authority of the state*, in their high sovereign capacity, and that it never means such an assemblage as the one in question. But I waive this; I take higher ground. If the act be, indeed, such as the senator says it is, then I maintain that it is utterly opposed to the fundamental principles of our Federal Union. Congress has no right whatever to *call a convention in a state.* It can call but one convention, and that is a convention of the United States to amend the Federal Constitution; nor can it call that, except authorized by two thirds of the states.

Ours is a Federal Republic—a union of states. Michigan is a state; a state in the course of admission, and differing only from the other states in her federal relations. She is declared to be a state, in the most solemn manner, by your own act. She can come into the Union only as a state, and by her voluntary assent, given by the people of the state in convention, called by the constituted authority of the state. To admit the State of Michigan on the authority of a self-created meeting, or one called by the direct authority of Congress, passing by the authorities of the state, would be the most monstrous proceeding under our Constitution that can be conceived; the most repugnant to its principles, and dangerous in its consequences. It would establish a direct relation between the individual citizens of a state and the General Government, in utter subversion of the federal character of our system. The relation of the citizens to this government is through the states exclusively. They are subject to its authority and laws only because the state has assented they should be. If *she dissents*, *their assent* is nothing; on the other hand, if she assents, their dissent is nothing. It is through the state, then, and through the state alone, that the United States government can have any connexion with the people of a state; and does not, then, the senator from Pennsylvania see, that if Congress can authorize a convention of the people in the State of Michigan without the authority of the state, it matters not what is the object, it may, in like manner, authorize conventions in any other state for whatever purpose it may think proper?

Michigan is as much a sovereign state as any other, differing only, as I have said, as to her federal relations. If we give our sanction to the assemblage of December, on the principle laid down by the senator from Pennsylvania, then we establish the doctrine that Congress has power to call at pleasure conventions within the states. Is there a senator on this floor who will assent to such a doctrine? Is there one, especially, who represents the smaller states of this Union, or the weaker section? Admit the power, and every vestige of state rights would be destroyed. Our system would be subverted, and, instead of a *confederacy of free and sovereign states*, we should have all power concentrated here, and this would become the most odious despotism. He, indeed, must be blind, who does not see that such a power would give the Federal Government a complete control of all the states. I call upon senators now to arrest a doctrine so dangerous. Let it be remembered that, under our system, bad precedents live forever; good ones only perish. We may not feel all the evil consequences at once, but this precedent, once set, will surely be received, and will become the instrument of infinite evil.

It will be asked, What shall be done? Will you refuse to admit Michigan into the Union? I answer, No: I desire to admit her; and if the sen-

ators from Indiana and Ohio will agree, I am ready now to admit her as she stood at the beginning of last session, without giving sanction to the unauthorized assemblage of December.

But if that does not meet their wishes, there is still another by which she may be admitted. We are told two thirds of the Legislature and people of Michigan are in favour of accepting the conditions of the act of last session. If that be the fact, then all that is necessary is, that the Legislature should call another convention. All difficulty will thus be removed, and there will be still abundant time for her admission at this session. And shall we, for the sake of gaining a few months, give our assent to a bill fraught with principles so monstrous as this?

We have been told that, unless she is admitted immediately, it will be too late for her to receive her proportion of the surplus revenue under the deposite bill. I trust that on so great a question a difficulty like this will have no weight. Give her at once her full share. I am ready to do so at once, without waiting her admission. I was mortified to hear on so grave a question such motives assigned for her admission, contrary to the law and Constitution. Such considerations ought not to be presented when we are settling great constitutional principles. I trust that we shall pass by all such frivolous motives on this occasion, and take ground on the great and fundamental principle that an informal, irregular, self-constituted assembly, a mere caucus, has no authority to speak for a sovereign state in any case whatever; to supersede its Constitution, or to reverse its dissent, deliberately given by a convention of the people of the state, regularly convened under its constituted authority.

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## XVII.

### ON THE SAME SUBJECT, JANUARY 5, 1837.

Mr. Grundy, chairman of the Committee on the Judiciary, having moved that the bill to admit the State of Michigan into the Union be now read a third time,

Mr. Calhoun addressed the Senate in opposition to the bill.

I have (said Mr. C.) been connected with this government more than half its existence, in various capacities, and during that long period I have looked on its action with attention, and have endeavoured to make myself acquainted with the principles and character of our political institutions; and I can truly say, that within that time no measure has received the sanction of Congress which has appeared to me more unconstitutional and dangerous than the present. It assails our political system in its *weakest point*, and where, *at this time, it most requires defence.*

The great and leading objections to the bill rest mainly on the ground that Michigan is a state. They have been felt by its friends to have so much weight, that its advocates have been compelled to deny the fact, as the only way of meeting the objections. Here, then, is the main point at issue between the friends and the opponents of the bill. It turns on a fact, and that fact presents the question, Is Michigan a state?

If (said Mr. C.) there ever was a party committed on a fact—if there ever was one estopped from denying it—that party is the present majority in the Senate, and that fact that Michigan is a state. It is the very party who urged through this body, at the last session, a bill for the admission of the State of Michigan, which accepted her Constitution, and declared, in the most explicit and strongest terms, that *she was a state.* I will not take up the time of the Senate by reading this solemn declaration. It has

frequently been read during this debate, and is familiar to all who hear me, and has not been questioned or denied. But it has been said there is a condition annexed to the declaration, with which she must comply before she can become a state. There is, indeed, a condition; but it has been shown by my colleague and others, from the plain wording of the act, that the condition is not attached to the acceptance of the Constitution, nor the declaration that she is a state, but simply to her *admission* into the Union. I will not repeat the argument, but, in order to place the subject beyond controversy, I shall recall to memory the history of the last session, as connected with the admission of Michigan. The facts need but be referred to, in order to revive their recollection.

There were two points proposed to be effected by the friends of the bill at the last session. The first was to settle the controversy, as to boundary, between Michigan and Ohio, and it was that object alone which imposed the condition that Michigan should assent to the boundary prescribed by the act as the condition of her admission. But there was another object to be accomplished. Two respectable gentlemen, who had been elected by the state as senators, were then waiting to take their seats on this floor; and the other object of the bill was to provide for their taking their seats as senators on the admission of the state, and for this purpose it was necessary to make the positive and unconditional declaration that Michigan was a state, as a state only could choose senators, by an express provision of the Constitution; and hence, the admission was made conditional, and the declaration that she was a state was made absolute, in order to effect both objects. To show that I am correct, I will ask the secretary to read the third section of the bill.

[The section was read, accordingly, as follows:

"SECT. 3. *And be it farther enacted*, That, as a compliance with the fundamental condition of admission contained in the last preceding section of this act, the boundaries of the said State of Michigan, as in that section described, declared, and established, shall receive the assent of a convention of delegates elected by the people of said state, for the sole purpose of giving the assent herein required; and as soon as the assent herein required shall be given, the President of the United States shall announce the same by proclamation; and thereupon, and without any farther proceeding on the part of Congress, the admission of the said state into the Union, as one of the United States of America, on an equal footing with the original states in every respect whatever, shall be considered as complete, and the senators and representatives who have been elected by the said state as its representative in the Congress of the United States, shall be entitled to take their seats in the Senate and House of Representatives respectively, without farther delay."]

Mr. Calhoun then asked, Does not every senator see the two objects—the one to settle the boundary, and the other to admit her senators to a seat in this body; and that the section is so worded as to effect both, in the manner I have stated? If this needed confirmation, it would find it in the debate on the passage of the bill, when the ground was openly taken by the present majority, that Michigan had a right to form her constitution, under the ordinance of 1787, without our consent, and that she was of right, and in fact, a state, beyond our control.

I will (said Mr. C.) explain my own views on this point, in order that the consistency of my course at the last and present session may be clearly seen.

My opinion was, and still is, that the movement of the people of Michigan in forming for themselves a state constitution, without waiting for the assent of Congress, was revolutionary, as it threw off the authority of the

United States over the territory ; and that we were left at liberty to treat the proceedings as revolutionary, and to remand her to her territorial condition, or to waive the irregularity, and to recognise what was done as rightfully done, as our authority alone was concerned.

My impression was, that the former was the proper course ; but I also thought that the act remanding her back should contain our assent in the usual manner for her to form a constitution, and thus to leave her free to become a state. This, however, was overruled. The opposite opinion prevailed, that she had a perfect right to do what she had done, and that she was, as I have stated, a state both in fact and right, and that we had no control over her ; and our act, accordingly, recognised her as a state from the time she had adopted her Constitution, and admitted her into the Union on the condition of her assenting to the prescribed boundaries. Having thus solemnly recognised her as a state, we cannot now undo what was then done. There were, in fact, many irregularities in the proceedings, all of which were urged in vain against its passage ; but the presidential election was then pending, and the vote of Michigan was considered of sufficient weight to overrule all objections and correct all irregularities. They were all, accordingly, overruled, and we cannot now go back.

Such was the course, and such the acts of the majority at the last session. A few short months have since passed. Other objects are now to be effected, and all is forgotten as completely as if they had never existed. The very senators who then forced the act through, on the ground that Michigan was a state, have wheeled completely round, to serve the present purpose, and taken directly the opposite ground! We live in strange and inconsistent times. Opinions are taken up and laid down, as suits the occasion, without hesitation, or the slightest regard to principles or consistency. It indicates an unsound state of the public mind, pregnant with future disasters.

I turn to the position now assumed by the majority to suit the present occasion ; and, if I mistake not, it will be found as false in fact, and as erroneous in principle, as it is inconsistent with that maintained at the last session. They now take the ground that Michigan is not a state, and cannot, in fact, be a state till she is admitted into the Union ; and this on the broad principle that a territory cannot become a state till admitted. Such is the position distinctly taken by several of the friends of this bill, and implied in the arguments of nearly all who have spoken in its favour. In fact, its advocates had no choice. As untenable as it is, they were forced on this desperate position. They had no other which they could occupy.

I have shown that it is directly in the face of the law of the last session, and that it denies the recorded acts of those who now maintain the position. I now go farther, and assert that it is in direct opposition to plain and unquestionable matter of fact. There is no fact more certain than that Michigan is a state. She is in the full exercise of sovereign authority, with a Legislature and a chief magistrate. She passes laws, she executes them, she regulates titles, and even takes away life—all on her own authority. Ours has entirely ceased over her, and yet there are those who can deny, with all these facts before them, that she is a state. They might as well deny the existence of this hall! We have long since assumed unlimited control over the Constitution, to twist and turn, and deny it, as it suited our purpose ; and it would seem that we are presumptuously attempting to assume like supremacy over facts themselves, as if their existence or non-existence depended on our volition. I speak freely. The occasion demands that the truth should be boldly uttered.

But those who may not regard their own recorded acts, nor the plain facts of the case, may possibly feel the awkward condition in which coming events may shortly place them. The admission of Michigan is not the only point involved in the passage of this bill. A question will follow, which may be presented to the Senate in a very few days, as to the right of Mr. Norvell and Mr. Lyon, the two respectable gentlemen who have been elected senators by Michigan, to take their seats in this hall. The decision of this question will require a more sudden facing about than has been yet witnessed. It required seven or eight months for the majority to wheel about from the position maintained at the last session to that taken at this, but there may not be allowed them now as many days to wheel back to the old position. These gentlemen cannot be refused their seats after the admission of the state by those gentlemen who passed the act of the last session. It provides for the case. I now put it to the friends of this bill, and I ask them to weigh the question deliberately—to bring it home to their bosom and conscience before they answer—Can a territory elect senators to Congress? The Constitution is express: *states* only can choose senators. Were not these gentlemen chosen long before the admission of Michigan; before the Ann Arbour meeting, and while Michigan was, according to the doctrines of the friends of this bill, a territory? Will they, in the face of the Constitution, which they are sworn to support, admit as senators on this floor those who, by their own statement, were elected by a territory? These questions may soon be presented for decision. The majority, who are forcing this bill through, are already committed by the act of last session, and I leave them to reconcile as they can the ground they now take with the vote they must give when the question of their right to take their seats is presented for decision.

A total disregard of all principle and consistency has so entangled this subject, that there is but one mode left of extricating ourselves without trampling the Constitution in the dust; and that is, to return back to where we stood when the question was first presented; to acquiesce in the right of Michigan to form a constitution, and erect herself into a state, under the ordinance of 1787; and to repeal so much of the act of the last session as prescribed the condition on which she was to be admitted. This was the object of the amendment that I offered last evening, in order to relieve the Senate from its present dilemma. The amendment involved the merits of the whole case. It was too late in the day for discussion, and I asked for indulgence till to-day, that I might have an opportunity of presenting my views. Under the iron rule of the present majority, the indulgence was refused, and the bill ordered to its third reading; and I have been thus compelled to address the Senate when it is too late to amend the bill, and after a majority have committed themselves both as to its principles and details. Of such proceedings I complain not. I, as one of the minority, ask no favours. All I ask is, that the Constitution be not violated. Hold it sacred, and I shall be the last to complain.

I now return to the assumption that a territory cannot become a state till admitted into the Union, which is now relied on with so much confidence to prove that Michigan is not a state. I reverse the position. I assert the opposite, that a territory cannot be admitted till she becomes a state; and in this I stand on the authority of the Constitution itself, which expressly limits the power of Congress to admitting new states into the Union. But, if the Constitution had been silent, he would indeed be ignorant of the character of our political system, who did not see that states, sovereign and independent communities, and not territories, can only be admitted. Ours is *a union of states, a Federal* Republic. States,

and not territories, form its component parts, bound together by a solemn league, in the form of a constitutional compact. In coming into the Union, the state pledges its faith to this sacred compact: an act which none but a sovereign and independent community is competent to perform; and, of course, a territory must first be raised to that condition before she can take her stand among the confederated states of our Union. How can a territory pledge its faith to the Constitution? It has no will of its own. You give it all its powers, and you can at pleasure overrule all her actions. If she enters as a territory, the act *is yours, not hers. Her consent is nothing without your authority and sanction.* Can you, can Congress, become a party to the constitutional compact? How absurd.

But I am told, if this be so—if a territory must become a state before it can be admitted—it would follow that she might refuse to enter the Union after she had acquired the right of acting for herself. Certainly she may. A state cannot *be forced* into the Union. She must come in *by her own free assent*, given in her highest sovereign capacity through a convention of the people of the state. Such is the constitutional provision; and those who make the objection must overlook both the Constitution and the elementary principles of our government, of which the right of *self-government is the first;* the right of every people to form their own government, and to determine their political condition. This is the doctrine on which our fathers acted in our glorious Revolution, which has done more for the cause of liberty throughout the world than any event within the record of history, and on which the government has acted from the first, as regards all that portion of our extensive territory that lies beyond the limits of the original states. Read the ordinance of 1787, and the various acts for the admission of new states, and you will find the principle invariably recognised and acted on, to the present unhappy instance, without any departure from it, except in the case of Missouri. The admission of Michigan is destined, I fear, to mark a great change in the history of the admission of new states; a total departure from the old usage, and the noble principle of self-government on which that usage was founded. Everything, thus far, connected with her admission, has been irregular and monstrous. I trust it is not ominous. Surrounded by lakes within her natural limits (which ought not to have been departed from), and possessed of fertile soil and genial climate, with every prospect of wealth, power, and influence, who but must regret that she should be ushered into the Union in a manner so irregular and unworthy of her future destiny?

But I will waive these objections, constitutional and all. I will suppose, with the advocates of the bill, that a territory cannot become a state till admitted into the Union. Assuming all this, I ask them to explain to me *how the mere act of admission can transmute a territory into a state.* By whose authority would she be made a state? By ours? How can we make a state? We can form a territory; we can admit states into the Union; but I repeat the question, How can we make a state? I had supposed this government was the creature of the states, formed by their authority, and dependant on their will for its existence. Can the creature form the creator? If not by our authority, then by whose? Not by her own; that would be absurd. The very act of admission makes her a member of the confederacy, with no other or greater power than is possessed by all the others; all of whom, united, cannot create a state. By what process, then, by what authority can a territory become a state, if not one before admitted? Who can explain? How full of difficulties, compared to the long-established, simple, and noble process which has prevailed to the present instant! According to the old usage, the Gen-

eral Government first withdraws its authority over a certain portion of its territory, as soon as it has a sufficient population to constitute a state. They are thus left to themselves freely to form a constitution, and to exercise the noble right of self-government. They then present their Constitution to Congress, and ask *the privilege* (for one it is of the highest character) to become a member of this glorious confederacy of states. The Constitution is examined, and, if Republican, as required by the Federal Constitution, she is admitted, with no other condition except such as may be necessary to secure the authority of Congress over the public domain within her limits. This is the old, the established form, instituted by our ancestors of the Revolution, who so well understood the great principles of liberty and self-government. How simple, how sublime! What a contrast to the doctrines of the present day, and the precedent which, I fear, we are about to establish! And shall we fear, so long as these sound principles are observed, that a state will reject this high privilege—will refuse to enter this Union? No, she will rush into the embrace of the Union so long as your institutions are worth preserving. When the advantages of the Union shall have become a matter of calculation and doubt; when new states shall pause to determine whether the Union is a curse or a blessing, the question which now agitates us will cease to have any importance.

Having now, I trust, established, beyond all controversy, that Michigan is a state, I come to the great point at issue—to the decision of which all that has been said is but preparatory—Had the self-created assembly which met at Ann Arbour the authority to speak in the name of the people of Michigan; to assent to the conditions contained in the act of the last session; to supersede a portion of the Constitution of the state, and to overrule the dissent of the convention of the people, regularly called by the constituted authorities of the state, to the condition of admission? I shall not repeat what I said when I first addressed the Senate on this bill. We all, by this time, know the character of that assemblage; that it met without the sanction of the authorities of the state; and that it did not pretend to represent one third of the people. We all know that the state had regularly convened a convention of the people, expressly to take into consideration the condition on which it was proposed to admit her into the Union, and that the convention, after full deliberation, had declined to give its assent by a considerable majority. With a knowledge of all these facts, I put the question, Had the assembly a right to act for the state? Was it a convention of the people of Michigan, in the true, legal, and constitutional sense of that term? Is there one within the limits of my voice that can lay his hand on his breast and honestly say it was? Is there one that does not feel that it was neither more nor less than a *mere caucus*—nothing but a *party caucus*—of which we have the strongest evidence in the perfect unanimity of those who assembled? Not a vote was given against admission. Can there be stronger proof that it was a meeting got up by party machinery, for party purpose?

But I go farther. It was not only a party caucus, for party purpose, *but a criminal meeting*—a meeting to subvert the authority of the state, and to assume its sovereignty. I know not whether Michigan has yet passed laws to guard her sovereignty. It may be that she has not had time to enact laws for this purpose, which no community is long without; but I do aver, if there be such an act, or if the common law be in force in the state, the actors in that meeting might be indicted, tried, and punished *for the very act on which it is now proposed to admit the state into the Union.* If such a meeting as this were to undertake to speak in the name of South Carolina, we would speedily teach its authors what they owed to the

authority and dignity of the state. The act was not only in contempt of the authority of the State of Michigan, but a direct insult on this government. Here is a self-created meeting, convened for a criminal object, which has dared to present to this government an act of theirs, and to expect that we are to receive this irregular and criminal act as a fulfilment of the condition which we had prescribed for the admission of the state! Yet I fear, forgetting our own dignity, and the rights of Michigan, that we are about to recognise the validity of the act, and quietly to submit to the insult.

The year 1836 (said Mr. C.) is destined to mark the most remarkable change in our political institutions since the adoption of the Constitution. The events of the year have made a deeper innovation on the principles of the Constitution, and evinced a stronger tendency to revolution, than any which have occurred from its adoption to the present day. Sir (said Mr. C., addressing the Vice-president), duty compels me to speak of facts intimately connected with yourself. In deference to your feelings as presiding officer of the body, I shall speak of them with all possible reserve, much more reserve than I should otherwise have done if you did not occupy that seat. Among the first of these events which I shall notice, is the caucus of Baltimore; that, too, like the Ann Arbour caucus, has been dignified with the name of the convention of the people. This caucus was got up under the countenance and express authority of the President himself; and its edict, appointing you his successor, has been sustained, not only by the whole patronage and power of the government, but by his active personal influence and exertion. Through its instrumentality he has succeeded in controlling the voice of the people, and, for the first time, the President has appointed his successor; and thus the first great step of converting our government into a monarchy has been achieved. These are solemn and ominous facts. No one who has examined the result of the last election can doubt their truth. It is now certain that you are not the free and unbiased choice of the people of these United States. If left to your own popularity, without the active and direct influence of the President, and the power and patronage of the government, acting through a mock convention of the people, instead of the highest, you would, in all probability, have been the lowest of the candidates.

During the same year, the state in which this ill-omened caucus convened, has been agitated by revolutionary movements of the most alarming character. Assuming the dangerous doctrines that they were not bound to obey the injunctions of the Constitution, because it did not place the powers of the state in the hands of an unchecked numerical majority, the electors belonging to the party of the Baltimore caucus, who had been chosen to appoint the state senators, refused to perform the functions for which they had been elected, with the deliberate intention to subvert the government of the state, and reduce her to the territory condition, till a new government could be formed. And now we have before us a measure not less revolutionary, but of an opposite character. In the case of Maryland, those who undertook, without the authority of law or Constitution, to speak and act in the name of the people of the state, proposed to place her out of the Union by reducing her from a state to a territory; but in this, those who, in like manner, undertook to act for Michigan, have assumed the authority to bring her into the Union without her consent, on the very condition which she had rejected by a convention of the people, convened under the authority of the state. If we shall sanction the authority of the Michigan caucus to force a state into the Union without its assent, why might we not here sanction a

similar caucus in Maryland, if one had been called, to place the state out of the Union?.

These occurrences, which have distinguished the past year, mark the commencement of no ordinary change in our political system. They announce *the ascendency of the caucus system over the regularly constituted authorities of the country.* I have long anticipated this event. In early life my attention was attracted to the working of the caucus system. It was my fortune to spend five or six years of my youth in the northern portion of the Union, where, unfortunately, the system has so long prevailed. Though young, I was old enough to take interest in public affairs, and to notice the working of this odious party machine; and after-reflection, with the experience then acquired, has long satisfied me that, in the course of time, the edicts of the caucus would eventually supersede the authority of law and Constitution. We have at last arrived at the commencement of this great change, which is destined to go on till it has consummated itself in the entire overthrow of all legal and constitutional authority, unless speedily and effectually resisted. The reason is obvious: for obedience and disobedience to the edicts of the caucus, where the system is firmly established, are more certainly and effectually rewarded and punished than to the laws and Constitution. Disobedience to the former is sure to be followed by complete political disfranchisement. It deprives the unfortunate individual who falls under its vengeance of all public honours and emoluments, and consigns him, if dependant on the government, to poverty and obscurity; while he who bows down before its mandates, it matters not how monstrous, secures to himself the honours of the state, becomes rich, and distinguished, and powerful. Offices, jobs, and contracts flow on him and his connexions. But to obey the law and respect the Constitution, for the most part, brings little except the approbation of conscience—a reward, indeed, high and noble, and prized by the virtuous above all others, but, unfortunately, little valued by the mass of mankind. It is easy to see what must be the end, unless, indeed, an effective remedy be applied. Are we so blind as not to see this—why it is that the advocates of this bill, the friends of the system, are so tenacious on the point that Michigan should be admitted on the authority of the Ann Arbour caucus, and on no other? Do we not see why the amendment proposed by myself, to admit her by rescinding the condition imposed at the last session, should be so strenuously opposed? Why even the preamble would not be surrendered, though many of our friends were willing to vote for the bill on that slight concession, in their anxiety to admit the state?

And here let me say that I listened with attention to the speech of the senator from Kentucky (Mr. Crittenden). I know the clearness of his understanding and the soundness of his heart, and I am persuaded, in declaring that his objection to the bill was confined to the preamble, that he has not investigated the subject with the attention it deserves. I feel the objections to the preamble are not without some weight; but the true and insuperable objections lie far deeper in the facts of the case, which would still exist were the preamble expunged. It is these which render it impossible to pass this bill without trampling under foot the rights of the states, and subverting the first principles of our government. It would require but a few steps more to effect a complete revolution, and the senator from North Carolina has taken the first. I will explain. If you wish to mark the first indications of a revolution, the commencement of those profound changes in the character of a people which are working beneath, before a ripple appears on the surface, look to the change of language: you will first notice it in the altered meaning of im-

portant words, and which, as it indicates a change in the feelings and principles of the people, become, in turn, a powerful instrument in accelerating the change, till an entire revolution is effected. The remarks of the senator will illustrate what I have said. He told us that the terms "convention of the people" were of very uncertain meaning and difficult to be defined; but that their true meaning was, *any meeting* of the people, in their individual and primary character, for political purposes. I know it is difficult to define complex terms, that is, to enumerate all the ideas that belong to them, and exclude all that do not; but there is always, in the most complex, some prominent idea which marks the meaning of the term, and in relation to which there is usually no disagreement. Thus, according to the old meaning (and which I had still supposed was its legal and constitutional meaning), a convention of the people invariably implied a meeting of the people, either by themselves, or by delegates expressly chosen for the purpose, in *their high sovereign authority*, in expressed contradistinction to such assemblies of individuals in their private character, or having only derivative authority. It is, in a word, a meeting of the people in the majesty of their power—in that in which they may rightfully make or abolish constitutions, and put up or put down governments at their pleasure. Such was the august conception which formerly entered the mind of every American when the terms "convention of the people" were used. But now, according to the ideas of the dominant party, as we are told on the authority of the senator from North Carolina, it means any meeting of individuals for political purposes, and, of course, applies to the meeting at Ann-Arbour, or any other party caucus for party purposes, which the leaders choose to designate as a convention of the people. It is thus the highest authority known to our laws and Constitution is gradually sinking to the level of those meetings which regulate the operation of political parties, and through which the edicts of their leaders are announced and their authority enforced; or, rather, to speak more correctly, the latter are gradually rising to the authority of the former. When they come to be completely confounded; when the distinction between a caucus and the convention of the people shall be completely obliterated, which the definition of the senator, and the acts of this body on this bill, would lead us to believe is not far distant, this fair political fabric of ours, erected by the wisdom and patriotism of our ancestors, and once the gaze and admiration of the world, will topple to the ground in ruins.

It has, perhaps, been too much my habit to look more to the future and less to the present than is wise; but such is the constitution of my mind, that, when I see before me the indications of causes calculated to effect important changes in our political condition, I am led irresistibly to trace them to their sources, and follow them out in their consequences. Language has been held in this discussion which is clearly revolutionary in its character and tendency, and which warns us of the approach of the period when the struggle will be between the *conservatives and the destructives*. I understood the senator from Pennsylvania (Mr. Buchanan) as holding language countenancing the principle that the will of a mere numerical majority is paramount to the authority of law and Constitution. He did not, indeed, announce distinctly this principle, but it might fairly be inferred from what he said; for he told us, the latter, where the Constitution gives the same weight to a smaller as to a greater number, might take the remedy into their own hand; meaning, as I understood him, that a mere majority might, at their pleasure, subvert the Constitution and government of a state, which he seemed to think was the essence of Democracy. Our little state has a Constitution that could not stand a day

against such doctrines, and yet we glory in it as the best in the Union. It is a Constitution which respects all the great interests of the state, giving to each a separate and distinct voice in the management of its political affairs, by means of which the feebler interests are protected against the preponderance of the greater. We call our state a republic, a commonwealth, not a democracy; and let me tell the senator it is a far more popular government than if it had been based on the simple principle of the numerical majority. It takes more voices to put the machine of government in motion than those that the senator would consider more popular. It represents all the interests of the state, and is, in fact, the government of the people, in the true sense of the term, and not of the mere majority, or the dominant interests.

I am not familiar with the Constitution of Maryland, to which the senator alluded, and cannot, therefore, speak of its structure with confidence; but I believe it to be somewhat similar in its character to our own. That it is a government not without its excellence, we need no better proof than the fact that, though within the shadow of executive influence, it has nobly and successfully resisted all the seductions by which a corrupt and artful administration, with almost boundless patronage, has tempted to seduce her into its ranks.

Looking, then, to the approaching struggle, I take my stand immovably. *I am a conservative in its broadest and fullest sense*, and such *I shall ever remain, unless, indeed, the government shall become so corrupt and disordered that nothing short of revolution can reform it.* I solemnly believe that our political system is, in its purity, not only the best that ever was formed, but the best possible that can be devised for us. It is the only one by which free states, so populous and wealthy, and occupying so vast an extent of territory, can preserve their liberty. Thus thinking, I cannot hope for a better. Having no hope of a better, I am a conservative; and, *because I am a conservative, I am a state rights man.* I believe that in the rights of the states are to be found the only effectual means of checking the overaction of this government; to resist its tendency to concentrate all power here, and to prevent a departure from the Constitution; or, in case of one, to restore the government to its original simplicity and purity. State interposition, or, to express it more fully, the right of a state to interpose her sovereign voice, as one of the parties to our constitutional compact, against the encroachments of this government, is the only means of sufficient potency to effect all this; and I am, therefore, its advocate. I rejoiced to hear the senators from North Carolina (Mr. Brown) and Pennsylvania (Mr. Buchanan) do us the justice to distinguish between nullification and the anarchical and revolutionary move ments in Maryland and Pennsylvania. I know they did not intend it as a compliment, but I regard it as the highest. They are right. Day and night are not more different—more unlike in everything. They are unlike in their principles, their objects, and their consequences.

I shall not stop to make good this assertion, as I might easily do. The occasion does not call for it. As a conservative and a state rights man, or, if you will have it, a nullifier, I have and shall resist all encroachments on the Constitution, whether it be the encroachment of this government on the states, or the opposite—the executive on Congress, or Congress on the executive. My creed is to hold both governments, and all the departments of each, to their proper sphere, and to maintain the authority of the laws and the Constitution against all revolutionary movements. I believe the means which our system furnishes to preserve itself are ample, if fairly understood and applied; and I shall resort to them, however corrupt and disordered the times, so long as there is hope of reforming

the government. The result is in the hands of the Disposer of events. It is my part to do my duty. Yet, while I thus openly avow myself a conservative, God forbid I should ever deny the glorious right of rebellion and revolution. Should corruption and oppression become intolerable, and cannot otherwise be thrown off—if liberty must perish, or the government be overthrown, I would not hesitate, at the hazard of life, to resort to revolution, and to tear down a corrupt government, that could neither be reformed nor borne by freemen; but I trust in God things will never come to that pass. I trust never to see such fearful times; for fearful, indeed, they would be, if they should ever befall us. It is the last remedy, and not to be thought of till common sense and the voice of mankind would justify the resort.

Before I resume my seat, I feel called on to make a few brief remarks on a doctrine of fearful import, which has been broached in the course of this debate—the right to repeal laws granting bank charters, and, of course, of railroads, turnpikes, and joint-stock companies. It is a doctrine of fearful import, and calculated to do infinite mischief. There are countless millions vested in such stocks, and it is a description of property of the most delicate character. To touch it is almost to destroy it. But, while I enter my protest against all such doctrines, I have been greatly alarmed with the thoughtless precipitancy (not to use a stronger phrase) with which the most extensive and dangerous privileges have been granted of late. It can end in no good, and, I fear, may be the cause of convulsions hereafter. We already feel the effects on the currency, which no one competent of judging but must see is in an unsound condition. I must say (for truth compels me) I have ever distrusted the banking system, at least in its present form, both in this country and Great Britain. It will not stand the test of time; but I trust that all shocks or sudden revolutions may be avoided, and that it may gradually give way before some sounder and better-regulated system of credit, which the growing intelligence of the age may devise. That a better may be substituted I cannot doubt; but of what it shall consist, and how it shall finally supersede the present uncertain and fluctuating currency, time alone can determine. All I can see is, that the present must, one day or another, come to an end, or be greatly modified, if that, indeed, can save it from an entire overthrow. It has within itself the seeds of its own destruction.

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## XVIII.

### SPEECH ON THE BILL AUTHORIZING AN ISSUE OF TREASURY NOTES, SEPTEMBER 19, 1837.

Mr. President: An extraordinary course of events, with which all are too familiar to need recital, has separated, in fact, the government and the banks. What relation shall they bear hereafter? Shall the banks again be used as fiscal agents of the government? Be the depositories of the public money? And, above all, shall their notes be considered and treated as money in the receipts and expenditures of the government? This is the great and leading question; one of the first magnitude, and full of consequences. I have given it my most anxious and deliberate attention, and have come to the conclusion that we have reached the period when the interests both of the government and the banks forbid a reunion. I now propose to offer my reasons for this conclusion. I shall do it with that perfect frankness due to the subject, to the country, and the position I occupy. All I ask is, that I may be heard with a

candour and fairness corresponding to the sincerity with which I shall deliver my sentiments.

Those who support a reunion of the banks and the government have to overcome a preliminary difficulty. They are now separated by operation of law, and cannot be united while the present state of things continues, without repealing the law which has disjoined them. I ask, Who is willing to propose its repeal? Is there any one who, during the suspension of specie payments, would advocate their employment as the fiscal agents of the government, who would make them the depositories of the public revenue, or who would receive and pay away their notes in the public dues? If there be none, then it results that the separation must continue for the present, and that the reunion must be the work of time, and depending on the contingency of the resumption of specie payments.

But suppose this difficulty to be removed, and that the banks were regularly redeeming their notes, from what party in this body can the proposition come, or by which can it be supported, for a reunion between them and the government? Who, after what has happened, can advocate the reunion of the government with the league of state banks? Can the opposition, who for years have been denouncing it as the most dangerous instrument of power, and efficient means of corrupting and controlling the government and country? Can they, after the exact fulfilment of all their predictions of disastrous consequences from the connexion, now turn round and support that which they have so long and loudly condemned? We have heard much from the opposite side of untried experiments on the currency. I concur in the justice of the censure. Nothing can be more delicate than the currency. Nothing can require to be more delicately handled. It ought never to be tampered with, nor touched, until it becomes absolutely necessary. But, if untried experiments justly deserve censure, what condemnation would a repetition of an experiment that has failed deserve? An experiment that has so signally failed, both in the opinion of supporters and opponents, as to call down the bitter denunciation of those who tried it. If to make the experiment was folly, the repetition would be madness. But if the opposition cannot support the measure, how can it be expected to receive support from the friends of the administration, in whose hands the experiment has so signally failed as to call down from them execrations deep and loud?

If, Mr. President, there be any one point fully established by experience and reason, I hold it to be the utter incompetency of the state banks to furnish, of themselves, a sound and stable currency. They may succeed in prosperous times, but the first adverse current necessarily throws them into utter confusion. Nor has any device been found to give them the requisite strength and stability but a great central and controlling bank, instituted under the authority of this government. I go farther: if we must continue our connexion with the banks —if we must receive and pay away their notes as money, we not only have the right to regulate, and give uniformity and stability to them, but we are bound to do so, and to use the most efficient means for that purpose. The Constitution makes it our duty to lay and collect the taxes and duties uniformly throughout the Union; to fulfil which, we are bound to give the highest possible equality of value throughout every part of the country, to whatever medium it may be collected in; and if that be bank-notes, to adopt the most effective means of accomplishing it, which experience has shown to be a Bank of the United States. This has been long my opinion. I entertained it in 1816, and repeated it, in my place here on the deposite question, in 1834. The only alternative, then, is, disguise it as you may, between a disconnexion and a Bank of the United States. This is the real issue to which all must come, and ought now to be openly and fairly met.

But there are difficulties in the way of a National Bank, no less formidable

than a reconnexion with the state banks. It is utterly impracticable, at present, to establish one. There is reason to believe that a majority of the people of the United States are deliberately and unalterably opposed to it. At all events, there is a numerous, respectable, and powerful party—I refer to the old State Rights party—who are, and ever have been, from the beginning of the government, opposed to the Bank, and whose opinions, thus long and firmly entertained, ought, at least, to be so much respected as to forbid the creation of one without an amendment of the Constitution. To this must be added the insuperable difficulty, that the executive branch of the government is openly opposed to it, and pledged to interpose his veto, on constitutional grounds, should a bill pass to incorporate one. For four years, at least, then, it will be impracticable to charter a bank. What must be done in the mean time? Shall the treasury be organized to perform the functions which have been recently discharged by the banks, or shall the state institutions be again employed until a bank can be created? In the one case, we shall have the so much vilified and denounced sub-treasury, as it is called; and in the other, difficulties insurmountable would grow up against the establishment of a bank. Let the state institutions be once reinstated and reunited to the government as their fiscal agents, and they will be found the first and most strenuous opponents of a National Bank, by which they would be overshadowed and curtailed in their profits. I hold it certain, that in prosperous times, when the state banks are in full operation, it is impossible to establish a National Bank. Its creation, then, should the reunion with the state banks take place, will be postponed until some disaster similar to the present shall again befall the country. But it requires little of the spirit of prophecy to see that such another disaster would be the death of the whole system. Already it has had two paralytic strokes—the third would prove fatal.

But suppose these difficulties were overcome, I would still be opposed to the incorporation of a bank. So far from affording the relief which many anticipate, it would be the most disastrous measure that could be adopted. As great as is the calamity under which the country is suffering, it is nothing to what would follow the creation of such an institution under existing circumstances. In order to compel the state institutions to pay specie, the Bank must have a capital as great, or nearly as great, in proportion to the existing institutions, as the late Bank had, when established, to those of that day. This would give it an immense capital, not much less than one hundred millions of dollars, of which a large proportion, say twenty millions, must be specie. From what source is it to be derived? From the state banks? It would empty their vaults, and leave them in the most helpless condition. From abroad, and England in particular? it would reproduce that revulsive current which has lately covered the country with desolation. The tide is still running to Europe, and if forced back by any artificial cause before the foreign debt is paid, cannot but be followed by the most disastrous consequences.

But suppose this difficulty overcome, and the Bank re-established, I ask, What would be the effects under such circumstances? Where would it find room for business, commensurate with its extended capital, without crushing the state institutions, enfeebled by the withdrawal of their means, in order to create the instrument of their oppression? A few of the more vigorous might survive, but the far greater portion, with their debtors, creditors, and stockholders, would be involved in common ruin. The Bank would, indeed, give a specie currency, not by enabling the existing institutions to resume, but by destroying them and taking their place.

Those who take a different view, and so fondly anticipate relief from a National Bank, are deceived by a supposed analogy between the present situation of the country and that of 1816, when the late Bank was chartered, after the war with Great Britain. I was an actor in that scene, and may be permitted

to speak in relation to it with some little authority. Between the two periods there is little or no analogy. They stand almost in contrast. In 1816, the government was a debtor to the banks; now it is a creditor: a difference of the greatest importance, as far as the present question is concerned. The banks had over-issued, it is true, but their over-issues were to the government, a solvent and able debtor, whose credit, held by the banks in the shape of stock, was at par. It was their excessive issues to the government on its stock which mainly caused the suspension; in proof of which, it is a remarkable fact, that the depreciation of bank paper, compared with gold and silver, was about equal to the proportion which the government stock held by the banks bore to their issues. It was this excess that hung on the market and depressed the value of their notes. The solution is easy. The banks took the government stock payable in twelve years, and issued their notes for the same, payable on demand, in violation of the plainest principles of banking. It followed, of course, that when their notes were presented for payment, they had nothing but government stock to meet them. But its stock was at par, and all the banks had to do was to go into market with the stock they held and take up their notes; and thus the excess which hung upon the market and depressed their value would have been withdrawn from circulation, and the residue would have risen to par, or nearly par, with gold and silver, when specie payments might be easily resumed. This they were unwilling to do. They were profiting every way: by drawing interest on the stock, by discounting on it as capital, and by its continued rise in the market. It became necessary to compel them to surrender these advantages. Two methods presented themselves: one a bankrupt law, and the other a National Bank. I was opposed to the former then, as I am now. I regarded it as a harsh, unconstitutional measure, opposed to the rights of the states. If they have not surrendered the rights to incorporate banks, its exercise cannot be controlled by the action of this government, which has no power but what is expressly granted, and no authority to control the states in the exercise of their reserved powers. It remained to resort to a National Bank as the means of compulsion. It proved effectual. Specie payments were restored; but even with this striking advantage, it was followed by great pressure in 1818, 1819, and 1820, as all who are old enough to remember that period must recollect. Such, in fact, must ever be the consequence of resumption, when forced, under the most favourable circumstances; and such, accordingly, it proved even in England, with all her resources, and with all the caution she used in restoring a specie circulation, after the long suspension of 1797. What, then, would be its effects in the present condition of the country, when the government is a creditor instead of a debtor; where there are so many newly-created banks without established credit; when the over-issues are so great; and when so large a portion of the debtors are not in a condition to be coerced? As great as is the tide of disaster which is passing over the land, it would be as nothing to what would follow, were a National Bank to be established as the means of coercing specie payments.

I am bound to speak without reserve on this important point. My opinion, then, is, that if it should be determined to compel the restoration of specie payments by the agency of banks, there is but one way—but to that I have insuperable objections—I mean the adoption of the Pennsylvania Bank of the United States as the fiscal agent of the government. It is already in operation, and sustained by great resources and powerful connexions, both at home and abroad. Through its agency specie payments might undoubtedly be restored, and that with far less disaster than through a newly-created bank, but not without severe pressure. I cannot, however, vote for such a measure; I cannot agree to give a preference and such advantages to a bank of one of the members of this confederacy, over that of others—a bank dependant upon the will of a state, and subject to its influence and control. I cannot consent to confer such favours

on the stockholders, many of whom, if rumour is to be trusted, are foreign capitalists, and without claim on the bounty of the government. But if all these, and many other objections, were overcome, there is still one which I cannot surmount.

There has been, as we all know, a conflict between one of the departments of the government and that institution, in which, in my opinion, the department was the assailant; but I cannot consent, after what has occurred, to give to the Bank a triumph over the government, for such its adoption as the fiscal agent of the government would necessarily be considered. It would degrade the government in the eyes of our citizens and of the world, and go far to make that Bank the government itself.

But if all these difficulties were overcome, there are others, to me, wholly insurmountable. I belong to the State Rights party, which at all times, from the beginning of the government to this day, has been opposed to such an institution, as unconstitutional, inexpedient, and dangerous. They have ever dreaded the union of the political and moneyed power, and the central action of the government to which it so strongly tends, and at all times have strenuously resisted their junction. Time and experience have confirmed the truth of their principles; and this, above all other periods, is the one at which it would be most dangerous to depart from them. Acting on them, I have never given my countenance or support to a National Bank but under a compulsion which I felt to be imperious, and never without an open declaration of my opinion as unfavourable to a bank.

In supporting the Bank of 1816, I openly declared that, as a question *de novo*, I would be decidedly against the Bank, and would be the last to give it my support. I also stated that, in supporting the Bank then, I yielded to the necessity of the case, growing out of the then existing and long-established connexion between the government and the banking system. I took the ground, even at that early period, that so long as the connexion existed—so long as the government received and paid away bank-notes as money—they were bound to regulate their value, and had no alternative but the establishment of a National Bank. I found the connexion in existence and established before my time, and over which I could have no control. I yielded to the necessity in order to correct the disordered state of the currency, which had fallen exclusively under the control of the states. I yielded to what I could not reverse, just as any member of the Senate now would, who might believe that Louisiana was unconstitutionally admitted into the Union, but who would, nevertheless, feel compelled to vote to extend the laws to that state, as one of its members, on the ground that its admission was an act, whether constitutional or unconstitutional, which he could not reverse.

In 1834 I acted in conformity to the same principle, in proposing the renewal of the Bank charter for a short period. My object, as expressly avowed, was to use the Bank to break the connexion between the government and the banking system *gradually*, in order to avert the catastrophe which has now befallen us, and which I then clearly perceived. But the connexion, which I believed to be irreversible in 1816, has now been broken by operation of law. It is now an open question. I feel myself free for the first time to choose my course on this important subject; and, in opposing a bank, I act in conformity to principles which I have entertained ever since I have fully investigated the subject.

But my opposition to a reunion with the banks is not confined to objections limited to a national or state banks. It goes beyond, and comprehends others of a more general nature relating to the currency, which to me are decisive. I am of the impression that the connexion has a most pernicious influence over bank currency; that it tends to disturb that stability and uniformity of value which is essential to a sound currency, and is among the leading causes of that tendency to expansion and contraction which experience has shown is incident

to bank-notes as a currency. They are, in my opinion, at best, without the requisite qualities to constitute a currency even when unconnected with the government, and are doubly disqualified by reason of that connexion, which subjects them to sudden expansions and contractions, and exposes them to fatal catastrophes, such as the present.

I will explain my views. A bank-note circulates not merely on account of the credit of the institutions by which it is issued, but because government receives it, like gold and silver, in payment of all its dues, and thus adds its own credit to that of the bank. It, in fact, virtually endorses on the note of every specie-paying bank "receivable by government in its dues." To understand how greatly this adds to the circulation of bank-notes, we must remember that government is the great money-dealer of the country, and the holder of immense public domains; and that it has the power of creating a demand against every citizen as high as it pleases, in the shape of a tax or duty, which can be discharged, as the law now is, only by bank-notes or gold and silver. This, of course, cannot but add greatly to the credit of bank-notes, and contribute much to their circulation, though it may be difficult to determine with any precision to what extent. It certainly is very great. For why is it that an individual of the first credit, whose responsibility is so indisputable that his friend, of equal credit, endorses his note for nothing, should put his with his friend's, being their joint credit, into a bank, and take out the notes of the bank, which is, in fact, but the credit of the bank itself, and pays six per cent. discount between the credit of himself and his friend and that of the bank? The known and established credit of the bank may be one reason, but there is another and powerful one. The government treats the credit of the bank as gold and silver in all its transactions, and does not treat the credit of individuals in the same manner. To test the truth, let us reverse the case, and suppose the government to treat the joint credit of the individuals as money, and not the credit of the bank, is it not obvious that, instead of borrowing from the bank and paying six per cent. discount, the bank would be glad to borrow from him on the same terms? From this we may perceive the powerful influence which bank circulation derives from the connexion with the credit of the government.

It follows, as a necessary consequence, that to the extent of this influence the issues of the banks expand and contract with the expansion and contraction of the fiscal action of the government; with the increase of its duties, taxes, income, and expenditure; with the deposites in its vaults acting as additional capital, and the amount of bank-notes withdrawn, in consequence, from circulation: all of which must directly affect the amount of their business and issues; and bank currency must, of course, partake of all those vibrations to which the fiscal action of the government is necessarily exposed, and, when great and sudden, must expose the system to catastrophes such as we now witness. In fact, a more suitable instance cannot be selected, to illustrate the truth of what I assert, than the present, as I shall proceed to show.

To understand the causes which have led to the present state of things, we must go back to the year 1824, when the tariff system triumphed in Congress: a system which imposed duties, not for the purpose of revenue, but to encourage the industry of one portion of the Union at the expense of the other. This was followed up by the act of 1828, which consummated the system. It raised the duties so extravagantly, that out of an annual importation of sixty-four millions, thirty-two passed into the treasury: that is, government took one half for the liberty of introducing the other. Countless millions were thus poured into the treasury beyond the wants of the government, which became, in time, the source of the most extravagant expenditures. This vast increase of receipts and expenditures was followed by a corresponding expansion of the business of the banks. They had to discount and issue freely to enable the merchants to pay their duty-bonds, as well as to meet the vastly increased expenditures of

the government. Another effect followed the act of 1828, which gave a still farther expansion to the action of the banks, and which is worthy of notice. It turned the exchange with England in favour of this country. That portion of the proceeds of our exports which, in consequence of the high duties, could no longer return with profit in the usual articles which we had been in the habit of receiving principally from that country in exchange for our exports, returned in gold and silver, in order to purchase similar articles at the North. This was the first cause which gave that western direction to the precious metals, the revulsive return of which has been followed by so many disasters. With the exchange in our favour, and, consequently, no demand for gold and silver abroad, and the vast demand for money attendant on an increase of the revenue, almost every restraint was removed on the discounts and issues of the banks, especially in the Northern section of the Union, where these causes principally operated. With their increase, wages and prices of every description rose in proportion, followed, of course, by an increasing demand on the banks for farther issues. This is the true cause of that expansion of the currency which began about the commencement of the late administration, but which was erroneously charged by it to the Bank of the United States. It rose out of the action of the government. The Bank, in increasing its business, acted in obedience to the condition of things at the time, and in conformity with the banks generally in the same section. It was at this juncture that the late administration came into power—a juncture remarkable in many respects, but more especially in relation to the question of the currency. Most of the causes which have since terminated in the complete prostration of the banks and the commercial prosperity of the country were in full activity.

Another cause, about that time (I do not remember the precise date), began to produce powerful effects: I refer to the last renewal of the charter of the Bank of England. It was renewed for ten years, and, among other provisions, contained one making the notes of that bank a legal tender in all cases except between the Bank and its creditors. The effect was to dispense still farther with the use of the precious metals in that great commercial country, which, of course, caused them to flow out in every direction through the various channels of its commerce. A large portion took their direction hitherward, and served still farther to increase the current which, from causes already enumerated, was already flowing so strongly in this direction, and which still farther increased the force of the returning current, on the turn of the tide.

The administration did not comprehend the difficulties and dangers which surrounded it. Instead of perceiving the true reason of the expansion of the currency, and adopting the measures necessary to arrest it, they attributed it to the Bank of the United States, and made it the cause or pretext for waging war on that institution. Among the first acts of hostility, the deposites were removed, and transferred to selected state banks; the effect of which, instead of resisting the tendency to expansion, was to throw off the only restraint that held the banking institutions of the country in check, and, of course, gave to the swelling tide, which was destined to desolate the country, a powerful impulse. Banks sprung up in every direction; discounts and issues increased almost without limitation; and an immense surplus revenue accumulated in the deposite banks, which, after the payment of the public debt, the most extravagant appropriations could not exhaust, and which acted as additional banking capital; the value of money daily depreciated; prices rose; and then commenced those unbounded speculations, particularly in public lands, which was transferred, by millions of acres, from the public to the speculators for worthless bank-notes, till at length the swelling flood was checked, and the revulsive current burst its barriers, and overspread and desolated the land.

The first check came from the Bank of England, which, alarmed at the loss of its precious metals, refused to discount American bills, in order to prevent a

farther decrease of its cash means, and cause a return of those which it had lost. Then followed the objectionable manner of carrying into execution the deposite act, which, instead of a remedial measure, as it might have been if it had been properly executed, was made the instrument of weakening the banks, especially in the great commercial metropolis of the Union, where so large a portion of the surplus revenue was accumulated. And, finally, the treasury order, which still farther weakened those banks, by withdrawing their cash means to be invested in public lands in the West.

It is often easy to prevent what cannot be remedied, which the present instance strongly illustrates. If the administration had formed a true conception of the danger in time, what has since happened might have then been averted. The near approach of the expiration of the charter of the United States Bank would have afforded ample means of staying the desolation, if it had been timely and properly used. I saw it then, and purposed to renew the charter for a limited period, with such modifications as would have effectually resisted the increasing expansion of the currency, and, at the same time, gradually and finally wear out the connexion between the Bank and the government. To use the expression I then used, "to unbank the banks," to let down the system easily, and so to effect the separation between the Bank and the government, as to avoid the possibility of that shock which I then saw was inevitable without some such remedy. The moment was eminently propitious. The precious metals were flowing in on us from every quarter; and the vigorous measures I purposed to adopt in the renewal of the charter would have effectually arrested the increase of banks, and checked the excess of their discounts and issues; so that the accumulating mass of gold and silver, instead of being converted into bank capital, and swelling the tide of paper circulation, would have been substituted in the place of bank-notes, as a permanent and wholesome addition to the currency of the country.

But neither the administration nor the opposition sustained me, and the precious opportunity passed unseized. I then clearly saw the coming calamity was inevitable, and it has neither arrived sooner, nor is it greater, than what I expected.

Such are the leading causes which have produced the present disordered state of the currency. There are others of a minor character, connected with the general condition of the commercial world, and the operation of the executive branch of the government, but which of themselves would have produced but little effect. To repeat the causes in a few words, the vast increase which the tariffs of 1824 and 1828 gave to the fiscal action of the government, combined with the causes I have enumerated, gave the first impulse to the expansion of the currency. That, in turn, gave that extraordinary impulse to over-trading and speculation (they were effects, and not causes) which has finally terminated in the present calamity It may thus be ultimately traced to the connexion between the banks and the government; and it is not a little remarkable, that the suspension of specie payments in 1816 in this country, and in 1797 in Great Britain, was produced by the same causes.

There is another reason against the union of the government and the banks, intimately connected with that under consideration, which I shall next proceed to state. It gives an advantage to one portion of citizens over another, that is neither fair, equal, nor consistent with the spirit of our institutions. That the connexion between the Bank and the government, the receiving and paying away their notes as cash, and the use of the public money from the time of the collection to the disbursement, is the source of immense profit to the banks, cannot be questioned. It is impossible, as I have said, to ascertain with any precision to what extent their issues and circulation depend upon it, but it certainly constitutes a large proportion. A single illustration may throw light upon this point. Suppose the government were to take up the veriest beggar in the

street, and enter into a contract with him, that nothing should be received in its dues or for the sales of its public lands in future, except gold and silver and his promissory notes, and that he should have the use of the public funds from the time of their collection until their disbursement. Can any one estimate the wealth which such a contract would confer? His notes would circulate far and wide over the whole extent of the Union, would be the medium through which the exchanges of the country would be performed, and his ample and extended credit would give him a control over all the banking institutions and moneyed transactions of the community. The possession of a hundred millions would not give a control more effectual. I ask, Would it be fair, would it be equal, would it be consistent with the spirit of our institutions, to confer such advantages on any individual? And if not on one, would it be if conferred on any number? And if not, why should it be conferred on any corporate body of individuals? How can they possibly be entitled to benefits so vast, which all must acknowledge could not be justly conferred on any number of unincorporated individuals?

I state not these views with any intention of bringing down odium on banking institutions. I have no unkind feeling towards them whatever. I do not hold them responsible for the present state of things. It has grown up gradually, without either the banks or the community perceiving the consequences which have followed the connexion between them. My object is to state facts as they exist, that the truth may be seen in time by all. This is an age of investigation. The public mind is broadly awake upon this all-important subject. It affects the interests and condition of the whole community, and will be investigated to the bottom. Nothing will be left unexplored; and it is for the interest of both the banks and of the community that the evils incident to the connexion should be fully understood in time, and the connexion be gradually terminated, before such convulsions shall follow as to sweep away the whole system, with its advantages as well as its disadvantages.

But it is not only between citizen and citizen that the connexion is unfair and unequal. It is as much so between one portion of the country and another. The connexion of the government with the banks, whether it be with a combination of state banks or with a national institution, will necessarily centralize the action of the system at the principal point of collection and disbursement, and at which the mother-bank, or the head of the league of state banks, must be located. From that point, the whole system, through the connexion with the government, will be enabled to control the exchanges both at home and abroad, and with it the commerce, foreign and domestic, including exports and imports. After what has been said, these points will require but little illustration. A single one will be sufficient; and I will take, as in the former instance, that of an individual.

Suppose, then, the government, at the commencement of its operation, had selected an individual merchant, at any one point in the Union, say New-York, and had connected itself with him, as it has with the banks, by giving him the use of the public funds from the time of their collection until their disbursement, and of receiving and paying away, in all its transactions, nothing but his promissory notes, except gold and silver; is it not manifest that a decisive control would be given to the port where he resided, over all the others; that his promissory notes would circulate everywhere, through all the ramifications of commerce; that they would regulate exchanges; that they would be the medium of paying duty-bonds; and that they would attract the imports and exports of the country to the ports where such extraordinary facilities were afforded? If such would clearly be the effects in the case supposed, it is equally clear that the concentration of the currency at the same point, through the connexion of the government with the banks, would have equal, if not greater effects; and that whether one general bank should be used as an agent, or a

league of banks, which should have their centre there. To other ports of the country, the trifling advantages which a branch or deposite bank would give in the safe keeping of the public revenue would be as nothing, compared to the losses caused to their commerce by centralizing the moneyed action of the country at a remote point. Other gentlemen can speak for their own section; I can speak with confidence of that which I have the honour in part to represent. The entire staple states, I feel a deep conviction, banks and all, would, in the end, be great gainers by the disseverance, whatever might be the temporary inconvenience. If there be any other section in which the effects would be different, it would be but to confirm the views which I have presented.

As connected with this, there is a point well deserving consideration. The union between bank and government is not only a main source of that dangerous expansion and contraction in the banking system which I have already illustrated, but is also one of the principal causes of that powerful and almost irresistible tendency to the increase of banks which even its friends see and deplore. I dwelt on this point on a former occasion (on Mr. Webster's motion to renew the Bank charter in 1833), and will not repeat what I then said. But in addition to the causes then enumerated, there are many others very powerful, and, among others, the one under consideration. They all may be summed up in one general cause. We have made banking too profitable—far, very far too profitable—and, I may add, influential. One of the most ample sources of this profit and influence may be traced, as I have shown, to the connexion with the government; and is, of course, among the prominent causes of the strong and incessant tendency of the system to increase, which even its friends see must finally overwhelm either the banks or the institutions of the country. With a view to check its growth, they have proposed to limit the number of banks and the amount of banking capital by an amendment of the Constitution; but it is obvious that the effects of such an amendment, if it were practicable, would but increase the profits and influence of bank capital; and that, finally, it would justly produce such indignation on the part of the rest of the community against such unequal advantages, that in the end, after a long and violent struggle, the overthrow of the entire system would follow. To obviate this difficulty, it has been proposed to add a limitation upon the amount of their business; the effects of which would be the accommodation of favourites, to the exclusion of the rest of the community, which would be no less fatal to the system. There can be, in fact, but one safe and consistent remedy—the rendering banking, as a business, less profitable and influential; and the first and decisive step towards this is a disseverance between the banks and the government. To this may be added some effectual limitation on the denomination of the notes to be issued, which would operate in a similar manner.

I pass over other important objections to the connexion—the corrupting influence and the spirit of speculation which it spreads far and wide over the land. Who has not seen and deplored the vast and corrupting influence brought to bear upon the legislatures to obtain charters, and the means necessary to participate in the profits of the institutions? This gives a control to the government which grants such favours of a most extensive and pernicious character, all of which must continue to spread and increase, if the connexion should continue, until the whole community must become one contaminated and corrupted mass.

There is another and a final reason, which I shall assign against the reunion with the banks. We have reached a new era with regard to these institutions. He who would judge of the future by the past, in reference to them, will be wholly mistaken. The year 1833 marks the commencement of this era. That extraordinary man who had the power of imprinting his own feelings on the community, then commenced his hostile attacks, which have left such effects behind, that the war then commenced against the banks, I clearly see, will not

terminate, unless there be a separation between them and the government; until one or the other triumphs; till the government becomes the bank, or the bank the government. In resisting their union, I act as the friend of both. I have, as I have said, no unkind feeling towards the banks. I am neither a bank man nor an anti-bank man. I have but little connexion with them. Many of my best friends, for whom I have the highest esteem, have a deep interest in their prosperity, and, as far as friendship or personal attachment extends, my inclination would be strongly in their favour. But I stand up here as the representative of no particular interest. I look to the whole, and to the future, as well as the present; and I shall steadily pursue that course which, under the most enlarged view, I believe to be my duty. In 1834 I saw the present crisis. I, in vain, raised a warning voice, and endeavoured to avert it. I now see, with equal certainty, one far more portentous. If this struggle is to go on; if the banks will insist upon a reunion with the government against the sense of a large and influential portion of the community; and, above all, if they should succeed in effecting it, a reflux flood will inevitably sweep away the whole system. A deep popular excitement is never without some reason, and ought ever to be treated with respect; and it is the part of wisdom to look timely into the cause, and correct it before the excitement shall become so great as to demolish the object, with all its good and evil, against which it is directed.

The only safe course for both government and banks is to remain, as they are, separated; each in the use of their own credit, and in the management of their own affairs. The less the control and influence of the one over the other the better. Confined to their legitimate sphere, that of affording temporary credit to commercial and business men, bank-notes would furnish a safe and convenient circulation in the range of commerce and business, within which the banks may be respectively situated, exempt almost entirely from those fluctuations and convulsions to which they are now so exposed; or, if they should occasionally be subject to them, the evil would be local and temporary, leaving undisturbed the action of the government and the general currency of the country, on the stability of which the prosperity and safety of the community so much depend.

I have now stated my objections to the reunion of the government and the banks. If they are well founded; if the state banks are of themselves incompetent agents; if a Bank of the United States be impracticable, or, if practicable, would at this time be the destruction of a large portion of the existing banks, and of renewed and severe pecuniary distress; if it would be against the settled conviction of an old and powerful party, whose opposition time cannot abate; if the union of government and banks adds to the unfitness of their notes for circulation, and be unjust and unequal between citizen and citizen, and one portion of the Union and another; and, finally, if it would excite an implacable and obstinate war, which could only terminate in the overthrow of the banking system or the institutions of the country—it then remains that the only alternative would be permanently to separate the two, and to reorganize the treasury so as to enable it to perform those duties which have heretofore been performed by the banks as its fiscal agents. This proposed reorganization has been called a sub-treasury; an unfortunate word, calculated to mislead and conjure up difficulties and danger that do not in reality exist. So far from an experiment, or some new device, it is only returning to the old mode of collecting and disbursing public money, which, for thousands of years, has been the practice of all enlightened people till within the last century.

In what manner it is intended to reorganize the treasury by the bill reported, I do not know. I have been too much engaged to read it; and I can only say that, for one, I shall assent to no arrangement which provides for a treasury bank, or that can be perverted into one. If there can be any scheme more fatal than a reunion with the banks at this time, it would be such a project. Nor will I give my assent to any arrangement which shall add the least unnecessary

patronage. I am the sworn foe to patronage, and have done as much and suffered as much in resisting it as any one. Too many years have passed over me to change, at this late day, my course or principles. But I will say, that it is impossible so to organize the treasury for the performance of its own functions as to give to the executive a tenth part of the patronage it will lose by the proposed separation, which, when the bill for the reorganization comes up, I may have an opportunity to show. I have ventured this assertion after much reflection, and with entire confidence in its correctness.

But something more must be done besides the reorganization of the treasury. Under the resolution of 1816, bank-notes would again be received in the dues of the government, if the Bank should resume specie payments. The legal, as well as the actual connexion, must be severed. But I am opposed to all harsh or precipitate measures. No great process can be effected without a shock but through the agency of time. I, accordingly, propose to allow time for the final separation; and with this view I have drawn up an amendment to this bill, which I shall offer at the proper time, to modify the resolution of 1816, by providing that after the 1st of January next, three fourths of all sums due to the government may be received in the notes of specie-paying banks; and that after the 1st of January next following, one half; and after the 1st of January next subsequent, one fourth; and after the 1st of January thereafter, nothing but the legal currency of the United States, or bills, notes, or paper issued under their authority, and which may by law be authorized to be received in their dues. If the time is not thought to be ample, I am perfectly disposed to extend it. The period is of little importance in my eyes, so that the object be effected.

In addition to this, it seems to me that some measure of a remedial character, connected with the currency, ought to be adopted to ease off the pressure while the process is going through. It is desirable that the government should make as few and small demands on the specie market as possible during the time, so as to throw no impediment in the way of the resumption of specie payments. With this view, I am of the impression that the sum necessary for the present wants of the treasury should be raised by a paper, which should, at the same time, have the requisite qualities to enable it to perform the functions of a paper circulation. Under this impression, I object to the interest to be allowed on the treasury notes, which this bill authorizes to be issued, on the very opposite ground that the senator from Massachusetts bestows his approbation. He approves of interest, because it would throw them out of circulation, into the hands of capitalists, as a convenient and safe investment; and I disapprove, because it will have that effect. I am disposed to ease off the process; he, I would suppose, is very little solicitous on that point.

But I go farther. I am of the impression, to make this great measure successful, and secure it against reaction, some stable and safe medium of circulation, to take the place of bank-notes in the fiscal operations of the government, ought to be issued. I intend to propose nothing. It would be impossible, with so great a weight of opposition, to pass any measure without the entire support of the administration; and if it were, it ought not to be attempted where so much must depend on the mode of execution. The best measure that could be devised might fail, and impose a heavy responsibility on its author, unless it met with the hearty approbation of those who are to execute it. I intend, then, merely to throw out suggestions, in order to excite the reflection of others on a subject so delicate and of so much importance, acting on the principle that it is the duty of all, in so great a juncture, to present their views without reserve.

It is, then, my impression that, in the present condition of the world, a paper currency, in some form, if not necessary, is almost indispensable in financial and commercial operations of civilized and extensive communities. In many respects it has a vast superiority over a metallic currency, especially in great and extended transactions, by its greater cheapness, lightness, and the facility

of determining the amount. The great desideratum is, to ascertain what description of paper has the requisite qualities of being free from fluctuation in value, and liability to abuse, in the greatest perfection. I have shown, I trust, that the bank-notes do not possess these requisites in a degree sufficiently high for this purpose. I go farther. It appears to me, after bestowing the best reflection I can give the subject, that no convertible paper, that is, no paper whose credit rests upon a *promise to pay*, is suitable for currency. It is the form of credit proper in private transactions between man and man, but not for a standard of value to perform exchanges generally, which constitutes the appropriate functions of money or currency. The measure of safety in the two cases are wholly different. A promissory note, or convertible paper, is considered safe so long as the drawer has ample means to meet his engagements, and, in passing from hand to hand, regard is had only to his ability and willingness to pay. Very different is the case in currency. The aggregate value of the currency of a country necessarily bears a small proportion to the aggregate value of its property. This proportion is not well ascertained, and is probably subject to considerable variation in different countries, and at different periods in the same country. It may be assumed conjecturally, in order to illustrate what I say, at one to thirty. Assuming this proportion to be correct, which probably is not very far from the truth, it follows, that in a sound condition of the country, where the currency is metallic, the aggregate value of the coin is not more than one in thirty of the aggregate value of the property. It also follows that an increase in the amount of the currency, by the addition of a paper circulation of no intrinsic value, but increases the nominal value of the aggregate property of the country in the same proportion that the increase bears to the whole amount of currency; so that, if the currency be doubled, the nominal value of the property will also be doubled. Hence it is, that when the paper currency of a country is in the shape of promissory notes, there is a constant tendency to excess. We look for their safety to the ability of the drawer; and so long as his means are ample to meet his engagements, there is no distrust, without reflecting that, considered as currency, it cannot safely exceed one in thirty in value compared to property; and the delusion is farther increased by the constant increase in value of property with the increase of the notes in circulation, so as to maintain the same relative proportion. It follows that a government may safely contract a debt many times the amount of its aggregate circulation; but if it were to attempt to put its promissory notes in circulation in amount equal to its debts, an explosion in the currency would be inevitable. And hence, with other causes, the constant tendency to an excessive issue of bank-notes in prosperous times, when so large a portion of the community are anxious to obtain accommodation, and who are disappointed when good negotiable paper is refused by the banks, not reflecting that it would not be safe to discount beyond the limits I have assigned for a safe circulation, however good the paper offered.

On what, then, ought a paper currency to rest? I would say on demand and supply simply, which regulates the value of everything else—the constant demand which the government has on the community for its necessary supplies. A medium resting on this demand, which simply obligates the government to receive it in all of its dues, to the exclusion of everything else except gold and silver, and which shall be optional with those who have demands on government to receive or not, would, it seems to me, be as stable in its value as those metals themselves, and be as little liable to abuse as the power of coining. It would contain within itself a self-regulating power. It could only be issued to those who had claims on the government, and to those only with their consent, and, of course, only at or above par with gold and silver, which would be its habitual state; for, as far as the government was concerned, it would be equal, in every respect, to gold and silver, and superior in many, particularly in regulating the distant exchanges of the country. Should, however, a demand for

gold and silver from abroad, or other accidental causes, depress it temporarily, as compared with the precious metals, it would then return to the treasury; and as it could not be paid out during such depression, its gradual diminution in the market would soon restore it to an equality, when it would again flow out into the general circulation. Thus there would be a constant alternate flux and reflux into and from the treasury, between it and the precious metals; but if at any time a permanent depression in its value be possible, from any cause, the only effect would be to operate as a reduction of taxes on the community, and the only sufferer would be the government itself. Against this, its own interest would be a sufficient guarantee.

Nothing but experience can determine what amount and of what denominations might be safely issued, but it may be safely assumed that the country would absorb an amount greatly exceeding its annual income. Much of its exchanges, which amount to a vast sum, as well as its banking business, would revolve about it, and many millions would thus be kept in circulation beyond the demands of the government. It may throw some light on this subject to state, that North Carolina, just after the Revolution, issued a large amount of paper, which was made receivable in dues to her. It was also made a legal tender, but which, of course, was not obligatory after the adoption of the Federal Constitution. A large amount, say between four and five hundred thousand dollars, remained in circulation after that period, and continued to circulate for more than twenty years at par with gold and silver during the whole time, with no other advantage than being received in the revenue of the state, which was much less than $100,000 per annum. I speak on the information of citizens of that state, on whom I can rely.

But whatever may be the amount that can be circulated, I hold it clear, that to that amount it would be as stable in value as gold and silver itself, provided the government be bound to receive it exclusively with those metals in all its dues, and that it be left perfectly optional with those who have claims on the government to receive it or not. It will also be a necessary condition, that notes of too small a denomination should not be issued, so that the treasury shall have ample means to meet all demands, either in gold or silver, or the bills of the government, at the option of those who have claims on it. With these conditions, no farther variation could take place between it and gold and silver than that which would be caused by the action of commerce. An unusual demand from abroad for the metals would, of course, raise them a little in their relative value, and depress, relatively, the government bills in the same proportion, which would cause them to flow into the treasury, and gold and silver to flow out; while, on the contrary, an increased demand for the bills in the domestic exchange would have the reverse effect, causing, as I have stated, an alternate flux and reflux into the treasury between the two, which would at all times keep their relative values either at or near par.

No one can doubt that the fact of the government receiving and paying away bank-notes, in all its fiscal transactions, is one of the principal sources of their great circulation; and it was mainly on that account that the notes of the late Bank of the United States so freely circulated over the Union. I would ask, then, Why should the government mingle its credit with that of private corporations? No one can doubt but that the government credit is better than that of any bank—more stable and more safe. Why, then, should it mix it up with the less perfect credit of those institutions? Why not use its own credit to the amount of its own transactions? Why should it not be safe in its own hands, while it shall be considered safe in the hands of 800 private institutions, scattered all over the country, and which have no other object but their own private profit, to increase which, they almost constantly extend their business to the most dangerous extremes? And why should the community be compelled to give six per cent. discount for the government credit blended with that of the banks, when the superior credit of the

government could be furnished separately, without discount, to the mutual advantage of the government and the community? Why, let me ask, should the government be exposed to such difficulties as the present, by mingling its credit with the banks, when it could be exempt from all such by using, by itself, its own safer credit? It is time the community, which has so deep an interest in a sound and cheap currency, and the equality of the laws between one portion of the citizens and the country and another, should reflect seriously on these things, not for the purpose of oppressing any interest, but to correct gradually disorders of a dangerous character, which have insensibly, in the long course of years, without being perceived by any one, crept into the state. The question is not between credit and no credit, as some would have us believe, but in what form credit can best perform the functions of a sound and safe currency. On this important point I have freely thrown out my ideas, leaving it to this body and the public to determine what they are worth. Believing that there might be a sound and safe paper currency founded on the credit of the government exclusively, I was desirous that those who are responsible, and have the power, should have availed themselves of the opportunity of the temporary deficit of the treasury, and the postponement of the fourth instalment, intended to be deposited with the states, to use them as the means of affording a circulation for the present relief of the country and the banks, during the process of separating them from the government; and, if experience should justify it, of furnishing a permanent and safe circulation, which would greatly facilitate the operations of the treasury, and afford, incidentally, much facility to the commercial operations of the country. But a different direction was given, and when the alternative was presented of a loan, or the withholding of the fourth instalment from the states, I did not hesitate to give a decided vote for withholding it. My aversion to a public debt is deep and durable. It is, in my opinion, pernicious, and is little short of a fraud on the public. I saw too much of it during the late war not to understand something of the nature and character of public loans. Never was a country more egregiously imposed on.

Having now presented my views of the course and the measures which the permanent policy of the country, looking to its liberty and lasting prosperity, requires, I come finally to the question of relief. I have placed this last, not that I am devoid of sympathy for the country in the pecuniary distress which now pervades it. No one struggled earlier or longer to prevent it than myself; nor can any one more sensibly feel the wide-spread blight which has suddenly blasted the hopes of so many, and precipitated thousands from affluence to poverty. The desolation has fallen mainly on the mercantile class—a class which I have ever held in the highest estimation. No country ever had a superior body of merchants, of higher honour, of more daring enterprise, or of greater skill and energy. The ruin of such a class is a heavy calamity, and I am solicitous, among other things, to give such stability to our currency as to prevent the recurrence of a similar calamity hereafter. But it was first necessary, in the order of things, that we should determine what sound policy, looking to the future, demands to be done at the present juncture, before we consider the question of relief; which, as urgent as it may be, is subordinate, and must yield to the former. The patient lies under a dangerous disease, with a burning thirst and other symptoms, which distress him more than the vital organs which are attacked. The skilful physician first makes himself master of the nature of the disease, and then determines on the treatment necessary for the restoration of health. This done, he next alleviates the distressing symptoms as far as is consistent with the restoration of health, and no farther. Such shall be my course. As far as I possibly can, consistently with the views I entertain, and what I believe to be necessary to restore the body politic to health, I will do everything in my power to mitigate the present distress. Farther I cannot go.

After the best reflection, I am of opinion that the government can do but lit-

tle in the way of relief; and that it is a case which must be mainly left to the constitution of the patient, who, thank God, is young, vigorous, and robust, with a constitution sufficient to sustain and overcome the severest attack. I dread the doctor and his drugs much more than the disease itself. The distress of the country consists in its indebtedness, and can only be relieved by payment of its debts. To effect this, industry, frugality, economy, and *time* are necessary. I rely more on the growing crop—on the cotton, rice, and tobacco of the South, than on all the projects or devices of politicians. I am utterly opposed to all coercion by this government. But government may do something to relieve the distress. It is out of debt, and is one of the principal creditors both of the banks and of the merchants, and should set an example of liberal indulgence. This I am willing to give freely. I am also prepared to vote freely the use of government credit in some safe form, to supply any deficit in the circulation, during the process of recovery, as far as its financial wants will permit. I see not what more can be safely done. But my vision may be obtuse upon this subject. Those who differ from me, and who profess so much sympathy for the public, seem to think that much relief may be afforded. I hope they will present their views. I am anxious to hear their prescriptions, and I assure them, that whatever they may propose, if it shall promise relief, and be not inconsistent with the course which I deem absolutely necessary for the restoration of the country to perfect health, shall cheerfully receive my support. They may be more keensighted than I am as to the best means of relief, but cannot have a stronger disposition to afford it.

We have, Mr. President, arrived at a remarkable era in our political history. The days of legislative and executive encroachments, of tariffs and surpluses, of bank and public debt, and extravagant expenditure, are past for the present. The government stands in a position disentangled from the past, and freer to choose its future course than it ever has been since its commencement. We are about to take a fresh start. I move off under the State Rights banner, and go in the direction in which I have been so long moving. I seize the opportunity thoroughly to reform the government; to bring it back to its original principles; to retrench and economize, and rigidly to enforce accountability. I shall oppose strenuously all attempts to originate a new debt; to create a National Bank; to reunite the political and money powers (more dangerous than Church and State) in any form or shape; to prevent the operation of the compromise, which is gradually removing the last vestige of the tariff system; and, mainly, I shall use my best efforts to give an ascendency to the great conservative principle of state sovereignty, over the dangerous and despotic doctrine of consolidation. I rejoice to think that the executive department of the government is now so reduced in power and means, that it can no longer rely on its influence and patronage to secure a majority. Henceforward it can have no hope of supporting itself but on wisdom, moderation, patriotism, and devoted attachment to the Constitution, which, I trust, will make it, in its own defence, an ally in effecting the reform which I deem indispensable to the salvation of the country and its institutions.

I look, sir, with pride to the wise and noble bearing of the little State Rights party, of which it is my pride to be a member, throughout the eventful period through which the country has passed since 1824. Experience already bears testimony to their patriotism, firmness, and sagacity, and history will do it justice. In that year, as I have stated, the tariff system triumphed in the councils of the nation. We saw its disastrous political bearings—foresaw its surpluses, and the extravagances to which it would lead—we rallied on the election of the late President to arrest it through the influence of the executive department of the government. In this we failed. We then fell back upon the rights and sovereignty of the states; and by the action of a small, but gallant state, and through the potency of its interposition, we brought the system to the ground,

sustained as it was by the opposition and the administration, and by the whole power and patronage of the government. The pernicious overflow of the treasury, of which it was the parent, could not be arrested at once. The surplus was seized on by the executive, and, by its control over the banks, became the fruitful source of executive influence and encroachment. Without hesitation, we joined our old opponents on the tariff question, but under our own flag, and without merging in their ranks, and made a gallant and successful war against the encroachments of the executive. That terminated, we part with our late allies in peace, and move forward, lag or onward who may, to secure the fruits of our long, but successful struggle, under the old Republican flag of '98, which, though tattered and torn, has never yet been lowered, and, with the blessing of God, never shall be with my consent.

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## XIX.

SPEECH ON HIS AMENDMENT TO SEPARATE THE GOVERNMENT FROM THE BANKS, OCTOBER 3, 1837.

Mr. PRESIDENT: In reviewing this discussion, I have been struck with the fact, that the argument on the opposite side has been limited, almost exclusively, to the questions of relief and the currency. These are, undoubtedly, important questions, and well deserving the deliberate consideration of the Senate; but there are other questions involved in this issue of a far more elevated character, which more imperiously demand our attention. The banks have ceased to be mere moneyed incorporations. They have become great political institutions, with vast influence over the welfare of the community; so much so, that a highly distinguished senator (Mr. Clay) has declared, in his place, that the question of the disunion of the government and the banks involved in its consequences the disunion of the states themselves. With this declaration sounding in our ears, it is time to look into the origin of a system which has already acquired such mighty influence; to inquire into the causes which have produced it, and whether they are still on the increase; in what they will terminate, if left to themselves; and, finally, whether the system is favourable to the permanency of our free institutions; to the industry and business of the country; and, above all, to the moral and intellectual development of the community. I feel the vast importance and magnitude of these topics, as well as their great delicacy. I shall touch them with extreme reluctance, and only because I believe them to belong to the occasion, and that it would be a dereliction of public duty to withhold any opinion, which I have deliberately formed, on the subject under discussion.

The rise and progress of the banking system is one of the most remarkable and curious phenomena of modern times. Its origin is modern and humble, and gave no indication of the extraordinary growth and influence which it was destined to attain. It dates back to 1609, the year that the Bank of Amsterdam was established. Other banking institutions preceded it; but they were insulated, and not immediately connected with the systems which have since sprung up, and which may be distinctly traced to that bank, which was a bank of deposite —a mere storehouse—established under the authority of that great commercial metropolis, for the purpose of safe-keeping the precious metals, and facilitating the vast system of exchanges which then centred there. The whole system was the most simple and beautiful that can be imagined. The depositor, on delivering his bullion or coin in store, received a credit, estimated at the standard value on the books of the bank, and a certificate of deposite for the amount, which was transferable from hand to hand, and entitled the holder to

withdraw the deposite on payment of a moderate fee for the expense and hazard of safe-keeping. These certificates became, in fact, the circulating medium of the community, performing, as it were, the hazard and drudgery, while the precious metals, which they, in truth, represented, guilder for guilder, lay quietly in store, without being exposed to the wear and tear, or losses incidental to actual use. It was thus a paper currency was created, having all the solidity, safety, and uniformity of a metallic, with the facility belonging to that of paper. The whole arrangement was admirable, and worthy of the strong sense and downright honesty of the people with whom it originated.

Out of this, which may be called the first era of the system, grew the bank of deposite, discount, and circulation—a great and mighty change, destined to effect a revolution in the condition of modern society. It is not difficult to explain how the one system should spring from the other, notwithstanding the striking dissimilarity in features and character between the offspring and the parent. A vast sum, not less than three millions sterling, accumulated and remained habitually in deposite in the Bank of Amsterdam, the place of the returned certificates being constantly supplied by new depositors. With so vast a standing deposite, it required but little reflection to perceive that a very large portion of it might be withdrawn, and that a sufficient amount would be still left to meet the returning certificates; or, what would be the same in effect, that an equal amount of fictitious certificates might be issued beyond the sum actually deposited. Either process, if interest be charged on the deposites withdrawn, or the fictitious certificates issued, would be a near approach to a bank of discount. This once seen, it required but little reflection to perceive that the same process would be equally applicable to a capital placed in bank as stock; and from that the transition was easy to issuing bank-notes payable on demand, on bills of exchange, or promissory notes, having but a short time to run. These, combined, constitute the elements of a bank of discount, deposite, and circulation.

Modern ingenuity and dishonesty would not have been long in perceiving and turning such advantages to account; but the faculties of the plain Belgian was either too blunt to perceive, or his honesty too stern to avail himself of them. To his honour, there is reason to believe, notwithstanding the temptation, the deposites were sacredly kept, and that for every certificate in circulation, there was a corresponding amount in bullion or coin in store. It was reserved for another people, either more ingenious or less scrupulous, to make the change.

The Bank of England was incorporated in 1694, eighty-five years after that of Amsterdam, and was the first bank of deposite, discount, and circulation. Its capital was £1,200,000, consisting wholly of government stock, bearing an interest of eight per cent. per annum. Its notes were received in the dues of the government, and the public revenue was deposited in the bank. It was authorized to circulate exchequer bills, and make loans to government. Let us pause for a moment, and contemplate this complex and potent machine, under its various character and functions.

As a bank of deposite, it was authorized to receive deposites, not simply for safe-keeping, to be returned when demanded by the depositor, but to be used and loaned out for the benefit of the institution, care being taken always to be provided with the means of returning an equal amount, when demanded. As a bank of discount and circulation, it issued its notes on the faith of its capital stock and deposites, or discounted bills of exchange and promissory notes backed by responsible endorsers, charging an interest something greater than was authorized by law to be charged on loans; and thus allowing it, for the use of its credit, a higher rate of compensation than what individuals were authorized to receive for the use and hazard of money or capital loaned out. It will, perhaps, place this point in a clear light, if we should consider the transaction in its true character, not as a loan, but as a mere exchange of credit. In discounting, the bank takes, in the shape of a promissory note, the credit of an indi-

vidual so good that another, equally responsible, endorses his note for nothing, and gives out its credit in the form of a bank-note. The transaction is obviously a mere exchange of credit. If the drawer and endorser break, the loss is the Bank's; but if the Bank breaks, the loss falls on the community; and yet this transaction, so dissimilar, is confounded with a loan, and the bank permitted to charge, on a mere exchange of credit, in which the hazard of the breaking of the drawer and endorser is incurred by the Bank, and that of the Bank by the community, a higher sum than the legal rate of interest on a loan; in which, besides the use of his capital, the hazard is all on the side of the lender.

Turning from these to the advantages which it derived from its connexion with the government, we shall find them not less striking. Among the first of these in importance is the fact of its notes being received in the dues of the government, by which the credit of the government was added to that of the Bank, which added so greatly to the increase of its circulation. These, again, when collected by the government, were placed in deposite in the Bank; thus giving to it not only the profit resulting from their abstraction from circulation, from the time of collection till disbursement, but also that from the use of the public deposites in the interval. To complete the picture, the Bank, in its capacity of lender to the government, in fact paid its own notes, which rested on the faith of the government stock, on which it was drawing eight per cent.; so that, in truth, it but loaned to the government its own credit.

Such were the extraordinary advantages conferred on this institution, and of which it had an exclusive monopoly; and these are the causes which gave such an extraordinary impulse to its growth and influence, that it increased in a little more than a hundred years—from 1694, when the second era of the system commenced, with the establishment of the Bank of England, to 1797, when it terminated—from £1,200,000 to nearly £11,000,000, and this mainly by the addition to its capital through loans to the government above the profits of its annual dividends. Before entering on the third era of the system, I pause to make a few reflections on the second.

I am struck, in casting my eyes over it, to find that, notwithstanding the great dissimilarity of features which the system had assumed in passing from a mere bank of deposite to that of deposite, discount, and circulation, the operation of the latter was confounded, throughout this long period, as it regards the effects on the currency, with the bank of deposite. Its notes were universally regarded as representing gold and silver, and as depending on that representation exclusively for their circulation; as much so as did the certificates of deposite in the original Bank of Amsterdam. No one supposed that they could retain their credit for a moment after they ceased to be convertible into the metals on demand; nor were they supposed to have the effect of increasing the aggregate amount of the currency; nor, of course, of increasing prices. In a word, they were in the public mind as completely identified with the metallic currency as if every note in circulation had laid up in the vaults of the Bank an equal amount, pound for pound, into which all its paper could be converted the moment it was presented.

All this was a great delusion. The issues of the Bank *never did represent, from the first*, the precious metals. Instead of *the representatives*, its notes were, in reality, the *substitute* for coin. Instead of being the mere drudges, performing all the out-door service, while the coins reposed at their ease in the vaults of the banks, free from wear and tear, and the hazard of loss or destruction, as did the certificates of deposite in the original Bank of Amsterdam, they substituted, degraded, and banished the coins. Every note circulated became the substitute of so much coin, and dispensed with it in circulation, and thereby depreciated the value of the precious metals, and increased their consumption in the same proportion; while it diminished in the same degree the supply, by

rendering mining less profitable. The system assumed gold and silver as the basis of its circulation; and yet, by the laws of its nature, just as it increased its circulation, in the same degree the foundation on which the system stood was weakened. The consumption of the metals increased, and the supply diminished. As the weight of the superstructure increased, just in the same proportion its foundation was undermined and weakened. Thus the germe of destruction was implanted in the system at its birth; has expanded with its growth, and must terminate, finally, in its dissolution, unless, indeed, it should, by some transition, entirely change its nature, and pass into some other and entirely different organic form. The conflict between bank circulation and metallic (though not perceived in the first stage of the system, when they were supposed to be indissolubly connected) is mortal; one or the other must perish in the struggle. Such is the decree of fate: it is irreversible.

Near the close of the second era, the system passed the Atlantic, and took root in our country, where it found the soil still more fertile, and the climate more congenial than even in the parent country. The Bank of North America was established in 1781, with a capital of $400,000, and bearing all the features of its prototype, the Bank of England. In the short space of a little more than half a century, the system has expanded from one bank to about eight hundred, including branches (no one knows the exact number, so rapid the increase), and from a capital of less than half a million to about $300,000,000, without, apparently, exhausting or diminishing its capacity to increase. So accelerated has been its growth with us, from causes which I explained on a former occasion,* that already it has approached a point much nearer the limits beyond which the system, in its present form, cannot advance, than in England.

During the year 1797, the Bank of England suspended specie payments: an event destined, by its consequences, to effect a revolution in public opinion in relation to the system, and to accelerate the period which must determine its fate. England was then engaged in that gigantic struggle which originated in the French Revolution, and her financial operations were on the most extended scale, followed by a corresponding increase in the action of the Bank, as her fiscal agent. It sunk under its over-action. Specie payments were suspended. Panic and dismay spread through the land—so deep and durable was the impression that the credit of the Bank depended exclusively on the punctuality of its payments.

In the midst of the alarm, an act of Parliament was passed making the notes of the Bank a legal tender; and, to the surprise of all, the institution proceeded on, apparently without any diminution of its credit. Its notes circulated freely as ever, and without any depreciation, for a time, compared with gold and silver; and continued so to do for upward of twenty years, with an average diminution of about one per cent. per annum. This shock did much to dispel the delusion that bank-notes represented gold and silver, and that they circulated in consequence of such representation, but without entirely obliterating the old impression which had taken such strong hold on the public mind. The credit of its notes during the suspension was generally attributed to the tender act, and the great and united resources of the Bank and the government.

But an event followed of the same kind, under circumstances entirely different, which did more than any preceding to shed light on the true nature of the system, and to unfold its vast capacity to sustain itself without exterior aid. We finally became involved in the mighty struggle that had so long desolated Europe and enriched our country. War was declared against Great Britain in 1812, and in the short space of one year our feeble banking system sunk under the increased fiscal action of government. I was then a member of the other house, and had taken my full share of responsibility in the measures which

* See Speech on Mr. Webster's motion to renew the charter of the United States Bank in 1834

had led to that result. I shall never forget the sensation which the suspension, and the certain anticipation of the prostration of the currency of the country, as a consequence, excited in my mind. We could resort to no tender act; we had no great central regulating power, like the Bank of England; and the credit and resources of the government were comparatively small. Under such circumstances, I looked forward to a sudden and great depreciation of bank-notes, and that they would fall speedily as low as the old continental money. Guess my surprise when I saw them sustain their credit, with scarcely any depreciation, for a time, from the shock. I distinctly recollect when I first asked myself the question, What was the cause? and which directed my inquiry into the extraordinary phenomenon. I soon saw that the system contained within itself a self-sustaining power; that there was between the banks and the community, mutually, the relation of debtor and creditor, there being at all times something more due to the banks from the community than from the latter to the former. I saw, in this reciprocal relation of debts and credits, that the demand of the banks on the community was greater than the amount of their notes in circulation could meet; and that, consequently, so long as their debtors were solvent, and bound to pay at short periods, their notes could not fail to be at or near a par with gold and silver. I also saw that, as their debtors were principally the merchants, they would take bank-notes to meet their bank debts, and that that which the merchant and the government, who are the great money-dealers, take, the rest of the community would also take. Seeing all this, I clearly perceived that self-sustaining principle which poised the system, self-balanced, like some celestial body, moving with scarcely a perceptible deviation from its path, from the concussion it had received.

Shortly after the termination of the war, specie payments were coerced with us by the establishment of a National Bank, and a few years afterward, in Great Britain, by an act of Parliament. In both countries the restoration was followed by wide-spread distress, as it always must be when effected by coercion; for the simple reason that banks cannot pay unless their debtors first pay, and that to coerce the banks compels them to coerce their debtors before they have the means to pay. Their failure must be the consequence; and this involves the failure of the banks themselves, carrying with it universal distress. Hence I am opposed to all kinds of coercion, and am in favour of leaving the disease to time, with the action of public sentiment and the states, to which the banks are alone responsible.

But to proceed with my narrative. Although specie payments were restored, and the system apparently placed where it was before the suspension, the great capacity it proved to possess of sustaining itself without specie payments, was not forgot by those who had its direction. The impression that it was indispensable to the circulation of bank-notes that they should represent the precious metals, was almost obliterated; and the latter *were regarded rather as restrictions on the free and profitable operation of the system than as the means of its security.* Hence a feeling of opposition to gold and silver gradually grew up on the part of the banks, which created an *esprit du corps*, followed by a moral resistance to specie payments, if I may so express myself, which in fact suspended, in a great degree, the conversion of their notes into the precious metals, long before the present suspension. With the growth of this feeling, banking business assumed a bolder character, and its profits were proportionably enlarged, and with it the tendency of the system to increase kept pace. The effect of this soon displayed itself in a striking manner, which was followed by very important consequences, which I shall next explain.

It so happened that the charters of the Bank of England and the late Bank of the United States expired about the same time. As the period approached, a feeling of hostility, growing out of the causes just explained, which had excited a strong desire in the community, who could not participate in the profits

of these two great monopolies, to throw off their restraint, began to disclose itself against both institutions. In Great Britain it terminated in breaking down the exclusive monopoly of the Bank of England, and narrowing greatly the specie basis of the system, by making the notes of the Bank of England a legal tender in all cases, except between it and its creditors. A sudden and vast increase of the system, with a great diminution of the metallic basis in proportion to banking transactions, followed, which has shocked and weakened the stability of the system there. With us the result was different. The Bank fell under the hostility. All restraint on the system was removed, and banks shot up in every direction almost instantly, under the growing impulse which I have explained, and which, with the causes I stated when I first addressed the Senate on this question, is the cause of the present catastrophe.

With it commences the fourth era of the system, which we have just entered —an era of struggle, and conflict, and changes. The system can advance no farther in our country, without great and radical changes. It has come to a stand. The conflict between metallic and bank currency, which I have shown to be inherent in the system, has, in the course of time, and with the progress of events, become so deadly that they must separate, and one or the other fall. The degradation of the value of the metals, and their almost entire expulsion from their appropriate sphere as the medium of exchange and the standard of value, have gone so far, under the necessary operation of the system, that they are no longer sufficient to form the basis of the widely-extended system of banking. From the first, the gravitation of the system has been *in one direction—to dispense with the use of the metals;* and hence the descent from a bank of deposite to one of discount; and hence, from being the representative, their notes have become the substitute for gold and silver; and hence, finally, its present tendency to a mere paper engine, totally separated from the metals. One law has steadily governed the system throughout—the enlargement of its profits and influence; and, as a consequence, as metallic currency became insufficient for circulation, it has become, in its progress, insufficient for the basis of banking operations; so much so, that, if specie payments were restored, it would be but nominal, and the system would in a few years, on the first adverse current, sink down again into its present helpless condition. Nothing can prevent it but great and radical changes, which would diminish its profits and influence, so as effectually to arrest that strong and deep current which has carried so much of the wealth and capital of the community in that direction. Without that, the system, as now constituted, must fall; unless, indeed, it can form an alliance with the government, and through it establish its authority by law, and make its credit, unconnected with gold and silver, the medium of circulation. If the alliance should take place, one of the first movements would be the establishment of a great central institution; or, if that should prove impracticable, a combination of a few selected and powerful state banks, which, sustained by the government, would crush or subject the weaker, to be followed by an amendment of the Constitution, or some other device, to limit their number and the amount of their capital hereafter. This done, the next step would be to confine and consolidate the supremacy of the system over the currency of the country, which would be in its hands exclusively, and, through it, over the industry, business, and politics of the country; all of which would be wielded to advance its profits and power.

The system having now arrived at this point, the great and solemn duty devolves on us to determine this day what relation this government shall hereafter bear to it. Shall we enter into an alliance with it, and become the sharers of its fortune and the instrument of its aggrandizement and supremacy? This is the momentous question on which we must now decide. Before we decide, it behooves us to inquire whether the system is favourable to the permanency of our free Republican institutions, to the industry and business of the country, and,

above all, to our moral and intellectual development, the great object for which we were placed here by the Author of our being.

Can it be doubted what must be the effects of a system whose operations have been shown to be so unequal on free institutions, whose foundation rests on an equality of rights? Can that favour equality which gives to one portion of the citizens and the country such decided advantages over the other, as I have shown it does in my opening remarks? Can that be favourable to liberty which concentrates the money power, and places it under the control of a few powerful and wealthy individuals? It is the remark of a profound statesman, that the revenue is the state; and, of course, those who control the revenue control the state; and those who can control the money power can the revenue, and through it the state, with the property and industry of the country, in all its ramifications. Let us pause for a moment, and reflect on the nature and extent of this tremendous power.

The currency of a country is to the community what the blood is to the human system. It constitutes a small part, but it circulates through every portion, and is indispensable to all the functions of life. The currency bears even a smaller proportion to the aggregate capital of the community than what the blood does to the solids in the human system. What that proportion is, has not been, and perhaps cannot be, accurately ascertained, as it is probably subject to considerable variations. It is, however, probably between twenty-five and thirty-five to one. I will assume it to be thirty to one. With this assumption, let us suppose a community whose aggregate capital is $31,000,000; its currency would be, by supposition, one million, and the residue of its capital thirty millions. This being assumed, if the currency be increased or decreased, the other portion of the capital remaining the same, according to the well-known laws of currency, property would rise or fall with the increase or decrease; that is, if the currency be increased to two millions, the aggregate value of property would rise to sixty millions; and, if the currency be reduced to $500,000, it would be reduced to fifteen millions. With this law so well established, place the money power in the hands of a single individual, or a combination of individuals, and they, by expanding or contracting the currency, may raise or sink prices at pleasure; and by purchasing when at the greatest depression, and selling at the greatest elevation, may command the whole property and industry of the community, and control its fiscal operations. The banking system concentrates and places this power in the hands of those who control it, and its force increases just in proportion as it dispenses with a metallic basis. Never was an engine invented better calculated to place the destiny of the many in the hands of the few, or less favourable to that equality and independence which lies at the bottom of our free institutions.

These views have a bearing not less decisive on the next inquiry—the effects of the system on the industry and wealth of the country. Whatever may have been its effects in this respect in its early stages, it is difficult to imagine anything more mischievous on all of the pursuits of life than the frequent and sudden expansions and contractions, to which it has now become so habitually subject that it may be considered its ordinary condition. None but those in the secret know what to do. All are pausing and looking out to ascertain whether an expansion or contraction is next to follow, and what will be its extent and duration; and if, perchance, an error be committed—if it expands when a contraction is expected, or the reverse—the most prudent may lose by the miscalculation the fruits of a life of toil and care. The consequence is, to discourage industry, and to convert the whole community into stock-jobbers and speculators. The evil is constantly on the increase, and must continue to increase just as the banking system becomes more diseased, till it shall become utterly intolerable.

But its most fatal effects originate in its bearing on the moral and intellectual development of the community. The great principle of demand and supply gov-

erns the moral and intellectual world no less than the business and commercial. If a community be so constituted as to cause a demand for high mental attainments, or if its honours and rewards are allotted to pursuits that require their development, by creating a demand for intelligence, knowledge, wisdom, justice, firmness, courage, patriotism, and the like, they are sure to be produced. But if, on the contrary, they be allotted to pursuits that require inferior qualities, the higher are sure to decay and perish. I object to the banking system, because it allots the honours and rewards of the community, in a very undue proportion, to a pursuit the least of all favourable to the development of the higher mental qualities, intellectual or moral, to the decay of the learned professions, and the more noble pursuits of sciene, literature, philosophy, and statesmanship, and the great and more useful pursuits of business and industry. With the vast increase of its profits and influence, it is gradually concentrating in itself most of the prizes of life—wealth, honour, and influence, to the great disparagement and degradation of all the liberal, and useful, and generous pursuits of society. The rising generation cannot but feel its deadening influence. The youths who crowd our colleges, and behold the road to honour and distinction terminating in a banking-house, will feel the spirit of emulation decay within them, and will no longer be pressed forward by generous ardour to mount up the rugged steep of science as the road to honour and distinction, when, perhaps, the highest point they could attain, in what was once the most honourable and influential of all the learned professions, would be the place of attorney to a bank.

Nearly four years since, on the question of the removal of the deposites, although I was opposed to the removal, and in favour of their restoration, because I believed it to be illegal, yet, foreseeing what was coming, and not wishing there should be any mistake as to my opinion on the banking system, I stated here in my place what that opinion was. I declared that I had long entertained doubts, if doubts they might be called, which were daily increasing, that the system made the worst possible distribution of the wealth of the community, and that it would ultimately be found hostile to the farther advancement of civilization and liberty. This declaration was not lightly made; and I have now unfolded the grounds on which it rested, and which subsequent events and reflection have matured into a settled conviction.

With all these consequences before us, shall we restore the broken connexion? Shall we again unite the government with the system? And what are the arguments opposed to these high and weighty objections? Instead of meeting them and denying their truth, or opposing others of equal weight, a rabble of objections (I can call them by no better name) are urged against the separation: one currency for the government, and another for the people; separation of the people from the government; taking care of the government, and not the people; and a whole fraternity of others of like character. When I first saw them advanced in the columns of a newspaper, I could not but smile, in thinking how admirably they were suited to an electioneering canvass. They have a certain plausibility about them, which makes them troublesome to an opponent simply because they are merely plausible, without containing one particle of reason. I little expected to meet them in discussion in this place; but since they have been gravely introduced here, respect for the place and company exacts a passing notice, to which, of themselves, they are not at all entitled.

I begin with that which is first pushed forward, and seems to be most relied on—one currency for the government and another for the people. Is it meant that the government must take in payment of its debts whatever the people take in payment of theirs? If so, it is a very broad proposition, and would lead to important consequences. The people now receive the notes of non-specie-paying banks. Is it meant that the government should also receive them? They receive in change all sorts of paper, issued by we know not whom. Must the government also receive them? They receive the notes of banks

issuing notes under five, ten, and twenty dollars. Is it intended that the government shall also permanently receive them? They receive bills of exchange. Shall government, too, receive them? If not, I ask the reason. Is it because they are not suitable for a sound, stable, and uniform currency? The reason is good; but what becomes of the principle, that the government ought to take whatever the people take? But I go farther. It is the duty of government to receive nothing in its dues that it has not the right to render uniform and stable in its value. We are, by the Constitution, made the guardian of the money of the country. For this the right of coining and regulating the value of coins was given, and we have no right whatever to receive or treat anything as money, or the equivalent of money, the value of which we have no right to regulate. If this principle be true, and it cannot be controverted, I ask, What right has Congress to receive and treat the notes of the state banks as money? If the states have the right to incorporate banks, what right has Congress to regulate them or their issues? Show me the power in the Constitution. If the right be admitted, what are its limitations, and how can the right of subjecting them to a bankrupt law in that case be denied? If one be admitted, the other follows as a consequence; and yet those who are most indignant against the proposition of subjecting the state banks to a bankrupt law, are the most clamorous to receive their notes, not seeing that the one power involves the other. I am equally opposed to both, as unconstitutional and inexpedient. We are next told, to separate from the banks is to separate from the people. The banks, then, are the people, and the people the banks—united, identified, and inseparable; and as the government belongs to the people, it follows, of course, according to this argument, it belongs also to the banks, and, of course, is bound to do their biddings. I feel on so grave a subject, and in so grave a body, an almost invincible repugnance in replying to such arguments; and I shall hasten over the only remaining one of the fraternity which I shall condescend to notice with all possible despatch. They have no right of admission here, and, if I were disposed to jest on so solemn an occasion, I should say they ought to be driven from this chamber, under the 47th rule.* The next of these formidable objections to the separation from the banks is, that the government, in so doing, takes care of itself, and not of the people. Why, I had supposed that the government belonged to the people; that it was created by them for their own use, to promote their interest, and secure their peace and liberty; that, in taking care of itself, it takes the most effectual care of the people; and in refusing all embarrassing, entangling, and dangerous alliances with corporations of any description, it was but obeying the great law of self-preservation. But enough; I cannot any longer waste words on such objections. I intend no disrespect to those who have urged them; yet these, and arguments like these, are mainly relied on to countervail the many and formidable objections, drawn from the highest considerations that can influence the action of governments or individuals, none of which have been refuted, and many not even denied.

The senator from Massachusetts (Mr. Webster) urged an argument of a very different character, but which, in my opinion, he entirely failed to establish. He asserted that the ground assumed on this side was an entire abandonment of a great constitutional function conferred by the Constitution on Congress. To establish this, he laid down the proposition, that Congress was bound to take care of the money of the country. Agreed; and with this view the Constitution confers on us the right of coining and regulating the value of coins, in order to supply the country with money of proper standard and value; and is it an abandonment of this right to take care, as this bill does, that it shall not be expelled from circulation, as far as the fiscal action of this government extends? But having taken this unquestionable position, the senator passed (by what

* It is the rule regulating the admission of persons in the lobby of the Senate.

means he did not condescend to explain) from taking care of the money of the country to the right of establishing a currency, and then to the right of establishing a bank currency, as I understood him. On both of these points I leave him in the hands of the senator from Pennsylvania (Mr. Buchanan), who, in an able and constitutional argument, completely demolished, in my judgment, the position assumed by the senator from Massachusetts. I rejoice to hear such an argument from such a quarter. The return of the great State of Pennsylvania to the doctrines of rigid construction and state rights sheds a ray of light on the thick darkness which has long surrounded us.

But we are told that there is not gold and silver enough to fill the channels of circulation, and that prices would fall. Be it so. What is that, compared to the dangers which menace on the opposite side? But are we so certain that there is not a sufficiency of the precious metals for the purpose of circulation? Look at France, with her abundant supply, with her channels of circulation full to overflowing with coins, and her flourishing industry. It is true that our supply is insufficient at present. How could it be otherwise? The banking system has degraded and expelled the metals—driven them to foreign lands—closed the mines, and converted their products into costly vases, and splendid utensils and ornaments, administering to the pride and luxury of the opulent, instead of being employed as the standard of value, and the instrument of making exchanges, as they were manifestly intended mainly to be by an all-wise Providence. Restore them to their proper functions, and they will return from their banishment; the mines will again be opened, and the gorgeous splendour of wealth will again reassume the more humble, but useful, form of coins.

But, Mr. President, I am not driven to such alternatives. I am not the enemy, but the friend of credit—not as the substitute, but the associate and the assistant of the metals. In that capacity, I hold credit to possess, in many respects, a vast superiority over the metals themselves. I object to it in the form which it has assumed in the banking system, for reasons that are neither light nor few, and that neither have nor can be answered. The question is not whether credit can be dispensed with, but what is its best possible form—the most stable, the least liable to abuse, and the most convenient and cheap. I threw out some ideas on this important subject in my opening remarks. I have heard nothing to change my opinion. I believe that government credit, in the form I suggested, combines all the requisite qualities of a credit circulation in the highest degree, and also that government ought not to use any other credit but its own in its financial operations. When the senator from Massachusetts made his attack on my suggestions, I was disappointed. I expected argument, and he gave us denunciation. It is often easy to denounce, when it is hard to refute; and when that senator gives denunciations instead of arguments, I conclude that it is because the one is at his command, and the other not.

We are told the form I suggested is but a repetition of the old Continental money—a ghost that is ever conjured up by all who wish to give the banks an exclusive monopoly of government credit. The assertion is not true: there is not the least analogy between them. The one was a promise to pay when there was no revenue, and the other a promise to receive in the dues of government when there is an abundant revenue.

We are also told that there is no instance of a government paper that did not depreciate. In reply, I affirm that there is none, assuming the form I propose, that ever did depreciate. Whenever a paper receivable in the dues of government had anything like a fair trial, it has succeeded. Instance the case of North Carolina, referred to in my opening remarks. The draughts of the treasury at this moment, with all their encumbrance, are nearly at par with gold and silver; and I might add the instance alluded to by the distinguished senator from Kentucky, in which he admits that, as soon as the excess of the issues of the Commonwealth Bank of Kentucky were reduced to the proper point, its

notes rose to par. The case of Russia might also be mentioned. In 1827, she had a fixed paper circulation, in the form of bank-notes, but which were inconvertible, of upward of $120,000,000, estimated in the metallic ruble, and which had for years remained without fluctuation, having nothing to sustain it but that it was received in the dues of the government, and that, too, with a revenue of only about $90,000,000 annually. I speak on the authority of a respectable traveller. Other instances, no doubt, might be added, but it needs no such support. How can a paper depreciate which the government is bound to receive in all its payments, and while those to whom payments are to be made are under no obligation to receive it? From its nature, it can only circulate when at par with gold and silver; and if it should depreciate, none could be injured but the government.

But my colleague objects that it would partake of the increase and decrease of the revenue, and would be subject to greater expansions and contractions than bank-notes themselves. He assumes that government would increase the amount with the increase of the revenue, which is not probable, for the aid of its credit would be then less needed; but if it did, what would be the effect? On the decrease of the revenue, its bills would be returned to the treasury, from which, for the want of demand, they could not be reissued; and the excess, instead of hanging on the circulation, as in the case of bank-notes, and exposing it to catastrophes like the present, would be gradually and silently withdrawn, without shock or injury to any one. It has another and striking advantage over bank circulation—in its superior cheapness, as well as greater stability and safety. Bank paper is cheap to those who make it, but dear, very dear, to those who use it—fully as much so as gold and silver. It is the little cost of its manufacture, and the dear rates at which it is furnished to the community, which give the great profit to those who have a monopoly of the article. Some idea may be formed of the extent of the profit by the splendid palaces which we see under the name of banking-houses, and the vast fortunes which have been accumulated in this branch of business; all of which must ultimately be derived from the productive powers of the community, and, of course, adds so much to the cost of production. On the other hand, the credit of government, while it would greatly facilitate its financial operations, would cost nothing, or next to nothing, both to it and the people, and, of course, would add nothing to the cost of production, which would give every branch of our industry, agriculture, commerce, and manufactures, as far as its circulation might extend, great advantages, both at home and abroad.

But there remains another and great advantage. In the event of war, it would open almost unbounded resources to carry it on, without the necessity of resorting to what I am almost disposed to call a fraud—public loans. I have already shown that the loans of the Bank of England to the government were very little more than loaning back to the government its own credit; and this is more or less true of all loans, where the banking system prevails. It was pre-eminently so in our late war. The circulation of the government credit, in the shape of bills receivable exclusively with gold and silver in its dues, and the sales of public lands, would dispense with the necessity of loans, by increasing its bills with the increase of taxes. The increase of taxes, and, of course, of revenue and expenditures, would be followed by an increased demand for government bills, while the latter would furnish the means of paying the taxes, without increasing, in the same degree, the pressure on the community. This, with a judicious system of funding, at a low rate of interest, would go far to exempt the government from the necessity of contracting public loans in the event of war.

I am not, Mr. President, ignorant, in making these suggestions (I wish them to be considered only in that light), to what violent opposition every measure of the kind must be exposed. Banks have been so long in the possession of gov-

rived in the course of the day, when, on my motion, it was laid on the table; and I had the gratification of receiving the thanks of many for defeating the bill, who, a short time before, were almost ready to cut my throat for my persevering opposition to the measure. An offer was then made to me to come to my terms, which I refused, declaring that I would rise in my demand, and would agree to no bill which should not be formed expressly with the view to the speedy restoration of specie payments. It was afterward postponed, on the conviction that it could not be so modified as to make it acceptable to a majority. This was my first lessons on banks. It has made a durable impression on my mind.

My colleague, in the course of his remarks, said he regarded this measure as a secret war waged against the banks. I am sure he could not intend to attribute such motives to me. I wage no war, secret or open, against the existing institutions. They have been created by the legislation of the states, and are alone responsible to the states. I hold them not answerable for the present state of things, which has been brought about under the silent operation of time, without attracting notice or disclosing its danger. Whatever legal or constitutional rights they possess under their charters ought to be respected; and, if attacked, I would defend them as resolutely as I now oppose the system. Against that I wage, not secret, but open and uncompromising hostilities, originating not in opinions recently or hastily formed. I have long seen the true character of the system, its tendency and destiny, and have looked forward for many years, as many of my friends know, to the crisis in the midst of which we now are. My ardent wish has been to effect a gradual change in the banking system, by which the crisis might be passed without a shock, if possible; but I have been resolved for many years, that should it arrive in my time, I would discharge my duty, however great the difficulty and danger. I have thus far faithfully performed it, according to the best of my abilities, and, with the blessing of God, shall persist, regardless of every obstacle, with equal fidelity, to the end.

He who does not see that the credit system is on the eve of a great revolution, has formed a very imperfect conception of the past and anticipation of the future. What changes it is destined to undergo, and what new form it will ultimately assume, are concealed in the womb of time, and not given us to foresee. But we may perceive in the present many of the elements of the existing system which must be expelled, and others which must enter it in its renewed form.

In looking at the elements at work, I hold it certain, that in the process there will be a total and final separation of the credit of government and that of individuals, which have been so long blended. The good of society, and the interests of both, imperiously demand it, and the growing intelligence of the age will enforce it. It is unfair, unjust, unequal, contrary to the spirit of free institutions, and corrupting in its consequences. How far the credit of government may be used in a separate form, with safety and convenience, remains to be seen. To the extent of its fiscal action, limited strictly to the function of the collection and disbursement of its revenue, and in the form I have suggested, I am of the impression it may be both safely and conveniently used, and with great incidental advantages to the whole community. Beyond that limit I see no safety, and much danger.

What form individual credit will assume after the separation, is still more uncertain, but I see clearly that the existing fetters that restrain it will be thrown off. The credit of an individual is his property, and belongs to him as much as his land and houses, to use it as he pleases, with the single restriction, which is imposed on all our rights, that it is not to be used so as to injure others. What limitations this restriction may prescribe, time and experience will show; but, whatever they may be, they ought to assume the character of general laws, obligatory on all alike, and open to all; and under the provisions

of which all may be at liberty to use their credit, jointly or separately, as freely as they now use their land and houses, without any preference by special acts, in any form or shape, to one over another. Everything like monopoly must ultimately disappear before the process which has begun will finally terminate.

I see, not less clearly, that, in the process, a separation will take place between the use of *capital* and the use of *credit*. They are wholly different, and, under the growing intelligence of the times, cannot much longer remain confounded in their present state of combination. They are as distinct as a loan and an endorsement; in fact, the one is but giving to another the use of our capital, and the other the use of our credit; and yet, so dissimilar are they, that we daily see the most prudent individuals lending their credit for nothing, in the form of endorsement or security, who would not loan the most inconsiderable sum without interest. But as dissimilar as they are, they are completely confounded in banking operations, which is one of the main sources of the profit, and the consequent dangerous flow of capital in that direction. A bank discount, instead of a loan, is very little more, as I have shown, than a mere *exchange of credit*—an exchange of the joint credit of the drawer and endorser of the note discounted for the credit of the bank in the shape of its own note. In the exchange, the bank ensures the parties to the note discounted, and the community, which is the loser if the bank fails, virtually ensures the bank; and yet, by confounding this exchange of credit with the use of capital, the bank is permitted to charge an interest for this exchange, rather greater than an individual is permitted to charge for a loan, to the great gain of the bank and loss to the community. I say loss, for the community can never enjoy the great and full benefit of the credit system, till loans and credit are considered as entirely distinct in their nature, and the compensation for the use of each be adjusted to their respective nature and character. Nothing would give a greater impulse to all the business of society. The superior cheapness of credit would add incalculably to the productive powers of the community, when the immense gains which are now made by confounding them shall come in aid of production.

Whatever other changes the credit system is destined to undergo, these are certainly some which it must; but when, and how the revolution will end—whether it is destined to be sudden and convulsive, or gradual and free from shock, time alone can disclose. *Much will depend on the decision of the present question, and the course which the advocates of the system will pursue.* If the separation takes place, and is acquiesced in by those interested in the system, the prospect will be, that it will gradually and quietly run down, without shock or convulsions, which is my sincere prayer; but if not—if the reverse shall be insisted on, and, above all, if it should be effected through a great political struggle (it can only so be effected), the revolution would be violent and convulsive. A great and thorough change must take place. It is wholly unavoidable. The public attention begins to be roused throughout the civilized world to this all-absorbing subject. There is nothing left to be controlled but the mode and manner, and it is *better for all* that it should be gradual and quiet than the reverse. All the rest is destiny.

I have now, Mr. President, said what I intended, without reserve or disguise. In taking the stand I have, I change no relation, personal or political, nor alter any opinion I have heretofore expressed or entertained. I desire nothing from the government or the people. My only ambition is to do my duty, and shall follow wherever that may lead, regardless alike of attachments or antipathies, personal or political. I know full well the responsibility I have assumed. I see clearly the magnitude and the hazard of the crisis, and the danger of confiding the execution of measures in which I take so deep a responsibility, to those in whom I have no reason to have any special confidence. But all this deters me not, when I believe that the permanent interest of the country is involved. My course is fixed. I go forward. If the administration recommend what I ap-

prove on this great question, I will cheerfully give my support; if not, I shall oppose; but, in opposing, I shall feel bound to suggest what I believe to be the proper measure, and which I shall be ready to back, be the responsibility what it may, looking only to the country, and not stopping to estimate whether the benefit shall inure either to the administration or the opposition.

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## XX.

### SPEECH ON THE SUB-TREASURY BILL, FEBRUARY 15, 1838.

I REGARD this measure, which has been so much denounced, as very little more than an attempt to carry out the provisions of the joint resolution of 1816, and the deposite act of 1836. The former provides that no notes but those of specie-paying banks shall be received in the dues of the government, and the latter that such banks only shall be the depositories of the public revenues and fiscal agents of the government; but it omitted to make provisions for the contingency of a general suspension of specie payments, such as is the present. It followed, accordingly, on the suspension in May last, which totally separated the government and the banks, that the revenue was thrown in the hands of the executive, where it has since remained under its exclusive control, without any legal provision for its safe-keeping. The object of this bill is to supply this omission; to take the public money out of the hands of the executive and place it under the custody of the laws, and to prevent the renewal of a connexion which has proved so unfortunate to both the government and the banks. But it is this measure, originating in an exigency caused by our own acts, and that seeks to make the most of a change effected by operation of law, instead of attempting to innovate, or to make another experiment, as has been erroneously represented, which has been denounced under the name of the sub-treasury with such unexampled bitterness.

In lieu of this bill, an amendment has been offered, as a substitute, by the senator from Virginia farthest from the chair (Mr. Rives), which, he informs us, is the first choice of himself and those who agree with him, and the second choice of those with whom he is allied on this question. If I may judge from appearances, which can hardly deceive, he might have said their first choice under existing circumstances; and have added, that, despairing of a National Bank, the object of their preference, they have adopted his substitute, as the only practical alternative at present. We have, then, the question thus narrowed down to this bill and the proposed substitute: it is agreed on all sides, that one or the other must be selected, and that to adopt or reject the one is to reject or adopt the other. The single question, then, is, Which shall we choose? A deeply momentous question, which we are now called on to decide in behalf of the states of this Union; and on our decision their future destiny must in a great degree depend, so long as their Union endures.

In comparing the relative merits of the two measures, preparatory to a decision, I shall touch very briefly on the principles and details of the bill. The former is well understood by the Senate and the country at large, and the latter has been so ably and lucidly explained by the chairman of the committee in his opening speech, as to supersede the necessity of farther remarks on them at this stage of the discussion. I propose, then, to limit myself to a mere general summary, accompanied by a few brief observations.

The object of the bill, as I have already stated, is to take the public funds out of the hands of the executive, where they have been thrown by operation of our acts, and to place them under the custody of law; and to provide for a gradual and slow, but a perpetual separation between the government and the banks.

It proposes to extend the process of separating to the year 1845, receiving during the first year of the series the notes of such banks as may pay specie, and reducing thereafter the amount receivable in notes one sixth annually, till the separation shall be finally consummated at the period mentioned.

The provisions of the bill are the most simple and effectual that an able committee could devise. Four principal receivers, a few clerks, and a sufficient number of agents to examine the state of the public funds, in order to see that all is right, at an annual charge not exceeding forty or fifty thousand dollars at most, constitute the additional officers and expenditures required to perform all the functions heretofore discharged by the banks, as depositories of the public money and fiscal agents of the treasury. This simple apparatus will place the public treasury on an independent footing, and give to the government, at all times, a certain command of its funds to meet its engagements, and preserve its honour and faith inviolate. If it be desirable to separate from the banks, the government must have some independent agency of its own to keep and disburse the public revenue; and if it must have such an agency, none, in my opinion, can be devised more simple, more economical, more effectual and safe than that provided by this bill. It is the necessary result of the separation, and to reject it, without proposing a better (if, indeed, a better can be), is to reject the separation itself.

I turn, now, to the substitute. Its object is directly the reverse of that of the bill. It proposes to revive the league of state banks, and to renew our connexion with them, and which all acknowledge has contributed so much to corrupt the community, and to create a spirit for speculation heretofore unexampled in our history.

The senator, in offering it, whether wisely or not, has at least acted consistently. He was its advocate at first in 1834, when the alternative was between it and the recharter of the late Bank of the United States. He then defended it zealously and manfully against the fierce assaults of his present allies, as he now defends it, when those who then sustained him have abandoned the measure. Whether wisely or not, there is something heroic in his adherence, and I commend him for it; but I fear I cannot say as much for his wisdom and discretion. He acknowledged, with all others, the disasters that have followed the first experiment, but attributes the failure to inauspicious circumstances, and insists that the measure has not had a fair trial. I grant that a second experiment may succeed after the first has failed; but the senator must concede, in return, that every failure must necessarily weaken confidence, both in the experiment and the experimenter. He cannot be more confident in making this second trial than he was in the first; and, if I doubted the success then, and preferred the sub-treasury to his league of banks, he must excuse me for still adhering to my opinion, and doubting the success of his second trial. Nor ought he to be surprised that those who joined him in the first should be rather shy of trying the experiment again, after having been blown into the air, and burned and scalded by the explosion. But, if the senator has been unfortunate in failing to secure the co-operation of those who aided him in the first trial, he has been compensated by securing the support of those who were then opposed to him. They are now his zealous supporters. In contrasting their course then and now, I intend nothing personal. I make no charge of inconsistency, nor do I intend to imply it. My object is truth, and not to wound the feelings of any one or any party. I know that to make out a charge of inconsistency, not only the question, but all the material circumstances must be the same. A change in either may make a change of vote necessary; and, with a material variation in circumstances, we are often compelled to vary our course, in order to preserve our principles. In this case, I conceive that circumstances, as far as the present allies of the senator are concerned, have materially changed. Then the option was between a recharter of the late Bank and a league of state banks;

but now the former is out of the question, and the option is between such a league and a total separation from the banks. This being the alternative, they may well take that which they rejected in 1834, without subjecting themselves to the charge of inconsistency, or justly exposing themselves to the imputation of change of principle or opinion. I acquit them, then, of all such charges. They, doubtless, think now as they formerly did of the measure which they denounced and rejected, but which a change of circumstances now compels them to support. But in thus acquitting them of the charge of inconsistency, they must excuse me if I should avail myself of the fact, that their opinion remains unchanged, as an argument in favour of the bill, against the substitute. The choice is between them. They are in the opposite scales. To take from the one is, in effect, to add to the other; and any objection against the one is an argument equally strong in favour of the other. I, then, do avail myself of their many powerful objections in 1834 against the measure, which this substitute proposes now to revive. I call to my aid and press into my service every denunciation they then uttered, and every argument they then so successfully urged against it. They—no, we (for I was then, as now, irreconcilably opposed to the measure) charged against it, and proved what we charged, that it placed the purse and the sword in the same hands; that it would be the source of boundless patronage and corruption, and fatal, in its consequences, to the currency of the country; and I now avail myself of these, and all other objections then urged by us, in as full force against this substitute, as if you were again to rise in your places and repeat them now; and, of course, as so many arguments, in effect, in favour of the bill; and on their strength I claim your vote in its favour, unless, indeed, still stronger objections can be urged against it. I say stronger, because time has proved the truth of all that was then said against the measure now proposed to be revived by this substitute. What was then prediction is now fact. But whatever objections have been, or may be urged against the bill, however strong they may appear in argument, remain yet to be tested by the unerring test of time and experience. Whether they shall ever be realized, must be admitted, even by those who may have the greatest confidence in them, to be at least uncertain; and it is the part of wisdom and prudence, where objections are equally strong against two measures, to prefer that which is yet untried to that which has been tried and failed. Against this conclusion there is but one escape.

It may be said that we are sometimes compelled, in the midst of the many extraordinary circumstances in which we may be placed, to prefer that which is of itself the more objectionable to that which is less so; because the former may more probably lead, in the end, to some desired result than the latter. To apply the principle to this case. It may be said that the substitute, though of itself objectionable, is to be preferred, because it would more probably lead to the establishment of a National Bank than the bill, which you believe to be the only certain remedy for all the disorders that affect the currency. I admit the position to be sound in principle, but it is one exceedingly bold and full of danger in practice, and ought never to be acted on but in extreme cases, and where there is a rational prospect of accomplishing the object ultimately aimed at. The application in this case, I must think, would be rashness itself. It may be safely assumed, that the success of either, whichever may be adopted, the bill or the substitute, would be fatal to the establishment of a National Bank. It can never put down a successful measure to take its place; and, of course, that which is most likely to fail, and replunge the country into all the disasters of a disordered currency, is that which would most probably lead to the restoration of a National Bank; and to prefer the substitute on that account is, in fact, to prefer it because it is the worst of the two. But are you certain that another explosion would be followed by a bank? We have already had two; and it is far more probable that the third would impress, universally and indelibly, on the

public mind, that there was something radically and incurably wrong in the system which would blow up the whole concern, National Bank and all.

If I may be permitted to express an opinion, I would say you have pursued a course on this subject unfortunate both for yourselves and country. You are opposed both to the league of banks and the sub-treasury. You prefer a National Bank, and regard it as the only safe and certain regulator of the currency, but consider it, for the present, out of the question, and are therefore compelled to choose between the other two. By supporting the substitute, you will be held responsible for all the mischief and disasters that may follow the revival of the pet-bank system, as it has been called, with the almost certain defeat of your first and cherished choice; and those you oppose will reap all the benefits of the power, patronage, and influence which it may place in their hands, without incurring any portion of the responsibility. But that is not all. The success of the substitute would be the defeat of the bill, which would, in like manner, place on you the responsibility of its defeat, and give those you oppose all the advantage of having supported it, without any of the responsibility that would have belonged to it had it been adopted. Had a different course been taken —had you joined in aiding to extend the custody of the laws over the public revenue in the hands of the executive, where your own acts have placed it, and for which you, of course, are responsible, throwing, at the same time, on those to whom you attribute the present disordered state of the currency the burden of the responsibility—you would have stood ready to profit by events. If the sub-treasury, contrary to your anticipation, succeeded, as patriots, you would have cause to rejoice in the unexpected good. If it failed, you would have the credit of having anticipated the result, and might then, after a double triumph of sagacity and foresight, have brought forward your favourite measure, with a fair prospect of success, when every other had failed. By not taking this course, you have lost the only prospect of establishing a National Bank.

Nor has your course, in my opinion, been fortunate for the country. Had it been different, the currency question would have been decided at the called session; and had it been decided then, the country would this day have been in a much better condition: at least the manufacturing and commercial section to the North, where the derangement of the currency is felt the most severely. The South is comparatively in an easy condition.

Such are the difficulties that stand in the way of the substitute at the very threshold. Those beyond are vastly greater, as I shall now proceed to show. Its object, as I have stated, is to revive the league of state banks; and the first question presented for consideration is, How is this to be done—how is the league to be formed? how stimulated into life when formed? and what, after it has been revived, would be the true character of the league or combination? To answer these questions we must turn to its provisions.

It provides that the Secretary of the Treasury shall select twenty-five specie-paying banks as the fiscal agents of the government, all to be respectable and substantial, and that the selection shall be confirmed by the joint vote of the two houses. It also provides that the shall be made the depositories of the public money, and that their notes shall be receivable in the dues of the government; and that, in turn, for these advantages, they shall stipulate to perform certain duties, and comply with various conditions, the object of which is to give the Secretary of the Treasury full knowledge of their condition and business, with the view to supervise and control their acts, as far as the interest of the government is concerned. In addition to these, it contains other and important provisions, which I shall not enumerate, because they do not fall within the scope of the objections that I propose to urge against the measure.

Now, I ask, What does all this amount to? What but a proposal, on the part of the government, to enter into a contract or bargain with certain selected state banks, on the terms and conditions contained? Have we the right to make such

a bargain? is the first question; and to that I give a decided negative, which I hope to place on constitutional grounds that cannot be shaken. I intend to discuss it, with other questions growing out of the connexion of the government with the banks, as a new question, for the first time presented for consideration and decision. Strange as it may seem, the questions growing out of it, as long as it has existed, have never yet been presented nor investigated in reference to their constitutionality. How this has happened, I shall now proceed to explain, preparatory to the examination of the question which I have proposed.

The union of the government and the banks was never legally solemnized. It originated shortly after the government went into operation, not in any legal enactment, but in a short order of the treasury department of not much more than half a dozen of lines, as if it were a mere matter of course. We thus glided imperceptibly into a connexion, which was never recognised by law till 1816 (if my memory serves), but which has produced more important after-consequences, and has had a greater control over the destiny of this country, than any one of the mighty questions which have so often and deeply agitated the country. To it may be traced, as their seminal principle, the vast and extraordinary expansion of our banking system, our excessive import duties, unconstitutional and profuse disbursements, the protective tariff, and its associated system for spending what it threw into the treasury, followed in time by a vast surplus, which the utmost extravagance of the government could not dissipate, and, finally, by a sort of retributive justice, the explosion of the entire banking system, and the present prostrated condition of the currency, now the subject of our deliberation.

How a measure fraught with such important consequences should at first, and for so long a time, escape the attention and the investigation of the public, deserves a passing notice. It is to be explained by the false conception of the entire subject of banking which, at that early period, universally prevailed in the community. So erroneous was it, that a bank-note was then identified in the mind of the public with gold and silver, and a deposite in bank was regarded as under the most safe and sacred custody that could be devised. The original impression, derived from the Bank of Amsterdam, where every note or certificate in circulation was honestly represented by an equal and specific quantity of gold or silver in bank, and where every deposite was kept as a sacred trust, to be safely returned to the depositor when demanded, was extended to banks of discount, down to the time of the formation of our government, with but slight modifications. With this impression, it is not at all extraordinary that the deposite of the revenue in banks for safe keeping, and the receipt of their notes in the public dues, should be considered a matter of course, requiring no higher authority than a treasury order; and hence a connexion, with all the important questions belonging to it, and now considered of vast magnitude, received so little notice till public attention was directed to it by its recent rupture. This total separation from the system in which we now find ourselves placed for the first time, authorizes and demands that we shall investigate freely and fully, not only the consequences of the connexion, but all the questions growing out of it, more especially those of a constitutional character; and I shall, in obedience to this demand, return to the question from which this digression has carried me.

Have we, then, the right to make the bargain proposed? Have we the right to bestow the high privileges, I might say prerogatives, on them of being made the depositories of the public revenue, and of having their notes received and treated as gold and silver in the dues of the government, and in all its fiscal transactions? Have we the right to do all this in order to bestow confidence in the banks, with the view to enable them to resume specie payments? What is the state of the case? The banks are deeply indebted to the country, and are unable to pay; and we are asked to give them these advantages in order to enable them to pay their debts. Can we grant the

boon? In answering this important question, I begin with the fact that our government is one of limited powers. It can exercise no right but what is specifically granted, nor pass any law but what is necessary and proper to carry such power into effect. This small pamphlet (holding it up) contains the Constitution. Its grants of power are few and plain, and I ask gentlemen to turn to it and point out the power that authorizes us to do what is proposed to be done, or to show that the passage of this substitute is necessary to carry any of the granted powers into effect. If neither can be shown, what is proposed cannot be constitutionally done; and till it is specifically pointed out, I am warranted in believing that it cannot be shown.

Our reason is often confounded by a mere name. An act, in the minds of many, may become of doubtful constitutional authority when applied to a bank, which none would for a moment hesitate to pronounce grossly unconstitutional when applied to an individual. To free ourselves from this illusion, I ask, Could this government constitutionally bestow on individuals, or a private association, the advantages proposed to be bestowed on the selected banks, in order to enable them to pay their debts? Is there one who hears me, who would venture to say yes, even in the case of the most extensive merchant or mercantile concern, such as some of those in New-York or New-Orleans, at the late suspension, whose embarrassments involved entire sections in distress? But, if not, on what principle can a discrimination be made in favour of the banks? They are local institutions, created by the states for local purposes, composed, like private associations, of individual citizens, on whom the acts of the state cannot confer a particle of constitutional right under this Constitution that does not belong to the humblest citizen. So far from it, if there be a distinction, it is against the banks. They are removed farther from the control of this government than the individual citizens, who, by the Constitution, are expressly subject to the direct action of this government in many instances, while the state banks, as constituting a portion of the domestic institutions of the states, and resting on their reserved rights, are entirely beyond our control; so much so as not to be the subject of a bankrupt law, although the authority to pass one is expressly granted by the Constitution.

On what possible ground, then, can the right in question be placed, unless, indeed, on the broad principle that these local institutions, intended for state purposes, have been so extended, and have so connected themselves with the general circulation and business of the country, as to affect the interest of the whole community, so as to make it the right and duty of Congress to regulate them; or, in short, on the broad principle of the general welfare? There is none other that I can perceive; but this would be to adopt the old and exploded principle, at all times dangerous, but pre-eminently so at this time, when such loose and dangerous conceptions of the Constitution are abroad in the land. If the argument is good in one case, it is good in all similar cases. If this government may interfere with any one of the domestic institutions of the states, on the ground of promoting the general welfare, it may with others. If it may bestow privileges to control them, it may also appropriate money for the same purpose; and thus a door might be opened to an interference with state institutions, of which we of a certain section ought at this time to be not a little jealous.

The argument might be pushed much farther. We not only offer to confer great and important privileges on the banks to be selected, but, in turn, ask them to stipulate to comply with certain conditions, the object of which is to bring them under the supervision and control of this government. It might be asked, Where is the right to purchase or assume such supervision or control? It might be repeated, that they are state institutions, incorporated solely for state purposes, and to be entirely under state control, and that all supervision on our part is in violation of the rights of the states. It might be argued that such su-

pervision or control is calculated to weaken the control of the states over their own institutions, and to render them less subservient to their peculiar and local interests, for the promotion of which they were established, and too subservient to other, and, perhaps, conflicting interests, which might feel but little sympathy with those of the states. But I forbear. Other, and not less urgent objections claim my attention. To dilate too much on one would necessarily sacrifice the claim of others.

I next object that, whatever may be the right to enter into the proposed bargain, the mode in which it is proposed to make it is clearly unconstitutional, if I rightly comprehend it. I am not certain that I do; but, if I understand it rightly, the plan is, for the Secretary of the Treasury to select twenty-five state banks, as described in the substitute, which are to be submitted to the two houses, to be confirmed or rejected by their joint resolutions, without the approval of the President; in the same mode as they would appoint a chaplain, or establish a joint rule for the government of their proceedings.

In acting on the joint resolution, if what I suppose be intended, each house would have the right, of course, to strike from it the name of any bank and insert another, which would, in fact, vest in the two houses the uncontrollable right of making the selection. Now if this be the mode proposed, as I infer from the silence of the mover, it is a plain and palpable violation of the Constitution. The obvious intention is to evade the veto power of the executive, which cannot be without an infraction of an express provision of the Constitution, drawn up with the utmost care, and intended to prevent the possibility of evasion. It is contained in the 1st article, 7th section, and the last clause, which I ask the secretary to read:

["Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."]

Nothing can be more explicit or full. It is no more possible to evade the executive veto, on any joint vote, than on the passage of a bill. The veto was vested in him not only to protect his own powers, but as an additional guard to the Constitution. I am not the advocate of executive power, which I have been often compelled to resist of late, when extended beyond its proper limits, as I shall ever be prepared to do when it is. Nor am I the advocate of legislative or judicial. I stand ready to protect all, within the sphere assigned by the Constitution, and to resist them beyond. To this explicit and comprehensive provision of the Constitution, in protection of the veto, there is but a single exception, resulting, by necessary implication, from another portion of the instrument, not less explicit, which authorizes each house to establish the rules of its proceedings. Under this provision the two houses have full and uncontrollable authority within the limits of their respective walls, and over those subject to their authority, in their official character. To that extent they may pass joint votes and resolutions, without the approval of the executive; but beyond that, without it they are powerless.

There are in this case special reasons why his approval should not be evaded. The President is at the head of the administrative department of the government, and is especially responsible for its good management. In order to hold him responsible, he ought to have due power in the selection of its agents, and proper control over their conduct. These banks would be by far the most powerful and influential of all the agents of the government, and ought not to be selected without the concurrence of the executive. If this substitute should be adopted, and the provision in question be regarded such as I consider it, there can be no doubt what must be the fate of the measure. The executive will be

bound to protect, by the intervention of its constitutional right, the portion of power clearly allotted to that department by that instrument, which would make it impossible for it to become a law with the existing division in the two houses.

I have not yet exhausted my constitutional objections. I rise to higher and to broader, applying directly to the very essence of this substitute. I deny your right to make a general deposite of the public revenue in a bank. More than half of the errors of life may be traced to fallacies originating in an improper use of words; and among not the least mischievous is the application of this word to bank transactions, in a sense wholly different from its original meaning. Originally it meant a thing placed in trust, or pledged to be safely and sacredly kept, till returned to the depositor, without being used by the depositary while in his possession. All this is changed when applied to a deposite in bank. Instead of returning the identical thing, the bank is understood to be bound to return only an equal value; and instead of not having the use, it is understood to have the right to loan it out on interest, or to dispose of it as it pleases, with the single condition, that an equal amount be returned when demanded, which experience has taught is not always done. To place, then, the public money in deposite in bank, without restriction, is to give the free use of it, and to allow them to make as much as they can out of it between the time of deposite and disbursement. Have we such a right? The money belongs to the people —collected from them for specific purposes, in which they have a general interest—and for that only; and what possible right can we have to give such use of it to certain selected corporations? I ask for the provision of the Constitution that authorizes it. I ask if we could grant the use, for similar purposes, to private associations or individuals? Or, if not to them, to individual officers of the government; for instance, to the four principal receivers under this bill, should it pass. And if this cannot be done, that the distinction be pointed out.

If these questions be satisfactorily answered, I shall propound others still more difficult. I shall then ask, If the substitute should become a law, and the twenty-five banks be selected, whether they would not, in fact, be the treasury? And if not, I would ask, Where would be the treasury? But if they would be the treasury, I would ask, If public money in bank would not be in the treasury? And if so, how can it be drawn from it to be lent for the purpose of trade, speculation, or any other use whatever, against an express provision of the Constitution? Yes, as express as words can make it. I ask the secretary to read the 1st article, 9th section, and the clause next to the last.

["No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."]

How clear! How explicit! No money to be drawn from the treasury but in consequence of appropriations made by law; that is, the object on which the expenditure is to be made, to be designated by law, and the sum allotted to effect it, specified; and yet we have lived in the daily and habitual violation of this great fundamental provision, from almost the beginning of our political existence to this day. Behold the consequences! It has prostrated and ingulfed the very institutions which have enjoyed this illicit favour, and tainted, above all other causes, the morals and politics of the whole country. Yes; to this must be traced, as one of the main causes, the whole system of excessive revenue, excessive expenditure, and excessive surpluses; and to them, especially the last, the disastrous overthrow of the banks and the currency, and the unexampled degeneracy of public and private morals, which have followed. We have suffered the affliction: may the blessing which follows chastisement, when its justice is confessed, come in due season.

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But I take still higher ground. I strike at the root of the mischief. I deny

the right of this government to treat bank-notes as money in its fiscal transactions. On this great question I never have before committed myself, though not generally disposed to abstain from forming or expressing opinions. In all instances in which a National Bank has come in question, I have invariably taken my ground, that if the government has the right to receive and treat bank-notes as money, it had the right, and was bound, under the Constitution, to regulate them so as to make them uniform and stable as a currency. The reasons for this opinion are obvious, and have been so often and fully expressed on former occasions, that it would be useless to repeat them now; but I never examined fully the right of receiving, or made up my mind on it, till since the catastrophe in May last, which, as I have said, entirely separated the government from the banks. Previous to that period, it was an abstract question, with no practical bearing; as much so as is now the constitutional right of admitting Louisiana into the Union. Things are now altered. The connexion is dissolved, and it has become a practical question of the first magnitude.

The mover of the substitute assumed as a postulate, that this government had a right to receive in its dues whatever it might think proper. I deny the position *in toto*. It is one that ought not to be assumed, and cannot be proved, and which is opposed by powerful objections. The genius of our Constitution is opposed to the assumption of power. Whatever power it gives is expressly granted; and if proof were wanted, the numerous grants of powers far more obvious, and apparently much more safe to be assumed than the one in question, would afford it. I shall cite a few striking instances.

If any powers might be assumed, one would suppose that of applying money to pay the debts of the government, and borrowing it to carry on its operations, would be among them; yet both are expressly provided for by the Constitution. Again, to Congress is granted the power to declare war and raise armies and navies; yet the power to grant letters of marque and reprisal, and to make rules for the regulation of the army and navy, are not left to assumption, as obvious as they are, but are given by express grant. With these, and other instances not less striking, which might be added, it is a bold step to assume, without proof, the far less obvious power of the government receiving whatever it pleases in its dues as money. Such an assumption would be in direct conflict with the great principle which the State Rights party, with which the senator (Mr. Rives) classes himself, have ever adopted in the construction of the Constitution. But, if the former cannot be assumed, it would be in vain to attempt to prove that it has been granted, or that it is necessary and proper to carry any of the granted powers into effect. No such attempt has been made, nor can be with success. On the contrary, there are strong objections to the power, which, in my opinion, cannot be surmounted.

If once admitted, it would lead, by consequence, to a necessary interference with individual and state concerns never contemplated by the Constitution. Let us, for instance, suppose that, acting on the assumption of the senator, the government should choose to select tobacco as an article to be received in payment of its dues, which would be as well entitled to it as any other product, and in which the senator's constituents are so much interested. Does he not see the consequences? In order to make its taxes uniform, which it is bound to do by the Constitution, and which cannot be done unless the medium in which it is paid is so, the government would have to assume a general control over the great staple in question; to regulate the weight of the hogshead or package; to establish inspections under its own officers in order to determine the quality, and whatever else might be necessary to make the payments into the treasury uniform. So, likewise, if the still greater staple, cotton, be selected. The weight of the bale, the quality of the cotton, and its inspection, would all necessarily fall under the control of the government; and does not the senator see that the exercise of a power that must lead to such consequences—con-

sequences so far beyond the sphere assigned to this government by the Constitution—must be unconstitutional? Nor does the objection extend only to these and other staple articles. It applies with equal, if not greater force, to receiving the notes of state banks, as proposed by the substitute, in the dues of the government and the management of its fiscal concerns. It must involve the government in the necessity of controlling and regulating state banks, as this substitute abundantly proves, as well as the whole history of our connexion with them; and it has been shown that banks are at least as far removed from the control of this government as the cultivators of the soil, or any other class of citizens. To this I might add another objection, not less strong, that for the government to receive and treat bank-notes as money in its dues, would be in direct conflict, in its effect, with the important power conferred expressly on Congress of coining money and regulating the value thereof; but as this will come in with more propriety in answer to an argument advanced by the senator from Massachusetts (Mr. Webster), I shall now state his argument, and reply to it.

He asserted again and again, both now and at the extra session, that it is the duty of the government not only to regulate, but to furnish a sound currency. Indeed, it is the principal argument relied on by the senator in opposition to the bill, which, he says, abandons this great duty. Now, if by currency be meant gold and silver coins, there will be but little difference between him and myself. To that extent the government has a clear and unquestionable right by express grant; but if he goes farther, and intends to assert that the government has the right to make bank-notes a currency, which it is bound to regulate, then his proposition is identical in effect, though differently expressed, with that of the senator from Virginia (Mr. Rives), and all the arguments I have urged against it are equally applicable to his. I hold, on my part, that the power of the government on this subject is limited to coining money and regulating its value, and punishing the counterfeiting of the current coins—that is, of the coins made current by law, the only money known to the Constitution. It is time to make a distinction between money, or currency, if you please—between that which will legally pay debts, and mere circulation, which has its value from its promise to be paid in the former, and under which classification, bank-notes, as well as bills or promissory notes of individuals, fall. These are all in their nature private and local, and cannot be elevated to the level of currency, or money, in the fiscal transactions of government, without coming into conflict, more or less, with the object of the Constitution in vesting the power of coining money and regulating its value in Congress, as I shall now proceed to show.

It will hardly be questioned that the object was to fix a standard, in order to furnish to the Union a currency of uniform and steady value, and was therefore united in the same sentence with the kindred power to fix the standard of weights and measures, the objects being similar. Now, if our experience has proved anything, it has amply shown that so long as the government is connected with the banks, and their notes received in its transactions as money, so long it is impossible to give anything like stability to the *standard* of value; and that the power of coining and regulating the coins becomes, in a great measure, a mere nullity. Every dollar issued in bank-notes, when it is made the substitute for money, drives out of circulation more or less of the precious metals; and when the issue becomes exorbitant, gold and silver almost entirely disappear, as our experience at this time proves. The effects are analogous to alloying or clipping the coin, as far as stability of standard is concerned; and it would be not less rational to suppose that such a power on the part of individuals would be consistent with a uniform and stable currency, than to suppose the receiving and treating bank-notes as a substitute for money by the government would be. The only check or remedy is to restrict them to their proper sphere, to circulate in common with bills of exchange or other private

and local paper, for the convenience of business and trade. So far from such a course operating injuriously on the people, or from being liable to the charge of forming one currency for the people and another for the government, as has been so often and with such effect repeated, it is the very reverse. Government, by refusing to receive bank-notes, as it is bound to do, would, in fact, furnish a choice to the people, to take either money or notes at their pleasure. The demand of the government will always keep a plentiful supply of the former in the country, so as to afford the people a choice; while the opposite would expel the money, and leave no option to them but to take bank-notes, or worse, as at present.

I have now shown how it is proposed to form the league of banks, and have presented the constitutional impediments that stand in the way. These are numerous and strong; so much so, that they ought to be irresistible with all, except the latitudinous in construction; but I cannot expect they will produce their full effect. I know too well the force of long-entertained impressions, however erroneous, to be sanguine—how strongly the mind rebels against the expulsion of the old and the admission of new opinions. Yet in this case, where we clearly see how gradually and silently error crept in under the disguise of words, applied to new and totally different ideas, without exciting notice or alarm; and when we have experienced such deep disasters in consequence of parting from the plain intent and meaning of the Constitution, I cannot but hope that all who believe that the success of the government depends on a rigid adherence to the Constitution, will lay aside all previous impressions, taken up without reflection, and give to the objections their due weight.

I come now to the next point, to show how this league is to be revived or stimulated into life. Till this can be done, the substitute, should it become a law, would be a dead letter. The selection is to be made from specie-paying banks. None but such can receive the public deposites, or have their notes received in the dues of the government. There are none such now. The whole banking system lies inanimate, and must be vivified before it can be reunited with the government. No one is bold enough to propose a union with this lifeless mass. How, then, is the extinguished spark to be revivified? How is the breath of life, the Promethean fire, to be breathed into the system anew? is the question. This is the task.

The mover tells us that it must be the work of the government. He says that it is bound to aid the banks to resume payments, and for that purpose ought to hold out to them some *adequate inducement*. He tells us that they have been long preparing, and had made great efforts, but can go no farther; have rolled the round, huge rock almost to the summit, but unless the government put forth its giant arm, and give the last push, it will recoil and rush down the steep to the bottom, and all past labour be lost. Now, what is this adequate inducement? What this powerful stimulus, which it is proposed the government should apply, in order to enable the banks to accomplish this Herculean task? The substitute shall answer.

It proposes to fix the 1st of July next for the period of resumption; and, as the inducement to resume, it proposes to select twenty-five of the most respectable and solid out of the resuming banks to be depositories of the public moneys and the fiscal agent of the government, as has been already stated. It also proposes—and this is the stimulus, the essence of the whole—to make the notes of such banks as may resume on or before that day exclusively receivable in the public dues. Here is a *quid pro quo;* something proposed to be done, for which something is to be given. We tell the banks plainly, If you resume, we, on our part, stipulate to make twenty-five of you our fiscal agents and depositories of the revenue; and we farther stipulate, that those who resume by the time fixed, shall have the exclusive privilege, *forever*, of having their notes receivable in the dues of the government, in common with gold and silver. If the banks perform their part, we shall be bound in honour and good faith to

perform ours. It would be a complete contract, as obligatory as if signed, sealed, and delivered. Such is the inducement.

The next question is, Will it be adequate? Yes, abundantly adequate. The battery is strong enough to awaken the dead to life; the consideration sufficient to remunerate the banks for whatever sacrifice they may be compelled to make in order to resume payment. It is difficult to estimate the value of these high privileges, or prerogatives, as I might justly call them. They are worth millions. If you were to enter into a similar contract with an individual, I doubt not that he could sell out in open market for at least thirty, forty, or fifty millions of dollars. I do, then, the mover the justice to say, that his means are ample to effect what he proposes. As difficult as is the work of resumption—and difficult it will turn out to be when tried—the inducement will prove all-sufficient. But the resumption, however desirable, may be purchased too dearly; and such would prove to be the case, should the project succeed. Not only is the offer too great, but the mode of effecting it is highly objectionable. Its operation would prove not less disastrous than the bargain has been shown to be unconstitutional, which I shall now proceed to establish.

The offer will have a double effect. It will act as a powerful stimulus to resumption, but will act, at the same time, with equal force to excite a struggle among the banks, not only to resume themselves, but to prevent others from resuming. The reason is clear. The advantage to each will increase as the number of the resuming banks decreases; and, of course, the great point of contest among the strong will be to restrict the proffered prize to the smallest number. The closer the monopoly the greater the profits. In this struggle, a combination of a few powerful and wealthy banks, the most respectable and solid, as designated in the substitute, will overthrow and trample down the residue. Their fall will spread desolation over the land. Whatever may be the fate of others in this desperate contest, there is one in relation to which no doubt can be entertained—I refer to the United States Bank of Pennsylvania, a long name, and a misnomer; and which, for the sake of brevity, but with no personal disrespect to the distinguished individual at its head, I shall call Mr. Biddle's bank. That, at least, will be one of the winners, one of the twenty-five to whom the prize will be assigned. Its vast resources, its wealth and influential connexions, both at home and abroad, the skill and ability of the officer at its head, and, what is less honourable, the great resource it holds in the notes of the late United States Bank, of which more than six millions have been put into circulation, in violation, to say the least, of a trust, constituting more than five sixths of all its circulation, and which it is not bound to pay, with the still greater amount on hand, making, in the whole, more than twenty-six millions, and which may be used in the same way, if not prevented, would place it beyond all doubt among the victors. He starts without proper weights, and will lead the way from the first. Who the others may be is uncertain; this will depend mainly upon his good-will and pleasure. It may be put down as certain, whoever they may be, that they will be powerful and influential, and not unfavourable to his interest or aggrandizement. But the mischievous effect will not be limited to this deathlike struggle, in which so many must fall and be crushed, that might otherwise weather the storm. The forced resumption, for such it will be in effect, would be followed by wide-spread desolation. It is easy to sink to suspension, but hard to return to resumption. Under the most favourable circumstances, and when conducted most leisurely and cautiously, the pressure must be severe; but, if coerced or precipitated by bankrupt laws or temptations such as this, it will be ruinous. To make it safe and easy must be the work of time. Government can do but little. The disease originates in excessive indebtedness, and the only remedy is payment or reduction of debts. It is estimated that, when the banks suspended payments, the community was indebted to them the enormous sum of $475,000,000. To reduce this within

the proper limits is not the work of a few days, and can be but little aided by us. The industry and the vast resources of the country, with time, are the only remedies to be relied on for the reduction; and to these, with the state legislatures, and the public opinion, the resumption must be left. To understand the subject fully, we must look a little more into the real cause of the difficulty.

This enormous debt was incurred in prosperous times. The abundant means of the banks, from the surplus revenue and a combination of other causes, induced them to discount freely. This increased the circulation, and with its increase its value depreciated, and prices rose proportionably. With this rise, enterprise and speculation seized the whole community, and every one expected to make a fortune at once; and this, in turn, gave a new impulse to discounts and circulation, till the swelling tide bursted its barriers and deluged the land. Then began the opposite process of absorbing the excess. If it had been possible to return it back to the banks, the sources from which it flowed, through its debtors, the speculating, enterprising, and business portion of the community, the mischief would have been in a great measure avoided. But circulation had flowed off into other reservoirs—those of the moneyed men and bankers, who hoard when prices are high, and buy when they are low. The portion thus drawn off and held in deposite, either in banks or the chests of individuals, was as effectually lost, as far as the debtors of the banks were concerned, as if it had been burned. The means of payment was thus diminished; prices fell in proportion, and the pressure increased as they fell. Though the amount in circulation be greatly reduced, yet the banks are afraid to discount, lest, on resumption, the hoarded mass of deposites held by individuals or other banks should be let loose, and, in addition to what might be put into circulation should discounts be made, would cause another inundation, to be followed by another suspension. How is this difficulty to be safely surmounted, but by unlocking the hoarded means? And how is that to be done without deciding the currency question? This is the first and necessary step. That done, all will be able to calculate and determine what to do. The period of inaction and uncertainty would cease, and that of business revive. Funds that are now locked up would be brought again into operation, and the channels of circulation be replenished in the only mode that can be done with safety. Thus thinking, I am now, and have been from the first, in favour of an early decision, and averse to all coercion, or holding out temptation to resume; leaving the disease to the gradual and safe operation of time, with as little tampering as possible. In the mean time, I hold it to be unwise to cease discounting, and to adopt an indiscriminate system of curtailment. Its effects are ruinous to the business of the country, and calculated to retard rather than to accelerate a resumption. The true system, I would say, would be to discount business paper as freely as usual, and curtail gradually permanent debts. The former would revive business, and would increase the debts to the banks less than it would increase the ability of the community to pay them.

Having now shown how this league or combination of banks is to be formed and revived, with the difficulties in the way, it remains to determine what will be the true character and nature of the combination when formed. It will consist of state banks retaining their original powers, that of discounting and all, without being in the slightest degree impaired. To these the substitute proposes to add important additions: to receive their notes as gold and silver in the public dues, to give them the use of the public deposites, and to organize and blend the whole into one, as the fiscal agent of the government, to be placed under the immediate supervision and control of the Secretary of the Treasury. Now, what does all this amount to? Shall I name the word—be not startled: A BANK—a government bank—the most extensive, powerful, and dangerous that ever existed. This substitute would be the act of incorporation; and the privileges it confers, so much additional banking capital, increas-

ing immensely its powers, and giving it an unlimited control over the business and exchanges of the country.

The senator from Virginia (Mr. Rives) was right in supposing that this new trial of the experiment would be made under very different circumstances from the first, and would have a different termination. That, too, like this, was a bank—a government bank—as distinguished from the late Bank, to which it was set up as a rival, and was at the time constantly so designated in debate. But circumstances now are indeed different, very different, and so would be the result of the experiment. This bank would not be the same rickety concern as the former. That ended in anarchy, and this would in despotism. I will explain.

The former failed not so much in consequence of the adverse circumstances of the times, or any essential defect in the system, as from the want of a head —a common sensorium, to think, to will, and decide for the whole—which was indispensably necessary to ensure concert, and give unity of design and execution. A head will not be wanting now. Mr. Biddle's bank will supply the defect. His would be not only one of the resuming banks, as I have shown, but would also be one of the twenty-five to be selected. If there should be the temerity to omit it, the present project would share the fate of its predecessor. Mr. Biddle's bank, at the head of those excluded, would be an overmatch for the selected, in skill, capital, and power, and the whole league would inevitably be overthrown. But, if selected, the position of his bank in the league would be certain. Its vast capital, its extensive connexions, its superior authority, and his skill, abilities, and influence, would place it at the head, to think and act for the whole. The others would be as dependant on his as the branches of the late bank were on the mother institution. The whole would form one entire machine, impelled by a single impulse, and making a perfect contrast with its predecessor in the unity and energy of its operations.

Nor would its fate be less dissimilar. Anarchy was inscribed on the first from the beginning. Its deficiency in the great and essential element to ensure concert was radical, and could not be remedied. Its union with the government could not supply it, nor avert its destiny. But very different would be the case of the present. Add its intimate union with the government, for which the substitute provides, to its other sources of power, and it would become irresistible. The two, government and bank, would unite and constitute a single power; but which would gain the ascendency—whether the government would become the bank, or the bank the government—is neither certain nor material; for, whichever it might be, it would form a despotic money-cracy (if I may be permitted to unite an English and a Greek word) altogether irresistible.

It is not a little surprising that the senator from Virginia (Mr. Rives), whose watchful jealousy could detect, as he supposed, the embryo of a government bank in the bill, should overlook this regular incorporation of one by his own substitute. Out of the slender materials of treasury warrants, and draughts to pay public creditors, or transfer funds from place to place, as the public service might require, and four principal receivers to keep the public money, he has conjured up, with the aid of a vivid imagination, a future government bank, which, he told us, with the utmost confidence, would rise like a cloud, at first as big as a hand, but which would soon darken all the horizon. Now, it is not a little unfortunate for his confident predictions, that these seminal principles from which the bank is to spring have all existed, from the commencement of our government, in full force, except the four receivers, without showing the least tendency to produce the result he anticipates. Not only ours, but every civilized government, has the power to draw treasury warrants and transfer draughts; nor has the power in a single instance terminated in a bank. Nor can the fact that the money is to be kept by receivers contribute in the least

to produce one. The public funds in their hands will be as much beyond the control of the executive as it was in the vaults of the banks. But, to shorten discussion, I would ask, How can there be a bank without the power to discount or to use the deposites? and out of which of the provisions of the bill could the treasury by any possibility obtain either, under its severe penalties, which prohibits the touching of the public money, except on warrants or draughts, drawn by those having authority in due form, and for the public service.

But the danger which an excited imagination anticipates hereafter from the bill would exist in sober reality under the substitute. There it would require neither fancy nor conjecture to create one. It would exist with all its faculties and endowments complete—discount, deposites, and all—with immense means, guided by a central and directing head, and blended and united with the government, so as to form one great mass of power. What a contrast with the bill! How simple and harmless the one, with its four principal receivers, twice as many clerks, and five inspectors, compared with this complex and mighty engine of power! And yet there are many, both intelligent and patriotic, who oppose the bill and support the substitute, on the ground that the former would give more patronage and power than the latter! How strange and wonderful the diversity of the human mind!

So far from being true, the very fact of the separation of the government from the banks, provided for in the bill, would, of itself, be the most decisive blow that could be given against government patronage, and the union of the two the most decisive in its favour. When their notes are received in the public dues as cash, and the public money deposited in their vaults, the banks become the *allies* of the government on all questions connected with its fiscal action The higher its taxes and duties, the greater its revenue and expenditure; and the larger its surplus, the more their circulation and business, and, of course, the greater their profit; and hence, on all questions of taxation and disbursements, and the accumulation of funds in the treasury, their interest would throw them on the side of the government, and against the people.

All this is reversed when separated. The higher the taxation and disbursements, and the larger the surplus, the less would be their profit; and their interest, in that case, would throw them with the people, and against the government. The reason is obvious. Specie is the basis of banking operations, and the greater the amount they can command the greater will be their business and profits; but when the government is separated from them, and collects and pays away its dues in specie instead of their notes, it is clear that the higher the taxes and disbursements, and the greater the surplus in the treasury, the more specie will be drawn from the use of the banks, and the less will be left as the basis of their operations; and, consequently, the less their profit. Every dollar withdrawn from them would diminish their business fourfold at least; and hence a regard to their own interest would inevitably place them on the side to which I have assigned them.

The effects on the politics of the country would be great and salutary. The weight of the banks would be taken from the side of the *tax-consumers*, where it has been from the commencement of the government, and placed on the side of the *tax-payers*. This great division of the community necessarily grows out of the fiscal action of the government. Take taxation and disbursement together, and it will always be found that one portion of the community pays into the treasury, in the shape of taxes, more than it receives back in that of disbursements, and that another receives back more than it pays. The former are the tax-payers, and the latter the consumers—making the great, essential, and controlling division in all civilized communities. If, with us, the government has been thrown on the side of the consumers, as it has, it must, in a considerable degree, be attributed to its alliance with the banks, whose influence has been, in consequence, at all times steadily and powerfully on that side. It is to this

mischievous and unholy alliance that may be traced the disasters which have befallen us, and the great political degeneracy of the country. Hence the protective system; hence its associated and monstrous system of disbursements; hence the collection of more money from the people than the government could require; hence the vast and corrupting surpluses; hence legislative and executive usurpations; and, finally, hence the prostration of the currency, and the disasters which give rise to our present deliberations. Revive this fatal connexion—adopt this substitute, and all this train of evils will again follow, with redoubled disasters and corruption. Refuse the connexion—adopt this bill, and all will be reversed, and we shall have some prospect of restoring the Constitution and country to their primitive simplicity and purity. The effect of the refusal on the patronage of the government would be great and decisive. Burke has wisely said, that the "revenue is the state in modern times." Violence and coercion are no longer the instruments of government in civilized communities. Their reign is past. Everything is now done by money. It is not only the sinew of war, but of politics, over which, in the form of patronage, it exercises almost unlimited control. Just as the revenue increases or diminishes, almost in the same proportion is patronage increased or diminished.

But admit, for a moment, that neither the separation nor the connexion would have any sensible effect to increase or diminish the revenue, and that it would be of the same amount, whether the bill or substitute should be adopted, yet, even on that supposition, the patronage of the latter would be a hundred fold greater than the former. In estimating the amount of patronage of any measure, three particulars must be taken into the calculation: the number of persons who may be affected by it, their influence in the community, and the extent of the control exercised over them. It will be found, on comparison, that the substitute combines all these elements in a far greater degree than the bill, as I shall now proceed to show. I begin with the number.

The bill provides, as has been stated, for four principal receivers, eight or ten clerks, and a suitable number of agents to act as inspectors, making, in the whole, say 25 individuals. These would constitute the only additional officers to keep and disburse the public money. The substitute, in addition to the officers now in service, provides for the selection of 25 banks, to be taken from the most powerful and influential, and which would have, on an average, at the least 100 officers and stockholders each, making, in the aggregate, 2500 persons who would be directly interested in the banks, and, of course, under the influence of the government.

As to the relative influence of the officers and the selected banks over the community, every impartial man must acknowledge that the preponderance would be greater on the side of the latter. Admitting the respectability of the receivers and other officers provided for in the bill, and the officers and stockholders of the banks to be individually the same, still the means of control at the disposition of the former would be as nothing compared to that of the latter. They would not touch a cent of public money. Their means would be limited to their salary, which would be too small to be felt in the community. Very different would be the case with the officers and stockholders of the banks. They, of all persons, are by far the most influential in the community. A greater number depend on them for accommodation and favour, and the success of their business and prospects in life, than any other class in society; and this would be especially true of the banks connected with the government.

It only remains, now, to compare the extent of the control that may be exercised by the government over the two, in order to complete the comparison; and here, again, the preponderance will be found to be strikingly on the same side. The whole amount of expenditure, under the bill, would not exceed $30,000 or $40,000 annually, at the very farthest, and this constitutes the whole amount of control which the government can exercise. There would be

no perquisites, no contracts, jobs, or incidental gains. The offices and salaries would be all. To that extent those who may hold them would be dependant on the government, and thus far they may be controlled. How stands the account on the other side? What value shall be put on the public deposites in the banks? What on the receivability of their notes as cash by the government? What on their connexion with the government as their fiscal agent, which would give so great a control over the exchanges and business of the country? How many millions shall these be estimated at, and how insignificant must the paltry sum of $30,000 or $40,000 appear to those countless millions held, under the provisions of the substitute, at the pleasure of the government!

Having now finished the comparison as to the relative patronage of the two measures, I shall next compare them as fiscal agents of the government; and here let me say, at the outset, that the discussion has corrected an error which I once entertained. I had supposed that the hazard of keeping the public money under the custody of officers of the government would be greater than in bank. The senators from New-Hampshire and Connecticut (Messrs. Hubbard and Niles) have proved from the record, that the hazard is on the other side, and that we have lost more by the banks than by the collecting and disbursing officers combined. What can be done to increase the security by judicious selection of officers and proper organization is strongly illustrated by the fact, stated by the chairman (Mr. Wright) in his opening speech, that in the war department there has been no loss for 15 years—from 1821 to 1836—on an expenditure certainly not less than $100,000,000. I take some pride in this result of an organization which I originated and established, when Secretary of War, against a formidable opposition.

As to the relative expense of the two agencies, that of the bill, as small as it is, if we are to judge by *appearances*, is the greatest; but if by *facts*, the substitute would be much the most so, provided we charge it with all the advantages which the banks would derive from their connexion with the government, as ought in fairness to be done, as the whole ultimately comes out of the pockets of the people.

In a single particular the banks have the advantage as fiscal agents. They would be the more convenient. To this they are entitled, and I wish to withhold from them no credit which they may justly claim.

The senator from Virginia (Mr. Rives) appeared to have great apprehension that the collection of the public dues in specie might lead to hoarding. He may dismiss his fears on that head. It is not the genius of modern and civilized governments to hoard; and if it were, the banks will take care that there shall be no extraordinary accumulation of cash in the treasury. Pass the bill, and I underwrite that we shall never have again to complain of a surplus. It would rarely, if ever, in peace and settled times, exceed three or four millions at the outside. Nor is his apprehension that hoarding of specie would lead to war less groundless. The danger is in another quarter. War is the harvest of banks, when they are connected with government. The vast increase of revenue and expenditures, and the enormous public loans, which necessarily inure mainly to their advantage, swell their profits in war to the utmost limits. But separate them from government, and war would then be to them a state of famine, for reasons which must be apparent after what has been said, which would throw their weight on the side of peace, and against war; just as certainly as I have shown that the separation would throw it on the side of taxpayers, and against the tax-consumers.

I come, now, to the comparison of the effects of the two measures on the currency of the country. In this respect, the senator from Virginia (Mr. Rives) seemed to think that his substitute would have a great superiority over the bill, but his reasons were to me wholly unsatisfactory. If we are to judge from ex-

perience, it ought to be pronounced to be the worst possible measure. It has been in operation but twice (each for but a few years) since the commencement of the government, and it has so happened that the only two explosions of the currency occurred during those periods. But, without relying on these disastrous occurrences, we have seen enough to satisfy the most incredulous that there are great and radical defects in our bank circulation, which no remedy heretofore applied has been able to remove. It originates in the excess of paper compared to specie, and the only effective cure is to increase the latter and reduce the former; and this the substitute itself impliedly acknowledges, by proposing a remedy that would prove wholly inoperative. It proposes that, after a certain period mentioned, none of the banks to be selected should issue notes under ten dollars. The effects would clearly be, not a diminution of the circulation of small notes, but a new division of the banking business, in which the issue of large notes would fall to the lot of the selected banks, and the small to the others, without restricting in the least the aggregate amount of paper circulation.

But what the substitute would fail to do, the bill would effectually remedy. None doubt but the separation from the banks would greatly increase the proportion of specie to paper; but the senator from Virginia (Mr. Rives) apprehends that its operation would be too powerful, so much so, in fact, as to destroy the banks. His argument is, that specie would be always at a premium, and that it would be impossible for the banks to do business so long as that was the case. His fears are groundless. What he dreads would be but a temporary evil. The very fact that specie would bear a premium would have the double effect to diminish paper circulation and increase the importation of specie, till an equilibrium between the two would be restored, when they would be at par. At what point this would be effected is a little uncertain; but the fear is, that with our decreasing revenue, instead of the specie being increased to excess, it would not be increased sufficiently to give the desired stability to the currency.

In this connexion, the senator urged an objection against the bill, which I regard as wholly groundless. He said that the payment of the dues of the government in specie would create a double demand: a domestic, as well as a foreign, the effects of which would be to increase greatly its fluctuations; and so deeply was he impressed with the idea, that he drew a vivid picture of its alternate flow from the coast to the interior, and from North to South, and back again. All this is the work of imagination. The effect would be directly the reverse. The more numerous the demands the less the fluctuation; so much so, that the greatest stability would be where it exclusively performed the function of circulation, and where each individual must keep a portion to meet his daily demands. This is so obvious, that I shall not undertake to illustrate it.

But the superiority of the bill over the substitute would not be limited only to a more favourable proportion between specie and paper. It would have another important advantage, that cannot be well over-estimated: it would make a practical distinction between currency and circulation—between the currency of the country and private and local circulation, under which head bank paper would be comprehended. The effects would be, to render a general explosion of the circulation almost impossible. Whatever derangements might occur would be local, and confined to some one particular commercial sphere; and even within its limits there would be a sound currency to fall back on, not partaking of the shock, and which would greatly diminish the intensity and duration of the distress. In the mean time, the general business and finances of the country would proceed, almost without feeling the derangement.

With a few remarks on the comparative effects of the two measures on the industry and business of the country, I shall conclude the comparison. What has been said on their relative effects on the currency goes far to decide the question of their relative effects on business and industry.

I hold a sound and stable currency to be among the greatest encouragements to industry and business generally; and an unsound and fluctuating one, now expanding and now contracting, so that no honest man can tell what to do, as among the greatest discouragements. The dollar and the eagle are the measure of value, as the yard and the bushel are of quantity; and what would we think of the incorporation of companies to regulate the latter—to expand or contract, to shorten or lengthen them at pleasure, with the privilege to sell by the contracted or shortened, and buy by the expanded or lengthened? Is it not seen that it would place the whole industry and business of the country under the control of such companies? But it would not more certainly effect it than a similar control possessed by the money institutions of the country over the measure of value. But I go farther, and assert confidently, that the *excess of paper currency, as well as its unsteadiness*, is unfavourable to the industry and business of the country. It raises the price of everything, and, consequently, increases the price of production and consumption; and is, in the end, hostile to every branch of industry.

I hold that specie and paper have each their proper sphere: the latter for large and distant transactions, and the former for all others; and that the nearer our circulation approaches gold and silver, consistently with convenience, the better for the industry and the business of the country. The more specie the better, till that point is reached. When attained, it would combine, in the greatest possible degree, soundness and facility, and would be favourable to the productive classes universally; I mean men of business, planters, merchants, and manufacturers, as well as operatives. It would be particularly favourable to the South. Our great staples are cash articles everywhere; and it was well remarked by the senator from Mississippi (Mr. Walker), at the extra session, that we sold at cash prices and bought at paper prices; that is, sold low and bought high. The manufacturing, commercial, and navigating interests would also feel its beneficial effects. It would cheapen productions, and be to manufacturers in lieu of a protective tariff. Its effects would be to enable them to meet foreign competition, not by raising prices by high duties, but by enabling them to sell as cheap or cheaper than the foreigner, which would harmonize every interest, and place our manufactures on the most solid basis. It is the only mode by which the foreign market can ever be commanded; and commanded it would be, with a sound and moderately expanded currency. Our ingenuity, invention, and industry are equal to those of any people; and all our manufacturers want is a sound currency and an even chance, to meet competition with success everywhere, at home or abroad. But with a bloated and fluctuating paper circulation this will be impossible. Among its many drawbacks, it levies an enormous tax on the community.

I have already stated that the community is estimated to have been indebted to the banks $475,000,000 at the suspension of specie payments. The interest on this sum, estimated at six per cent. (it ought to be higher), would give an annual income to those institutions of upward of thirty millions; and this is the sum yearly paid by the community for bank accommodations, to the excess of which we owe our bloated and unstable circulation. Never was a circulation so worthless furnished at so dear a rate. How much of this vast income may be considered as interest on real capital it is difficult to estimate; but it would, I suppose, be ample to set down ten millions to that head, which would leave upward of twenty millions annually as the profits derived from banking privileges, over and above a fair compensation for the capital invested, which somebody must pay, and which must ultimately fall on the industry and business of the country. But this enormous expansion of the system is not astonishing, so great is the stimulus applied to its growth. Ingenious men of other ages devoted themselves in vain to discover the art of converting the baser metals into gold and silver: but we have conferred on a portion of the com-

munity an art still higher—of converting paper, to all intents and purposes, into the precious metals; and ought we to be surprised that an article so cheap to the manufacturers, and so dear to the rest of the community, should be so greatly over-supplied, and without any reference to the interest or to the wants of the community?

If we are to believe the senator from Virginia, and others on the same side, we owe almost all our improvements and prosperity to the banking system; and if it should fail, the age of barbarism would again return. I had supposed that the bases of our prosperity were our free institutions, the wide-spread and fertile region we occupy, and the hereditary intelligence and energy of the stock from which we are descended; but it seems that all these go for nothing, and that the banks are everything. I make no war on them. All I insist on is, that the government shall separate from them, which I believe to be indispensable, for the reasons I have assigned both now and formerly. But I cannot concur in attributing to them our improvements and prosperity. That they contributed to give a strong impulse to industry and enterprise in the early stages of their operation, I doubt not. Nothing is more stimulating than an expanding and depreciating currency. It creates a delusive appearance of prosperity, which puts everything in motion. Every one feels as if he was growing richer as prices rise, and that he has it in his power, by foresight and exertion, to make his fortune. But it is the nature of stimulus, moral as well as physical, to excite at first, and to depress afterward. The draught which at first causes unnatural excitement and energy, is sure to terminate in corresponding depression and weakness; nor is it less certain that the stimulus of a currency, expanding beyond its proper limits, follows the same law. We have had the exhilaration, and the depression has succeeded. We have had the pleasure of getting drunk, and now experience the pain of becoming sober. The good is gone, and the evil has succeeded; and, on a fair calculation, the latter will be found to be greater than the former. Whatever impulse the banking system was calculated to give to our improvement and prosperity, has already been given; and the reverse effects will hereafter follow, unless the system should undergo great and radical changes; the first step towards which would be the adoption of the measure proposed by this bill.

I have, Mr. President, finished what I intended to say. I have long anticipated the present crisis, but did not, until 1837, expect its arrival in my time. When I saw its approach, I resolved to do my duty, be the consequences to me what they might; and I offer my thanks to the Author of my being, that he has given me the resolution and opportunity of discharging what I honestly believe to be my duty in reference to this great subject.

How the question will be decided is acknowledged to be doubtful, so nearly are the two houses supposed to be divided; but whatever may be its fate *now*, I have the most perfect confidence in its *final* triumph. The public attention is roused. The subject will be thoroughly investigated, and I have no fears but the side I support will prove to be the side of truth, justice, liberty, civilization, and the advancement of moral and intellectual improvement.

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## XXI.

SPEECH IN REPLY TO MR. CLAY, ON THE SUB-TREASURY BILL, MARCH 10, 1838.

I RISE to fulfil a promise I made some time since, to notice at my leisure the reply of the senator from Kentucky farthest from me (Mr. Clay), to my remarks when I first addressed the Senate on the subject now under discussion.

On comparing with care the reply with the remarks, I am at a loss to determine whether it is the most remarkable for its omissions or misstatements. Instead of leaving not a hair on the head of my arguments, as the senator threatened (to use his not very dignified expression), he has not even attempted to answer a large, and not the least weighty portion; and of that which he has, there is not one fairly stated or fairly answered. I speak literally, and without exaggeration; nor would it be difficult to make good to the letter what I assert, if I could reconcile it to myself to consume the time of the Senate in establishing a long series of negative propositions, in which they could take but little interest, however important they may be regarded by the senator and myself. To avoid so idle a consumption of the time, I propose to present a few instances of his misstatements, from which the rest may be inferred; and, that I may not be suspected of having selected them, I shall take them in the order in which they stand in his reply.

The Senate will recollect, that when the senator from Virginia farthest from me (Mr. Rives) introduced his substitute, he accompanied it with the remark that it was his first choice, and the second choice of those who are allied with him on this occasion. In noticing this remark, I stated, that if I might judge from appearances, which could scarcely deceive one, the senator might have said not only the second, but, under *existing circumstances*, it was their first choice; and that, despairing of a bank for the present, they would support his substitute. Assuming this inference to be correct, I stated that the question was narrowed down, in fact, to the bill and substitute, of which one or the other must be selected. The senator from Kentucky, in his reply, omitted all these qualifications, and represented me as making the absolute assertion that, in the nature of the case, there was no other alternative but the bill or the substitute, and then gravely pointed out two others—to do nothing, or adopt a National Bank, as if I could possibly be ignorant of what was so obvious. After he had thus replied, not to what I really said, but his own misstatement of it, as if to make compensation, he proceeded in the same breath to confirm the truth of what I did say, by giving his support to the substitute, which he called a half-way house, where he could spend some pleasant hours. Nothing is more easy than to win such victories.

Having inferred, as has turned out to be the fact, that there was no other alternative at present but the bill and substitute, I next showed the embarrassment to which the gentleman opposite to me would be involved from having, four years ago, on the question of the removal of the deposites, denounced a league of state banks similar to that proposed to be revived by the substitute. After enlarging on this point, I remarked, that if I might be permitted to state my opinion, the gentlemen had taken a course on this subject unfortunate for themselves and the country—unfortunate for them, for, let what would come, they would be responsible. If the bill was lost, theirs would be the responsibility; if the substitute was carried, on them the responsibility would fall; and if nothing was done, it would be at their door; and unfortunate for the country, because it had prevented the decision of the question at the extra session, which would not have failed to put an early termination to the present commercial and pecuniary embarrassment. This the senator, in his reply, met by stating that I had called on him and his friends to follow my lead; and thus regarding it, he made it the pretext of some ill-natured personal remarks, which I shall notice hereafter. I never dreamed of making such a call; and what I said cannot be tortured, by the force of construction, to bear a meaning having the least semblance to it.

After making these preliminary remarks, I took up the substitute, and

showed that it proposed to make a bargain with the banks. I then stated the particulars and the conditions of the proposed bargain; that its object was to enable the banks to pay their debts, and for that purpose it proposed to confer important privileges; to give them the use of the public funds from the time of deposite to disbursement, and to have their notes received as cash in the dues of the government. I then asked if we had a right to make such a bargain. The senator, leaving out all these particulars, represented me as saying that the government had no right to make a bargain with the banks; and then undertakes to involve me in an inconsistency in supporting the bill, because it proposes to bargain with the banks for the use of their vaults as a place of safe-keeping for the public money; as if there was a possible analogy between the two cases. Nothing is more easy than to refute the most demonstrative argument in this way. Drop an essential part of the premises, and the most irresistible conclusion, of course, fails.

In the same summary and easy mode of replying to my arguments, the senator perverted my denial that the government had a right to receive bank-notes as cash, into the assertion that it had no right to receive anything but cash; and then accuses me with inconsistency, because I voted, at the extra session, for the bill authorizing the receipt of treasury notes in the dues of the government; as if any one ever doubted that it could receive its own paper, or securities, in payment of its own debts. Such are the misstatements of the senator, taken in their regular order as they stand in his reply, and they present a fair specimen of what he chooses to consider an answer to my argument. There is not one less unfairly stated, or unfairly met, than the instances I have cited.

The senator presented two difficulties in reply to what I said against receiving bank-notes by the government, which demand a passing notice before I dismiss this part of the subject. He objected, first, that it was contrary to the provision of the bill itself, which authorizes the receipts of the notes of specie-paying banks for a limited time. To answer this objection, it will be necessary to advert to the object of the provision. By the provisions of the joint resolutions of 1816, the notes of specie-paying banks are made receivable in the dues of the government; and, of course, on the resumption of specie payments, bank-notes would again be received by the government as heretofore, without limitation as to time, unless some provision be adopted to prevent it. In a word, the government, though wholly separated, in fact, at present from the banks, is not so by law; and the object of the provision is to effect a permanent separation in law and in fact. This it proposes to do by a gradual repeal of the joint resolution of 1816, in order to prevent, as far as possible, any injurious effects to the community or the banks. The senator, in making his objection, overlooks the broad distinction between the doing and undoing of an unconstitutional act. There are some unconstitutional acts that are difficult, if not impossible, to be undone; such, for instance, as the admission of Louisiana into the Union, admitting it to be unconstitutional, which I do not. There are others which cannot be undone suddenly without wide-spread distress and ruin; such as the protective tariff, which, accordingly, the Compromise Act allowed upward of eight years for the gradual repeal. Such, also, is the case under consideration, which, under the provisions of the bill, would be effected in seven years. In all such cases, I hold it to be not only clearly constitutional for Congress to make a gradual repeal, but its duty to do so; otherwise it would be often impossible to get clear of an unconstitutional act short of a revolution.

His next objection was, that the reasons which would make the receipt

of bank-notes unconstitutional, would also make the China trade so, which he represented as absorbing a large portion of the specie of the country. There is no analogy whatever between the two cases. The very object of specie is to carry on trade, and it would be idle to attempt to regulate the distribution and fluctuation which result from its operation. Experience proves that all attempts of the kind must either prove abortive or mischievous. In fact, it may be laid down as a law, that the more universal the demand for specie, and the less that demand is interrupted, the more steady and uniform its value, and the more perfectly, of course, it fulfils the great purpose of circulation, for which it was intended. There are, however, not a few who, taking a different view, have thought it to be the duty of the government to prohibit the exportation of specie to China, on the very ground which the senator assumes, and I am not certain but that he himself has been in favour of the measure.

But the senator did not restrict himself to a reply to my arguments. He introduced personal remarks, which neither self-respect, nor a regard to the cause I support, will permit me to pass without notice, as adverse as I am to all personal controversies. Not only my education and disposition, but, above all, my conception of the duties beloning to the station I occupy, indisposes me to such controversies. We are sent here, not to wrangle or indulge in personal abuse, but to deliberate and decide on the common interests of the states of this Union, as far as they have been subjected by the Constitution to our jurisdiction. Thus thinking and feeling, and having perfect confidence in the cause I support, I addressed myself, when I was last up, directly and exclusively to the reason of the body, carefully avoiding every remark which had the least personal or party bearing. In proof of this, I appeal to you, senators, my witnesses on this occasion. But it seems that no caution on my part could prevent what I was so anxious to avoid. The senator, having no pretext to give a personal direction to the discussion, made a premeditated and gratuitous attack on me. I say having no pretext, for there is not a shadow of foundation for the assertion that I called on him and his party to follow my lead, at which he seemed to take offence, as I have already shown. I made no such call, or anything that could be construed into it. It would have been impertinent, in the relation between myself and his party, at any stage of this question; and absurd at that late period, when every senator had made up his mind. As there was, then, neither provocation nor pretext, what could be the motive of the senator in making the attack? It could not be to indulge in the pleasure of personal abuse, the lowest and basest of all our passions, and which is so far beneath the dignity of the senator's character and station. Nor could it be with the view to intimidation. The senator knows me too long and too well to make such an attempt. I am sent here by constituents as respectable as those he represents, in order to watch over their peculiar interests, and take care of the general concern; and if I were capable of being deterred by any one, or any consequence, in discharging my duty, from denouncing what I regard as dangerous or corrupt, or giving a decided and zealous support to what I think right and expedient, I would, in shame and confusion, return my commission to the patriotic and gallant state I represent, to be placed in more resolute and trustworthy hands.

If, then, neither the one nor the other of these be the motive, what, I again repeat, can it be? In casting my eyes over the whole surface, I can see but one—which is, that the senator, despairing of the sufficiency of his reply to overthrow my arguments, had resorted to personalities, in the hope, with their aid, to effect what he could not accomplish by main strength. He well knows that the force of an argument on moral or po-

litical subjects depends greatly on the character of him who advanced it; and that, to cast suspicion on his motive, or to shake confidence in his understanding, is often the most effectual mode to destroy its force. Thus viewed, his personalities may be fairly regarded as constituting a part of his reply to my argument; and we, accordingly, find the senator throwing them in front, like a skilful general, in order to weaken my arguments before he brought on his main attack. In repelling, then, his personal attacks, I also defend the cause which I advocate. It is against that his blows are aimed, and he strikes at it through me, because he believes his blows will be the more effectual.

Having given this direction to his reply, he has imposed on me a double duty to repel his attacks—duty to myself and the cause I support. I shall not decline its performance; and when it is discharged, I trust I shall have placed my character as far beyond the darts which he has hurled at it as my arguments have proved to be above his abilities to reply to them. In doing this, I shall be compelled to speak of myself. No one can be more sensible than I am how odious it is to speak of one's self. I shall endeavour to confine myself within the limits of the strictest propriety; but if anything should escape me that may wound the most delicate ear, the odium ought, in justice, to fall, not on me, but the senator who, by his unprovoked and wanton attack, has imposed on me the painful necessity of speaking of myself.

The leading charge of the senator—that on which all others depend, and which, being overthrown, they fall to the ground—is, that I have gone over; have left his side, and joined the other. By this vague and indefinite expression, I presume he meant to imply that I had either changed my opinion, or abandoned my principles, or deserted my party. If he did not mean one or all; if I have changed neither opinions, principles, nor party, then the charge meant nothing deserving notice. But if he intended to imply, what I have presumed he did, I take issue on the fact—I meet and repel the charge. It happened fortunately for me, fortunately for the cause of truth and justice, that it was not the first time that I had offered my sentiments on the question now under consideration. There is scarcely a single point in the present issue on which I did not explicitly express my opinion four years ago, in my place here, when the removal of the deposites, and the questions connected with it, were under discussion—so explicitly as to repel effectually the charge of any change on my part, and to make it impossible for me to pursue any other course but what I have without involving myself in gross inconsistency. I intend not to leave so important a point to rest on my bare assertion. What I assert stands on record, which I now hold in my possession, and intend, at the proper time, to introduce and read. But, before I do that, it will be proper I should state the questions now at issue, and my course in relation to them; so that, having a clear and distinct perception of them, you may, senators, readily and satisfactorily compare and determine whether my course on the present occasion coincides with the opinions I then expressed.

There are three questions, as is agreed by all, involved in the present issue: Shall we separate the government from the banks, or shall we revive the league of state banks, or create a National Bank? My opinion and course in reference to each are well known. I prefer the separation to either of the others; and, as between the other two, I regard a National Bank as a more efficient and a less corrupting fiscal agent than a league of state banks. It is also well known that I have expressed myself on the present occasion hostile to the banking system as it exists, and against the constitutional power of making a bank, unless on the as-

sumption that we have the right to receive and treat bank-notes as cash in our fiscal operations, which I, for the first time, have denied on the present occasion. Now, I entertained and expressed all these opinions, on a different occasion, four years ago, except the right of receiving bank-notes, in regard to which I then reserved my opinion; and if all this should be fully and clearly established by the record, from speeches delivered and published at the time, the charge of the senator must, in the opinion of all, however prejudiced, sink to the ground. I am now prepared to introduce and have the record read. I delivered two speeches in the session of 1833–34, one on the removal of the deposites, and the other on the question of the renewal of the charter of the late Bank. I ask the secretary to turn to the volume lying before him, and read the three paragraphs marked in my speech on the deposites. I will thank him to raise his voice and read slowly, so that he may be distinctly heard; and I must ask you, senators, to give your attentive hearing, for on the coincidence between my opinions then and my course now, my vindication against this unprovoked and groundless charge rests.

[" If (said Mr. C.) this was a question of bank or no bank; if it involved the existence of the banking system, it would indeed be a great question —one of the first magnitude; and, with my present impression, long entertained and daily increasing, I would hesitate, long hesitate, before I would be found under the banner of the system. I have great doubts (if doubts they may be called) as to the soundness and tendency of the whole system, in all its modifications. I have great fears that it will be found hostile to liberty and the advance of civilization; fatally hostile to liberty in our country, where the system exists in its worst and most dangerous form. Of all institutions affecting the great question of the distribution of wealth—a question least explored, and the most important of any in the whole range of political economy—the banking institution has, if not the greatest, among the greatest, and, I fear, most pernicious influence on the mode of distribution. Were the question really before us, I would not shun the responsibility, great as it might be, of freely and fully offering my sentiments on these deeply-important points; but as it is, I must content myself with the few remarks which I have thrown out.

"What, then, is the real question which now agitates the country? I answer, it is a struggle between the executive and legislative departments of the government; a struggle, not in relation to the existence of the bank, but which, Congress or the President, should have the power to create a bank, and the consequent control over the currency of the country. This is the real question. Let us not deceive ourselves. This league, this association of banks, created by the executive, bound together by its influence, united in common articles of association, vivified and sustained by receiving the deposites of the public money, and having their notes converted, by being received everywhere by the treasury, into the common currency of the country, is, to all intents and purposes, a Bank of the United States, the Executive Bank of the United States, as distinguished from that of Congress.

"However it might fail to perform satisfactorily the useful functions of the Bank of the United States, as incorporated by law, it would outstrip it, far outstrip it, in all its dangerous qualities: in extending the power, the influence, and the corruption of the government. It was impossible to conceive any institution more admirably calculated to advance these objects. Not only the selected banks, but the whole banking institutions of the country, and, with them, the entire money power, for the purposes of speculation, peculation, and corruption, would be placed under the control of the executive. A system of menaces and promises would be

established: of menaces to the banks in possession of the deposites, but which might not be entirely subservient to executive views, and of promises of future favours to those who may not as yet enjoy its favours. Between the two, the banks would be left without influence, honour, or honesty, and a system of speculation and stock-jobbing would commence unequalled in the annals of our country.

"So long as the question is one between a Bank of the United States, incorporated by Congress, and that system of banks which has been created by the will of the executive, it is an insult to the understanding to discourse on the pernicious tendency and unconstitutionality of the Bank of the United States. To bring up that question fairly and legitimately, you must go one step farther—you must *divorce* the government and the banking system. You must refuse all connexion with banks. You must neither receive nor pay away bank-notes; you must go back to the old system of the strong box, and of gold and silver. If you have a right to receive bank-notes at all—to treat them as money by receiving them in your dues, or paying them away to creditors—you have a right to create a bank. Whatever the government receives and treats as money is money; and if it be money, then they have the right, under the Constitution, to regulate it. Nay, they are bound, by a high obligation, to adopt the most efficient means, according to the nature of that which they have recognised as money, to give to it the utmost stability and uniformity of value. And if it be in the shape of bank-notes, the most efficient means of giving those qualities is a Bank of the United States, incorporated by Congress. Unless you give the highest practical uniformity to the value of bank-notes—so long as you receive them in your dues and treat them as money, you violate that provision of the Constitution which provides that taxation shall be uniform throughout the United States. There is no other alternative. I repeat, you must *divorce* the government entirely from the banking system, or, if not, you are bound to incorporate a bank, as the only safe and efficient means of giving stability and uniformity to the currency. And should the deposites not be restored, and the present illegal and unconstitutional connexion between the executive and the league of banks continue, I shall feel it my duty, if no one else moves, to introduce a measure to prohibit government from receiving or touching bank-notes in any shape whatever, as the only means left of giving safety and stability to the currency, and saving the country from corruption and ruin."

Such were my sentiments, delivered four years ago, on the question of the removal of the deposites, and now standing on record; and I now call your attention, senators, while they are fresh in your minds, and before other extracts are read, to the opinions I then entertained and expressed, in order that you may compare them with those that I have expressed, and the course I have pursued on the present occasion. In the first place, I then expressed myself explicitly and decidedly against the banking system, and intimated, in language too strong to be mistaken, that, if the question was then bank or no bank, as it now is, as far as government is concerned, I would not be found on the side of the bank. Now, I ask, I appeal to the candour of all, even the most prejudiced, is there anything in all this contradictory to my present opinions or course? On the contrary, having entertained and expressed these opinions, could I at this time, when the issue I then supposed is actually presented, have gone against the separation without gross inconsistency? Again: I then declared myself to be utterly opposed to a combination or league of state banks, as being the most efficient and corrupting fiscal agent the government could select, and more objectionable than a Bank of the United

States. I again appeal, is there a sentiment or a word in all this contradictory to what I have said or done on the present occasion? So far otherwise, is there not a perfect harmony and coincidence throughout, which, considering the distance of time and the difference of the occasion, is truly remarkable, and this extending to all the great and governing questions now at issue?

But the removal of the deposites was not the only question discussed at that remarkable and important session. The charter of the United States Bank was then about to expire. The senator from Massachusetts nearest me (Mr. Webster), then at the head of the Committee on Finance, suggested, in his place, that he intended to introduce a bill to renew the charter. I clearly perceived that the movement, if made, would fail; and that there was no prospect of doing anything to arrest the danger approaching, unless the subject was taken up on the broad question of the currency; and that, if any connexion of the government with the banks could be justified at all, it must be in that relation. I am not among those who believe that the currency was in a sound condition when the deposites were removed in 1834. I then believed, and experience has proved I was correct, that it was deeply and dangerously diseased; and that the most efficient measures were necessary to prevent the catastrophe which has since befallen the circulation of the country. There was then not more than one dollar in specie, on an average, in the banks, including the United States Bank and all, for six of bank-notes in circulation, and not more than one in eleven compared to the liabilities of the banks, and this while the United States Bank was in full and active operation, which proves conclusively that its charter ought not to be renewed, if renewed at all, without great modifications. I saw, also, that the expansion of the circulation, great as it then was, must still farther increase; that the disease lay deep in the system; that the terms on which the charter of the Bank of England was renewed would give a western direction to specie, which, instead of correcting the disorder, by substituting specie for bank-notes in our circulation, would become the basis of new banking operations that would greatly increase the swelling tide. Such were my conceptions then, and I honestly and earnestly endeavoured to carry them into effect, in order to prevent the approaching catastrophe.

The political and personal relations between myself and the senator from Massachusetts (Mr. Webster) were then not the kindest. We stood in opposition, at the preceding session, on the great question growing out of the conflict between the state I represented and the General Government, which could not pass away without leaving unfriendly feelings on both sides; but, where duty is involved, I am not in the habit of permitting my personal relations to interfere. In my solicitude to avert coming dangers, I sought an interview, through a common friend, in order to compare opinions as to the proper course to be pursued. We met, and conversed freely and fully, but parted without agreeing. I expressed to him my deep regret at our disagreement, and informed him that, although I could not agree with him, I would throw no embarrassment in his way, but should feel it to be my duty, when he made his motion to introduce a bill to renew the charter of the Bank, to express my opinion at large on the state of the currency, and the proper course to be pursued, which I accordingly did. On that memorable occasion I stood almost alone. One party supported the league of state banks, and the other the United States Bank, the charter of which the senator from Massachusetts (Mr. Webster) proposed to renew for six years. Nothing was left me but to place myself distinctly before the country on the ground I occupied,

which I did, fully and explicitly, in the speech I delivered on the occasion. In justice to myself, I ought to have every word of it read on the present occasion. It would of itself be a full vindication of my course. I stated and enlarged on all the points to which I have already referred; objected to the recharter as proposed by the mover, and foretold that what has since happened would follow, unless something effectual was done to prevent it. As a remedy, I proposed to use the Bank of the United States as a temporary expedient, fortified with strong guards, in order to resist and turn back the swelling tide of circulation. With this view, I proposed to prohibit the issue of any note under ten dollars at first, and, after a certain interval, under twenty; and to refuse to receive the notes of any bank that issued notes under five dollars, or that received the notes of any bank that issued less, in order to make a total separation between the banks that should refuse to discontinue the issue of small notes and the others, in the hope that the influence of the latter, with the voice of the community, would ultimately compel a discontinuance. I proposed that the charter, with these and other provisions that might be devised by a committee appointed for the purpose, should be renewed for twelve years, two years longer than the Bank of England had been, in order to avail ourselves of the experience and wisdom of that great and enlightened nation. All this I proposed, expressly on the ground of undoing the system, gradually and slowly, until a total disconnexion should be effected, if experience should show that it could be carried to that extent. My object was double—to get clear of the system, and to avert the catastrophe which has since befallen us, and which I then saw was approaching.

To prove all this, I again refer to the record. If it shall appear from it that my object was to disconnect the government, gradually and cautiously, from the banking system, and with that view, and that only, I proposed to use the United States Bank for a short time, and that I explicitly expressed the same opinions then as I now have on almost every point connected with the system, I shall not only have vindicated my character from the charge of the senator from Kentucky, but shall do more, much more, to show that I did all an individual, standing alone, as I did, could do, to avert the present calamities, and, of course, am free from all responsibility for what has since happened. I have shortened the extracts as far as was possible to do myself justice, and have left out much that ought, of right, to be read in my defence, rather than to weary the Senate. I know how difficult it is to command attention to reading of documents; but I trust that this, where justice to a member of the body, whose character has been assailed without the least provocation, will form an exception. The extracts are numbered, and I will thank the secretary to pause at the end of each, unless otherwise desired.

[The secretary here read the following extract:

"After a full survey of the whole subject, I see none, I can conjecture no means of extricating the country from its present danger, and to arrest its farther increase, but a bank, the agency of which, in some form or under some authority, is indispensable. The country has been brought into the present diseased state of the currency by banks, and must be extricated by their agency. We must, in a word, use a bank to unbank the banks, to the extent that may be necessary to restore a safe and stable currency; just as we apply snow to a frozen limb in order to restore vitality and circulation, or hold up a burn to the flame to extract the inflammation. All must see that it is impossible to suppress the banking system at once. It must continue for a time. Its greatest enemies, and the advocates of an exclusive specie circulation, must make it a part of

their system to tolerate the banks for a longer or a shorter period. To suppress them at once would, if it were possible, work a greater revolution—a greater change in the relative condition of the various classes of the community, than would the conquest of the country by a savage enemy. What, then, must be done? I answer, a new and safe system must gradually grow up under and replace the old; imitating, in this respect, the beautiful process we sometimes see of a wounded or diseased part in a living organic body gradually superseded by the healing process of nature."]

After having so expressed myself, which clearly shows that my object was to use the bank for a time in such a manner as to break the connexion with the system without a shock to the country or currency, I then proceeded and examined the question, whether this could be best accomplished by the renewal of the charter of the United States Bank, or through a league of state banks. After concluding what I had to say on that subject, in my deep solicitude I addressed the three parties in the Senate separately, urging such motives as I thought best calculated to act on them, and pressing them to join me in the measure suggested, in order to avert approaching danger. I began with my friends of the State Rights party, and with the administration. I have taken copious extracts from the address to the first, which will clearly prove how exactly my opinion, then and now, coincides on all questions connected with the banks. I now ask the secretary to read the extract numbered two.

["Having now stated the measure necessary to apply the remedy, I am thus brought to the question, Can the measure succeed? which brings up the inquiry of how far it may be expected to receive the support of the several parties which compose the Senate, and on which I shall next proceed to make a few remarks.

"First, then, Can the State Rights party give it their support? that party of which I am proud of being a member, and for which I entertain so strong an attachment—the stronger because we are few among many. In proposing this question, I am not ignorant of their long-standing constitutional objection to the Bank, on the ground that this was intended to be, as it is usually expressed, a hard-money government—a government whose circulating medium was intended to consist of the precious metals, and for which object the power of coining money and regulating the value thereof was expressly conferred by the Constitution. I know how long and how sincerely this opinion has been entertained, and under how many difficulties it has been maintained. It is not my intention to attempt to change an opinion so firmly fixed, but I may be permitted to make a few observations, in order to present what appears to me to be the true question in reference to this constitutional point—in order that we may fully comprehend the circumstances under which we are placed in reference to it. With this view, I do not deem it necessary to inquire whether, in conferring the power to coin money and to regulate the value thereof, the Constitution intended to limit the power strictly to coining money and regulating its value, or whether it intended to confer a more general power over the currency; nor do I intend to inquire whether the word coin is limited simply to the metals, or may be extended to other substances, if, through a gradual change, they may become the medium of the general circulation of the world.

"The very receipt of bank-notes, on the part of the government, in its dues, would, it is conceded, make them money as far as the government may be concerned, and, by a necessary consequence, would make them, to a great extent, the currency of the country. I say nothing of the positive provisions in the Constitution which declare that 'all duties, imposts, and

excises shall be uniform throughout the United States,' which cannot be, unless that in which they are paid should also have, as nearly as practicable, a uniform value throughout the country. To effect this, where bank-notes are received, the banking power is necessary and proper within the meaning of the Constitution; and, consequently, if the government has the right to receive bank-notes in its dues, the power becomes constitutional. Here lies (said Mr. C.) the real constitutional question: Has the government a right to receive bank-notes, or not? The question is not upon the mere power of incorporating a bank, as it has been commonly argued; though, even in that view, there would be as great a constitutional objection to any act on the part of the executive, or any other branch of the government, which should unite any association of state banks into one system, as the means of giving the uniformity and stability to the currency which the Constitution intends to confer. The very act of so associating or incorporating them into one, by whatever name called, or by whatever department performed, would be, in fact, an act of incorporation.

"But (said Mr. C.) my object, as I have stated, is not to discuss the constitutional questions, nor to determine whether the Bank be constitutional or not. It is, I repeat, to show where the difficulty lies—a difficulty which I have felt from the time I first came into the public service. I found then, as now, the currency of the country consisting almost entirely of bank-notes. I found the government intimately connected with the system, receiving bank-notes in its dues, and paying them away, under its appropriations, as cash. The fact was beyond my control; it existed long before my time, and without my agency; and I was compelled to act on the fact as it existed, without deciding on the many questions which I have suggested as connected with this subject, and on many of which I have never yet formed a definite opinion. No one can pay less regard to precedent than I do, acting here in my representative and deliberative character, on legal or constitutional questions; but I have felt, from the beginning, the full force of the distinction so sensibly taken by the senator from Virginia (Mr. Leigh) between doing and undoing an act, and which he so strongly illustrated in the case of the purchase of Louisiana. The constitutionality of that act was doubted by many at the time, and, among others, by its author himself; yet he would be considered a madman who, coming into political life at this late period, should now seriously take up the question of the constitutionality of the purchase, and, coming to the conclusion that it was unconstitutional, should propose to rescind the act, and eject from the Union two flourishing states and a growing territory."

I next ask the attention of the senators, especially from the Northern States, while the secretary reads the short address to the opposition, that they may see how distinctly I foresaw what was coming, and how anxious I was to avert the calamity that has fallen on the section where I anticipated it would. I ask the secretary to read the extract numbered three.

["I next address myself to the members of the opposition, who principally represent the commercial and manufacturing portions of the country, where the banking system has been the farthest extended, and where a larger portion of the property exists in the shape of credit than in any other section; and to whom a sound, stable currency is most necessary, and the opposite most dangerous. You have no constitutional objection; to you it is a mere question of expediency; viewed in this light, can you vote for the proposed measure? a measure designed to arrest the approach of events which I have demonstrated must, if not arrested, create

convulsions and revolutions; and to correct a disease which must, if not corrected, subject the currency to continued agitations and fluctuations, and in order to give that permanence, stability, and uniformity, which are so essential to your prosperity. To effect this may require some diminution on the profits of banking, some temporary sacrifice of interest; but, if such should be the fact, it will be compensated in more than a hundred-fold proportion, by increased security and durable prosperity. If the system must advance in the present course without a check, and if explosion must follow, remember that where you stand will be the crater; should the system quake, under your feet the chasm will open that will ingulf your institutions and your prosperity."]

I regret to trespass on the patience of the Senate, but I wish, in justice to myself, to ask their attention to one more, which, though not immediately relating to the question under consideration, is not irrelevant to my vindication. I not only expressed my opinions freely in relation to the currency and the Bank, in the speech from which such copious extracts have been read, but had the precaution to define my political position distinctly in reference to the political parties of the day, and the course I would pursue in relation to each. I then, as now, belonged to the party to which it is my glory ever to have been attached exclusively; and avowed, explicitly, that I belonged to neither of the two parties, opposition or administration, then contending for superiority, which of itself ought to go far to repel the charge of the senator from Kentucky, that I have gone over from one party to the other. The secretary will read the last extract.

["I am the partisan, as I have said, of no class, nor, let me add, of any political party. I am neither of the opposition nor of the administration. If I act with the former in any instance, it is because I approve of their course on the particular occasion; and I shall always be happy to act with them when I do approve. If I oppose the administration; if I desire to see power change hands, it is because I disapprove of the general course of those in authority; because they have departed from the principles on which they came into office; because, instead of using the immense power and patronage put into their hands to secure the liberty of the country and advance the public good, they have perverted them into party instruments for personal objects. But mine has not been, nor will it be, a systematic opposition. Whatever measure of theirs I may deem right, I shall cheerfully support, and I only desire that they shall afford me more frequent occasions for support, and fewer for opposition, than they have heretofore done."]

Such, senators, are my recorded sentiments in 1834. They are full and explicit on all the questions involved in the present issue, and prove, beyond the possibility of doubt, that I have changed no opinion, abandoned no principle, nor deserted any party. I stand now on the ground I stood on then; and, of course, if my relations to the two opposing parties are changed—if I now act with those that I then opposed, and oppose those with whom I then acted, the change is not in me. I, at least, have stood still. In saying this, I accuse none of changing. I leave others to explain their position now and then, if they deem explanation necessary. But, if I may be permitted to state my opinion, I would say that the change is rather in the questions and the circumstances than in the opinions or principles of either of the parties. The opposition were then, and are now, National Bank men; and the administration, in like manner, were anti-national bank, and in favour of a league of state banks; while I preferred then, as now, the former to the latter, and a divorce from banks to either. When the experiment of the league failed, the ad-

ministration were reduced to the option between a National Bank and a divorce. They chose the latter, and such, I have no reason to doubt, would have been their choice had the option been the same four years ago. Nor have I any doubt, had the option been then between a league of banks and divorce, the opposition then, as now, would have been in favour of the league. In all this there is more apparent than real change. As to myself, there has been neither. If I acted with the opposition and opposed the administration then, it was because I was openly opposed to the removal of the deposites and the league of banks, as I now am; and if I now act with the latter and oppose the former, it is because I am now, as then, in favour of a divorce, and opposed to either a league of state banks or a National Bank, except, indeed, as the means of effecting a divorce gradually and safely. What, then, is my offence? What but refusing to abandon my first choice, the divorce from the banks, because the administration has selected it, and of going with the opposition for a National Bank, to which I have been, and am still opposed? That is all; and for this I am charged with going over—leaving one party and joining the other.

Had some guardian angel, Mr. President, whispered in my ear at the time, "Be cautious what you say; this question will not terminate here; four years hence it will be revived under very different circumstances, when your principles and duty will compel you to act with those you now oppose, and oppose those with whom you now act, and when you will be charged with desertion of principles," I could not have guarded myself more effectually than I have done. Yet, in the face of all this, the senator has not only made the charge, but has said in his place, that he heard, for the first time in his life, at the extra session, that I was opposed to a National Bank! I could place the senator in a dilemma from which there is no possibility of escape. I might say to him, you have either forgot or not what I said in 1834. If you have not, how can you justify yourself in making the charge you have? But if you have—if you have forgot what is so recent, and what, from the magnitude of the question and the importance of the occasion, was so well calculated to impress itself on your memory, what possible value can be attached to your recollection or opinions as to my course on more remote and less memorable occasions, on which you have undertaken to impeach my conduct? He may take his choice.

Having now established, by the record, that I have changed no opinion, abandoned no principle, nor deserted any party, the charge of the senator, with all the aspersions with which he accompanied it, falls prostrate to the earth. Here I might leave the subject and close my vindication. But I choose not. I shall follow the senator up, step by step, in his unprovoked, and, I may now add, groundless attack, with blows not less decisive and victorious.

The senator next proceeded to state that, in a certain document (if he named it I did not hear him), I assigned, as the reason why I could not join in the attack on the administration, that the benefit of the victory would not inure to myself or my party, or, as he explained himself, because it would not place myself and them in power. I presume he referred to a letter in answer to an invitation to a public dinner offered me by my old and faithful friends and constituents of Edgefield, in approbation of my course at the extra session.

[Mr. Clay: "I do."]

The pressure of domestic engagements would not permit me to accept their invitation; and, in declining it, I deemed it due to them and myself to explain my course, in its political and party bearing, more fully than I had

done in debate. They had a right to know my reasons, and I expressed myself with the frankness due to the long and uninterrupted confidence that had ever existed between us.

Having made these explanatory remarks, I now proceed to meet the assertion of the senator. I again take issue on the fact. I assigned no such reason as the senator attributes to me. I never dreamed nor thought of such a one; nor can any force of construction extort it from what I said. No: my object was not power or place, either for myself or party. It was far more humble and honest. It was to save ourselves and our principles from being absorbed and lost in a party more numerous and powerful, but differing from us on almost every principle and question of policy.

When the suspension of specie payments took place in May last (not unexpected to me), I immediately turned my attention earnestly to the event, considering it as one pregnant with great and lasting consequences. Reviewing the whole ground, I saw nothing to change in the opinions and principles I had avowed in 1834, and I determined to carry them out as far as circumstances and my ability would enable me. But I saw that my course must be influenced by the position which the two great contending parties might take in reference to the question. I did not doubt that the opposition would rally either on a National Bank or a combination of state banks, with Mr. Biddle's at the head, but I was wholly uncertain what course the administration would adopt, and remained so until the message of the President was received and read by the secretary at his table. When I saw he went for a divorce, I never hesitated a moment. Not only my opinions and principles, long entertained, and, as I have shown, fully expressed years ago, but the highest political motives, left me no alternative. I perceived, at once, that the object, to accomplish which we had acted in concert with the opposition, had ceased; executive usurpations had come to an end for the present; and that the struggle with the administration was no longer for power, but to save themselves. I also clearly saw, that if we should unite with the opposition in their attack on the administration, the victory over them, in the position they occupied, would be a victory over us and our principles. It required no sagacity to see that such would be the result. It was as plain as day. The administration had taken position, as I have shown, on the very ground I occupied in 1834, and which the whole State Rights party had taken, at the same time, in the other house, as its journals will prove. The opposition, under the banner of the Bank, were moving against them, for the very reason that they had taken the ground they did.

Now, I ask, What would have been the result if we had joined in the attack? No one can now doubt that the victory over those in power would have been certain and decisive, nor would the consequences have been the least doubtful. The first fruit would have been a National Bank. The principles of the opposition, and the very object of the attack, would have necessarily led to that. We would have been not only too feeble to resist, but would have been committed by joining in the attack with its avowed object to go for one, while those who supported the administration would have been scattered to the winds. We should then have had a bank—that is clear; nor is it less certain that in its train there would have followed all the consequences which have, and ever will follow, when tried—high duties, overflowing revenue, extravagant expenditures, large surpluses; in a word, all those disastrous consequences which have well near overthrown our institutions, and involved the country in its present difficulties. The influence of the institution, the known princi-

ples and policy of the opposition, and the utter prostration of the administration party, and the absorption of ours, would have led to these results as certainly as we exist.

I now appeal, senators, to your candour and justice, and ask, Could I, having all these consequences before me, with my known opinions, and that of the party to which I belong, and to which only I owe fidelity, have acted differently from what I did? Would not any other course have justly exposed me to the charge of having abandoned my principles and party, with which I am now accused so unjustly? Nay, would it not have been worse than folly—been madness in me to have taken any other? And yet, the grounds which I have assumed in this exposition are the very *reasons* assigned in my letter, and which the senator has perverted, most unfairly and unjustly, into the pitiful, personal, and selfish reason which he has attributed to me. Confirmative of what I say, I again appeal to the record. The secretary will read the paragraph marked in my Edgefield letter, to which, I presume, the senator alluded.

["As soon as I saw this state of things, I clearly perceived that a very important question was presented for our determination, which we were compelled to decide forthwith—Shall we continue our joint attack with the nationals on those in power, in the new position which they have been compelled to occupy? It was clear, with our joint forces, we could utterly overthrow and demolish them, but it was not less clear that the victory would inure, not to us, but exclusively to the benefit of our allies and their cause. They were the most numerous and powerful, and the point of assault on the position which the party to be assaulted had taken in relation to the banks would have greatly strengthened the settled principles and policy of the national party, and weakened, in the same degree, ours. They are, and ever have been, the decided advocates of a National Bank, and are now in favour of one with a capital so ample as to be sufficient to control the state institutions, and to regulate the currency and exchanges of the country. To join them, with their avowed object, in the attack to overthrow those in power, on the ground they occupied against a bank, would, of course, not only have placed the government and country in their hands without opposition, but would have committed us, beyond the possibility of extrication, for a bank, and absorbed our party in the ranks of the National Republicans. The first fruits of the victory would have been an overshadowing National Bank, with an immense capital, not less than from fifty to a hundred millions, which would have centralized the currency and exchanges, and with them the commerce and capital of the country, in whatever section the head of the institution might be placed. The next would be the indissoluble union with political opponents, whose principles and policy are so opposite to ours, and so dangerous to our institutions, as well as oppressive to us."]

I now ask, Is there anything in this extract which will warrant the construction that the senator has attempted to force on it? Is it not manifest that the expression on which he fixes, that the victory would inure, not to us, but exclusively to the benefit of the opposition, alludes not to power or place, but to principle and policy? Can words be more plain? What, then, becomes of all the aspersions of the senator, his reflections about selfishness and the want of patriotism, and his allusions and illustrations to give them force and effect? They fall to the ground, without deserving a notice, with his groundless accusation.

But, in so premeditated and indiscriminate an attack, it could not be expected that my motives would entirely escape, and we accordingly find the senator very charitably leaving it to time to disclose my motive for going over. Leave it to time to disclose my motive for going over! I,

who have changed no opinion, abandoned no principle, and deserted no party; I, who have stood still and maintained my ground against every difficulty, to be told that it is left to time to disclose my motive! The imputation sinks to the earth, with the groundless charge on which it rests. I stamp it, with scorn, in the dust. I pick up the dart, which fell harmless at my feet. I hurl it back. What the senator charges on me unjustly, *he has actually done.* He went over on a memorable occasion, and did not leave it to time to disclose his motive.

The senator next tells us that I bore a character for stern fidelity, which he accompanied with remarks implying that I had forfeited it by my course on the present occasion. If he means by stern fidelity a devoted attachment to duty and principle, which nothing can overcome, the character is indeed a high one, and, I trust, not entirely unmerited. I have, at least, the authority of the senator himself for saying that it belonged to me before the present occasion, and it is, of course, incumbent on him to show that I have since forfeited it. He will find the task a Herculean one. It would be by far more easy to show the opposite—that, instead of forfeiting, I have strengthened my title to the character; instead of abandoning any principles, I have firmly adhered to them, and that, too, under the most appalling difficulties. If I were to select an instance in the whole course of my life on which, above all others, to rest my claim to the character which the senator attributed to me, it would be this very one, which he has selected to prove that I have forfeited it. I acted with the full knowledge of the difficulties I had to encounter, and the responsibility I must incur. I saw a great and powerful party, probably the most powerful in the country, eagerly seizing on the catastrophe which had befallen the currency, and the consequent embarrassments that followed, to displace those in power, against whom they had been long contending. I saw that, to stand between them and their object, I must necessarily incur their deep and lasting displeasure. I also saw that, to maintain the administration in the position they had taken, to separate the government from the banks, I would draw down on me, with the exception of some of the Southern banks, the whole weight of that extensive, concentrated, and powerful interest—the most powerful by far of any in the whole community; and thus I would unite against me a combination of political and moneyed influence almost irresistible. Nor was this all. I could not but see that, however pure and disinterested my motives, and however consistent my course with all I had ever said or done, I would be exposed to the very charges and aspersions which I am now repelling. The ease with which they could be made, and the temptation to make them, I saw were too great to be resisted by the party morality of the day, as groundless as I have demonstrated them to be. But there was another consequence that I could not but foresee, far more painful to me than all others. I but too clearly saw that, in so sudden and complex a juncture, called on as I was to decide on my course instantly, as it were, on the field of battle, without consultation or explaining my reasons, I would estrange for a time many of my political friends, who had passed through with me so many trials and difficulties, and for whom I feel a brother's love. But I saw before me the path of duty; and, though rugged, and hedged on all sides with these and many other difficulties, I did not hesitate a moment to take it. Yes, *alone*, as the senator sneeringly says. After I had made up my mind as to my course, in a conversation with a friend about the responsibility I would assume, he remarked that my own state might desert me. I replied that it was not impossible; but the result has proved that I under-estimated the intelligence and patriotism of my virtuous and noble state. I ask her pardon

for the distrust implied in my answer; but I ask, with assurance it will be granted, on the grounds I shall put it—that, in being prepared to sacrifice her confidence, as dear to me as light and life, rather than disobey, on this great question, the dictates of my judgment and conscience, I proved myself not unworthy of being her representative.

But if the senator, in attributing to me stern fidelity, meant, not devotion to principle, but to party, and especially the party of which he is so prominent a member, my answer is, that I never belonged to his party, nor owed it any fidelity; and, of course, could forfeit, in reference to it, no character for fidelity. It is true, we acted in concert against what we believed to be the usurpations of the executive; and it is true that, during the time, I saw much to esteem in those with whom I acted, and contracted friendly relations with many, which I shall not be the first to forget. It is also true that a common party designation was applied to the opposition in the aggregate, not, however, with my approbation; but it is no less true that it was universally known that it consisted of two distinct parties, dissimilar in principle and policy, except in relation to the object for which they had united: the National Republican party, and the portion of the State Rights party which had separated from the administration, on the ground that it had departed from the true principles of the original party. That I belonged exclusively to that detached portion, and to neither the opposition nor administration party, I prove by my explicit declaration, contained in one of the extracts read from my speech on the currency in 1834. That the party generally, and the state which I represent in part, stood aloof from both of the parties, may be established from the fact that they refused to mingle in the party and political contests of the day. My state withheld her electoral vote in two successive presidential elections; and, rather than bestow it on either the senator from Kentucky, or the distinguished citizen whom he opposed, in the first of those elections, she threw her vote on a patriotic citizen of Virginia, since deceased, of her own politics, but who was not a candidate; and, in the last, she refused to give it to the worthy senator from Tennessee near me (Judge White), though his principles and views of policy approached so much nearer to hers than that of the party to which the senator from Kentucky belongs. But, suppose the fact was otherwise, and that the two parties had blended so as to form one, and that I owed to the united party as much fidelity as I do to that to which I exclusively belonged; even on that supposition, no conception of party fidelity could have controlled my course on the present occasion. I am not among those who pay no regard to party obligations; on the contrary, I place fidelity to party among the political virtues, but I assign to it a limited sphere. I confine it to matters of detail and arrangement, and to minor questions of policy. Beyond that, on all questions involving principles, or measures calculated to affect materially the permanent interests of the country, I look only to God and country.

And here, Mr. President, I avail myself of the opportunity to declare my present political position, so that there may be no mistake hereafter. I belong to the old Republican State Rights party of 1798. To that, and that alone, I owe fidelity, and by that I shall stand through every change, and in spite of every difficulty. Its creed is to be found in the Kentucky Resolutions, and Virginia Resolutions and Report; and its policy is to confine the action of this government within the narrowest limits compatible with the peace and security of these states, and the objects for which the Union was expressly formed. I, as one of the party, shall support all who support its principles and policy, and oppose all who oppose them. I have given, and shall continue to give, the administration a hearty and sincere

support on the great question now under discussion; because I regard it as in strict conformity to our creed and policy, and shall do everything in my power to sustain them under the great responsibility which they have assumed. But let me tell those who are more interested in sustaining them than myself, that the danger which threatens them lies not here, but in another quarter. This measure will tend to uphold them, if they stand fast and adhere to it with fidelity. But, if they wish to know where the danger is, let them look to the fiscal department of the government. I said, years ago, that we were committing an error the reverse of the great and dangerous one that was committed in 1828, and to which we owe our present difficulties, and all we have since experienced. Then, we raised the revenue greatly, when the expenditures were about to be reduced by the discharge of the public debt; and now, we have doubled the disbursements, when the revenue is rapidly decreasing: an error which, although probably not so fatal to the country, will prove, if immediate and vigorous measures be not adopted, far more so to those in power. The country will not, and ought not, to bear the creation of a new debt beyond what may be temporarily necessary to meet the present embarrassment; and any attempt to increase the duties must and ought to prove fatal to those who may make it, so long as the expenditures may, by economy and accountability, be brought within the limits of the revenue.

But the senator did not confine his attack to my conduct and motives in reference to the present question. In his eagerness to weaken the cause I support, by destroying confidence in me, he made an indiscriminate attack on my intellectual faculties, which he characterized as metaphysical, eccentric, too much of genius, and too little common sense, and, of course, wanting a sound and practical judgment.

Mr. President, according to my opinion, there is nothing of which those who are endowed with superior mental faculties ought to be more cautious than to reproach those with their deficiency to whom Providence has been less liberal. The faculties of our mind are the immediate gift of our Creator, for which we are no farther responsible than for their proper cultivation, according to our opportunities, and their proper application to control and regulate our actions. Thus thinking, I trust I shall be the last to assume superiority on my part, or reproach any one with inferiority on his; but those who do not regard the rule when applied to others, cannot expect it to be observed when applied to themselves. The critic must expect to be criticized, and he who points out the faults of others, to have his own pointed out.

I cannot retort on the senator the charge of being metaphysical. I cannot accuse him of possessing the powers of analysis and generalization, those higher faculties of the mind (called metaphysical by those who do not possess them) which decompose and resolve into their elements the complex masses of ideas that exist in the world of mind, as chemistry does the bodies that surround us in the material world; and without which those deep and hidden causes which are in constant action, and producing such mighty changes in the condition of society, would operate unseen and undetected. The absence of these higher qualities of mind is conspicuous throughout the whole course of the senator's public life. To this it may be traced that he prefers the specious to the solid, and the plausible to the true. To the same cause, combined with an ardent temperament, it is owing that we ever find him mounted on some popular and favourite measure, which he whips along, cheered by the shouts of the multitude, and never dismounts till he has rode it down. Thus, at one time we find him mounted on the protective system, which he rode down; at another, on internal improvement; and now he is mounted on

a bank, which will surely share the same fate, unless those who are immediately interested shall stop him in his headlong career. It is the fault of his mind to seize on a few prominent and striking advantages, and to pursue them eagerly, without looking to consequences. Thus, in the case of the protective system, he was struck with the advantages of manufactures; and, believing that high duties was the proper mode of protecting them, he pushed forward the system, without seeing that he was enriching one portion of the country at the expense of the other; corrupting the one and alienating the other; and, finally, dividing the community into two great hostile interests, which terminated in the overthrow of the system itself. So, now, he looks only to a uniform currency, and a bank as a means of securing it, without once reflecting how far the banking system has progressed, and the difficulties that impede its farther progress; that banking and politics are running together, to their mutual destruction; and that the only possible mode of saving his favourite system is to separate it from the government.

To the defects of understanding which the senator attributes to me, I make no reply. It is for others, and not me, to determine the portion of understanding which it has pleased the Author of my being to bestow on me. It is, however, fortunate for me, that the standard by which I shall be judged is not the false, prejudiced, and, as I have shown, unfounded opinion which the senator has expressed, but my acts. They furnish materials, neither few nor scant, to form a just estimate of my mental faculties. I have now been more than twenty-six years continuously in the service of this government, in various stations, and have taken part in almost all the great questions which have agitated this country during this long and important period. Throughout the whole I have never followed events, but have taken my stand in advance, openly and freely, avowing my opinions on all questions, and leaving it to time and experience to condemn or approve my course. Thus acting, I have often, and on great questions, separated from those with whom I usually acted; and if I am really so defective in sound and practical judgment as the senator represents, the proof, if to be found anywhere, must be found in such instances, or where I have acted on my sole responsibility. Now, I ask, In which of the many instances of the kind is such proof to be found? It is not my intention to call to the recollection of the Senate all such; but that you, senators, may judge for yourselves, it is due, in justice to myself, that I should suggest a few of the most prominent, which at the time were regarded as the senator now considers the present; and then, as now, because, where duty is involved, I would not submit to party trammels.

I go back to the commencement of my public life, the war session, as it was usually called, of 1812, when I first took my seat in the other house, a young man without experience to guide me, and I shall select, as the first instance, the navy. At that time, the administration and the party to which I was strongly attached were decidedly opposed to this important arm of service. It was considered anti-republican to support it; but acting with my then distinguished colleague, Mr. Cheves, who led the way, I did not hesitate to give it my hearty support, regardless of party ties. Does this instance sustain the charge of the senator?

The next I shall select is the restrictive system of that day; the embargo, the Non-importation and Non-intercourse Acts. This, too, was a party measure, which had been long and warmly contested, and, of course, the lines of party well drawn. Young and inexperienced as I was, I saw its defects, and resolutely opposed it, almost alone of my party. The second or third speech I made, after I took my seat, was in open denun-

ciation of the system; and I may refer to the grounds I then assumed, the truth of which have been confirmed by time and experience, with pride and confidence. This will scarcely be selected by the senator to make good his charge.

I pass over other instances, and come to Mr. Dallas's bank of 1814–15. That, too, was a party measure. Banking was then comparatively but little understood, and it may seem astonishing, at this time, that such a project should ever have received any countenance or support. It proposed to create a bank of $50,000,000, to consist almost entirely of what was called then the war stocks; that is, the public debt created in carrying on the then war. It was provided that the bank should not pay specie during the war, and for three years after its termination, for carrying on which it was to lend the government the funds. In plain language, the government was to borrow back its own credit from the bank, and pay to the institution six per cent. for its use. I had scarcely ever before seriously thought of banks or banking, but I clearly saw through the operation, and the danger to the government and country; and, regardless of party ties or denunciations, I opposed and defeated it in the manner I explained at the extra session. I then subjected myself to the very charge which the senator now makes; but time has done me justice, as it will in the present instance.

Passing the intervening instances, I come down to my administration of the war department, where I acted on my own judgment and responsibility. It is known to all that the department, at the time, was perfectly disorganized, with not much less than $50,000,000 of outstanding and unsettled accounts, and the greatest confusion in every branch of service. Though without experience, I prepared, shortly after I went in, the bill for its organization, and on its passage I drew up the body of rules for carrying the act into execution, both of which remain substantially unchanged to this day. After reducing the outstanding accounts to a few millions, and introducing order and accountability in every branch of service, and bringing down the expenditure of the army from four to two and a half millions annually, without subtracting a single comfort from either officer or soldier, I left the department in a condition that might well be compared to the best in any country. If I am deficient in the qualities which the senator attributes to me, here in this mass of details and business it ought to be discovered. Will he look to this to make good his charge?

From the war department I was transferred to the chair which you now occupy. How I acquitted myself in the discharge of its duties, I leave it to the body to decide, without adding a word. The station, from its leisure, gave me a good opportunity to study the genius of the prominent measure of the day, called then the American System, of which I profited. I soon perceived where its errors lay, and how it would operate. I clearly saw its desolating effects in one section, and corrupting influence in the other; and when I saw that it could not be arrested here, I fell back on my own state, and a blow was given to a system destined to destroy our institutions, if not overthrown, which brought it to the ground. This brings me down to the present time, and where passions and prejudices are yet too strong to make an appeal with any prospect of a fair and impartial verdict. I then transfer this, and all my subsequent acts, including the present, to the tribunal of posterity, with a perfect confidence that nothing will be found, in what I have said or done, to impeach my integrity or understanding.

I have now, senators, repelled the attacks on me. I have settled the account and cancelled the debt between me and my accuser. I have not

sought this controversy, nor have I shunned it when forced on me. I have acted on the defensive, and if it is to continue, which rests with the senator, I shall throughout continue so to act. I know too well the advantage of my position to surrender it. The senator commenced the controversy, and it is but right that he should be responsible for the direction it shall hereafter take. Be his determination what it may, I stand prepared to meet him.

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## XXII.

SPEECH IN REPLY TO MR. WEBSTER ON THE SUB-TREASURY BILL, MARCH 22, 1838.

Mr. President: After having addressed the Senate twice, I should owe an apology, under ordinary circumstances, for again intruding myself on its patience. But, after what fell from the senator from Massachusetts nearest to me (Mr. Webster), the other day, the greater part of which was not only directed against my arguments, but at me personally, I feel that my silence, and not my notice of his remarks, would require an apology. And yet, notwithstanding I am thus constrained again to address the Senate, I fear it will be impossible to avoid exciting some impatience, fatigued and exhausted as it must be by so long a discussion; to prevent which, as far as practicable, I shall aim at as much brevity as possible, consistently with justice to myself and the side I support.

The senator's speech was long and multifarious, consisting of many parts, which had little or no connexion with the question under consideration. For the sake of brevity and distinctness, I propose to consider it under four heads. First, his preliminary discourse, which treated at large of credits and banks, with very little reference to the subject. Next, his arguments on the question at issue; and that to be followed by his reply to my arguments at this and the extra session; and, finally, his conclusion, which was appropriated wholly to personal remarks, and a comparison between his and my public course, without having the slightest relation either to the subject or anything I had said in the debate, but which the senator obviously considered as the most important portion of his speech. He devoted one day almost wholly to it, and delivered himself with an earnestness and vehemence which clearly manifested the importance which he had attached to it. I shall, as in duty bound, pay my respects first to that which so manifestly occupied the highest place in his estimation, though standing at the bottom in the order of his remarks.

The senator opened this portion of his speech with much courtesy, accompanied by many remarks of respect and regard, which I understood to be an intimation that he desired the attack he was about to make to be attributed to political, and not personal motives. I accept the intimation, and shall meet him in the sense he intended. Indeed, there never has been between the senator and myself the least personal difference, nor has a word having a personal bearing ever passed between us in debate prior to the present occasion, within my recollection, during the long period we have been in public life, except on the discussion of the Force Bill and Proclamation; which, considering how often we have stood opposed on deep and exciting questions, may be regarded as not a little remarkable. But our political relations have not been on as good a footing as our personal. He seems to think that we had harmonized not badly till 1824, when, according to his version, I became too sectional for him to act any longer with me; but which I shall hereafter show originated in a very different cause. My impression, I must say, is different, very different from that of the senator. From the commencement of our public life to the present time, we have differed on almost all questions involving the principles

of the government and its permanent policy, with the exception of a short interval, while I was in the war department, when the senator agreed with the South on the protective system and some other measures. I do not consider our casual concert during the last few years of the late administration, when we were both opposed to the executive power, as constituting an exception. It was understood that we both adhered to our principles and views of policy without the least surrender, and our personal relations were formal and cold during the whole period. In fact, we moved in entirely different spheres. We differed in relation to the origin and character of the government, the principles on which it rested, and the policy it ought to pursue; and I could not at all sympathize with the grave and deep tone with which the senator pronounced our final separation, as he was pleased to call it, and which, in my opinion, would have been much more appropriate to the separation of those who had been long and intimately united in the support of the same principles and policy, than to the slight and casual relations, personal and political, which had existed between us.

Setting, then, aside all personal motives, I may well ask, What political grief, what keen disappointment is it, which at this time could induce him to make the attack he has on me, and, I might add, in the manner in which he made it? The senator himself shall answer the question. He has unfolded the cause of his grief, and pointed to the source of his disappointment. He told us that "victory was within reach, and my co-operation only was wanted to prostrate forever those in power." These few words are a volume. They disclose all. Yes, victory was within reach, the arm outstretched, the hand expanded to seize it, and I would not co-operate. Hence the grief, hence the keen disappointment, and hence the waters of bitterness that have rolled their billows against me. And what a victory! Not simply the going out of one party and the coming in of another; not merely the expulsion of the administration, and the induction of the opposition; but a great political revolution, carrying with it the fundamental principles of the government and a permanent change of policy. It would have brought in, not only the senator and his party, but their political creed, as announced by him in the discussion on the Proclamation and Force Bill, with which he now taunts those in power—a fact to be noted and remembered. He, the champion of those measures, against whom I contended foot to foot for one entire session, now casts up to me, that in refusing to co-operate with him, I protect the party in power, not a small portion of whom, I have good reason to believe, were drawn by the adverse current of the times reluctantly from their own principles to the support of those measures, and with it the senator and his principles. Yes, I repeat, it would have brought in the senator and his consolidation doctrines, which regard this government as one great National Republic, with the right to construe finally and conclusively the extent of its own powers, and to enforce its construction at the point of the bayonet; doctrines which at a blow sweep away every vestige of state rights, and reduce the states to mere petty and dependant corporations. It would also have brought in his policy—bank, tariff, and all. Even now, when victory is still uncertain, the senator announces the approach of the period when he shall move the renewal of the protective system: a precious confession, that dropped out in the heat of discussion.

[Mr. Webster: "No, I spoke deliberately."]

So much, then, the worse. That justifies all I have said and done; that proves my foresight and firmness, and will open the eyes of thousands, especially in the South, who have heretofore doubted the correctness of my course on this question.

The victory would not only have been complete had I co-operated, but it would also have been permanent. The portion of the State Rights party with which I acted would have been absorbed—yes, absorbed; it is the proper word,

and I use it in spite of the sarcasm of the senator. The other would have been scattered and destroyed, and the senator and his party, and their principles and policy, would have been left undisputed masters of the field, unresisted and irresistible. The first fruits of the victory would have been the reunion of the political and money power—a wedded union, never more to be dissolved. The tariff would have been renewed—I may now speak positively, after the declaration of the senator—to be again followed by an overflowing revenue, profuse and corrupt expenditures, heavy surplus, and overwhelming patronage, which would have closed the door to wealth and distinction to all who refused to bend the knee at the shrine of the combined powers. All this was seen and fully comprehended by the senator; and hence again, I repeat, his deep grief, his keen disappointment, and his attacks on me for refusing to co-operate.

The senator must have known that, in refusing, I acted on principles and opinions long entertained and fully declared years ago. In my reply to his associate in this joint war on me, in which I am attacked at once in front and rear, I demonstrated, to the satisfaction of the Senate, the truth of what I assert so completely, that the senator's associate did not even attempt a denial. And yet. such is the depth of the senator's grief and disappointment, that it hurried him to a repetition of exploded charges, which, in his cooler moments, he must know to be unfounded. He repeated the stale and refuted charge of a somerset, of going over, and of being struck with a sudden thought; and summoned up all his powers of irony and declamation, of which he proved himself to be a great master on the occasion, to make my Edgefield letter, in which I assigned my reason for refusing to co-operate, ridiculous. I see in all this but the disappointed hopes of one who had fixed his gaze intensely on power that had eluded his grasp, and who sought to wreak his resentment on him who had refused to put the splendid prize in his hands. He resorted to ridicule, because it was the only weapon that truth and justice left him. He well knows how much deeper are the wounds that they inflict than the slight punctures that the pointed, but feeble, shafts of ridicule leave behind; and he used the more harmless weapon only because he could not command the more deadly. That is in my hand. I brandish it in his eyes. It is the only one I need, and I intend to use it freely on this occasion.

After pouring out his wailing in such doleful tones because I would not cooperate in placing him and his party in power, and prostrating my own, the senator next attacks me because I stated in my Edgefield letter, as I understood him, that I rallied on General Jackson with the view of putting down the tariff by executive influence. I have looked over that letter with care, and can find no such expression. [Mr. Webster: "It was used at the extra session."] I was about to add, that I had often used it, and cannot but feel surprised that the senator should postpone the notice of it till this late period, if he thought it deserving reply. Why did he not reply to it years ago, when I first used it in debate? But the senator asked what I meant by executive influence. Did I mean his veto? He must have asked the question thoughtlessly. He must know that the veto can only apply to bills on their passage, and could not possibly be used in case of existing laws, such as the tariff acts. He also asked if there was concert in putting down the tariff between myself and the present chief magistrate. I reply by asking him a question, to which, as a New-England man, he cannot object. He has avowed his determination, in a certain contingency, which he thinks is near, that he will move the renewal of the tariff. I ask, Is there concert on that point between him and his associate in this attack? And, finally, he asks if I disclosed my motives then. Yes: I am not in the habit of disguising them. I openly and constantly avowed that it was one of my leading reasons in supporting General Jackson, because I expected he would use his influence to effect a gradual, but thorough reduction of the tariff, that would reduce the system to the revenue point; and when I saw reason to doubt

whether he would accomplish what I deem so important, I did not wait the event of his election, but moved openly and boldly in favour of state interposition as a certain remedy, which would not fail to effect the reduction, in the event he should disappoint me.

The senator, after despatching my letter, concluded his speech by volunteering a comparison between his and my public character, not very flattering to me, but highly complimentary to himself. He represented me as sectional; in the habit of speaking constantly of the unconstitutional and oppressive operations of the tariff, which he thought very unpatriotic; of having certain sinister objects in view in calling on the South to unite, and of marching off under the State Rights banner, while he paints himself in the most glowing and opposite colours. There is, Mr. President, no disputing about taste; such are the effects of a difference of organization and education, that what is offensive to one is often agreeable to another. According to my conception, nothing can be more painful than to pronounce our own praise, particularly in contrast with another, even when forced to do so in self-defence; but how one can rise in his place when neither his motive nor his conduct is impeached, and when there is nothing in the question or previous discussion that could possibly justify it, and pronounce a eulogy on himself, which a modest man would blush to pronounce on a Washington or a Franklin to his face, is to me utterly incomprehensible. But if the senator, in pronouncing his gorgeous piece of autobiography, had contented himself in simply proclaiming, in his deep tone, to the Senate and the assembled multitude of spectators, that he came into Congress as the representative of the American people; that if he was born for any good, it was for the good of the whole people, and the defence of the Constitution; that he habitually acted as if acting in the eyes of the framers of the Constitution; that it would be easier to drive these pillars from their bases than to drive or seduce him from his lofty purpose; that he would do nothing to weaken the brotherly love between these states, and everything that they should remain united, beneficially and thoroughly, forever, I would have gazed in silent wonder without uttering a word at the extraordinary spectacle, and the happy self-delusion in which he seems to exist. But when he undertook, not only to erect an image to himself, as an object of self-adoration, but to place alongside of it a carved figure of myself, with distorted limbs and features, to heighten and render more divine his own image, he invited, he challenged, nay, he compelled me to inquire into the high qualities which he arrogates to himself, and the truth of the comparison which he has drawn between us. If the inquiry should excite some reminiscences not very agreeable to the senator, or disturb the happy self-delusion in which he reposes, he must not blame me, but his own self-sufficiency and boasting at my expense.

"Know yourself" is an ancient maxim, the wisdom of which I never before so fully realized. How imperfectly even the talented and intelligent know themselves! Our understanding, like our eyes, seems to be given, not to see our own features, but those of others. How diffident we ought to be of any favourable opinion that we may have formed of ourselves! That one of the distinguished abilities of the senator, and his mature age, should form so erroneous an opinion of his real character, is indeed truly astonishing. I do not deny that he possesses many excellent qualities. My object is truth, and I intend neither to exaggerate nor detract. But I must say that the character which he attributes to himself is wholly unlike that which really belongs to him. So far from that universal and ardent patriotism which knows neither place nor person, that he ascribes to himself, he is, above all the distinguished public men with whom I am acquainted, remarkable for a devoted attachment to the interest, the institutions, and the place where Providence has cast his lot. I do not censure him for his local feelings. The Author of our being never intended that creatures of our limited faculties should embrace with equal intenseness of af-

fection the remote and the near. Such an organization would lead us constantly to intermeddle with what we would but imperfectly understand, and often to do mischief where we intended good. But the senator is far from being liable to such a charge. His affections, instead of being too wide and boundless, are too concentrated. As local as his attachment is, it does not embrace all within its limited scope. It takes in but a class even there—powerful, influential, and intelligent, but still a class which influences and controls all his actions, and so absorbs his affections as to make him overlook large portions of the Union, of which I propose to give one or two striking illustrations.

I must, then, remind the senator that there is a vast extent of our wide-spread Union, which lies south of Mason and Dixon's line, distinguished by its peculiar soil, climate, situation, institutions, and productions, which he has never encircled within the warm embraces of his universal patriotism. As long as he has been in public life, he has not, to the best of my knowledge, given a single vote to promote its interest, or done an act to defend its rights. I wish not to do him injustice. If I could remember a single instance, I would cite it; but I cannot, in casting my eyes over his whole course, call to mind one. As boundless and ardent, then, as is his patriotism, according to his own account, it turns out that it is limited by metes and bounds, that exclude nearly one half of the whole Union!

But it may be said that this total absence of all manifestation of attachment to an entire section of the Union is not to be attributed to the want of an ardent desire to promote its interest and security, but of occasion to exhibit it. Unfortunately for the senator, such an excuse is without foundation. Opportunities are daily and hourly offering. The section is the weakest of the two, and its peculiar interest and institutions expose it constantly to injustice and oppression, which afford many and fine opportunities to display that generous and noble patriotism which the senator attributes to himself, and which delights in taking the side of the assailed against the assailant. Even now, at this moment, there is an opportunity which one professing such ardent and universal attachment to the whole country as the senator professes would greedily embrace. A war is now, and has been systematically and fiercely carried on, in violation of the Constitution, against a long-standing and widely-extended institution of that section, that is indispensable, not only to its prosperity, but to its safety and existence, and which calls loudly on every patriot to raise his voice and arm in its defence. How has the senator acted? Has he raised his mighty arm in defence of the assailed, or thundered forth his denunciation against the assailants? These are searching questions. They test the truth of his universal and boasted attachment to the whole country; and in order that the Senate may compare his acts with his professions, I propose to present more fully the facts of the case, and his course.

It is well known, then, that the section to which I refer is inhabited by two races, from different continents, and descended from different stocks; and that they have existed together under the present relation from the first settlement of the country. It is also well known that the ancestors of the senator's constituents (I include the section) brought no small portion of the ancestors of the African, or inferior race, from their native home across the ocean, and sold them *as slaves* to the ancestors of our constituents, and pocketed the price, and profited greatly by the traffic. It is also known, that when the Constitution was formed, our section felt much jealousy lest the powers which it conferred should be used to interfere with the relations existing between the two races; to allay which, and induce our ancestors to enter the Union, guards, that were deemed effectual against the supposed danger, were inserted in the instrument. It is also known that the product of the labour of the inferior race has furnished the basis of our widely-extended commerce and ample revenue, which has supported the government, and diffused wealth and prosperity through the other

section. This is one side of the picture. Let us now turn and look at the other.

How has the other section acted? I include not all, nor a majority. We have had recent proof, during the discussion of the resolutions I offered at the commencement of the session, to what great extent just and patriotic feelings exist in that quarter, in reference to the subject under consideration. I then narrow the question, and ask, How has the majority of the senator's constituents acted, and especially a large portion of his political supporters and admirers? Have they respected the title to our property, which we trace back to their ancestors, and which, in good faith and equity, carries with it an implied warranty, that binds them to defend and protect our rights to the property sold us? Have they regarded their faith plighted to us on entering into the constitutional compact which formed the Union, to abstain from interfering with our property, and to defend and protect us in its quiet enjoyment? Have they acted as those ought who have participated so largely in the profits derived from our labour? No; they are striving night and day, in violation of justice, plighted faith, and the Constitution, to divest us of our property, to reduce us to the level of those whom they sold to us as slaves, and to overthrow an institution on which our safety depends.

I come nearer home. How has the senator himself acted? He who has such influence and weight with his constituents, and who boasts of his universal patriotism and brotherly love and affection for the whole Union? Has he raised his voice to denounce this crying injustice, or his arm to arrest the blow of the assailant, which threatens to dissever the Union, and forever alienate one half of the community from the other? Has he uttered a word in condemnation of violated faith, or honour trampled in the dust? No; he has sat quietly in his place, without moving a finger or raising his voice. Without raising his voice did I say? I mistake. His voice has been raised, not for us, but for our assailants. His arm has been raised, not to arrest the aggressor, but to open the doors of this chamber, in order to give our assailants an entrance here, where they may aim the most deadly blow against the safety of the Union, and our tranquillity and security. He has thrown the mantle, not of protection, over the Constitution, but over the motive and character of those whose daily avocation is to destroy every vestige of brotherly love between these states, and to convert the Union into a curse instead of a blessing. He has done more. The whole Senate have seen him retire from his seat to avoid a vote on one of the resolutions that I moved, with a view to rally the patriotic of every portion of the community against this fell spirit, which threatens to dissolve the Union, and turn the brotherly love and affection in which it originated into deadly hate; which was so obviously true that he could not vote against it, but which he dodged, rather than throw his weight on our side, and against our assailants. And yet, while these things are fresh in our recollection, notorious, known to all, the senator rises in his place, and proclaims aloud that he comes in as the representative of the United States; that, if he was born for any good, it was for the good of the whole people, and the defence of the Constitution; that he always acts as if under the eyes of the framers of the Constitution; that it would be easier to drive these pillars from their bases than him from his lofty purpose; that he will do nothing to destroy the brotherly love between these states, and everything that the Union may exist forever, beneficially and thoroughly for all! What a contrast between profession and performance! What strange and extraordinary self-delusion.

But this is not the only instance. There is another, in which the contrast between the course of the senator and his lofty pretension of unbounded and ardent patriotism is not less astonishing. I refer to the protective tariff, and his memorable and inconsistent course in relation to it.

Its history may be told in a few words. It rose subsequent to the late war

with Great Britain. The senator's associate in this attack was its leading supporter and author. Its theory rested on the principle, that all articles which could be made in our country should be protected; and it was an axiom of the system, that its perfection consisted in prohibiting the introduction of all such articles from abroad. To give the restrictions on commerce necessary to effect its object a plausible appearance, they were said to be for the protection of home industry, and the system itself received the imposing name of the American System. Its effects were desolating in the staple states. The heavy duties imposed on their foreign exchanges left scarcely enough to the planter to feed and clothe his slaves and educate his children, while wealth and prosperity bloomed around the favoured portion of the Union.

The senator was at first opposed to the system. As far back as the autumn of 1820, he delivered a speech to the citizens of Boston, in Faneuil Hall, in opposition to it, in which he questioned its constitutionality, and denounced its inequality and oppression.

His speech was followed by a series of resolutions imbodying the substance of what he had said, and which received the sanction of himself and constituents, who, at that time, were less interested in manufactures than in commerce and navigation, which suffered in common with the great staple interests of the South. I ask the secretary to read the resolutions:

[" *Resolved*, That no objection ought ever to be made to any amount of taxes equally apportioned, and imposed for the purpose of raising revenue necessary for the support of government; but that taxes imposed on the people for the sole benefit of any class of men, are equally inconsistent with the principles of our Constitution, and with sound judgment.

" *Resolved*, That the supposition that until the supposed tariff, or some similar measure, be adopted, we are, and shall be dependant on foreigners for the means of subsistence and defence, is, in our opinion, altogether fallacious and fanciful, and derogatory to the character of the nation.

" *Resolved*, That high bounties on such domestic manufactures as are principally benefited by that tariff, favour great capitalists rather than personal industry, or the owners of small capitals, and therefore that we do not perceive its tendency to promote national industry.

" *Resolved*, That we are equally incapable of discovering its beneficial effects on agriculture, since the obvious consequence of its adoption would be, that the farmer must give more than he now does for all he buys, and receive less for all he sells.

" *Resolved*, That, in our opinion, the proposed tariff, and the principles on which it is avowedly formed, would, if adopted, have a tendency, however different may be the motives of those who recommend them, to diminish the industry, impede the prosperity, and corrupt the morals of the people."]

What can be more explicit or decided? They hold the very sentiments and language which I have so often held on this floor. That very system was then pronounced to be unconstitutional, unequal, and oppressive, and corrupting in its effects, by the senator and his constituents, for pronouncing which now he accuses me of being sectional, and holding language having a mischievous effect on the rising generation.

Four years after this, in April, 1824, the senator delivered another speech against the system, in reply to the then speaker, and now his associate on this occasion, in which he again denounced the inequality and oppression of the system with equal force, in one of the ablest arguments ever delivered on the subject, and in which he completely demolished the reasons of his then opponent. But an event was then fast approaching which was destined to work a mighty and sudden revolution in his views and feelings. A few months after, the presidential election took place; Mr. Adams was elected by the co-operation of the author of the American System, and the now associate of the sena-

tor. Those who had been enemies came together. New political combinations were formed, and the result was a close alliance between the East and the West, of which that system formed the basis. A new light bursted in on the senator. A sudden thought struck him, but not quite as disinterested as that of the German sentimentalist. He made a complete somerset, heels over head; went clear over; deserted the free-trade side in a twinkling, and joined the restrictive policy, and then cried out that he could no longer act with me, whom he had left standing where he had just stood, because I was too sectional! At once everything the senator had ever said or done was forgotten—entirely expunged from the tablets of his memory. His whole nature was changed in an instant, and thereafter no measure of protection was too strong for his palate. With a few contortions and slight choking, he even gulped down, a few years after, the bill of abomination—the tariff of 1828—a measure which raised the duties so high as to pass one half of the aggregate amount in value of the whole imports into the public treasury. I desire it to be noted and remembered that, out of an importation of sixty-four millions of dollars, including every description of imports, the free and dutied articles, the government took for its share thirty-two millions under the tariff of 1828; and that the senator, yes, he, the defender of the Constitution and equal protector of every section and interest, voted for that measure, notwithstanding his recent denunciation of the system as unconstitutional, unequal, and oppressive! But he did more, and things still more surprising, as the sequel will show.

The protective tariff did not change the character of its operation with the change of the senator. Its oppressive and corrupting effects grew with its growth, till the burden became intolerable under the tariff of 1828. Desolation spread itself over the entire staple region. Its commercial cities were deserted. Charleston parted with its last ship, and grass grew in her once busy streets. The political condition of the country presented a prospect not less dreary. A deep and growing conflict between the two great sections agitated the whole country, and a vast revenue, beyond its most extravagant wants, gave the government, especially the executive branch, boundless patronage and power, which were rapidly changing the character of the government, and spreading corruption far and wide through every condition of society. Something must be done, and that promptly. Every hope of reformation, or change through this government, had vanished. The absorbing force of the system had drawn into its support a fixed majority in the community, which controlled, irresistibly, every department of the government. But one hope was left short of revolution, and that was in the states themselves, in their sovereign capacity as parties to the constitutional compact. Fortunately for the country and our institutions, one of the members of the Union was found bold enough to interpose her sovereign authority, and declare the protective tariff that had caused all this mischief, and threatened so much more, to be unconstitutional, and therefore null and void, and of no effect within her limits; and thus an issue was formed, which brought events to a crisis.

We all remember what followed. The government prepared to assert by force its usurped powers. The Proclamation was issued, and the war message and Force Bill followed, and the state armed to maintain her constitutional rights. How, now, I ask, did the senator act in this fearful crisis; he who had, but a short time before, pronounced the system to be unconstitutional, unequal, unjust, and oppressive? Did he feel any sympathy for those who felt and thought as he did but a brief period before? Did he make any allowance for their falling into the same errors (if such he then considered them) into which he himself had fallen? Did he show that ardent devotion to preserve the brotherly love between the members of the Union he now so boastingly professes? Did he, who calls himself the defender of the Constitution, feel any compunction in resorting to force to execute laws which he had pronounced to be in violation of

the Constitution? Did he, who manifested such deep distrust of those in power, who had been foremost in proclaiming their usurpations, and calling on the patriotic of all parties to oppose them, show any dread in clothing the President with unlimited power to crush one of the members of the Union, and which, after accomplishing that, might be so readily turned to crush the liberty of all? Quite the reverse. A sudden thought again struck him. He again, in a twinkling, forgot the past, and rushed over into the arms of power, and took his position in the front rank, as the champion of the most violent measures, to enforce laws at the point of the bayonet which he had pronounced unconstitutional, unjust, and oppressive! and this, too, at the hazard of civil war, and the manifest danger of subverting the Constitution and liberties of the country; refusing all terms of adjustment, and resisting to the last, with violence, the bill which compromised and settled the conflict! And yet, with all this fresh in the recollection of himself and all present, he can rise in his place and proclaim himself the universal patriot; the defender of the Constitution and benefactor of every portion of the Union; the man who has done everything to preserve brotherly love between its members, and who is ready to make every sacrifice to make it beneficial to all the parties!

But what is more extraordinary, what is truly wonderful and astonishing, is, while these words were on his tongue, he, in the same breath, with a full knowledge of all the disastrous consequences which have, and must necessarily follow the renewal of the protective system, should declare that he anticipates the speedy arrival of the time when he will again undertake to revive the system! More cannot be added. The contrast between the senator's course and the character which he ascribes to himself cannot be rendered more striking. I shall not add another instance, as many of them as are at my command. A volume could not more conclusively prove how unfounded are his pretensions to that lofty, universal, and ardent patriotism which he claims for himself, and how strong the delusion under which he is in regard to his true character.

Let us now turn and inquire what has been my course; I, whom he represents as sectional, whose course he pronounces to be unfriendly to the Union, because I now call the protective system unconstitutional and oppressive; who, he intimates, desires to unite the South for no patriotic purpose, and represents as going off under the State Rights banner. And here, Mr. President, let me say, I put in no claim to the lofty destiny to which the senator says he was born. Instead of coming here, like the senator, as the representative of the whole people, I appear in the more humble character of the representative of one of the states of this Union, sent here to watch over her particular interests, and to promote the general interest of all, as far as the Constitution has conferred power upon us, and as it can be done without oppression to the parts. These are my conceptions of my representative character, with the trust confided to me, and the duties attached to it, which I endeavour to discharge with industry, fidelity, and all the abilities which it has pleased my Creator to confer on me. Instead of falling short of what I profess, I trust my public life, if examined with candour, will show that I have ever so interpreted my duty to my state as to permit it in no instance to interfere with the just claims of the Union. It is my good fortune to represent a state which holds her character far above her interest, and which claims the first place, when a sacrifice is to be made for the safety and happiness of all, and would hold me to strict account if, in representing her interest, I should forget what is due to her honour among her confederates. All her acts prove that she is as liberal in making concessions, when demanded by the common good, as she is prompt and resolute to resist aggression to promote the interest of others at her expense. Acting in the same spirit, as her representative, I have never failed to meet and repel aggressions, while, I trust, I have on no occasion been unmindful of her honour, and the general interests of the whole Union. Having made these remarks, I shall

now proceed to show that, as humble as my pretensions are, and as sectional and unpatriotic as he has thought proper to represent me, my course for liberality and a just regard to the interest of every portion of the Union will not suffer in comparison with his, as lofty as are his pretensions.

In making the inquiry I have into the course of the senator in relation to the section to which I belong, I called on him to point out a single instance, with all his boasted patriotism, in which he had given a vote to promote its interests, or done an act to defend its rights; but now, when the inquiry is into my course in relation to his section, I propose to reverse the question, and to apply to myself a much more severe test than I did to him. I ask, then, From what measure, calculated to promote the interests of his section, have I ever withheld my support, except, indeed, the protective tariff, and certain appropriations, which, according to my mode of construing the Constitution, I regard as unconstitutional, and would, of course, be bound to oppose, wherever the benefit should fall? I call on the senator to point out a single instance; and, if he desires it, I will yield him the floor, in order to give him an opportunity to do so. Will the senator call, on his part, for instances in which I have supported the interest of his section? I can point to numerous: to my early and constant support of the navy; to my resistance to the system of embargoes, Non-importation and Non-intercourse Acts; to my generous course in support of manufactures that sprung up during the war, in which my friends think I went too far; to the liberal terms on which the tariff controversy was settled, and the fidelity with which I have adhered to it; and to the system of fortifications for the defence of our harbours, which I projected and commenced, and which is so important to the two great interests of commerce and navigation, in which his section has so deep a stake. To which I might add many more; but these are sufficient for one, represented as so sectional, against the blank list of the senator in relation to my section, with all his claim to ardent and universal patriotism. If we turn to the West, my course will at least bear comparison with his for liberality towards that great and growing section of our country. To pass over other instances, I ask him what measure of his can be compared with the cession I have proposed of the public lands to the new states on the liberal conditions proposed? It is a measure above all others calculated to promote their interest, to elevate their character, to terminate their political dependance, and to raise them to a complete equality with the old states for the mutual benefit of us and them, but which, sectional as I am represented to be, proved too liberal for the senator, with all his wide-extended and ardent attachment to the whole Union.

But it seems that I mean something very sinister in my call on the South to unite, and the senator very significantly asks me what is meant. I have nothing to disguise, and will readily answer. If he would look at home, and open his eyes to the systematic and incessant attacks made on our peace and quiet by his constituents—if he would reflect on his threat to renew the system of oppression from which we have freed ourselves with such difficulty and danger—and bear in mind that we are the weaker section, and, without union among ourselves, cannot resist the danger that surrounds us—he will see that there is neither mystery nor danger in the call. I go farther. Our union is not only necessary to our safety and protection, but is also to the successful operation of our system. We constitute the check to its over-action; and, as experience proves, we are the only power through which, when disordered, reformation can be peaceably effected. Our union is dangerous to none, and salutary to all. The machine never works well when the South is divided, nor badly when it is united.

The senator next tells us that I declared I would march off under the State Rights banner, which he seized on to impugn my patriotism and to boast of his own. It is an easy task, by misstating or garbling, to distort the most elevated or correct sentiment. In this case, the senator, by selecting a single member

of the sentence, and throwing a strong emphasis on "off," gave a meaning directly the opposite of representing me as abandoning the cause of the Constitution and country, and himself as being their champion, which, it seems, was sufficient for his purpose. The declaration is taken from my opening speech at the extra session; and, that the Senate may judge for itself, I shall give the entire passage:

"We are about to take a fresh start. I move off under the State Rights banner, and go in the direction in which I have been so long moving. I seize the opportunity thoroughly to reform the government; to bring it back to its original principles; to retrench, economize, and rigidly to enforce accountability. I shall oppose strenuously all attempts to originate a new debt, to create a National Bank, to reunite the political and money power (more dangerous than Church and State) in any form or shape."

This is what I did declare, and which the senator represents as deserting the Constitution and country; and this is the way I am usually answered. I know not whether I have greater cause to complain or rejoice at the fact that there is scarcely an argument or a sentiment of mine which is attempted to be met, that is not garbled or misstated. If I have reason to complain of the injustice, I have, at the same time, the pleasure to reflect that it is a high implied compliment to the truth and correctness of what I say.

There still remains an important chapter to complete the comparison between the public character of the senator and myself; I mean the part which we took in the late war between Great Britain and this country. I intended at one time to enter on it, and to trace the rise and progress of the war, with its various vicissitude of disasters and victories, and the part which the senator and his political associates acted at that important period; but these are bygone events, belonging to the historian, in whose hands I am content to leave them, and shall not recur to them unless the senator should provoke me hereafter by a renewal of his attack.

Having now despatched the personalities of the senator, I turn, next, to his argument, which, as I have stated, consists of three parts: the preliminary discourse on credit and banks; the discussion of the question at issue; and the reply to my remarks at this and the extra session. I shall consider each, as I have begun, in the reverse order. The argument of the senator is, indeed, so miscellaneous and loosely connected, that it is a matter of but little importance in what order it is considered.

When he announced his intention to reply to my remarks, both at this and the extra session, I anticipated that they would be met fully, if not satisfactorily, point by point. Guess, then, my surprise on finding him pass by, without even attempting an answer to the numerous objections which I made to the union of the political and money power, as affecting the morals, the politics, the currency, the industry, and prosperity of the country, which, if the fourth part be true, is decisive of the question, and noticing but two out of the long list in his reply. If we may judge of the strength of those which he has passed over by his inconclusive answer (as I shall presently show) to the two which he selected, my argument may be pronounced to be impregnable. I shall begin with his reply to my remarks at the present session.

It will be remembered, among other objections against the connexion with the banks, I urged that the government had no right to make a general deposite in bank, or receive the notes of banks in the public dues. I placed the first on the ground that, when public money was placed in deposite in banks, and passed to the credit of the government, it was, if ever, in the treasury; and that it could not be drawn out and used for any purpose, unless under an appropriation made by law, without violating an express provision of the Constitution, which provides that no money should be drawn out of the treasury but in consequence of appropriation by law. I then urged, that to place money in general deposite

in banks, with the implied understanding always attached to such transactions, that they should have the right to draw it out and use it as they please till called for by the government, was a manifest violation of this provision of the Constitution.

In support of the other objection against receiving bank-notes in the public dues, I laid down the known and fundamental rule of construction on all questions touching the powers of this government, that it had no right to exercise any but such as are expressly given by the Constitution, or that may be necessary to carry into effect the granted powers. I then insisted that no such power was granted, nor was its exercise necessary to carry any granted power into effect; and concluded, that the power could not be exercised unless comprehended under one or the other head. To which I added the farther objection, that if we had the right to receive the notes of state banks in our dues as cash, it would necessarily involve the right of taking them under our control and regulation, which would bring this government necessarily into conflict with the reserved rights of the states; and to this I added, that the receipt of bank-notes by the government tended to expel gold and silver from circulation, and depreciate and render their value more fluctuating, and, of course, could not be reconciled with the object of the express power given to Congress to coin money and regulate the value thereof, to which it is as repugnant in its effects as the debasing or the clipping the current coin would be. I at the same time conceded that the practice of the government had been opposite from the commencement. Such are my reasons, and how have they been met?

The senator commenced by stating that he would consider the two objections together, as they were connected; but, instead of that, he never uttered another word in relation to the right of making a general deposite. That was surrendered without an attempt to meet my objections, which, at least, proved his discretion. He next undertook to show that precedents were in favour of receiving bank-notes, which I had conceded, and no one disputed. Among other things, he stated I was the first to authorize the receiving of bank-notes by law, and, in proof, referred to my amendment to the joint resolution of 1816, which authorizes the receipt of the notes of specie-paying banks in the dues of the government. He stated that the resolution, as proposed by himself, provided that nothing but gold and silver and the notes of the United States Bank should be received, and that my amendment extended it to the notes of state banks. This is all true, but is not the whole truth. He forgot to inform the Senate that, at the time, the notes of non-specie-paying banks, as well as specie-paying, were received in the dues of the government, and that my amendment limited, instead of enlarging, the existing practice. He also forgot to state that, without my amendment, the notes of the United States Bank would have been exclusively received in the public dues, and that I was unwilling to bestow a monopoly of such immense value on that institution, which would have been worth ten times the amount of the bonus it gave for its charter.

After bestowing much time to establish what none denied, the senator at length came to the argument; and what do you suppose were the convincing reasons he urged against my positions? Why, simply that he had no time to reply to them! with which, and the erroneous assertion that I had denied that the government could exercise any incidental power, he passed over all the weighty objections I had urged against the constitutionality of receiving and treating bank-notes as cash in the public dues. It was thus he met the only argument he attempted to answer of the many and strong ones which I have urged in support of my opinion on this important question, and to which he proposed to make a formal reply.

I shall next notice the reply he attempted to my remarks at the late session. And here, again, he selected a single argument, and to which his answer was not less inconclusive and unsatisfactory than to that which I have just consider-

ed. Among other objections to the union of the government with the banks, I stated that it would tend to centralize the circulation and exchanges of the country; to sustain which, I showed that no small portion of the credit and circulation of the banks depended on the public deposites, and the fact that the government received and treated their notes as cash in its dues. I then showed that it was that portion which pre-eminently gave a control over the circulation and exchanges of the country. In illustration, I asked, if the government, when it first went into operation, had selected a merchant of New-York, and entered into a contract with him that he should have the free use of the public revenue from the time it was collected till it was disbursed, and that nothing but his promissory notes, except gold and silver, should be received in the public dues, whether it would not give him a great and decided control over the circulation and exchanges of the country, accompanied with advantages to the port where he resided, over all others. I next asked, whether the location of a Bank of the United States at the same place, with the same privileges, would not give equal control and advantages; nay, much greater; as, in addition, it would concentrate at the same place an immense amount of capital collected from every portion of the country.

Such was my argument, which the senator, months after it was delivered, undertakes to controvert; but, I must say, for my life I could not understand his reasons. He lost his usual clearness, and became vague and obscure, as any one must who attempts to refute what is so perfectly evident. To escape from his difficulty, he, with his usual address, confounded what I had said on another subject with another point, which he thought more easily answered, and against which he directed his attack. He stated that I proposed a government paper, and that my notion is, that all the paper that circulates should be government paper; and then insisted that it would be the union of the political and money power, and would do more to centralize the currency and exchanges than the connexion of the government with the banks.

Now, unfortunately for the senator, I proposed no such thing, and expressed no notion of the kind, nor anything like it. He may search every speech I have delivered at this and the extra session, and he can find nothing to justify his assertion. To put this beyond all dispute, I will quote what I did say, and the only thing that I ever did that could afford him even a pretext for his assertions. The extracts are taken from my remarks at the extra session.

"I intend to *propose* nothing. It would be impossible, with so great a weight of opposition, to pass any measure without the entire support of the administration; and, if it were, it ought not to be attempted when so much must depend on the mode of execution. The best measure that could be devised might fail, and impose a heavy responsibility on its author, unless it met with the hearty approbation of those who are to execute it. I, then, *intend merely to throw out suggestions*, in order to excite the reflections of others," &c.

"Believing that there might be a sound and safe paper currency founded on the credit of the government exclusively, I was desirous that those who are responsible and have the power, should have availed themselves of the opportunity of the *temporary deficit* in the treasury, and the postponement of the fourth instalment intended to be deposited with the states, to use them as the means of affording a circulation *for the present relief of the country* and the *banks, during the process of separating them from the government*," &c.

Here is not a word about proposing; on the contrary, I expressly stated I proposed nothing; that I but threw out suggestions for reflection. Instead of excluding all paper from circulation, I suggested the use, not of treasury notes, as he stated, or any other paper containing a promise to pay money, but simply one which should contain a promise to be received in the dues of the government; and that, too, only to the extent necessary to meet the temporary deficit of the treasury, and to alleviate the process of separating from the banks;

and this he has arbitrarily construed and perverted to suit his purpose, in the manner I have shown.

It is a great misfortune that there should be brought into this chamber the habits contracted at the bar, where advocates contend for victory, without being scrupulous about the means; while here the only object ought to be truth and the good of the country. All other considerations ought to be forgotten within these walls, and the only struggle ought to be to ascertain what is truth, and calculated to promote the honour and happiness of the community. Great individual injustice is done by such misstatements of arguments. The senator's speech will be published and circulated in quarters where my correction of his statements will never reach, and thousands will attribute opinions to me that I never uttered nor entertained.

The suggestions which he has so perverted have been a favourite topic of attack on the part of the senator, but he has never yet stated nor met what I really said truly and fairly; and, after his many and unsuccessful attempts to show what I suggested to be erroneous, I now undertake to affirm positively, and without the least fear that I can be answered, what heretofore I have but suggested—that a paper issued by government, with the simple promise to receive it in all its dues, leaving its creditors to take it or gold and silver, at their option, would, to the extent that it would circulate, form a perfect paper circulation, which could not be abused by the government; that would be as steady and uniform in value as the metals themselves; and that if, by possibility, it should depreciate, the loss would fall, not on the people, but on the government itself; for the only effect of depreciation would be virtually to reduce the taxes, to prevent which the interest of the government would be a sufficient guarantee. I shall not go into the discussion now, but on a suitable occasion I shall be able to make good every word I have uttered. I would be able to do more—to prove that it is within the constitutional power of Congress to use such a paper, in the management of its finances, according to the most rigid rule of construing the Constitution; and that those, at least, who think that Congress can authorize the notes of private state corporations to be received in the public dues, are estopped from denying its right to receive its own paper. If it can virtually endorse by law, on the notes of specie-paying banks, "Receivable in payment of the public dues," it surely can order the same words to be written on a blank piece of paper.

Such is the character of the paper I suggested, and which the senator says would do more to centralize the circulation and exchanges than the union of the government and the banks, which, however, he signally failed to prove. That it would have a greater tendency than the exclusive receipt in its dues of gold and silver, I readily acknowledge, and to that extent I think it objectionable; for I do not agree with the senator that there should be some one great emporium, which should have control of the commerce, currency, and exchanges of the Union. I hold it desirable in neither a political nor commercial point of view, and to be contrary to the genius of our institutions and the spirit of the Constitution, which expressly provides, among other things, that no preference shall be given to the ports of one state over another. But that a receivable paper, such as I suggested, would have a greater, or as great tendency to centralize the commerce and currency of the country as the union with the banks, I utterly deny; and, if I had no other reason, the vehement opposition of the senator, who approves of such tendency, would be conclusive; but there are others that are decisive.

The centralizing tendency of such a paper would result exclusively from the facility it would afford to remittance from distant portions of the Union, in which respect it would stand just on a par with bank-notes when received in the dues of the public; while the latter would, in addition, give to the favoured port where the mother-bank might be located (or the head of the league of state

banks), the immense profits from the use of the public deposites, and the still greater from having their notes received in government dues. The two united would afford unbounded facilities in the payment of custom-house bonds, and give millions of profit annually, derived exclusively from the use of government credit. This great facility and vast increase of profit would give a great and decided advantage to the commerce of the section where the head of the system might be located, and which, in a great measure, accounts for the decay of the commerce of the South, where there were no banks when this government was established, and which, of course, gave to the other section exclusively all the benefit derived from the connexion. If specie had from the first been exclusively received in the public dues, the present commercial inequality would never have existed; and, I may add, it never will cease till we return to the constitutional currency. What the senator has said as to the union of the political and money powers, and the tendency to extravagance from the use of treasury notes and their depreciation, is so clearly inapplicable to the description of paper I suggested, that I do not deem it necessary to waste words in reply to it.

Having now repelled his reply to my remarks at this and the extra session, I shall next proceed to notice his argument on the question under discussion, which, extraordinary as it may seem, constitutes by far the most meager and inconsiderable portion of his speech. The structure he reared with so much labour is composed of a little centre building, of some twenty or thirty feet square, with an extended wing on each side, and a huge portico in front. I have, I trust, effectually demolished the wings, and propose next to go through the same process with the centre building.

As long as was the speech, it contained but three, or, at the utmost, four arguments, directly applicable to the question under discussion; of which two have again and again been repeated by him every time he has addressed the Senate; another was drawn from an argument of mine in favour of the bill, which the senator has misstated, and pressed into his service against it; and the other is neither altogether new, nor very well founded, nor, from its character, of much force. I shall begin with it.

The senator objected to the collection of the public dues in gold and silver, because, as he conceives, it would be exceedingly inconvenient; in proof of which, and in order to present as strong a picture as possible, he went into minute calculations and details. He first supposed that the average peace revenue would be equal to thirty millions annually, and the average deposites to twenty-one. He then estimated that this vast sum would have to be counted at least five times in the year, and then estimated that it would require eight hundred thousand dollars to be counted daily, which would require a host of officers, in his opinion, to perform the task. The answer to all this is easy. In the first place, the senator has over-estimated the average receipts by at least one hundred per cent. Fifteen millions ought to be much nearer the truth than thirty. Even that I regard as exceeding what the expenditure ought to be; and I venture to assert, that no administration which expends more on an average for the next few years can maintain itself, unless there should be some unexpected demand on the treasury. In the next place, twenty-one millions is at least five times too large for the average deposites. Should this bill pass, three millions would be much nearer the truth. We shall hear no more of surpluses when the revenue is collected in gold and silver. This would make a great deduction in his estimate of the trouble and labour in counting. But I give the senator his own estimate, and ask him if he never heard of other and shorter modes than counting of ascertaining the amount in coins. Does he not know that it can be ascertained with as much certainty and exactness by weight as by counting, and with more despatch, when the amount is large, in coins than in his favourite bank-notes? If I am not misinformed, it is the mode

adopted at the English Exchequer, and it is done with the greatest possible promptitude by experienced individuals, so that his formidable objection vanishes.

But the senator next tells us that I stated, in my remarks, that the bill, should it pass, would place the banks and the government in antagonist relation to each other, which he considers as a very weighty objection to it. I again must correct his statement. I made no such remark; I, indeed, said, when the banks were connected with the government, they had a direct interest in increasing its fiscal action. The greater the revenue and expenditures, and the larger the surplus, the greater would be their profit; but, when they were separated, the reverse would take place. That the greater amount of gold and silver collected and withdrawn from circulation, the less would be left for banking operations, and, of course, the less their profit; and that, in one case, they would be the allies, and, in the other, the opponents of the government, as far as its fiscal action was concerned; or, to express it more concisely, when united with the government, they would be on the side of the tax-consumers, and, when separated, on that of the tax-payers. Such were my remarks; and I now ask, Is it not true? Can any one deny it? Or, admitting its truth, can its importance be disputed? Were there no other reasons in favour of the bill, I would consider this of itself decisive. It would be almost impossible to preserve our free institutions with the weight of the entire banking system thrown on the side of high taxes and extravagant disbursements, or to destroy it if thrown into the opposite scale.

But the senator regards the expression of tax-consumers and tax-payers as mere catch-words, of dangerous import, and tending to divide society into the hostile parties of rich and poor. I take a very different view. I hold that the fiscal action of the government must necessarily divide the community into the two great classes of tax-payers and tax-consumers. Take taxation and disbursements together, and it is unavoidable that one portion of the community must pay into the treasury, in the shape of taxes, more than they receive back in disbursements, and another must receive more than they pay. This is the great disturbing principle in all governments, especially those that are free, around which all other causes of political divisions and distractions finally rally. Were it otherwise—if the interest of every portion and class of the community was the same in reference to taxation and disbursements, nothing would be more easy than to establish and preserve free institutions; but as it is, it is the most difficult of all tasks, as history and experience prove. This principle of disorder lies deep in the nature of men and society, and extends equally to private associations as to political communities. There will necessarily spring up in both *a stockholding* and *direction interest;* the latter of which, without wise provisions and incessant vigilance, will absorb the former, of which the winding up of many a bank will prove.

The two remaining arguments of the senator have been often asserted, and as often refuted, and I shall despatch them with a few words. He tells us, as he has often done, that we are bound to regulate the currency; and that the Constitution has given to Congress the *express* power to regulate it, with many other expressions of similar import. It is manifest that the whole argument turns on the ambiguity of the word currency. If by it is meant the current coin of the United States, no one can doubt that Congress has the right to regulate it. The power is expressly given by the Constitution, which says, in so many words, that it shall have power to coin money and regulate the value thereof; but if it is intended to include bank-notes, as must be the intention of the senator, there is no such express power given in the Constitution. It is a point to be proved, and not assumed; and every attempt of the senator to prove it has ended in signal failure. He has not, and cannot meet the answer which he received from the senator from Pennsylvania, at the extra session; and his repetition of the assertion, after so decisive an answer, serves but to prove how

much more easy it often is to refute an argument than to silence him who advanced it. But I do not despair even of silencing the senator. There is one whose authority on this point I am sure he must respect: I mean himself. When the bill granting a charter to the late United States Bank was under discussion in the other house, in 1816, he then took the opposite side, and argued with great force against the very right for which he now so obstinately contends. He then maintained that the framers of the Constitution were hard-money men; that currency meant the *current coin* of the United States, and that Congress has no right to make any other. But the senator shall speak for himself; and, that he may be heard in his own words, I shall read an extract from his speech delivered at the time:

"Mr. Webster first addressed the house. He regretted the manner in which this debate had been commenced, on a detached feature of the bill, and not a question affecting the principle; and expressed his fears that a week or two would be lost in the discussion of this question to no purpose, inasmuch as it might ultimately end in the rejection of the bill. *He proceeded to reply to the arguments of the advocates of the bill.* It was a mistaken idea, he said, which he had heard uttered on this subject, *that we were about to reform the national currency. No nation had a better currency*, he said, than the United States; there was no nation which had guarded its currency with more care; for the framers of the Constitution, and those who enacted the early statutes on this subject, were *hard-money men;* they had felt, and therefore duly *appreciated, the evils of a paper medium;* they, therefore, sedulously guarded *the currency of the United States from debasement. The legal currency of the United States was gold and silver coin;* this was a subject in regard to which Congress had run into no folly.

"What, then, he asked, was the present evil? *Having a perfectly sound national currency, and the government having no power, in fact, to make anything else current but gold and silver, there had grown up in different states* a currency of paper issued by banks, setting out with the promise to pay gold and silver, which they had been wholly unable to redeem; the consequence was, that there was a mass of paper afloat, of perhaps fifty millions, which sustained no immediate relation *to the legal currency of the country*—a paper which will not enable any man to pay money he owes to his neighbour, or *his debts to the government.* The banks had issued more money than they could redeem, and the evil was severely felt, &c. Mr. W. declined occupying the time of the house to prove that there was a depreciation of the paper in circulation; *the legal standard of value was gold and silver;* the relation of paper to it proved its state, and the rate of its depreciation. *Gold and silver currency, he said, was the law of the land at home, and the law of the world abroad; there could, in the present state of the world, be no other currency.* In consequence of the immense paper issues having banished specie from circulation, the government had been obliged, in *direct violation of existing statutes*, to receive the amount of their taxes in something which was not recognised by law as the money of the country, and which was, in fact, greatly depreciated, &c. This was the evil."

What can be more decisive? What more pointed? They are the very doctrines which he is in the daily habit of denouncing under the name of Loco-foco. The senator may hereafter be regarded as the father of the party, and I deem it not a little unnatural that he should be so harsh and cruel to his offspring.

But it may be said that I then advocated the opposite side. Be it so, and it follows that his authority and mine stand as opposing qualities on the opposite sides of an equation; and I feel confident that the senator will readily admit that his will, at least, be sufficient to destroy mine.

I readily acknowledge that my opinion, after the lapse of upward of twenty years, with the light which experience in this long period has shed on the banking system, has undergone considerable changes. It would be strange if

it had not. I see more clearly now than I did the true character of the system, and its dangerous tendency; but I owe it to myself, and the truth of the cause, to say I was, even at that early period, far from being its advocate, and would then have been opposed to the system had it been a new question. But I then regarded the connexion between the government and the banks indissoluble, and acquiesced in a state of things that I could not control, and which I considered as established. The government was then receiving the notes of non-specie-paying banks in its dues, to its own discredit, and heavy loss to its creditors. The only practical alternative was at that period between a league of state banks and a Bank of the United States, as the fiscal agent of the government. I preferred then, as I now do, the latter to the former, as more efficient, and not a whit more unconstitutional; and, if I now were again placed in the same state of things that I then was, with all my present feelings and views, I could hardly have acted differently from what I then did.

The senator greatly mistakes in supposing that I feel any disposition to repudiate or retract what I then said. So far from it, I have, I think, just cause to be proud of the remarks I made on the occasion. It put the question of the bank, for the first time, on its true basis, as far as this government is concerned, and the one on which it has ever since stood; which is no small compliment to one then so inexperienced as myself. All I insist on is, that the report contains but a very hasty sketch—a mere outline, as the reporter himself says—of my remarks, in which four fifths are omitted, and that it would be doing me great injustice to regard it as containing a full exposition of my views. But, as brief as it is, what is reported cannot be read, in a spirit of fairness, without seeing that I regarded the question at the time as a mere practical one, to be decided, under all the circumstances of the case, without involving the higher questions which, now that the connexion between the government and the banks is broken, come rightfully into discussion. At that time the only question, as I expressly stated, was, not whether we should be connected with the bank, for that was existing in full force, but whether it was most advisable, admitting the existence of the connexion, that the United States, as well as the separate states, should exercise the power of banking. I have made these remarks, not that I regard the question of consistency, after so great a change of circumstances, of much importance, but because I desire to stand where truth and justice place me on this great question.

The last argument of the senator on the question at issue was drawn from the provision of the Constitution which gives to Congress the right to regulate commerce, and which, he says, involves the right and obligation to furnish a sound circulating medium. The train of his reasoning, as far as I could comprehend it, was, that without a currency commerce could not exist, at least to any considerable extent, and, of course, there would be nothing to regulate; and, therefore, unless Congress furnished a currency, its power of regulating commerce would become a mere nullity; and from which he inferred the right and obligation to furnish not only a currency, but a bank currency! Whatever may be said of the soundness of the reasoning, all must admit that his mode of construing the Constitution is very bold and novel. To what would it lead? The same clause in that instrument which gives Congress the right to coin money and regulate the value thereof, gives it also the kindred right to fix the standard of weights and measures. They are just as essential to the existence of Congress as the currency itself. The yard and the bushel are not less important in the exchange of commodities than the dollar and the eagle; and the very train of reasoning which would make it the right and duty of the government to furnish the one, would make it equally so to furnish the other. Again: commerce cannot exist without ships and other means of transportation. Is the government also bound to furnish them? Nor without articles or commodities to be exchanged, such as cotton, rice, tobacco, and the various products of agriculture

and manufactures. Is it also bound to furnish them? Nor these, in turn, without labour; and must that, too, be furnished? If not, I ask the senator to make the distinction. Where will he draw the line, and on what principles? Does he not see that, according to this mode of construction, the higher powers granted in the Constitution would carry all the inferior, and that this would become a government of unlimited powers? Take, for instance, the war power, and apply the same mode of construction to it, and what power would there be that Congress could not exercise—nay, be bound to exercise? Intelligence, morals, wealth, numbers, currency, all are important elements of power, and may become so to the defence of the Union and safety of the country; and, according to the senator's reasoning, the government would have the right, and would be in duty bound to take charge of the schools, the pulpits, the industry, the population, as well as the currency of the country; and these would comprehend the entire circle of legislation, and leave the state governments as useless appendages of the system.

Having now, I trust, taken down to the ground the little centre building, with its four apartments, nothing remains of the entire structure but the huge portico in front, and on which I shall next commence the work of demolition. The senator opened his discourse on credits and banks by asserting that bank credit was, in truth and reality, so much capital actually added to the community. I waive the objection, that neither credit nor the banking system is involved in the question; and that those who are opposed to the union of the political and money power oppose that union with other reasons, on the ground that it is unfavourable to a full development of the credit system, and dangerous to the banks themselves, which they believe can only be saved from entire destruction by the separation; and it follows, of course, all that he said in relation to them is either a begging of the question or irrelevant. But, assuming what he said to be applicable, I shall show that it is either unfounded in fact or erroneous in conclusion.

So far from agreeing with the senator, that what he calls bank credit is so much real capital added to the country, I hold the opposite—that banks do not add a cent of capital or credit. Regarded strictly, the credit of banks is limited to the capital actually paid in. This, usually, is the only sum for which the stockholders are liable; and, without what are called banking privileges, they would not have a cent of credit beyond that amount. But the capital subscribed and paid is not created by the banks. It is drawn out of the general fund of the country. Now, I ask, What constitutes its credit beyond its capital? In the first place, and mainly, it is derived from the fact that both General and State Governments receive and treat bank-notes as cash, and thereby, to the extent of their fiscal action, virtually give them the use of their credit. It is an existing credit, belonging to them exclusively, and is neither created nor increased by permitting the banks to use it. In the next place, the deposites with the banks, both public and private, add a large amount to their credit; but this, again, is either the property or credit of the government and individuals, which they are permitted to use, and which they neither create nor increase. Finally, notes and bonds, or other credits discounted by the banks, make up their credit, which are neither more nor less than the credit of the drawers and endorsers, on which the banks do business. They take in the paper or credit of others, payable at a given day, deduct the interest in advance, and give out their own credit or notes, payable on demand, without interest; that is, the credit of their own paper rests on the credit of the paper discounted or taken in exchange, which credit they neither create nor increase. In a word, all their credit beyond the capital actually paid in is but the credit of the public or individuals, on which, by what are called banking privileges, they are permitted to do business and make profit; and, so far from creating credit or capital, they, in fact, add not a cent of capital or credit to that which previously existed.

But the senator next tells us that there is three hundred millions of banking capital in the Union, and that it is real bona fide solid capital, as much so as the plantations of the South. This is certainly news to me. I had supposed that this vast amount was little more than a fictitious mass of credit piled on credit, in the erection of which but little specie or real capital was used; and that, when a new bank was created, the wheelbarrow was put in motion to roll the specie from the old to the new institution, till it got fully under way, when it was rolled back again. But it seems that all this is a mistake; that the whole capital is actually paid in cash, and is as solid as terra firma itself. This certainly is a bold assertion, in the face of facts daily occurring. There have been, if I mistake not, four or five recent bank explosions in the senator's own town, in which the whole vanished into thin air, leaving nothing behind but ruin and desolation. What has become of that portion of his solid capital? Did the senator ever hear of a plantation thus exploding and vanishing? And I would be glad to know how large a portion of his three hundred millions of solid capital will finally escape in the same way? A few years may enable us to answer this question.

The senator next, by way of illustration, undertook to draw a distinction between bank credit and government credit, or public stocks, in which he was not very successful. It would be no difficult task to prove that they both rest substantially on debt, and that the government stock may be, and is to a great extent, actually applied in the same mode as bank credit in the use of exchanges and business. It in fact constitutes, to a great extent, the very basis of banking operation; but, after having occupied the Senate so long, it would be unreasonable to consume their time on what was introduced as a mere illustration.

The senator next undertook to prove the immense advantage of banking institutions. He asked, What would be done with the surplus capital of the country, if it could not be invested in bank stocks? In this new and growing country, with millions on millions of lands of the best quality still lying unimproved; with vast schemes of improvements, constantly requiring capital; with the immense demand for labour for every branch of business, the last question I ever expected to hear asked is that propounded by the senator. I had supposed the great difficulty was to find capital, and not how to dispose of it, and that this difficulty had been one of the main reasons assigned in favour of the banking system.

The next benefit he attributed to the system was the vast amount of lands which had passed out of the hands of the public into that of individuals of late, which he estimated, during the last three years, at thirty-six millions of acres, forming a surface equal in extent to England, and which, he stated, would rise in value greatly, in consequence of their passing into private hands. That this immense transfer has been effected by the banks, I admit; but that it is to be considered an advantage to the country, I certainly never expected to hear uttered anywhere, especially on this floor, and by one so intelligent as the senator. I had supposed it was infinitely better for the community at large, and particularly for those not in affluent circumstances, that the lands should remain in possession of the government than of speculators, till wanted for settlement; and that one of the most decided objections to our banking system is, that it becomes the instrument of making such immense transfers whenever the currency becomes excessive. This is a point not without interest, and I must ask the Senate to bear with me while I pause for a few moments to explain it.

The effect of an expanding currency is to raise prices, and to put speculation in motion. He who buys, in a short time seems to realize a fortune, and every one is on the look-out to make successful investments; and thus prices receive a constant upward impulse, with the exception of the public lands, the price of which is fixed at $1 25, excepting such as are sold at public auction. The rise of other landed property soon creates a new demand for the public lands, and

speculation commences its giant operations in that quarter. Vast purchases are made, and the revenue of the government increases in proportion to the increased sales. The payment is made in bank-notes, and these pass from the land-offices to the deposite banks, and constitute a large surplus for new banking facilities and accommodations. Applicants from all quarters press in to partake of the rich harvest, and the notes repass into the hands of speculators, to be reinvested in the purchase of public lands. They again pass through the hands of receivers, and thence to the banks, and again to the speculators; and every revolution of the wheel increases the swelling tide, which sweeps away millions of the choicest acres from the government to the monopolizers for bank-notes, which, in the end, prove as worthless as the paper on which they are written. Had this process not been arrested by the Deposite Act of 1836, and had the banks avoided an explosion, in a short time the whole of the public domain, the precious inheritance of the people of this Union and their descendants, would have passed through the same process with the thirty-six millions of acres which the senator so highly commends. What took place then will again take place at the very next swell of the paper tide, unless, indeed, this bill should become a law, which would prove an effectual check against its recurrence.

The senator next attributes our extraordinary advance in improvement and prosperity to the banking system. He puts down as nothing our free institutions; the security in which the people enjoy their rights, the vast extent of our country, and the fertility of its soil, and the energy, industry, and enterprise of the stock from which we are descended. All these, it seems, are as dust. The banks are everything, and without them we would have been but little advanced in improvement or prosperity. It is much more easy to assign our prosperity to the banking system than to prove it. That in its early stages it contributed to give an impulse to industry and improvement, I do not deny; but that, in its present excess, it impedes rather than promotes either, I hold to be certain. That we are not indebted to it for our extraordinary advance and improvements, wholly or mainly, there is an argument which I regard as decisive. Before the Revolution we had no banks, and yet our improvement and prosperity, all things considered, were as great anterior to it as since, whether we regard the increase of population or wealth. At that time not a bank-note was to be seen, and the whole circulation consisted either of gold and silver, or the colonial paper money, which all now, and especially the senator, consider so worthless. Had the senator lived during that period, he might, with equal plausibility, have attributed all the improvement and prosperity of the country to the old colonial paper money, as he now does to the banks; and have denounced any attempt to change or improve it as an overthrow of the credit system, as warmly as he now does the separation of the government from the banks. I tell the senator that the time is coming when his present defence of the banking system, as it is now organized, will be considered as extraordinary as we now would regard a defence of the old and exploded system of colonial paper money. He seems not to see that the system has reached a point where great changes are unavoidable, and without which the whole will explode. The state of its manhood and vigour has passed, and it is now far advanced in that of decrepitude. The whole system must be reformed, or it must perish in the natural course of events. The first step towards its renovation is the measure he denounces in such unmeasured terms—the separation from the government; and the next a separation between discount and circulation. The two are incompatible; and so long as they are united, those frequent vicissitudes of contractions and expansions, to which bank circulation is so subject, and which is rapidly bringing it into discredit, must continue to increase in frequency and intensity, till it shall become as completely discredited as Continental money.

The senator seems not to be entirely unaware of the danger to which the system is exposed from its frequent vibrations and catastrophes. He tells us,

by way of apology, that had it not been for the specie circular, the present catastrophe would not have occurred. That it hastened it, I do not in the least doubt; but that we should have escaped without it, I wholly deny. The causes of the explosion lay deep—far beneath the circulars, and nothing but the most efficient measures, during the session immediately after the removal of the deposites, could have prevented it. That was the crisis, which, having passed without doing anything, what has since followed was inevitable. But admitting what he says to be true, what a picture of the system does it exhibit! How frail how, unstable must it be, when a single act of the executive could bring it to the ground, and spread ruin over the country! And shall we again renew our connexion with such a system, so liable, from the slightest cause, to such disasters? Does it not conclusively show that there is some deep and inherent defect in its very constitution, which renders it too unsafe to confide in without some radical and thorough reform?

The senator himself seems conscious of this. He entered into the question of its expansions and contractions, and suggested several remedies to correct an evil which none can deny, and which all must see, if not corrected, must end in the final overthrow of the system. He told us that the remedy was to be found in the proportion between bullion and circulation, and that the proper rule to enforce the due proportion between the two was, when exchange was against us, for the banks to curtail. I admit that the disease originates in the undue proportion, not between bullion and circulation, but between it and the liabilities of the banks, including deposites as well as circulation (the former is even more important than the latter), and that the remedy must consist in enforcing that proportion. But two questions here present themselves: What is that due proportion? and how is it, under our system of banking, to be enforced? There is one proportion which we know to be safe; and that is when, for every dollar of liability, there is a dollar in bullion or specie; but this would bring us back again to the old, honest, and substantial Bank of Amsterdam, so much abused by all the advocates of banks of discount. If that proportion be transcended—if we admit two or three to one to be the due proportion, or any other that would make banking more profitable and eligible than the mere loaning of money, or other pursuits of society, the evil under which we now suffer would continue. Too much capital would continue to flow into banking, to be again followed by the excess of the system, with all its train of disasters. But admit that such would not be the fact, how are we to compel the twenty-six states of this Union to enforce the due proportion, all of which exercise the right of establishing banks at pleasure, and on such principles as they may choose to adopt? It can only be done by an amendment of the Constitution; and is there any one so wild and visionary as to believe that there is the least prospect of such an amendment? Let gentlemen who acknowledge the defect, before they insist on a reunion with a system, acknowledged to be exposed, as as it now stands, to such frequent and dangerous vicissitudes, first apply a remedy and remove the defect, and then ask for our co-operation.

But the senator tells us that the means of enforcing the due proportion is to be found in the regulation of the exchanges; and for this purpose the only rule necessary to be observed is to curtail when exchanges are against us, and as a counterpart, I suppose, to enlarge when in our favour. How much dependance is to be put on this rule, we have a strong illustration in the late catastrophe, under which the country is now suffering. The exchanges remained in our favour till the very last; and before the rule, on which the senator so confidently relies, could be applied, the shock was felt and the banks ingulfed; and this will ever be the case, when preceded by a general expansion in the commercial world, such as preceded the late.

The cause of that commenced on the other side of the Atlantic, and originated mainly in the provisions on which the recharter of the Bank of England

was renewed, which greatly favoured extension of banking operations in a country which may be considered as the centre of the commercial system of the world. The effect of these provisions was a depreciation of the value of gold and silver there, and their consequent expulsion to other countries, and especially to ours, which turned the exchange with England in our favour; and which, in combination with other causes, the removal of the deposites, and the expiration of the charter of the late Bank of the United States, was followed by a great corresponding expansion of our banking system. The result of this state of things was a great increase of the liabilities of the banks compared with their specie in both countries, which laid the train for the explosion. The Bank of England first took the alarm, and began to prepare to meet the threatened calamity. It was unavoidable, and the only question was, where it should fall. The weakness of our system, and the comparative strength of theirs, turned the shock on ours, but of the approach of which the exchanges gave, as I have stated, no indications almost to the last moment. And even then, so artificial are exchanges, and so liable to be influenced by other causes besides the excess of currency on one side and the deficit on the other, after it began to show unfavourable indications, we all remember that a single individual, at the head of a state institution, I mean Mr. Biddle, by appearing in New-York, and bringing into market bonds on England drawn on time, turned the current, and restored the exchange. All this conclusively proves, that when there is a general expansion (the most dangerous of all), exchanges give no indication of the approach of danger, and, of course, their regulation, on which the senator relies, affords no protection against it.

I might go farther, and show that at no time is it to be relied on as the index of the relative expansion or contraction in different countries, and that it is liable to be influenced by many circumstances besides those to which I have alluded, some of which are fleeting, and others more permanent. It presupposes the perfect fluidity of currency, and that it is not liable to be obstructed or impeded by natural or artificial causes in its ebbs and flows; which is far from being true, as I have already shown in the instance of Mr. Biddle's operation preceding the late shock. In fact, it may be laid down as a rule, that where the currency consists of convertible paper, resting on a gold and silver basis, the small portion of specie which may be required to uphold the whole has its fluidity obstructed by so many and such powerful causes as to afford no certain criterion of the relative expansion of the currency between it and other countries, and, of course, afford no certain rule of regulating banking operations. The subject is one that would require more time to discuss than I can bestow on the present occasion; but of its truth we have a strong illustration in the state of things preceding the late shock, when, as I have stated, the exchanges remained favourable to the banks, while the vast amount of our imports, and the unusual character of many of the articles imported, clearly indicated that our currency was relatively greatly expanded compared with those countries with which we have commercial relations.

To correct the defects of the system, the senator must go much deeper. The evil lies in its strong tendency to increase; and that, again, in the extraordinary and vast advantages which are conferred on it beyond all other pursuits of the community, which, if not diminished, must terminate in its utter destruction, or an entire revolution in our social and political system. It is not possible that the great body of the community will patiently bear that the currency, which ought to be the most stable of all things, should be the most fluctuating and uncertain; and that, too, in defiance of positive provisions in the Constitution, which all acknowledge were intended to give it the greatest possible stability.

# XXIII.

## SPEECH ON THE BILL TO PREVENT THE INTERFERENCE OF CERTAIN FEDERAL OFFICERS IN ELECTIONS, FEBRUARY 22, 1839.

Mr. Calhoun said: I belong, Mr. President, to that political school which regards with a jealous eye the patronage of this government, and believes that the less its patronage the better, consistently with the objects for which the government was instituted. Thus thinking, I have made no political move of any importance, for the last twelve or thirteen years, which had not for its object, directly or indirectly, the reduction of patronage. But, notwithstanding this, I cannot bring my mind to support this bill, decidedly as I approve of its object. Among other difficulties, there is a constitutional objection which I cannot surmount, and which I shall, without farther remark, proceed to state and consider.

This bill proposes to inflict the penalty of dismission on a large class of the officers of this government who shall electioneer, or attempt to control or influence the election of public functionaries either of the General or State Governments, without distinguishing between their official and individual character as citizens; and the question is, Has Congress the constitutional right to pass such a law? That, again, involves a prior, and still more general question: Has this government the authority to interfere with the electoral rights of the citizens of the states?

In considering this general question, I shall assume, in the first place, what none will deny, that it belongs to the states separately to determine who shall, and who shall not, exercise the right of suffrage; and, in the second, that it belongs to them, in like manner, to regulate that right; that is, to pass all laws that may be necessary to secure its free exercise on the one hand, and to prevent its abuse on the other. I next advance the proposition, which no one in the least conversant with our institutions, or familiar with the Constitution, will venture to question, that, as far *as citizens are concerned, this right belongs solely to the states, to the entire exclusion of the General Government*, which can in no wise touch or interfere with it without transcending the limits of the Constitution. Thus far there can be no difference of opinion.

But a citizen may be also an officer of this government, which brings up the question, Has it the right to make it penal for him to use his official power to control or influence elections? Can it, for instance, make it penal in a collector or other officer who holds a bond, in his official character, on a citizen, to threaten to enforce it if he should refuse to vote for his favourite candidate? I regard this proposition as not less clear than the preceding. Whenever the government invests an individual with power which may be used to the injury of others or the public, it is manifest that it not only has the right, but that it is in duty bound to prevent its abuse, as far as practicable. But it must be borne in mind that a citizen does not cease to be one in becoming a federal officer. This government must, accordingly, take special care, in subjecting him to penalties for the abuse of his official powers, that it does not interfere in any wise with his private rights as a citizen, and which are, as has been stated, under the exclusive control of the states. But no such care is taken either in this bill or the substitute proposed by its author. Neither makes any distinction whatever between the *official and private acts of the officer as a citizen*. The broadest and most comprehensive terms are used, comprehending and subjecting all acts, without discrimination as to character, to the proposed penalty. Under its pro-

visions, if an officer should express an opinion of any candidate, say of a president, who was a candidate for re-election, whether favourable or unfavourable, or to whisper an opinion relating to his administration, whether good or bad, he would subject himself to the penalty of this bill, as certainly as if he had brought the whole of his official power to bear directly on the freedom of election. That a bill, containing such broad and indiscriminate provisions, transcends the powers of Congress, and violates in the officer the electoral rights of the citizen, held under the authority of his state, and guarantied by the provision of the Constitution, which secures the freedom of speech to all, is too clear, after what has been said, to require additional illustration. It cannot pass without enlarging the power of the government by the abridgment of the rights of the citizen.

But it may be replied, that these are instances where the government has subjected its officers to penalties for acts of a private character, over which the Constitution has given it no control. Such, undoubtedly, is the fact, and its right to do so, in the instances referred to in the discussion, cannot be denied; but all such cases are distinguished from that under consideration by lines too broad to be mistaken. In all of them, the acts prohibited were, in the first place, such as were incompatible with the official duties enjoined; as in the case of the prohibition of commissaries to purchase or deal in articles similar to those that are made their official duty to purchase, in order to prevent fraud on the public. And in the next, the acts prohibited involved only civil rights, belonging to the officer as an individual, and not political rights, which belong to him as a citizen. The former he may yield at pleasure, without discredit or disgrace, but the latter he cannot surrender without debasing himself, and giving up a sacred trust vested in him, by the state of which he is a member, for the common good; nor can this government demand its surrender without transcending its powers, and infringing the rights of the states and their citizens.

It may also be said that, in most cases, it would be impossible to distinguish between the official and the political acts of the officer, so as to subject the former to penal restraints, without interfering with the latter; and that it would, in practice, render ineffective the admitted right of the government to punish its officers for the abuse of their official powers. It may be so, but little or no evil can result. Whatever defect of right this government may labour under in such cases, is amply made up by the plenary power of the states, which has an unlimited control over the electoral rights of its citizens, whether officers of this government or not. To them the subject may be safely confided. It is they who are particularly interested in seeing that a right so sacred shall not be abused, nor the freedom of election be impaired. We must not forget that states and the people of the states are our constituents and superiors, and we but their agents; and that, if the right in question be abused, or the freedom of election be impaired, it is they, and not we, who must mainly suffer, and who, of course, are the best judges of the evil and the remedy. If the policy of the states demands it, they may impose whatever restraint they please on the federal officers within their respective limits, in order to guard against their control or influence in elections, and, if it be necessary, to divest them entirely of the right of suffrage. To those who are so much more interested and competent to judge and act on this subject than we are, I am for leaving the decision as to what ought to be done, and the application of the remedy. Entertaining these views, I am forced to the conclusion that this bill is unconstitutional, and, if there were no other reason to oppose its passage, I would be compelled to vote against it.

But there are others sufficiently decisive to compel me to withhold my support, were it possible to remove the constitutional objection. So far from restricting the patronage of the President, should the bill become a law, it would, if I mistake not, greatly increase his influence. He has now the almost unlimited power of removing the officers of this government: a power, the abuse of which has been the subject of much, and, in my opinion, of just complaint on the part of the chamber to which the mover of this bill belongs, on the ground that it was calculated to increase unduly the power and influence of that department of the government. Now, what is the remedy this bill proposes for that evil? To put restrictions on the removing power? The very reverse. To make it *the duty*, as it is now the right of the President, *to remove;* and, in discharging this high duty, he is made the sole judge, without limitation or appeal. The fate of the accused would be exclusively in his hand, whether charged with the offence of opposing or supporting his administration. Can any one, the least conversant with party morals, or the working of the human heart, doubt how the law would be executed? Is it not certain that it would be most rigidly enforced against all officers who should venture to oppose him, either in the Federal or State Governments, with a corresponding indulgence and lenity towards those who supported him? A single view, without prolonging the discussion, will decide. Should there be a president of such exalted virtue and patriotism as to make no discrimination between friend and foe, the law would be perfectly useless; but if not, it would be made the pretext for indiscriminate removal of all who may refuse to become his active and devoted partisans; and it would thus prove either *useless*, or *worse than useless*.

With the object which the mover of the bill has in view, it seems to me he ought to take the very opposite course; and, instead of making it the duty of the President to remove, he ought to impose restrictions on the power of removal, or to divest him entirely of it. Place the office-holders, with their yearly salaries, beyond the reach of the executive power, and they would in a short time be as mute and inactive as this bill proposes to make them. Their voice, I promise, would then be scarcely raised at elections, or their persons be found at the polls.

But suppose the immediate object of the bill accomplished, and the office-holders rendered perfectly silent and passive, it might even then be doubted whether it would cause any diminution in the influence of patronage over elections. It would, indeed, greatly reduce the influence of the office-holders. They would become the most insignificant portion of the community, as far as elections were concerned. But just in the same proportion as they might sink, the no less formidable corps of office-seekers would rise in importance. The struggle for power between the ins and the outs would not abate in the least, in violence or intensity, by the silence or inactivity of the office-holders, as the amount of patronage, the stake contended for, would remain undiminished. Both sides, those in and those out of power, would turn from the passive and silent body of incumbents, and court the favour of the active corps that panted to supplant them; and the result would be an annual sweep of the former, after every election, to make room to reward the latter, and that on whichever side the scale of victory might turn. The consequence would be rotation with a vengeance. The wheel would turn round with such velocity that anything like a stable system of policy would be impossible. Each temporary occupant that might be thrown into office by the whirl, would seize the moment to make the most of his good fortune before he might be displaced by his successor, and a system (if such it might be called) would follow not less corrupting than unstable.

With these decisive objections, I cannot give my support to the bill; but I wish it to be distinctly understood that, in withholding it, I neither retract nor modify any sentiment I have expressed in relation to the patronage of this government. I have looked over, since the commencement of this discussion, the report I made as chairman of a select committee on the subject in 1835, and which has been so frequently referred to in debate by those on the opposite side of the chamber, and I find nothing which I would omit if I had now to draw it, but much which time and reflection would induce me to add, to strengthen the grounds I then assumed. There is not a sentence in it incompatible with the views I have presented on the present occasion.

I might here, Mr. President, terminate my remarks, as far as this bill is concerned; but as the general question of patronage is at all times one of importance under our system of government, and especially so, in my opinion, at this present juncture, I trust that I shall be indulged in offering my opinion somewhat more at large in reference to it.

If it be desirable to reduce the patronage of the government (and I hold it to be eminently so), we must strike at the source—the root, and not the branches. It is the only way that will not, in the end, prove fallacious. The main sources of patronage may be found in the powers, the revenue, and the expenditures of the government; *and the first and necessary step towards its reduction is to restrict the powers of this government within the rigid limits prescribed by the Constitution.* Every extension of its powers beyond would bring within its control subjects never intended to be placed there, followed by increased patronage, and augmented expenditure and revenue.

We must, in the next place, take care not to call the acknowledged powers of the government into action beyond the limits which the common interest may render necessary, nor to pervert them into means of doing what it was never intended by the Constitution we should have the right to do. Of all the sources of power and influence, the perversion of the powers of the government has proved, in practice, the most fruitful and dangerous; of which our political history furnishes many examples, especially in reference to the money power, as will appear in the course of my remarks.

After restricting the powers of the government within proper limits, the next important step would be to bring down the income and expenditures to the smallest practicable amount. It is a primary maxim under our system, to collect no more money than is necessary to the economical and constitutional wants of the government. We have, in fact, no right to collect a cent more. Nothing can tend more powerfully to corrupt public and private morals, or to increase the patronage of the government, than an excessive or surplus revenue, as recent and sad experience has abundantly proved. Nor is it less important to restrict the expenditures within the income. It is, in fact, indispensable to a restricted revenue, as the increase of the former must, in the end, lead to an increase of the latter. Nor must an exact administration, and a rigid accountability in every department of the government, be neglected. It is among the most efficient means of keeping down patronage and corruption, as well as the revenue and expenditures, just as the opposite is among the most prolific source of both.

It is thus, and thus only, that we can reduce effectually the patronage of the government to the least amount consistent with the discharge of the few but important duties with which it is charged, and render it, what the Constitution intended it should be, a cheap and simple government, instituted by the states for their mutual security, and more perfect

protection of their liberty and tranquillity. It is the way pointed out by Jefferson and his associates of the Virginia school, which has ever been distinguished for its jealous opposition to patronage, as the bane of our political system, as is so powerfully illustrated in the immortal documents so frequently referred to in this discussion—the report to the Virginia Legislature on the Alien and Sedition Law, in the year 1799.

But there is, and ever has been from the first, another and opposing school, that regarded patronage with a very different eye, not as a bane, but as an essential ingredient, without which the government would be impracticable; and whose leading policy is, to enlist in its favour the more powerful classes of society, through their interest, as indispensable to its support. If we cannot take lessons from this school on the question of reduction of patronage, we may at least learn, what is of vast importance to be known, how, and by what means this school has reared up a system, which has added so vastly to the power and patronage of the government, beyond what was contemplated by its framers, as to alarm its wisest and best friends for its fate. With the view of furnishing this information, so intimately connected with the object of these remarks, I propose to give a very brief and rapid narrative of the rise and progress of that system.

At the head of this school stands the name of Hamilton, than which there is none more distinguished in our political history. He is the perfect type and impersonation of the National or Federal school (I use party names with reluctance, and only for the sake of brevity), as Jefferson is of the State Rights Republican school. They were both men of eminent talent, ardent patriotism, great boldness, and comprehensive and systematic understanding. They were both men who fixed on a single object far ahead, and converged all their powers towards its accomplishment. The difference between them is, that Jefferson had more genius, Hamilton more abilities; the former leaned more to the side of liberty, and his great rival more to that of power. They both have impressed themselves deeply on the movements of the government; but, as yet, Hamilton far more so than Jefferson, though the impression of the latter is destined in the end, as I trust, to prove the more durable of the two.

It has been the good fortune of the school of which Mr. Jefferson is the head to imbody their principles and doctrines in written doctrines (the report referred to, and the Virginia and Kentucky Resolutions), which are the acknowledged creed of the party, and may at all times be referred to in order to ascertain what they are in fact. The opposite school has left no such written and acknowledged creed, but the declaration and acts of its great leader leave little doubt as to either its principles or doctrines. In tracing them, a narrative of his life and acts need not be given. It will suffice to say, that he entered early in life into the army of the Revolution, and became a member of the military family of Washington, whose confidence he gained and retained to the last. He next appeared in the convention which framed the Constitution, where, with his usual boldness, he advocated a President and Senate for life, and the appointment, by this government, of the governors of the states, with a veto on state laws. These bold measures failing, he retired from the convention, it is said, in disgust; but afterward, on more mature reflection, became the zealous and able advocate of the adoption of the Constitution. He saw, as he thought, in a scheme of government which conferred the unlimited power of taxing and declaring war, the almost unbounded source of power, in resolute and able hands; hence his declaration, that though the government was weak in its organization, it would, when put in action, find the means of supporting itself: a profound reflection, proving that he

clearly saw how to make it, in practice, what his movements in the Convention had failed to accomplish in its organization. Nor has he left it in doubt as to what were the means on which he relied to effect his object. We all recollect the famous assertion of the elder Adams, that the "British Constitution," restored to its original principles, and freed from corruption, was the wisest and best ever formed by man; and Hamilton's reply, that the British Constitution, freed from corruption, would be impracticable, but, with its corruption, was the best that ever existed. To realize what was intended by this great man, it must be understood that he meant not corruption in its usual sense of bribery. He was too able and patriotic to resort to such means, or to the petty policy of this bill. Either of these modes of operation was on too small a scale for him. Like all great and comprehensive minds, he acted on masses, without much regard to individuals. He meant by corruption something far more powerful and comprehensive; that policy which systematically favoured the great and powerful classes of society, with the view of binding them, through their interest, to the support of the government. This was the single object of his policy, and to which he strictly and resolutely adhered throughout his career, but which, whether suited or not to the British system of government, is, as time has shown, uncongenial and dangerous to ours.

After the Constitution was adopted, he was placed at the head of the treasury department, a position which gave full scope to his abilities, and placed ample means at his disposal to rear up the system he meditated. Well and skilfully did he use them. His first measure was the adoption of the funding system, on the British model; and on this the two schools, which have ever since, under one form or another, divided the country, and ever will divide it, so long as the government endures, came into conflict. They were both in favour of keeping the public faith, but differed as to the mode of assuming the public debt, and the amount that ought to be assumed. The policy of Hamilton prevailed. The amount assumed was about $80,000,000, a vast sum for a country so impoverished, and with a population so inconsiderable as we then had. The creation of the system, and the assumption of so large a debt, gave a decided and powerful impulse to the government, in the direction in which it has since continued to move, almost constantly.

This was followed by a measure adopted on his own responsibility, and in the face of law, but which, though at the time it attracted little attention or opposition, has proved the most powerful of all the means employed in rearing up and maintaining his favourite system. I refer to the treasury order directing the receipt of bank-notes in the dues of the government, and which was the first link of that unconstitutional and unholy alliance between this government and the banks that has been followed by such disastrous consequences. I have, Mr. President, been accused of extravagance in asserting that this unholy connexion with the paper system was the great and primary cause of almost every departure from the principles of the Constitution, and of the dangers to which the government has been exposed. I am happy to have it in my power to show that I do not stand alone in this opinion. Our attention has lately been attracted, by one of the journals of this city, to a pamphlet containing the same sentiment, published as far back as 1794; the author of which was one of the profoundest and purest statesmen to whom our country has ever given birth, but who has not been distinguished in proportion to his eminent talent and ardent patriotism. In confirmation of what I assert, I will thank the senator from North Carolina near me (Mr. Strange) to read a paragraph taken from the pamphlet, which contains

expressions as strong as any I have ever used in reference to the point in question.

Mr. Strange read as follows:

"Funding and banking systems are indissolubly connected with every commercial and political question by an interest generally at enmity with the common good. In the great cases of peace and war, of fleets and armies, and of taxation and navigation, their cries will forever resound throughout the continent. Whereas, the undue bias of public officers is bounded by known salaries, and persons not freeholders are hardly, if at all, distinguishable from the national interest. One observation is adduced in proof of this doctrine. Paper fraud, knowing the restiffness of liberty when oppressed, *is under an impulse to strengthen itself by alliances with legislative corruption, with a military force, and with similar foreign systems.* War with Britain can be turned by it to great account. In case of victory, a military apparatus, united to it by large arrears, and an aversion to being disbanded, will be on one hand. In case of defeat, paper will constitute an engine of government analogous to the English system. Can Republicanism safely intrust a legislative paper junto with the management of such a war? If it does, no prophetic spirit is necessary to foretell that paper will be heaped upon liberty, from the same design with which mountains were heaped upon the giants by the dissolute junto of Olympus."

The next movement he made was the boldest of the whole series. The union of the government with the paper system was not yet complete. A central control was wanting, in order to give to it unity of action and a full development of its power and influence. This he sought in a National Bank, with a capital of $10,000,000, to be composed principally of the stock held by the public creditors; thus binding more strongly to the government that already powerful class, by giving them, through its agency, increased profit, and a decided control over the currency, exchanges, and the business transactions of the country. On the question of chartering the bank, the great battle was fought between the two schools. The contest was long and obstinate, but victory ultimately declared in favour of the national Federal school.

The leader of that school was not content with these great achievements. His bold and ardent mind was not of a temper to stop short of the end at which he aimed. His next movement was to seize on the money power; and he put forth able reports, in which he asserted the broad principle, that Congress was under no other constitutional restriction in the use of the public money but the *general welfare*, and that it might be appropriated to any purpose whatever believed to be calculated to promote the general interest, and as freely to the objects not enumerated as those that were specified in the Constitution. To this he added another, and, perhaps, more dangerous assumption of power—that the taxing power, which was granted expressly to raise revenue, might be used as a protective power for the encouragement of manufactures, or any other branch of industry which Congress might choose to foster; and thus it was, in fact, perverted from a revenue to a penal power, through which the entire capital and industry of the Union might be controlled. Congress was not prepared, at that early stage, to follow so bold a lead; but the seed was sown by a skilful hand, to sprout when the proper season arrived.

When he retired from office, no controlling mind was left to perfect the system which he had commenced with such consummate skill and success; and shortly after, under the administration of the elder Adams, the Alien and Sedition Acts, and the quasi war with France, as it was called,

followed the violent and precipitate measures of less sagacious and powerful minds, and which, in their reaction, expelled their authors from power, and raised Jefferson to the presidency.

He came in as a reformer; but, with the most ardent desire and the highest capacity to effect a reformation, he could do little to change the direction which his rival had impressed at the outset on the political machine. Economy, indeed, was introduced, and the expenditures reduced, but the ligatures which united the government with the paper system were too strong to be bursted. The funded debt, though greatly reduced by him, could not be extinguished. The charter of the United States Bank had still half its term to run, and the use of banks and bank-notes in the fiscal transactions of the government had taken too strong a hold to be superseded at once. In the mean time, the agitation caused by the gigantic conflict between France and England reached our distant and peaceful shores, and the administration was almost exclusively occupied in efforts to prevent aggressions on our rights, and preserve our neutrality. To effect that, every expedient was attempted; negotiation, embargo, non-importation, and non-intercourse, but in vain. War followed, and with it all hopes of carrying out the reform contemplated by Jefferson when he came into power failed.

When peace arrived, the country was deeply in debt. Capital and industry had taken new directions in consequence of the long interruption of our foreign commerce, and the public attention was completely diverted from the questions which had brought into conflict the two great political schools, and which had so long divided the country.

The season had now arrived when the seed which had been so skilfully sowed by Hamilton, as has been stated, began to germinate, and soon shot forth with the most vigorous growth. Duties came to be imposed without regard to revenue, and money appropriated without reference to the granted powers. Tariff followed tariff in rapid succession, carrying in their train a profusion of expenditures on harbours, roads, canals, pensions, and a host of others, comprehending objects of almost every description. In such rapid succession did the protective duties follow, that in 1828, in the short space of twelve years after the termination of the late war, they reached the enormous amount of nearly one half of the aggregate value of the entire imports, after deducting the reshipments. Beyond this point the system never advanced, and fortunately for the country it did not. Had it continued its progress a few years longer, the enormous patronage which it placed at the disposal of the chief magistrate would have terminated our form of government, by enabling him to nominate his successor, or by plunging the country into a revolution, to be followed by disunion or despotism. as was foretold would be the consequence in the report to the Legislature of Virginia, so often referred to, if the system it reprobated were carried out in practice. But, happily, with the tariff of 1828 the reaction commenced, and has been ever since progressing. How, or by whom it was commenced, and has been urged forward to the present point, this is not the proper occasion to state. All I propose now is to state its progress, and mark the point at which it has arrived.

The first step of this retrograde movement was the overthrow of the administration of the younger Adams. He came into power on the extreme principles and doctrines of the Federal national school, and on them he placed the hope of maintaining his elevation. For the truth of this assertion I appeal to his inaugural address, and his messages to the two houses at the openings of the annual sessions; and to expel his administration from power was, of course, a preliminary and indispensable step to-

wards the restoration of the principles and doctrines of the opposite school; and, fortunately, this was effected by a decided majority at the expiration of his first term.

The next step was the final discharge of the funded debt; and for this important step, at so early a period, the country is indebted principally to a friend, now, unfortunately, no more—the amiable, the talented, the patriotic Lowndes—the author of that simple, but effective measure, the Sinking Fund Act, passed shortly after the termination of the late war.

But the most formidable of all the obstacles, the source of the vast and corrupting surplus, with its host of extravagant and unconstitutional expenditures—the protective tariff—still remained in full force, and obstructed any farther progress in the reaction that had commenced. By what decided and bold measures it was overcome is well known to all, and need not be told on this occasion. It is sufficient to say that, after a long and desperate struggle, the controversy terminated in the Compromise Act, which abandoned the protective principle, and has, I trust, closed forever what has proved in this government a most prolific source of power, patronage, and corruption.

The next step in the progress was the overthrow of the Bank of the United States—the centre and soul of the paper system—a step that may justly be regarded as not inferior to any other in the whole series. That was followed by the Deposite Act of 1836, which transferred to the treasuries of the states the vast surplus which continued to flow in upon us, notwithstanding the great reduction under the Compromise Act. This decisive measure disburdened our surcharged treasury, and has forced on this government the necessity of retrenchment and economy, and thereby has greatly strengthened and accelerated the reaction. So necessary is the reduction of the income to reform, that I am disposed to regard it as a political maxim in free states, that an impoverished treasury, once in a generation at least, is almost indispensable to the preservation of their institutions and liberty.

The next stage in the progress was the suspension of the connexion between the government and the banks, in consequence of the suspension of specie payments. This occasion afforded an opportunity to strike the first blow against that illegitimate and unholy alliance. It was given decidedly, boldly, and vigorously, but still with only partial success. The interest in favour of maintaining the connexion was too powerful to be overcome at once; but, though not broken, the tie is greatly weakened, and nothing now is wanting to sever forever this fatal knot but to follow up what has already been done by persevering and energetic blows.

This is the point to which the reaction has already reached; and the question now to be considered is, To what point ought it to be urged, and what are the intermediate obstacles to be overcome? I am, for myself, prepared to answer. I have no concealment. My aim is fixed. It is no less than to turn back the government to where it was when it commenced its operation in 1789; to obliterate all the intermediate measures originating in the peculiar principles and policy of the school to which I am opposed, and which experience has proved to be so dangerous and uncongenial to our system; to take a fresh start, a new departure, on the State Rights Republican tack, as was intended by the framers of the Constitution. That is the point at which I have aimed for more than twelve years, and towards which I have persisted, during the whole period, to urge my way, in defiance of opposing difficulties, dangers, and discouragements, and from which nothing shall drive me (while in public life) till the object at which I aim is accomplished. By far the most formidable difficulties are already surmounted. Those that remain are comparatively insignificant.

Among these, the most important and difficult, by far, is to separate the government from the banks, but which, after the blows the connexion has received, will require not much more than unyielding firmness and perseverance. This done, the great work of freeing the government entirely from the paper system, on which Hamilton laid the foundation of his whole system, will have been achieved.

The next is to carry out, in the revision of the tariff, which must take place at the next or succeeding session, the provisions of the Compromise Act, that there shall be no duty laid but what may be necessary to the economical and constitutional wants of the government. Should this be accomplished, there will be an end to the protective system, with all the evil that followed, and must ever follow, in its train. Nor can I believe, after what we have experienced, and what has been said during this session, that there will be any insuperable difficulty in effecting an object so intimately connected with the peace and tranquillity of the Union.

Having freed the government from the paper and protective systems, the next step in importance is, to put a final stop to internal improvements, the construction and improvement of harbours, and the extravagant waste on what we are pleased to call the pension system, but which has departed from every principle justly belonging to such a system. No government was ever before burdened with an expenditure so absurd and monstrous. It confounds all distinctions between the deserving and undeserving, and yearly draws millions from the treasury without any just claim on the public bounty, and ought to be both arrested and reformed.

A single step more brings the government to the destined point—I mean a thorough reformation in the administrative department of the government. I doubt not but that every branch needs reform. There are, doubtless, numerous defalcations in addition to those brought to light. The fault has been more in that system (a brief narrative of which I have given) than in those who have been charged with the administration of the government. For years money was as dirt. The treasury was oppressed with it, and the only solicitude was, how to get clear of what was considered a useless burden. Hence the vast increase of expenditures; hence the loose and inattentive administration of our fiscal concerns; hence the heavy defalcations. Nor are these remarks confined to the executive department of the government; they apply to all, to the two houses of Congress as well as to other branches. But there is no longer a surplus. The treasury is exhausted, and the work of retrenchment, economy, and accountability is forced on us. Reform in the fiscal action of the government can no longer be delayed, and I rejoice that such is the fact. Economy and accountability are virtues belonging to free and popular governments, and without which they cannot long endure. The assertion is pre-eminently true when applied to this government, and hence the prominent place they occupy in the creed of the State Rights and Republican school.

Having taken these steps, every measure of prominence originating in the principles or policy of the national Federal school will become obliterated, and the government will have been brought back, after the lapse of fifty years, to the point of original departure, when it may be put on its new tack. To guard against a false steerage thereafter, one important measure, in addition to those enumerated, will be indispensable—to place the new states, as far as the public domain is concerned, in a condition as independent of the government as the old. It is as much due to them as it is indispensable to accomplish the great object in view. The public domain within these states is too great a stake to be left under the control of this government. It is difficult to estimate the vast

addition it makes to its power and patronage, and the controlling and corrupting influence which it may exercise over the presidential election, and, through that, the strong impulse it may receive in a wrong direction. Till it is removed, there can be no assurance of a successful and safe steerage, even if every other sinister influence should be removed.

It would be presumptuous in me, Mr. President, to advise those who are charged with the administration of the government what course to adopt; but, if they would hear the voice of one who desires nothing for himself, and whose only wish is to see the country prosperous, free, and happy, I would say to them, you are placed in the most remarkable juncture that has ever occurred since the establishment of the Federal Government. By seizing the opportunity, you may bring the vessel of state to a position where she may take a new tack, and thereby escape all the shoals and breakers into the midst of which a false steerage has run her, and bring her triumphantly into her destined port with honour to yourselves and safety to those on board. Take your stand boldly; avow your object; disclose your measures, and let the people see clearly that you intend—what Jefferson designed to do, but, from adverse circumstances, could not accomplish—to reverse the measures originating in principles and policy uncongenial to our political system—to divest the government of all undue patronage and influence—to restrict it to the few great objects intended by the Constitution—in a word, to give a complete ascendency to the good old Virginia school over its antagonist, which time and experience have proved to be dangerous to our system of government—and you may count with confidence on their support, without looking to other means of success. Should the government take such a course at this propitious moment, our free and happy institutions may be perpetuated for generations; but, if a different, short will be their duration.

On this question of patronage let me add, in conclusion, that, according to my conception, the great and leading error in Hamilton and his school originated in a mistake as to the analogy between ours and the British system of government. If we were to judge by their outward form, there is, indeed, a striking analogy between them in many particulars; but, if we look within, at their spirit and genius, never were two free governments so perfectly dissimilar. They are, in fact, the very opposites. Of all free governments that ever existed—no, I will enlarge the proposition—of all governments that ever existed, free or despotic, the British government can bear the largest amount of patronage, the greatest exaction and pressure on the people, without changing its character or running into revolution. The greater, in fact, its patronage, the stronger it is, till the pressure begins to crush the mass of population with its superincumbent weight. But directly the opposite is the case with ours. Of all governments that ever existed, it can stand under the least patronage, in proportion to the population and wealth of the country, without changing its character or the hazard of a revolution. I have not made these assertions lightly. They are the result of much reflection, and can be sustained by conclusive reasons drawn from the nature of the two governments; but this is not the proper occasion to discuss the subject.

# XXIV.

SPEECH ON THE REPORT OF MR. GRUNDY, OF TENNESSEE, IN RELATION TO THE ASSUMPTION OF THE DEBTS OF THE STATES BY THE FEDERAL GOVERNMENT, FEBRUARY 5, 1840.

On Mr. Grundy's report in relation to the assumption of the debts of the states by the Federal Government, Mr. Calhoun said:

When I have heard it asserted, again and again, in this discussion, that this report was uncalled for; that there was no one in favour of the assumption of state debts; and that the resolutions were mere idle, abstract negatives, of no sort of importance, I could not but ask myself, If all this be so, why this deep excitement? why this ardent zeal to make collateral issues? and, above all, why the great anxiety to avoid a direct vote on the resolutions? To these inquiries I could find but one solution; and that is, disguise it as you may, there is, in reality, at the bottom, a deep and agitating question. Yes, there is such a question. The scheme of assuming the debts of the states is no idle fiction. The evidence of its reality, and that *it is now in agitation*, bursts from every quarter, within and without these walls, on this and on the other side of the Atlantic; not, indeed, a direct assumption, for that would be too absurd; and harmless, because too absurd; but in a form far more plausible and dangerous—an assumption *in effect*, by dividing the proceeds of the sales of the public lands among the states.

I shall not stop to show that such distribution, under existing circumstances, with the deep indebtedness and embarrassment of many of the states, would be, in reality, an assumption. We all know that, without such indebtedness and embarrassment, the scheme of distribution would not have the least chance for adoption, and that it would be perfectly harmless, and cause no excitement; but plunged, as the states are, in debt, it becomes a question truly formidable, and on which the future politics of the country are destined for years to turn. If, then, the scheme should be adopted, it must be by the votes of the indebted states, in order to aid their credit and lighten their burden; and who is so blind as not to see that it would be in truth, what I have asserted it to be in effect, to that extent an assumption of their debts?

Here, then, we have the real question at issue, which has caused all this excitement and zeal: a question pregnant with the most important consequences, immediate and remote. What I now propose is, to trace rapidly and briefly some of the more prominent which would result from this scheme, should it ever become a law.

The first and most immediate would be to subtract from the treasury a sum equal to the annual proceeds of the sales of the public lands. I do not intend to examine the constitutional question whether Congress has or has not the right to make the subtraction, and to divide the proceeds among the states. It is not necessary. The committee have conclusively shown that it has no such power; that it holds the public domain in trust for the states in their federal capacity as members of the Union, in aid of their contribution to the treasury; and that to denationalize the fund (if I may use the expression), by distributing it among the states for their separate and individual uses, would be a manifest violation of the trust, and wholly unwarranted by the Constitution. Passing, then, by the constitutional question, I intend to restrict my inquiry to what would be its fiscal and moneyed effects.

Thus regarded, the first effect of the subtraction would be to cause an equal deficit in the revenue. I need not inform the Senate that there is not a surplus cent in the treasury; that the most rigid economy will be necessary to meet the demands on it during the current year; that the revenue, so far from being

on the increase, must be rapidly reduced, under existing laws, in the next two years; and that every dollar withdrawn, by subtracting the proceeds of the public lands, must make a corresponding deficit. We are thus brought to the question, What would be the probable annual amount of the deficit, and how is it to be supplied?

The receipts from the sales of the public lands, I would suppose, may be safely estimated at five millions of dollars at least, on an average, for the next ten or fifteen years. They were about six millions the last year. The first three quarters gave within a fraction of five and a half millions. The estimate for this year is three and a half millions, making the average of the two years but little short of five millions. If, with these data, we cast our eyes back on the last ten or fifteen years, we shall come to the conclusion, taking into consideration our great increase of population and wealth, and the vast quantity of public lands held by the government, that the average I have estimated is not too high. Assuming, then, that the deficit would be five millions, the next inquiry is, How shall it be supplied? There is but one way: a corresponding increase of the duties on imports. We have no other source of revenue but the postoffice. No one would think of laying it on that, or to raise the amount by internal taxes. The result, then, thus far, would be to withdraw from the treasury five millions of the proceeds of the sales of the public lands to be distributed among the states, and to impose an equal amount of duty on imports to make good the deficit. Now, I would ask, What is the difference, regarded as a fiscal transaction, between withdrawing that amount for distribution, and imposing a similar amount of duties on the imports to supply its place, and that of leaving the proceeds of the sales of the lands in the treasury, and imposing an equal amount of duties for distribution? It is clearly the same thing, in effect, to retain the proceeds of the public lands in the treasury and to impose the duties for distribution, or to distribute the proceeds, and thereby force the imposition of the duties to supply the place.

It is, then, in reality, a scheme to impose five millions of additional duties on the importations of the country, to be distributed among the states; and I now ask, Where is the senator who will openly avow himself an advocate of such a scheme? I put the question home, solemnly, to those on the opposite side, Do you not believe that such a scheme would be unconstitutional, unequal, unjust, and dangerous? And can you, as honest men, do that in effect, by indirect means, which, if done directly, would be clearly liable to every one of those objections?

I have said such would be the case, regarded as a fiscal transaction. In a political point of view, the distribution of the proceeds of the sales of the land would be the worst of the two. It would create opposing and hostile relations between the old and new states in reference to the public domain. Heretofore the conduct of the government has been distinguished by the greatest liberality, not to say generosity, towards the new states, in the administration of the public lands. Adopt this scheme, and its conduct will be the reverse. Whatever might be granted to them, would subtract an equal amount from the sum to be distributed. An austere and rigid administration would be the result, followed by hostile feelings on both sides, that would accelerate the conflict between them in reference to the public domain: a conflict advancing but too fast by the natural course of events, and which any one, in the least gifted with foresight, must see, come when it will, would shake the Union to the centre, unless prevented by wise and timely concession.

Having shown that the scheme is, in effect, to impose duties for distribution, the next question is, On whom will they fall? I know that there is a great diversity of opinion as to who, in fact, pays the duties on imports. I do not intend to discuss that point. We of the staple and exporting states have long settled the question for ourselves, almost unanimously, from sad experience. We

know how ruinously high duties fell on us; how they desolated our cities and exhausted our section. We also know how rapidly we have been recovering as they have been going off, in spite of all the difficulties of the times, and the distracted and disordered state of the currency. It is now a fixed maxim with us, that there is not a whit of difference, as far as we are concerned, between an export and import duty—between paying toll going out or returning in—or going down to market or returning back. If this be true, of which we have no doubt, it is a point of no little importance to us of the staple states to know what portion of the duties will fall to our lot to pay. We furnish about three fourths of the exports, with about two fifths of the whole population. Four fifths of five millions is four millions, which would be the measure of our contribution; and two fifths of five millions is two millions, which would be our share of the distribution; that is to say, for every two dollars we would receive under this notable scheme, we would pay four dollars to the fund from which it would be derived.

I now ask, What does it amount to, but making the income of the states, to the amount of five millions annually, common property, to be distributed among them, according to numbers, or some such ratio, without the least reference to their respective contribution? And what is that but rank agrarianism—agrarianism among the states? To divide the annual income is as much agrarianism as to divide property itself; and would be as much so divided among twenty-six states, as among twenty-six individuals. Let me admonish the members opposite, if they really apprehend the spirit of agrarianism as much as might be inferred from their frequent declarations, not to set the fatal example here, in their legislative capacity. Remember, there is but one step between dividing the income of the states and that of individuals, and between partial and a general distribution.

Proceeding a step farther in tracing consequences, another question presents itself: On what articles shall the duties be laid? On the free or the dutied articles? Shall they be laid for revenue or for protection? Is it not obvious that so large an amount as five millions, equal to one third of the present income from that source, and probably not much less than one half what it will be at the end of two years, cannot be raised without rousing from its slumber the tariff question, with all its distraction and danger? Should that, however, not be the case, there is another consequence connected with this, that cannot fail to rouse it, as I shall now proceed to explain.

The act of distributing the sales of the public lands among the states, of itself, as well as the amount to be distributed, will do much to resuscitate their credit. It is the desired result, and the leading motive for the act. Five millions annually (the amount assumed), on a pledge of the public domain, would, of itself, be a sufficient basis for a loan of ninety or a hundred millions of dollars, if judiciously managed. But suppose that only one half should be applied, as the means of negotiating loans abroad, in order to complete the old or to commence new works of improvement, or other objects. I ask, What would be the effect on our imports, of negotiating a loan in England, or elsewhere in Europe, of forty or fifty millions, in the course of the next year or two? Can any one doubt, from past experience? We all know the process. Very little gold or silver is ever seen in these negotiations. A credit is obtained, and that placed in bank there, or with wealthy bankers. Bills are drawn on this country, and then sold to merchants. These are transmitted to Europe, and the proceeds returned in goods, swelling the tide of imports in proportion to the amount. The crash of our manufactures follows, and that, in turn, by denunciations against over-importing and over-trading, in which those who have been most active in causing it are sure to join, but will take special care to make not the least allusion to the real source whence it flows. And can it be doubted, that with the increase of the cause, the clamour for protection will increase, un-

til, with united voices, the friends of the system would demand its renewal? If to this we add, that, under the Compromise Act, the tariff must be revived and remodelled, who can look at such a concurrence of powerful causes without seeing that it would be almost impossible to prevent the revival of the protective system, should the scheme of distribution be adopted? I hazard nothing in asserting that the renewal would certainly follow; and, as this would be one of the most prominent and durable consequences of that scheme, I propose to consider it fully, in its most important bearings.

One of the most striking features of the system is its tendency to increase. Let it be once recognised, and let the most moderate duties be laid for protection—but put the system in motion, and its course would be onward, onward, by an irresistible impulse, as I shall presently show from past experience; and hence the necessity of vigilance, and a determined resistance to every course of policy that may, by possibility, lead to its renewal. This tendency to increase results from causes inherent and inseparable from the system, and has evinced itself by the fact, that every tariff for protection has invariably disappointed its friends in the protection anticipated, and has been followed periodically, after short intervals, by a demand for another tariff with increased duties, to afford the protection vainly anticipated from its predecessor. Such has been the result throughout, from 1816 to 1828, when the first and last protective tariffs were laid, which I propose now to show, by a very brief historical sketch of the rise and progress of the system.

The late war, with the embargo and other restrictive measures that preceded it, almost expelled our commerce from the ocean, and diverted a vast amount of capital that had been employed in it to manufactures. Such was the cause that led to the system. After the termination of the war, there was, on the part of Congress and the country, the kindest feeling towards the manufacturing interest, accompanied by a strong desire so to adjust the duties (indispensable to meet the expenses of government, and to pay the public debt) as to afford them ample protection. The manufacturers were consulted, and the act of 1816 was modelled to their wishes. They regarded it as affording sufficient and permanent protection; and I, in my then want of experience as to the nature of the system, did not dream that we would hear any more of tariff, till it would become necessary to readjust the duties, after the discharge of the public debt. Vain expectation! Two years had not passed away before the manufacturers were as clamorous as ever for additional protection; and, to meet their wishes, new duties were laid from time to time, with the same result; but the clamour still returned, till 1824, when the tariff of that year passed, which was believed on all sides to be ample, and was considered, like that of 1816, to be a final adjustment of the question. It was under this impression that the South acquiesced (reluctantly) in the very high duties it imposed. The late General Hayne, then a distinguished member of this body, took a very active part against it; and I well remember, after its passage, that he consoled himself with the belief that, though oppressive, it would be the last. His expectation proved as vain as mine in 1816. Before two years had passed, we were again besieged with the cry of the inadequacy of the protection; and in the summer of 1827, a large convention of manufacturers from all parts was held at Harrisburg, in Pennsylvania, to devise a new and more ample scheme of protection, to be laid before Congress at the next session. That movement ended in the adoption of the tariff of 1828, which, in order to make sure work, went far beyond all its predecessors in the increase of duties. They were raised on the leading articles of consumption from forty to fifty per cent. above former duties, as high as they were. I speak conjecturally, without any certain data. In less than three years, even that enormous rise proved to be insufficient, as I shall presently show, and would certainly have been followed by new demands for protection, had not the small but gallant state I represent arrested its far-

ther progress—no, that is not strong enough—brought the system to the ground, against the resistance of the administration and opposition—never, I trust, to rise again.

The fact disclosed by this brief historical sketch is, that there is a constant tendency to increase in the protective system; and that every increase of duty, however high, requires periodically, after a short interval, an additional increase. This, as I have stated, is not accidental, but is the result of causes inherent in the system itself, in the present condition of our country. It originates in the fact, that every increase of protection is necessarily followed by an expansion of the currency, which expansion must continue to enlarge till the increased price of production, in consequence, shall become equal to the increased duty, and when the importation of the articles prohibited may again take place with profit. That is the principle; and as it is essential to the peace and prosperity of the country that it should be clearly understood, I intend to establish its truth beyond doubt or cavil; and for that purpose, shall begin with the tariff of 1828, the last and by far the boldest of the series, with the view of illustrating, in its case, the operation of the principle. I entreat the Senate to give me its fixed attention. The principle, well understood, will shed a flood of light on the past and present difficulties of the country, and guide us in safety in our future course.

To give a clear conception of the operation of the tariff of 1828, it will be necessary to premise that it comprehended all the leading articles of consumption that could be manufactured in our country, amounting in value to not much less than one half of the whole of the imports; that the duties on these articles were increased enormously, as has been stated—say not less than forty or fifty per cent.; that the average domestic exports at the time were not much short of sixty millions of dollars, and the imports for consumption about the same; that the revenue from the imports was about half that sum; and that, of the exports, about three fourths consisted of the great agricultural staples of the South. What, then, with these facts, must have been its necessary operations on the currency of the manufacturing states? We export to import. It is impossible to continue to export for any considerable length of time without a corresponding return of imports. It would be to give away our labour for nothing. Our exports, then, continuing at an average of sixty millions, in what, under the operation of the tariff of 1828, must the corresponding imports to the same amount return? Not, certainly, to the same extent as before its passage, in the articles on which it had so greatly increased the duties? Its object in raising them was to give our manufacturers the home market, by excluding the foreign articles of the same description. If it failed in that, it failed in accomplishing any good whatever, and became an unmixed evil, without benefit to any one. The return, then, of imports, must have been principally in articles on which the duties were not raised as far as the consumption of the country would warrant, and the balance, after paying what was due abroad in gold and silver. The first effect, then, must have been to turn the foreign exchange in our favour: a most important consequence connected with the increase of gold and silver in relation to the currency. The next must have been to turn the domestic exchanges still more strongly against the staple states, and in favour of the manufacturing. To understand this portion of the operation, I must again repeat, that the object of the tariff was to cut off the consumption of the foreign articles, in order that they should be supplied by our own manufactures. The necessary consequence of this must have been to diminish the demand abroad, and to increase it in the manufacturing states, and thereby to turn the influx of gold and silver to that point, in order to purchase the supplies there, which we have been in the habit of obtaining from abroad. These causes, combined, must have had the effect of adding greatly to the capacity of the banks in that quarter to extend their discounts and accommodations, and with it the circulation of

their notes. With a growing supply of specie, and the exchange favourable in every direction, as must have been the case, there is no limit to the business of banks, nor are they slow to perceive or to act on such favourable circumstances. Nor must we overlook another powerful cause in operation, the fiscal action of the government, through the operation of which the vast sums collected under such high duties were transferred to the same quarter, to be applied in discharge of the public debt, and disbursed on the innumerable objects of expenditure there.

Under the operation of such powerful causes, there could not but be a vast and sudden expansion of the currency where they were in such great activity, and with that expansion a corresponding increase of prices and the cost of production. Nor could this state of things cease till the increased cost of production became equal to the duty imposed for protection. At that point, and not before, must specie cease to flow in, and the exchange to be favourable; but when reached, the tide must turn, importations of the protected articles would recommence, specie flow out, and exchanges become adverse. This must be so obvious, that it would only darken to attempt to make it more clear. With the turn of the tide the banks must contract, and pecuniary embarrassment and distress follow. Such, under the operation of the causes assigned, must be the result, for reasons which appear to me irresistible. But, sir, I do not mean to leave so important a point to the mere force of argument, however clear and certain. I intend to prove by incontestable authority of documents, such was, in fact, exactly the result. I intend to place the principle laid down, as I have said, beyond doubt or cavil.

The first authority I shall adduce is from the* report of a Committee of the House, made in February, 1832, by Campbell P. White, the chairman, then a member from the city of New-York. The report is evidently drawn with great care, and by one familiar with the subject, and has the advantage of being on another subject (the currency), without any reference to the tariff or protective system, and evidently without any knowledge of its operation. Hear, then, what the report says:

"The recent export of specie has swept away the delusive colouring given to the actual result of production *in* 1829, 1830, *and the early part of* 1831. Real estate appreciated greatly; local stocks commanded unheard-of prices; warehouses and dwellings were improved and embellished, and money was so abundant, that it could readily be obtained to any amount upon promissory notes. How changed is the general aspect of things within a few months? All our solid possessions and means of industry remain, land continues to be equally productive, labour is recompensed with its usual reward; the seasons have not been unfriendly. Whence, then, this lamentable change in our affairs? Why this great scarcity of money; depreciation in value of all commodities, and of all property; great commercial distress, and absolute impossibility with many solvent persons to discharge their just debts, so speedily and grievously succeeding the gratifying and prosperous picture which was so lately presented?"

What a confirmation of the deductions of reason, both in the swelling tide of prosperity and the turning ebb of adversity. The sketch of the latter is not unsuited to the present time; good seasons, and productive years, and every element, apparently, of plenty and prosperity, and yet deep and wide-spread distress; though at that time there had been no removal of deposites, nor had the sub-treasury been heard of, to which gentlemen are now disposed to attribute all the calamities which afflict the country.

The author of the report could give no satisfactory answer to his question, whence all this sudden and unlooked-for calamity; but he has furnished us with the means of tracing it clearly to the tariff of 1828. It went into opera-

* Document 278, House of Representatives.

tion on the 1st of September of that year, and the next year felt the swelling, but delusive tide of an expanding currency; the exchange turned in our favour; gold and silver, following the impulse, flowed in; banks began to enlarge their discounts and circulation. It continued to swell with a stronger and stronger current through all the subsequent year, and the first part of the next, nearly three years, according to the usual period, when it began to ebb; and then followed the reverse scene, so feelingly described by the author, and which to him appeared so unexpected and unaccountable. It was at this point, had not the movements in the South arrested the farther progress of the system, that there would have been another clamour for additional duties. The distress, as usual, would have been attributed to over-importation, and that to the want of adequate protection, and in 1832 (the usual period of four years having intervened), another protective tariff would have been inflicted, to be followed by the same train of consequences, and with equal disappointment to its authors.

Now, sir, to show that the flowing in of the precious metals, in consequence of the tariff of 1828, is not a mere assumption, I have extracted from the public documents, for the years 1829 and 1830, the imports and exports of gold and silver, which I hold in my hand. The import in 1829 was $7,403,612, and the export $4,311,134, making an excess of imports over exports of $3,092,478; and for 1830, $8,155,964 against $1,241,622, making an excess of imports of $6,914,342; making, in the two years, an excess of imports of $10,006,810. By turning to the report already cited, it will be seen that the estimated amount of specie in the country on the 1st of January, 1830, was but $25,000,000, of which $5,000,000 were in circulation, and $20,000,000 in the vaults of the banks; so that the addition to the specie in the two years was forty per cent. on the whole amount.

It now remains to be shown what was the effect of this great proportional increase of specie, and the favourable state of the exchange which it indicates, on the banks in the manufacturing states. The report will furnish the information, not fully, but enough to satisfy every reasonable man. It gives the following statement of the amount of bank-notes in circulation in 1830 and 1832, respectively, in the states of Massachusetts, Rhode Island, New-York, and Pennsylvania, including the Bank of the United States, which will show the vast increase in the short space of two years.

Here Mr. C. read the following statement:

| | 1830. | 1832. | Relative increase of circulation in two years. |
|---|---|---|---|
| Massachusetts, | $4,730,000 | $7,700,000 | 65 per ct. |
| Rhode Island, | 670,000 | 1,340,000 | 100 " |
| New-York, | 10,000,000 | 14,100,000 | 40 " |
| Pennsylvania, | 7,300,000 | 8,760,000 | 20 " |
| Bank U. States, | 15,300,000 | 24,600,000 | 67 " |
| | $38,000,000 | $56,500,000 | |

These are, it will be borne in mind, the principal manufacturing states. In the period of two years, we find their bank circulation, taken in the aggregate, expanded from thirty-eight to fifty-six and a half millions of dollars, making an increase of sixteen and a half millions, equal to forty-four per cent. But this falls far short of the actual increase. The year 1829 is not included. It must have been one of great expansion, as the import of specie greatly exceeded its exports; which, with the favourable state of the exchange implied, must have greatly increased the business of the banks and the circulation of their notes. The reverse must have been the case in 1832, which is included, as we know by the report itself, that that year, and the latter part of the preceding, were a period of severe contraction. If a return could be had of 1829, 1830, and the early part

of 1831, I venture nothing in asserting that we should find the comparison, compared with 1828, the year of the tariff, far greater in proportion.

That there is no mistake in attributing this great expansion to the tariff, might be farther shown, if additional proof were necessary after such conclusive evidence, from the fact that it is impossible to assign any other adequate cause. As far as can be seen, there was no other cause in operation, political or commercial, that could have produced the results. It was a period of profound peace, and the exports and imports of the country steady to an unusual degree.

Should doubt, however, still remain in the mind of any one after all this accumulation of evidence, I will next call the attention of the Senate to a fact which must be conclusive with all disposed to receive the truth. By turning to the table showing the extent of bank circulation in 1830 and 1832 in the four states already referred to, it will be seen that the expansion was greater or less, just as the states, respectively, were more or less manufacturing. It will not be doubted that Rhode Island is the most manufacturing of the four, and we accordingly find there the greatest expansion; and that for the simple reason, that there the causes assigned must have been in the state of the greatest activity. Her bank circulation doubled in the short space of two years, as appears by the table. Massachusetts is the next; and we find hers is the next highest, being sixty-five per cent. New-York is still less so, and hers is but forty per cent.; and Pennsylvania, the least of the four, had, excluding the Bank of the United States, increased only twenty per cent. If the statement had extended farther South, and taken in the staple states, I venture little in making the assertion that, instead of expansion, their bank circulation would, for the same period, have been found in the opposite state, for the reverse reason. It will be seen that the Bank of the United States had expanded sixty-seven per cent. This great increase, compared to the local banks of Pennsylvania, may probably be attributed partly to loans negotiated farther East, and not improbably because her accommodations were somewhat enlarged, from causes connected with her efforts, at the time, to obtain a renewal of her charter.

I trust that I have now established, to the entire satisfaction of the Senate, the truth of the great principle which has been laid down—that every increase of protective duties is necessarily followed, in the present condition of our country, by an expansion of the currency, which must continue to increase till the increased price of production, caused by the expansion, shall be equal to the duty imposed, when a new tariff will be required. Assuming, then, the principle as incontrovertible, it follows that the natural tendency of the protective system is to expand, in seeking to accomplish its object, till it terminates in explosion. It would be easy to show, from what has already been stated, that this tendency must continue till the exports shall be so reduced as to be barely sufficient to meet the demands of the country for the articles not included in the protection; as it must be obvious, so long as they exceed that amount, so long must specie continue to be imported, and the exchange to be in our favour, till the protection is broken down by the expansion of the currency.

The consummation, therefore, of the system must be one of two things—explosion, or the reduction of the exports, so as not to exceed the amount of the unprotected articles; but either termination must prove disastrous to the system; the former by a sudden and violent overthrow, and the latter by the impoverishment of customers, and raising up of rivals as they ceased to be customers. To have a just conception of its operation in this particular, it will be necessary to bear in mind, that the South and the West are the great consumers of the products of the North and East; and that the capacity of the South to consume depends on her great agricultural staples almost exclusively, and that their sale and consumption depend mainly on the foreign market. What, then, would be the effect of reducing her exports to the point indicated, say to forty or fifty millions of dollars? Most certainly, to diminish her capacity to consume the prod-

ucts of the North and East in the same proportion, followed by a corresponding diminution of the revenue, and the commerce and navigation of the country. But the evil would not end there, as great as it would be. It would have an equal or greater effect on the consumption of the West. That great and growing section is the provision portion of the Union. Her wide and fertile region gives her an unlimited capacity to produce grain and stock of every description; and these, for the most part, find their market in the staple states. Cut off their exports, and their market would be destroyed; and with it the means of the West, to a great extent, for carrying on trade with the Northern and Eastern States. To the same extent, they, and the staple states, would be compelled to produce their own supplies; and would thus, from consumers, be converted into rivals with the other section.

How much wiser for all would be the opposite system of low duties, with the market of the world opened to our great agricultural staples? The effects would be a vast increase of our exports, with a corresponding increase of the capacity to consume on the part of the South and West, making them rich and contented customers, instead of impoverished and discontented rivals of the other section. It is time that this subject should be regarded in its true light. The protective system is neither more nor less than a war on the exports. I again repeat, if we cannot import, we cannot long export; and just as we cut off or burden the imports, to the same extent do we, in effect, cut off and burden the exports. This I have long seen, and shall now proceed to prove, by reference to the public documents, that my assertion is sustained by facts. The table of exports shows that during the seven years, from 1824 to 1831, our domestic exports remained nearly stationary, notwithstanding the great increase of our population during that period. Your statute-book will show that during the same period the protective system was in its greatest vigour. The first relaxation took place in December, 1830, under the act of the 20th of May of the same year, which made a great deduction in the duties on coffee and tea. I shall now turn to the table, and give the exports of domestic articles for those years, beginning with 1824.

Here Mr. C. read the folowing statement:

| | | | | |
|---|---|---|---|---|
| In 1824 | the | domestic | exports | were $50,649,500 |
| 1825 | " | " | " | 66,944,745 |
| 1826 | " | " | " | 53,055,710 |
| 1827 | " | " | " | 58,921,691 |
| 1828 | " | " | " | 56,669,669 |
| 1829 | " | " | " | 55,700,193 |
| 1830 | " | " | " | 59,462,029 |

If we take the average of the first three and the last of these years, we shall find that the former is a million and a half greater than the latter, showing an actual falling off, instead of an increase, to that extent in our exports.

With 1831, the reduction of duties commenced on the articles mentioned; and in December, 1833, the first great reduction took place under the Compromise Act. I shall turn to the same table, beginning with 1831, and read a statement of the exports for the eight years under the approach to the free-trade system. It is but an approach. I invite special attention to the rapid rise after the great reduction in December, 1833.

| | | | | |
|---|---|---|---|---|
| In 1831 | the | domestic | exports | were $61,277,057 |
| 1832 | " | " | " | 63,137,470 |
| 1833 | " | " | " | 70,317,698 |
| 1834 | " | " | " | 81,034,162 |
| 1835 | " | " | " | 101,189,082 |
| 1836 | " | " | " | 106,916,680 |
| 1837 | " | " | " | 95,564,414 |
| 1838 | " | " | " | 96,033,821 |

How rapid the rise just as the weights are removed! The increase, since the great reduction in 1833, has nearly doubled the average exports compared with the average of the seven tariff years preceding 1831, and would have quite doubled them, had not the expanded and deranged condition of the currency, and the consequent embarrassment of commerce, prevented it.

But what will appear still more extraordinary to those who have not reflected on the operation of the protective system, is the great increase of the exports of our domestic manufactures, as the duties go off, following, in that respect, the same law that regulates the exports of the great agricultural staples. It is a precious fact that speaks volumes, and which demands the serious consideration of the manufacturing portion of the Union. I well remember the sanguine expectations of the friends of the system, of the great increase of the exports of domestic manufactures which they believed would follow the tariff of 1828. Well, we now have the result of experience under that act, and also under that of a partial approach to free trade, and the result is exactly the reverse of the anticipations of the friends and advocates of protection. So far from increasing, under the tariff of 1828, the exports of manufactured articles actually diminished, while they have rapidly increased just as they have gone off.

But the table of exports shall speak for itself. During the four years, under the tariff of 1824, that is, from that year to 1829, when the tariff of 1828 went into operation, the exports of domestic manufactures gradually declined from $5,729,797, in the year 1825, to $5,548,354 in the year 1828. From that time it steadily declined, under the tariff of 1828, each succeeding year showing a falling off compared with the preceding, till 1833, declining, throughout the period, from $5,412,320 in 1829, to $5,050,633 in 1832, and showing an aggregate falling off, during the whole tariff régime of eight years, from 1825 to 1832, of nearly $700,000. At this point we enter on the relaxation of the system; and there has been an onward move, with but little vibration, throughout the whole period, till the present time. The last year we have is 1838, when the exports exceeded any preceding year. They amounted to $8,397,078, being an increase, during the six years of the reduction of duties, of $3,346,445, against a falling off, in the preceding eight years of protection, of $700,000: an increase of sixty-five per cent. in six years, and this in the midst of all the embarrassment of commerce, and expansion, and derangement of the currency, and, let me add, what has been so much dreaded by the friends of manufactures, the mighty increase of the exports of our great agricultural staples during the same period: a clear proof that, under the free-trade system, the one does not interfere with the other. Let no friend of manufactures suppose that this interesting result is accidental. It is the operation of fixed laws, steady and immutable in their course, as I shall hereafter show.

Now, sir, I feel myself, with these facts, warranted in asserting that, if the deranged state of the currency had not interfered, the great manufacturing interest would have gone on in a flourishing condition during the whole period of the reduction under the Compromise Act, proving thereby, to the satisfaction of all, the fallacy of the protective system. Any supposed loss, from the reduction of duties, would have been much more than made up by the increased ability of the South and West to consume, and the rapidly growing importance of the foreign market.

But I have not yet done with the system. It has additional and heavy sins to answer for. The tariff of 1828 is the source in which has originated that very derangement of the currency which so greatly embarrasses, at this time, the very interest it was intended to protect, as well as all other branches of industry. Bold as is the assertion, I am prepared to establish it to the letter.

It has already been proved that the great expansion of the currency in 1829, 1830, and 1831, was the immediate effect of the tariff of 1828. It remains to

be shown that the cause of the still greater and longer continued expansion which has terminated in the overthrow of the banking system, and the deep and almost universal distress of the country, may be clearly traced back to the same source. To do this, we must return to the year 1832, and trace the chain of events to this time. In that year the public debt was finally discharged. The vast revenue which had been poured into the treasury by the tariff of 1828, and which had accelerated the payment of the public debt, could, after its discharge, no longer be absorbed in the ordinary expenditures of the government, and a surplus began to accumulate in the treasury. The late Bank of the United States was then the fiscal agent of the government, and the depository of its revenue. Its growing amount, and prospects of great future increase, began to act on the cupidity of many of the leading state banks, and some of the great brokers of New-York. Hence their war against that institution; and hence, also, the removal of the deposites. The late President I believe to have been really hostile to the Bank on principle; but there would have been little or no motive to remove them, had it not been for their growing importance, and the hostility which the desire of possessing them had excited. They were removed, and placed in the vaults of certain state banks. To this removal and deposite in the state banks, the members over the way are in the habit of attributing all the disorders of the currency which have since followed. Now I ask, in the first place, Is it not certain, if it had not been for the surplus revenue, the deposites would not have been removed? And, in the second, would there have been a surplus had it not been for the tariff of 1828?

Again: Is it not equally clear that it was the magnitude of the surplus, and not the removal, of itself, that caused the after derangement and disorder? If the surplus had been but two or three millions, the ordinary sum in deposite, it would have been of little importance where it was kept, whether in the vaults of the Bank of the United States, or those of the states; but involving, as it did, fifty millions and more, it became a question of the highest importance. I again ask, To what is this great surplus to be attributed but to the same cause? Yes, sir, the tariff of 1828 caused the surplus, and the surplus the removal and all the after disasters in the currency, aggravated, it is true, by being deposited in the state banks; but it may be doubted whether the disaster would have been much less had they not been removed. Be that, however, as it may, it is not material, as I have shown that that surplus itself was the motive for the removal. We all remember what occurred after the removal. The surplus poured into the treasury by millions, in the form of bank-notes. The withdrawal from circulation, and locking up in the vaults of the deposite banks, so large an amount, created an immense vacuum, to be replenished by repeating the issues, which gave to the banks the means of unbounded accommodations. Speculation now commenced on a gigantic scale; prices rose rapidly, and one party, to make the removal acceptable to the people, urged the new depositories to discount freely; while the other side produced the same effect by censuring them for not affording as extensive accommodations as the Bank of the United States would have done, had the revenue been left with it. Madness ruled the hour. The whole community was intoxicated with imaginary prospects of realizing immense fortunes. With the increased rise of prices began the gigantic speculations in the public domain, the price of which, being fixed by law, could not partake of the general rise. To enlarge the room for their operations, I know not how many millions (fifty, I should suppose, at least, of the public revenue) were sunk in purchasing Indian lands, at their fee simple price nearly, and removing tribe after tribe to the West, at enormous cost; thus subjecting millions on millions of the choicest public lands to be seized on by the keen and greedy speculator. The tide now swelled with irresistible force. From the banks the deposites passed by discounts into the hands of the land speculators; from them into the hands of the receivers, and thence to the banks; and again and

again repeating the same circle, and at every evolution passing millions of acres of the public domain from the people into the hands of speculators, for worthless rags. Had this state of things continued much longer, every acre of the public lands worth possessing would have passed from the government. At this stage the alarm took place. The revenue was attempted to be squandered by the wildest extravagance; resolutions passed this body calling on the departments to know how much they could spend, and much resentment was felt because they could not spend fast enough. The Deposite Act was passed and the Treasury Circular issued, but, as far as the currency was concerned, in vain. The explosion followed, and the banks fell in convulsions, to be resuscitated for a moment, but to fall again from a more deadly stroke, under which they now lie prostrate.

I have now presented, rapidly, the unbroken chain of events up to the prolific source of our disasters, and down to the present time. In addition to the causes originating directly in the tariff of 1828, there were several collateral powerful ones, which have contributed to the present prostrated condition of the currency and the banks, but which would have been comparatively harmless of themselves. Among these was the important change in the charter of the Bank of England, at the last renewal, about the time our surplus revenue began to accumulate, by which its notes were made a legal tender in all cases except between the Bank and its creditors. The obvious effect of this modification was to diminish the demand for specie in that great mart of the world, and, in consequence, must have tended powerfully to keep the exchange with us in an easy condition while the tide of circulation was rapidly rising to a dangerous height. But there was another cause which contributed still more powerfully to the same result: I refer to the great loans negotiated abroad by states and corporations. To these I add the operation of the United States Bank of Pennsylvania, the direct object of which, in some of its more prominent transactions, was to prevent the exchange from becoming adverse to us.

By the operation of these causes combined, the exchanges were kept easy for years, notwithstanding the vast expansion which our circulation had attained, from the powerful action of the more direct causes to which I have adverted. The stroke was delayed, but not averted, and fell but the heavier and more fatally because delayed. And where did it fall, when it came, most heavily? Where the measure which caused it originated—on the heads of its projectors. Behold how error, folly, and vice, in the ways of an inscrutable Providence, turn back on their authors.

It is full time for the North, and more especially for New-England, to pause and ponder. If they would hear the voice of one who has ever wished them well, I would say that the renewal of the protective system would be one of the greatest calamities that could befall you. Whatever incidental good could be derived from it, you have already acquired. It would, if renewed, prove a pure, unadulterated evil. The very reverse is your true policy. The great question for you to decide is, how to command the foreign market. The home market, of itself, is too scanty for your skill, your activity, your energy, your unequalled inventive powers, your untiring industry, your vastly increased population, and accumulated capital. Without the foreign market, your unexampled march to wealth and improvement must come to a stand. How, then, are you to obtain command of the foreign market? That is the vital question.

The first and indispensable step is a thorough reformation of the currency. Without a solid, stable, and uniform currency, you never can fully succeed. The present currency is incurably bad. It is impossible to give it solidity or stability. A convertible bank currency, however well regulated, is subject to violent and sudden changes, which must forever unfit it to be the standard of value. It is by far the most sensitive of all to every change, commercial or political, foreign or domestic; as may be readily illustrated by reference to the ordinary

action of foreign exchanges on such currency. For this purpose, let us assume that our ordinary circulating medium, when exchanges are easy, amounts to $100,000,000, consisting, as it does, of convertible bank paper. Let us suppose that it is all issued by what are called sound specie-paying banks, with a circulation of three dollars of paper for one dollar in specie, which is regarded as constituting safe banking. Next, suppose exchange abroad turns against us, to the amount of $10,000,000. Is it not clear that, instead of reducing the circulation by that amount, that is, to $90,000,000, which it would do if it consisted only of specie, it would be reduced three times the amount: that is, to $70,000,000? Let us now suppose the exchange to turn the other way, from this point of depression, and to be kept flowing in that direction till it came to be $10,000,000 in our favour, instead of that amount against us. The result would be, under the operation of the same law, not to increase our circulation to $110,000,000 only, which would be the case if consisting of specie, but to $130,000,000; making a difference between the extreme points of depression and elevation of $60,000,000—more than equal to one half of the usual amount of circulation by supposition, with a corresponding increase of prices—instead of $20,000,000, equal only to a fifth, and with but a proportional effect on prices. A change the other way, from the extreme point of elevation to that of extreme depression, would cause the reverse effect. I hold it certain that no honest industry, pursued with the view to moderate and steady profit, can be safe in the midst of such sudden and violent vicissitudes—vicissitudes as if from summer to winter, and from winter to summer, without the intervention of fall or spring. Such great and sudden changes in the standard of value must be particularly fatal with us, with our moderately accumulated capital, compared to the effect on the greater accumulation abroad, in older countries. In stating the case supposed, I have assumed numbers at random, without pretending to accuracy as applied to our country, simply to illustrate the principle. The actual vibration may be greater or less than that supposed, but in every country where bank circulation prevails it must be greater and greater, just in proportion to the extent of its prevalence.

For this diseased state of your currency there is but one certain remedy—to return to the currency of the Constitution. Read that instrument, and hear what it says. "Congress shall coin money and regulate the value thereof; no state shall emit bills of credit, or make anything but gold and silver a legal tender." Here are positive and negative provisions: a grant of power to Congress, and a limitation on the power of the states in reference to the currency. Can you doubt that the object was to give to Congress the control of the currency? What else is the meaning "to regulate" the value thereof? Can you doubt that the currency was intended to be specie? What else is the meaning "*to coin money?*" Can you doubt, on the other hand, that it was the intention that the states should not supersede the currency which Congress was authorized to establish? What else is the meaning of the provisions that they shall not issue bills of credit, or make anything but gold and silver a legal tender? Can we doubt, finally, that the country is not in the condition that the Constitution intended, as far as the currency is concerned? Does Congress, in point of fact, regulate the currency? No. Does it supply a coin circulation? No. Do the states, in fact, regulate it? Yes. Does it consist of paper issued by the authority of the states? Yes. Is this paper, in effect, a legal tender? Yes. It has expelled the currency of the Constitution, and we are compelled to take it or nothing. Well, then, as the currency is in an unconstitutional condition, the conclusion is irresistible that the Constitution has failed to effect what it intended, as far as the currency is concerned; but whether it has failed by misconstruction, or the want of adequate provisions, is not yet decided. Thus much, however, is clear, that it is through the agency of bank paper that it has failed, and the power intended to be conferred on Congress over the currency

has been superseded. But for that, the power of Congress over the currency would have been this day in full force, and the currency itself in a constitutional condition. Nor is it less clear that the Constitution cannot be restored while the cause which has superseded it remains; and this presents the great question, How can it be removed? I do not intend to discuss it on this occasion. I shall only say that the task is one of great delicacy and difficulty, requiring much wisdom and caution, and in the execution of which precipitation ought to be carefully avoided; but when executed, then, and not till then, shall we have the solid, stable, and uniform currency intended by the Constitution, and which is indispensable, not only to the full success of our manufactures, and all other branches of productive industry, but also to the safety of our free institutions.

The next indispensable step to secure to the manufacturers the foreign market is low duties, and light burdens on productions; yes, as low and light as the wants of the government will permit. The less the burden—the freer and broader the scope given to the products of our manufactures—the better for them. Above all, avoid the renewal of the protective system. It would be fatal, as far as the foreign market is concerned.

Its hostile effects I have already shown from the table of exports, and shall now, by a few brief remarks, prove that it must be so. Passing by other reasons, I shall present but one, but that one is decisive. It has been shown that the effect of the protective system is to expand the currency in the manufacturing sections, until the increased price of production shall become equal to the duty imposed for protection, when the importation of the protected articles must again take place; that is to say, that its effects are to enable foreign manufacturers to meet ours in our own country, under the disadvantage of paying high additional duties. How, then, with that result, would it be possible for our manufacturers to meet the foreign fabrics of the same description abroad, where there can be no duty to protect them? There can be no answer. The reason is decisive.

I do not wish, in what I have said, to be considered the advocate of low wages. I am in favour of high wages; and agree that, the higher the wages, the stronger the evidence of prosperity; provided (and that is the important point) they are so naturally, by the *effectiveness of industry*, and not in consequence of an inflated currency, or any artificial regulation. When I say the effectiveness of industry, I mean to comprehend whatever is calculated to make the labour of one country more productive than that of others. I take into consideration skill, activity, energy, invention, perfection of instruments and means, mechanical and chemical; abundance of capital, natural and acquired; facility of intercourse and exchanges, internal and external; and, in a word, whatever may add to the productiveness of labour. High wages, when attributable to these, is the certain evidence of productiveness, and is, on that account, and that only, the evidence of prosperity. It is easily understood. Just as such labour would command, when compared with the less productive, a greater number of pounds of sugar or tea, a greater quantity of clothing or food, in the same proportion would it command more specie, that is, higher wages for a day's work. But, sir, here is the important consideration: high wages from such a cause *require no protection*—no, not more than the high wages of a man against the low wages of a boy, of man against women, or the skilful and energetic against the awkward and feeble. On the contrary, the higher such wages, the less the protection required. Others may demand protection against it—not it against others. The very demand of protection, then, is but a confession of the want of effectiveness of labour (from some cause) on the side that makes it; but, as a general rule, it will turn out that protection, in most cases, is a mere fallacy; certainly so when its effects are an artificial expansion of the currency. So far are high wages from being the evidence of prosperity in such cases, or, in

fact, whenever caused by high protection, high taxes, or any other artificial cause, it is the evidence of the very reverse, and always indicates something wrong, and a tendency to derangement and decay.

Having arrived at this conclusion, I will now hazard the assertion, that in no country on earth is labour, taking it all in all, more effective than ours, and especially in the Northern and Eastern portions. What people can excel our Northern and New-England brethren in skill, invention, activity, energy, perseverance, and enterprise? In what portion of the globe will you find a position more favourable to a free ingress and egress, and facility of intercourse, external and internal, through the broad limits of our wide-spread country—a region surpassed by none, taking into consideration extent and fertility? Where will you find such an abundant supply of natural capital, the gift of a kind Providence; lands cheap, plenty, and fertile; water power unlimited; and the supply of fuel, and the most useful of metals, iron, almost without stint? It is true, in accumulated capital, the fruits of past labour, through a long succession of ages, not equal to some other countries, but even in that far from being deficient, and to whatever extent deficient, would be more than compensated by the absence of all restrictions, and the lightness of the burden imposed on labour, should our government, state and general, wisely avail itself of the advantages of our situation. If these views be correct, there is no country where labour, if left to itself, free from restriction, would be more effective, and where it would command greater abundance of every necessary and comfort, or higher wages; and where, of course, protection is less needed. Instead of an advantage, it must, in fact, prove an impediment. It is high time, then, that the shackles should be thrown off industry, and its burden lightened, as far as the just wants of the government may possibly admit. We have arrived at the manhood of our vigour. Open the way—remove all restraints—take off the swaddling cloth that bound the limbs of infancy, and let the hardy, intelligent, and enterprising sons of New-England march forth fearlessly to meet the world in competition, and she will prove, in a few years, the successful rival of Old England. The foreign market once commanded, all conflicts between the different sections and industry of the country would cease. It is better for us and you that our cotton should go out in yarn and goods than in the raw state; and when that is done, the interests of all the parts of this great confederacy—North, East, South, and West—with every variety of its pursuits, would be harmonized, but not till then.

If the course of policy I advocate be wise as applied to manufactures, how much more strikingly so must it be when to the other two great interests of that section, commerce and navigation? I pass the former, and shall conclude what I intended to say on this point with a few remarks applicable to the latter. Navigation (I mean that employed in our foreign trade) is essentially our outside interest, exposed to the open competition of all the world. It has met, and met successfully, the competition of the lowest wages, not only without protection, but with heavy burdens on almost every article that enters into the outfit, the rigging, and construction of our noble vessels, the timber excepted. If, with such onerous burdens, it has met in successful rivalry the navigation of all other countries, what an impulse it would receive if the load that bears down its springs were removed! and what immense additions that increased impulse would give, not only to our wealth, but to the means of national influence and safety, where only we can be felt, and in the quarter from which only external danger is to be apprehended!

I have now, Mr. President, concluded what I proposed to say when I rose to address the Senate. I have limited my remarks to the prominent consequences, in a pecuniary and fiscal view, which would result should the scheme of assumption be adopted. There are higher and still more important consequences, which I have not attempted to trace; I mean the effects, morally and

politically, as resulting from those which I have traced, and presented to the Senate. This, I hope, may be done by some other senator in the course of the discusion. But I have said enough to show that the scheme which these resolutions are intended to condemn ought to be avoided, as the most fatal poison and the most deadly pestilence. It is, in reality, but a scheme of plunder. Let blood be lapped, and the appetite will be insatiable.

But the states are deeply in debt, and it may be asked, What shall be done? I know that they are in debt—deeply in debt. I deplore it. Yes, in debt, I am not afraid to assert it, in many instances, for the most idle projects, got up and pursued in the most thoughtless manner. Nor am I ignorant how deep pecuniary embarrassments, whether of states or individuals, blunt every feeling of honest pride and deaden the sense of justice; but I do trust that there is not a member of this great and proud confederacy so lost to every feeling of self-respect and sense of justice as to desire to charge its individual debts on the common fund of the Union, or to impose them on the shoulders of its more prudent associates; or, let me add, to dishonour itself, and the name of an American, by refusing to pay the foreigner what it justly owes. Let the indebted states remember, in time, that there is but one honest mode of paying its debts—stop all farther increase, and impose taxes to discharge what they owe. There is not a state, even the most indebted, with the smallest resources, that has not ample resources to meet its engagements. For one, I pledge myself; South Carolina is also in debt. She has spent her thousands in wasteful extravagance on one of the most visionary schemes that ever entered into the head of a thinking man. I dare say this even of her; I, who on this floor stood up to defend her almost alone against those who threatened her with fire and sword, but who now are so squeamish about state rights as to be shocked to hear it asserted that a state was capable of extravagant and wasteful expenditures. Yes, I pledge myself that she will pay punctually every dollar she owes, should it take the last cent, without inquiring whether it was spent wisely or foolishly. Should I in this be by possibility mistaken—should she tarnish her unsullied honour, and bring discredit on our common country by refusing to redeem her plighted faith (which I hold impossible), deep as is my devotion to her, and mother as she is to me, I would disown her.

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## XXV.

### SPEECH ON HIS RESOLUTIONS IN REFERENCE TO THE CASE OF THE ENTERPRISE, MARCH 13, 1840.

THE following resolutions, submitted by Mr. Calhoun on the 4th inst., were taken up for consideration:

"*Resolved*, That a ship or a vessel on the high seas, in time of peace, engaged in a lawful voyage, is, according to the laws of nations, under the exclusive jurisdiction of the state to which her flag belongs; as much so as if constituting a part of its own domain.

"*Resolved*, That if such ship or vessel should be forced, by stress of weather, or other unavoidable cause, into the port of a friendly power, she would, under the same laws, lose none of the rights appertaining to her on the high seas; but, on the contrary, she, and her cargo and persons on board, with their property, and all the rights belonging to their personal relations, as established by the laws of the state to which they belong, would be placed under the protection which the laws of nations extend to the unfortunate under such circumstances.

"*Resolved*, That the brig Enterprise, which was forced unavoidably, by stress

of weather, into Port Hamilton, Bermuda Island, while on a lawful voyage on the high seas, from one port of the Union to another, comes within the principles embraced in the foregoing resolutions; and that the seizure and detention of the negroes on board, by the local authority of the island, was an act in violation of the laws of nations, and highly unjust to our own citizens, to whom they belong."

The resolutions having been read,

Mr. Calhoun said: The case referred to in these resolutions is one of the three which have been for so long a period a subject of negotiation between our government and that of Great Britain, without, however, receiving the attention which, in my opinion, is due to the importance of the principle involved. The other two were those of the Comet and Encomium. In order to have a clear understanding of the bearing of these resolutions, and the principles they embrace, it will be necessary to give a brief narrative of each of these cases.

The Comet is the first in order of time. She sailed from this District in the latter part of the year 1830, destined for New-Orleans, having, among other things, a number of negroes on board. Her papers were regular, and her voyage in all respects lawful. She was stranded on one of the false keys of the Bahama Islands, opposite to the coast of Florida, and almost in sight of our own shores. The persons on board, including the negroes, were taken by the wreckers, against the remonstrance of the captain and owners, into Nassau, New-Providence, where the negroes were forcibly seized and detained by the local authorities.

The case of the Encomium is in almost every particular similar. It occurred in 1834. She sailed from Charleston, destined, also, for New-Orleans, with negroes on board, on a voyage in like manner lawful, was stranded near the same place, taken in the same way, into the same port, where the negroes were also forcibly seized and detained by the local authorities. It so happens that I am personally acquainted with the owners of the negroes in this case. They were citizens of North Carolina, of high respectability, one of them recently president of the state Senate, and their negroes were shipped for New-Orleans with the view of emigration and permanent settlement in one of the Southwestern States.

The other is the case of the Enterprise, referred to in the resolutions. She sailed, in 1835, from this District, destined for Charleston, South Carolina, and, like the others, on a lawful voyage, with regular papers. She was forced, unavoidably, by stress of weather, into Port Hamilton, Bermuda Island, where the negroes on board were, in like manner, forcibly seized and detained by the local authorities.

The owners of the negroes, after applying in vain to the local authorities for their surrender, made application to the government for redress of injury; and the result, after ten years' negotiation, is, that the British government has agreed to compensate the owners of the Comet and Encomium, on the ground that these cases occurred before the act for the abolition of slavery in her colonies had gone into operation, and refused compensation in the case of the Enterprise, because it occurred afterward.

Such are the material facts, drawn from the correspondence itself, and admitted in the course of the negotiation. What I propose, in the first place, is, to show that the principle on which compensation was allowed in the cases of the Comet and Encomium, embraces also that of the Enterprise; that no discrimination whatever can be made between them; and that, in attempting to make a discrimination, the British minister has assumed the very point in controversy, or, to express it in more familiar language, has begged the question. I shall rest my argument exclusively on the admissions necessarily involved in the two cases, without looking to any other authority. They will be found, if I do not greatly mistake, ample of themselves for my purpose.

What, then, is the principle necessarily involved, in allowing compensation in those cases? It will not be necessary to show that the allowance was not a mere act of gratuity to our citizens. No one will suspect that. It was, on the contrary, reluctantly yielded, after years of negotiation, only on the conviction that the rights of our citizens in the negroes could no longer be disputed, and, of course, the injustice of their seizure and detention. This brings me to a question of vital importance in this discussion, to which I must ask the Senate to give me its fixed attention; and that is, On what did this right of our citizens to the negroes rest? Not, certainly, on the British laws, either expressed or implied. So far otherwise, they expressly prohibited, in the broadest and most unqualified terms, persons from being brought in or retained as slaves, under heavy penalty and forfeiture of property; declared the persons offending to be felons, and subjected them to be transported beyond sea, or to be confined and kept at hard labour for a term of years.* But one answer can be given to the question: that it rested on the laws of their own country. It was only by them that they could possibly have a right to the negroes. And here we meet the vital question, How is it that a right resting on our laws should be valid and respected within the limits of the British dominion, against the express prohibition of an act of Parliament?

The answer can only be found in the principles embraced in the first and second of these resolutions. The former affirms the acknowledged principle that a ship or vessel on the high seas, in time of peace, and engaged in a lawful voyage, is, by the law of nations, under the exclusive jurisdiction of the state to which her flag belongs; and the second, that if forced by stress of weather, or other unavoidable cause, into a port of a friendly power, she would lose none of the rights appertaining to her on the high seas; but, on the contrary, she, with her cargo and persons on board, including their property, and all the rights belonging to their personal relations, would be placed under the protection which the law of nations extends to the unfortunate in such cases.

It is on this solid basis that the rights of our citizens rested. The laws of nations, by their paramount authority, overruled, in those cases, the municipal laws of Great Britain, even within her territorial limits; and it was to their authoritative voice that her government yielded obedience in compensating our citizens for the violation of rights placed under their sacred protection.

Having now established the principle necessarily implied in the allowance of compensation in the cases of the Comet and Encomium, it will be an easy task to show that it equally embraces the case of the Enterprise. It is admitted by the British minister that there is no other distinction between it and the other two, except that it occurred after, and the others before the act abolishing slavery in the colonies went into operation; and it must, of course, be equally comprehended in the principles embraced in the first and second resolutions, in virtue of which compensation was made, as has been shown; unless, indeed, that act had the effect of preventing it, which I shall now show it could not, according to the law of nations.

A simple but decisive view will be sufficient for the purpose. I have just shown that the act of Parliament for abolishing the slave-trade, although it expressly prohibited the introduction of slaves within the limits of the British territory, or detaining them in that condition when brought in, so far from overruling, were overruled by the principles embraced in these resolutions. If that act did not overrule the laws of nations in those cases, how, I ask, could the act for the abolition of slavery in the colonies overrule them in a case in every essential circumstance acknowledged to be the same? Can a possible reason be assigned? The authority by which the two were enacted is the same, and the one as directly applicable to the case as the other. If, indeed, there be a

* See act to amend and consolidate the laws relating to the abolition of the slave-trade, 5th sec., 4 c., p. 113, 6 vol., Evan's Statutes.

difference, the one for the abolition of the slave-trade is, of the two, the most applicable. That act directly prohibits the introduction of slaves within the British dominion in the most unqualified manner, or the retaining them, when introduced, in that condition; while the object of the act for the abolition of slavery in the colonies was to emancipate those who were such under the authority of the British laws. It is true it abolishes slavery in the British dominions, but that is no more than had previously been done, as far as slaves brought into her dominions were concerned, by the act for abolishing the slave-trade. And yet we see that act was overruled by the law of nations, in the case of the Comet and Encomium. How, then, is it possible, that of two laws, enacted by the same authority, both being equally applicable, the one, when applied to the same case, should be overruled by the law of nations, and the other overrule it? It is clear that it is impossible; and that, if the one cannot divest the rights of our citizens, neither can the other; and, of course, that the principle on which compensation was allowed in the cases of the Encomium and the Comet, equally embraces that of the Enterprise. Both acts were, in truth, but municipal laws; and, as such, neither could overrule the laws of nations, nor divest our citizens of their rights in the case under consideration. In the nature of things, the laws of nations, which have for their object the regulation of the intercourse of states, must be paramount to municipal laws, where their provisions happen to come into conflict. If not, they would be without authority. If this be so, there can be no discrimination between the three cases, and all ought to be allowed; or, if not, none; and, in that case, our citizens would have no just claim for compensation in either. It follows that the principle which embraces one embraces all. There can be no just distinction between them; and I shall next proceed to show that, in attempting to make a distinction where there is no difference, the British negotiator has been compelled to assume the very point in controversy between the two governments. In doing this, I propose to follow his argument step by step, and prove the truth of my assertion at each step.

He sets out with laying down the rule by which he asserts that those claims should be decided, which, he says, "is, that those claimants must be considered entitled to compensation who were lawfully in possession of their slaves within the British territory, and who were disturbed in their legal possession of those slaves by functionaries of the British government." I object not to the rule. If our citizens had no right to their slaves at any time after they entered the British territory—that is, if the mere fact of entering extinguished all right to them (for that is the amount of the rule)—they could, of course, have no claim on the British government, for the plain reason that the local authority, in seizing and detaining the negroes, seized and detained what, by supposition, did not belong to them. That is clear enough; but let us see the application: it is given in a few words. He says, "Now the owners of the slaves on board the Enterprise never were lawfully in possession of those slaves within the British territory;" assigning for reason, "that, before the Enterprise arrived at Bermuda, slavery had been abolished in the British Empire"—an assertion which I shall show, in a subsequent part of my remarks, to be erroneous. From that, and that alone, he comes to the conclusion, "that the negroes on board the Enterprise had, by entering within the British jurisdiction, acquired rights which the local courts were bound to protect." Such certainly would have been the case if they had been brought in, or entered voluntarily. He who enters voluntarily the territory of another state, tacitly submits himself, with all his rights, to its laws, and is as much bound to submit to them as its citizens or subjects. No one denies that; but that is not the present case. They entered not voluntarily, but from necessity; and the very point at issue is, whether the British municipal laws could divest their owners of property in their slaves on entering British territory, in cases such as the Enterprise, when the vessel has been forced into their territory by necessity, through an act of Providence, to save

the lives of those on board. We deny that they can, and maintain the opposite ground: that the law of nations, in such cases, interposes and protects the vessel and those on board, with their rights, against the municipal laws of the state, to which they have never submitted, and to which it would be cruel and inhuman, as well as unjust, to subject them. Such is clearly the point at issue between the two governments; and it is not less clear that it is the very point assumed by the British negotiator in the controversy.

He felt, in assuming his ground, that the general principle was against him, according to which, the municipal laws yield to the laws of nations in such case; and, in order to take himself out of its operation, he attempted to make a distinction equally novel and untenable. He asserts "that there is a distinction between laws bearing on the personal liberty of man and laws bearing upon the property which man may claim in irrational animals or inanimate things;" and concedes "that if a ship, containing such animals or things, were driven by stress of weather into a foreign port, it would be highly unjust that the owner should be stripped of what belongs to him, through the application of the municipal law of the state to which he had not voluntarily submitted himself." Yes, it would be both unjust and inhuman; and because it would be so, it is contrary to the law of nations, which is but the rules of justice and humanity applied to the intercourse of nations; and therefore it is that it interposes in cases like the present, and places under its protection the rights of the unfortunate, even against the municipal laws of the place.

But he asserts that the principle does not extend to the cases in which rights of property in persons are concerned (for such must be the meaning, or it is wholly irrelevant to the question at issue), because "there are three parties to the transaction—the owner of the cargo, the local authority, and the alleged slave; and the third party is no less entitled than the first to appeal to the local authority for such protection as the law of the land may afford him." This is the position on which the British negotiator mainly rests his argument; and if this fails, the whole must fall to the ground. It is not difficult to see, from what he says of two parties appealing to the local authority, that he tacitly puts aside the law of nations, and assumes the parties to be under the municipal law of the place; and, also, that those laws, and not the law of nations, are the standard by which their rights are to be judged; but is it not manifest that this is an assumption, in another form, of the point in controversy? Against it, unsustained, and unsustainable, by authority or reason, I shall oppose what, to him, must be the highest authority—that of the British government itself—in the cases of the Comet and Encomium, backed by unanswerable reasons.

If the distinction be true at all, between property in persons and property in things, or irrational animals, it was, to the full, as applicable to those cases as it is to that of the Enterprise. In them the right of property in persons was involved, and the three parties included, to the same extent as in that. Nor was personal liberty less concerned. As far as British laws could affect the rights of our citizens, the negroes belonging to the Comet and Encomium were as free as those belonging to the Enterprise. An act of Parliament, as has been shown, forbade their introduction, and forfeited the rights of their owners, thereby making them free with rights to maintain, as far as British legislation could make them so; and yet, after full and mature investigation and reflection for the space of ten years, it was admitted that the same rule applied to them which, it is conceded, would apply in similar cases to property in things or irrational animals. Now I ask, If the act for the abolition of the slave-trade, which directly forbids the introduction of negroes as slaves, and forfeits the rights of their owners, did not, as we have seen, justify the distinction in the cases of the Comet and Encomium, now attempted to be made between the two descriptions of property, how could the act for the abolition of slavery justify it in the case of the Enterprise? In the former, there were all the parties, with their respective rights, just the

same as in the latter; and if the local authorities were not bound to recognise and protect the negroes in the one case, why, I ask, were they in the other? Can a satisfactory answer be given? And if not, what becomes of the distinction, with all its consequences, attempted to be deduced from it?

The British negotiator, as if conscious of the weakness of the position, attempts immediately to fortify it. He says, "If, indeed, a municipal law be made which violates the laws of nations, a question of another kind may arise. But the municipal law which forbids slavery is no violation of the laws of nations. It is, on the contrary, in strict harmony with the laws of nations; and, therefore, when slaves are liberated according to such municipal law, there is no wrong done, and there can be no compensation granted:" a position pregnant with meaning, as will hereafter appear, but I must say, like all his others, a mere assumption of the point at issue, expressed in vague and indefinite language.

If, in asserting that a municipal law abolishing slavery is not a violation of the laws of nations, it is meant that it is not a violation of those laws for a state to abolish slavery which exists under its authority, it may be readily admitted, without prejudice to the rights of our citizens in the case in question, though it is a little remarkable that the British government allowed compensation to their own subjects by this very act under which slavery was abolished—authority in direct contradiction to the assertion that no compensation can be granted when the act is applied to the case of our citizens, forced, without their consent, into its territory.

But if, instead of that, it be meant that all municipal laws not in violation of the laws of nations are valid against those laws, when they come in conflict with them, how can the distinction, attempted to be drawn between the rights of property in things or irrational animals, and in persons, be justified? or how can the allowance of compensation in the cases of the Comet and Encomium be explained? I put the question, Was the law for the abolition of the slave-trade a violation of the laws of nations? And if not a violation, as it certainly was not, how came compensation to be granted in those cases? Can an answer be given? And if not, what becomes of the distinction attempted to be taken?

But another meaning may be intended—that it was no violation of the law of nations to extend the act for the abolition of slavery in the British territories to cases such as the Enterprise. If that is intended, it would be like all the other distinctions which have been attempted—but an assumption of the point in controversy.

I have now stated, in his own words, every argument advanced by the British negotiator to sustain the distinction which he has attempted between the cases of the Comet and Encomium and that of the Enterprise, and have, I trust, established, beyond controversy, that there is no rational ground whatever for the distinction. When again pressed on the subject by our minister, who was not satisfied with his arguments, he assumed the broad ground that Great Britain had the right to forbid the recognition of slavery within her territory; and as our claim was inconsistent with such right, it could not be allowed, and on this closed the correspondence. It is easy to see, if she has such right, in the broad and unqualified sense in which it is laid down, and applied to the case in question, it extends to all rights whatever, whether it be right of property in things and irrational animals, or growing out of personal relations, whether founded in consent or not. All are either the creatures of positive enactments, or subject to be regulated and controlled by municipal laws; and she has just the same right to prohibit the recognition of any one, or all of those rights within her territory, as the one in question. But who can doubt that such prohibition, if extended to cases of distress such as the Enterprise, would be a most flagrant violation of the laws of nations, as understood and acted on by all civil-

ized nations, and even as admitted and acted on by herself in the cases of the Comet and Encomium?

To us this is not a mere abstract question, nor one simply relating to the free use of the high seas. It comes nearer home. It is one of free and safe passage from one port to another of our Union; as much so to us as a question touching the free and safe use of the channels between England and Ireland on the one side, and the opposite coast of the Continent on the other, would be to Great Britain. To understand its deep importance to us, it must be borne in mind that the island of Bermuda lies but a short distance off our coast, and that the channel between the Bahama Islands and Florida is not less than two hundred miles in length, and on an average not more than fifty wide; and that through this long, narrow, and difficult channel, the immense trade between our ports on the Gulf of Mexico and the Atlantic coast must pass, which, at no distant period, will constitute more than half of the trade of the Union. The principle set up by the British government, if carried out to its full extent, would do much to close this all-important channel, by rendering it too hazardous for use. She has only to give an indefinite extension to the principle applied to the case of the Enterprise, and the work would be done; and why has she not as good a right to apply it to a cargo of sugar or cotton as to the slaves who produced it?

I have now, I trust, established, to the satisfaction of the Senate, what I proposed when I commenced—that the principle on which compensation was allowed in the cases of the Comet and Encomium, equally embraces that of the Enterprise; that no just distinction can be made between them; and that the British negotiator, in attempting to make a distinction, was forced to assume the point in controversy. And here I might conclude my remarks, as far as these resolutions are concerned; but there are other questions connected with this subject, not less important, which demand attention, and which I shall now proceed to consider.

It is impossible to read the correspondence between the two governments without the impression that the question involved in the negotiation was one of deep embarrassment to the British ministry. The great length of the negotiation, considering the simplicity and paucity of the points involved, the long delay before an answer could be had at all, and the manifest embarrassment in making the distinction between the cases allowed and the one rejected, plainly indicate that there was some secret, unseen difficulty in the way, not directly belonging to the questions involved in the cases. What was that difficulty? If I mistake not, it will be found in the condition of things in England, and especially in reference to those in power. It is my wish to do the ministry ample justice, as I believe they were desirous of doing us; but it is not to be disguised that there was no small difficulty in the way, from the state of things under which they acted, and which I shall next explain.

The present Whig ministry held, and still hold their power, as is well known, by a precarious tenure. Their party is, in fact, in a minority, and can only support themselves against the powerful party in opposition by such adventitious aid as can be conciliated. Among the subdivisions of party in Great Britian, the Abolition interest is one of no little power, and it will be seen at once that the question involved in the negotiation is one in reference to which they would have no little sensibility. Like all other fanatics, they have little regard either to reason or justice, where the object of their enthusiasm is concerned. To do us justice, without offending such a party, in such a case, was no easy task; and to offend them, without losing the ascendency of their party and the reins of government, was almost impossible. The ministry had to act under these conflicting considerations; and I intend no disrespect in saying that the desire of conciliating so strong a party, and thereby retaining place, when opposed to the demands of justice, could not be without its weight. The course, accordingly, taken, was such as might have been anticipated from these

opposing motives. To satisfy our urgent claim for justice, compensation was allowed in two of the cases; and, to avoid offending a powerful and zealous party, a distinction was taken between them and the other, the effects of which would be to close the door against future demands of the kind. I mean not to say that deliberate and intentional injustice was done; but simply, that these conflicting causes, which it is obvious, from the circumstances of the case, must have been in operation, would, by a natural and an unseen bias, lead to that result.

But another question of far greater magnitude, growing out of the foregoing, presents itself for consideration: To what must that result finally lead, if Great Britain should persist in the decision which it has made? I hold it impossible for her to maintain the position she has taken. She must abandon it as untenable, and take one of two other positions: either that her municipal laws are paramount to the law of nations, when they come into conflict; or that slavery —the right of man to hold property in man—is against the law of nations. It is only on the one or other of these suppositions that the act for abolishing slavery can have the force she attributes to it.

The former she cannot take, without virtually abolishing the entire system of international laws. She could not think of assuming that her municipal laws were paramount, without admitting those of other states also to be so; which would be to annul the system, and substitute in its place universal violence, discord, and conflict. This would force her on the other alternative, which, if it were true, would give her a solid foundation for the rejection of our claim, on the incontestable principle that the laws of nations would not enforce that which violates themselves. Nor are there wanting indications, in the correspondence (to some of which I have alluded), that the position she has taken in reference to the Enterprise is but preliminary to the adoption of that alternative. There are, however, many difficulties to be got over before she can openly take it.

It would require, in the first place, no small share of effrontery for a nation which has been the greatest slave-dealer on earth; a nation which has dragged a greater number of Africans from their native shores to people her possessions, and to sell to others, and which forced our ancestors to purchase slaves from her against their remonstrance, while colonies (not, improbably, the ancestors of the owners of those slaves to purchase the ancestors of the slaves, for which she now refuses compensation)—it would, I repeat, require no small effrontery to turn round and declare that she neither had, nor could have, the right to the property she sold us; nor could we, without deep crime, retain possession. We all know what such conduct would be called among individuals, without, indeed, followed by a tender back of the purchase money, with ample compensation for damages; and there is no good reason why it should be called by a less harsh epithet when applied to the conduct of nations.

But there is another difficulty. The avowal of the principle would place her in conflict with all the authorities on the law of nations, and the custom of all ages, past and present, and would bring her into collision with all nations, whose institutions would be outlawed by the avowal; and what, perhaps, she would most regard, it would put her in conflict with herself. Yes, she who refused to compensate our citizens for property unjustly seized and detained under her authority, on the ground that she had forbade the recognition of slavery in her territory, had then, and has at this day, hundreds of thousands of slaves in the most wretched condition, held by her subjects in her Eastern possessions; and worse, by herself. With all her boast, she is a slaveholder, and hires out and receives hire for slaves. I speak on high authority—the Asiatic Journal for 1838, printed in her own metropolis.

Here the secretary read the following extracts from page 221:

"GOVERNMENT OF SLAVES IN MALABAR.—We know that there is not a ser-

vant of government in the South of India who is not intimately acquainted with the alarming fact, that hundreds of thousands of his fellow-creatures are fettered down for life to the degraded destiny of slavery. We know that these unfortunate beings are not, as is the case in other countries, serfs of the soil, and incapable of being transferred, at the pleasure of their owners, from one estate to another. No: they are daily sold, like cattle, by one proprietor to another; the husband is separated from the wife, and the parent from the child. They are loaded with every indignity; the utmost possible quantity of labour is exacted from them, and the most meager fare that human nature can possibly subsist on is doled out to support them. The slave population is composed of a great variety of classes: the descendants of those who have been taken prisoners in time of war, persons who have been kidnapped from the neighbouring states, people who have been born under such circumstances as that they are considered without the pale of the ordinary castes; and others who have been smuggled from the coast of Africa, torn from their country and their kindred, and destined to a more wretched lot, and, as will be seen, to a more enduring captivity than their brethren of the Western world. Will it be believed, that government itself participates in this description of property; that it actually holds possession of slaves, and lets them out for hire to the cultivators of the country, the rent of a whole family being two fanams, or half a rupee per annum?"

But why dwell on these comparatively few slaves? The whole of Hindostan, with the adjacent possessions, is one magnificent plantation, peopled by more than one hundred millions of slaves, belonging to a company of gentlemen in England, called the East India Company, whose power is far more unlimited and despotic than that of any Southern planter over his slaves: a power upheld by the sword and bayonet, exacting more, and leaving less, by far, of the product of their labour to the subject race than is left under our own system, with much less regard to their comfort in sickness and age. This vast system of servitude carries with itself the elements of increase: not, it is true, by the African slave-trade, but by means not less inhuman, that of organizing the subject race into armies, and exhausting their strength and life in reducing all around to the same state of servitude.

But it may be said, that the East India Company is but a department of the British government, through which it exercises its control, and holds in subjection that vast region. Be it so. I stickle not for nice distinctions. But how stands the case under this aspect? If it be contrary to the laws of nature, or nations, for man to hold man in subjection individually, is it not equally contrary for a body of men to hold another in subjection? And if that be true, is it not as much so for one nation to hold another in subjection? If man individually has an absolute right to self-government, have not men aggregated into states, or nations, an equal right? If there be a difference, is not the right the more perfect in a people, or nation, than in the individuals who compose it? And is not the subjection of one people to another usually accompanied with at least as much abuse, cruelty, and oppression, as that of one individual to another? Is it possible to make a distinction which shall justify the one and condemn the other? And if not, what right, then, I ask, has Great Britain to hold India in subjection, if it be contrary to the laws of nature or nations for one man to hold another in subjection? Or, what right to hold Canada, or her numerous subject colonies, all over the globe? Or. to come nearer to the point, in what light does it place her boasted abolition of slavery in the West Indies? What has she, in reality, done there, but to break the comparatively mild and guardian authority of the master, and to substitute in its place her own direct and unlimited power? What but to replace the overseer by the army, the sheriff, the constable, and the tax-collector? Has she made her slaves free? given them the right of self-government? Is it not mockery to call their present subject condition freedom? What would she call it if it were hers—if, by

some calamity to her and the civilized world, she should fall under similar subjection to France, or some other power? Would she call that freedom, or the most galling and intolerable slavery?

But I approach near home. I cross the Atlantic, passing unnoticed subjugated Ireland, with her eight millions of people, and only ninety thousand voters, and placing myself on the boasted shores of England herself, I ask, How will the principle work there?

It was estimated by Burke, if my memory serves me, shortly before the beginning of this century, that the British public, estimating as such all who exercised influence over the government, did not exceed 200,000 individuals. Since then it has, no doubt, greatly increased by the extension of the right of suffrage and other causes. Say that it has trebled or quadrupled, and, to be liberal, that it amounts to seven or eight hundred thousand. In this small portion, then, is vested the supreme control and dominion over the twenty-five millions, which constitute the population of the British Isles. If, then, it be contrary to the laws of nature or nations for man to hold man in subjection, or one nation another, how can a small part or class of a community hold the rest? Or on what principle, according to that maxim, can these few hundred thousands hold so many millions? If the right of self-government forbids the subjection of one man to another, does it not equally forbid that of a small portion of the community over the residue? And if so, must not the maxim terminate in the utter overthrow of the present political and social system of Great Britain and the rest of Europe?

What a picture is presented to the mind in contemplating the present state of things in England! We behold a small island in the German Ocean under the absolute control of a few hundred thousand individuals, holding in unlimited subjection not less than one hundred and fifty millions of human beings, dispersed over every part of the globe, making not less than two hundred to each of the dominant class; and yet that class propagating a maxim, with more than missionary zeal, that strikes at the foundation of this mighty power! I would say to her, and other powers impelled by like madness, You are attempting what will prove impossible. You lay down a maxim which you would limit in its application, so as to suit your own safety and convenience. Vain hope in this inquiring and investigating age. You cannot make a monopoly of a principle so as to vend it for your own benefit. It will be carried out to its ultimate results, when its reaction will be terrific on your social and political condition. Already it begins to show its fruits. The subject mass of your population, under the name of Chartists, are now clamouring for the benefit of the maxim, as applied to themselves. They demand practically, in their case, the benefit of the principle you propagate at a distance; and for so doing, are cut down without mercy. My object is not to censure the course adopted towards them. It is not for me to judge what your safety may require. I am simply showing that the maxim on which you profess to act in relation to the West India colonies, and which you must apply to our case, in order to sustain your decision, begins to be applied to your own at home. It is only the beginning. Already it is passing into a higher and more intellectual class, who are applying it to the present social and political condition of Europe. A body of men, not inconsiderable either for numbers or talents, on the Continent of Europe, and particularly in France, are busy in making such application. They are men not of a character to stop short, or be intimidated by final results. Already they proclaim that social or political slavery—that which results from the subjection of the great mass of society to the small governing class, is worse than domestic slavery—that which exists within the Southern portion of our Union, in its mildest and most mitigated form. In illustration, I will read an extract from the Paris correspondent of the National Intelligencer, said to be Mr. Walsh, taken from the work of the Abbé Lamannais:

"The abbé exclaims, 'In good sooth, I am not in the least astonished that so many, viewing only the material side of things, and the present separated from the future, should, in the midst of our boasted civilization, regret the ancient domestic slavery. Thirty-three millions of Frenchmen, true serfs of this era, crouch ignominiously under the domination of two hundred thousand privileged masters, and supreme dispensers of their lot. Such is the fruit of our struggles for half a century. Slaves, arise and break your chains! let them no longer degrade in you the name of man! Eighteen centuries of Christianity have elapsed, and we still live under the pagan system.'"

To this I add another extract, taken from another of the public journals, which will give some idea what are the fruits of slavery in the form so vehemently denounced by the abbé:

"England and Ireland.—It's enough to make one's heart bleed, if all were true in the winter pictures drawn of the starved, suffering condition of the peasantry in the bogs—their cabins inundated with rains and mud—the bodies of the labourers saturated with wet, sleeping on fireless hearths, and peat at the exorbitant price of a penny a sod—too exorbitant to cook the very few potatoes they may have. Parallel to these scenes, the English operatives are stated to be reduced to dire extremity; and around these dark and gloomy spots we have narratives of the luxurious and voluptuous life led by the favoured few of the gentry and nobility."

If such is the condition of what the abbé calls "the serfs of this era" in the most civilized country in Europe, well may our domestic slave, in the midst of plenty, and under the guardian care of a master, identified with him in interest, rejoice at his comparative happy condition. The exaggerated picture drawn by the most infuriated Abolitionist can find nothing in the whole region of the South to equal this picture of misery and want; and yet it is Great Britain, wherein such a contrast of wretchedness and voluptuousness exists, that wages such unrelenting hostility against domestic slavery! She wars against herself. The maxim she now pushes against others will, in turn, be pushed against her. She is preparing the way for universal discord within and without. The movement began with Wilberforce, and other misguided men like him, who, although humane and benevolent, looked at the surface of things, with little knowledge of the springs of human action, or the principles on which the existing social and political fabric of Europe rests; and, I may add, like all other enthusiasts, without much regard as to the means employed in accomplishing a favourite object.

There never before existed on this globe a nation that presented such a spectacle as Great Britain does at this moment. She seems to be actuated by the most opposite and conflicting motives. While apparently actuated by so much zeal, on this side of the Cape of Good Hope, in the cause of humanity and liberty, she appears to be actuated, on the other side, by a spirit of conquest and domination not surpassed by Rome in the haughtiest days of the Republic. She has just subjected, and added to her vast empire in the East, the country between India and Persia; and is at this moment, if we are to believe recent accounts, preparing an extensive expedition against the oldest of nations, containing a population not less than a fourth of the human race—a nation that has lived through generations of nations, and which was old and civilized before the governments of Western Europe came into existence; I need scarcely say I refer to China. Let me add to her other claims to respect and veneration, that, of all despotic governments, it seems to me (judging from the scanty evidence we have of a people so secluded) it is the wisest and most parental. And for what, if we may believe report, is Great Britain about to wage war against this venerable and peaceful people? To force on them the use of opium, the product of her slaves on her Hindu plantation, against the resistance of the Chinese government. And what is the extent and character of this trade?

It is calculated it would have reached the last year, had it not been interrupted, forty thousand chests, or more than five millions of pounds, worth about twenty millions of dollars; sufficient, by estimate, to supply thirteen or fourteen millions of opium smokers, and to cause a greater destruction of life annually than the aggregate number of negroes in the British West India colonies, whose condition has been the cause of so much morbid sympathy. It is against the trade in this pernicious and poisonous drug, carried on by fraud and smuggling, that the Chinese government has taken the most energetic and decisive measures, as it was called to do by the highest consideration of policy and humanity. Of all deaths, none is more wretched than that occasioned by this seductive, but fatal drug. The subject slowly expires, with all the powers and functions of mind and body completely exhausted, a spectacle odious to behold.

Such is the trade which, it is said, the expedition is intended to enforce, against the decrees of the Chinese government. The rumour, I hope, is groundless. I hope, for the honour of England, for the honour of modern civilization, and the Christian name, that its object is far different; and that, instead of enforcing a traffic so abominable, it is intended to co-operate with the wise and humane policy of the Chinese government in suppressing it; and that, so far from aiding smugglers and ruffians, it is intended to seize and punish them as they deserve. If, however, rumour should prove true, what a contrast it would exhibit between the conduct of Great Britain in that and this quarter of the globe! There we find her extending her power and dominion, regardless of justice or humanity; while here we find her in the depth of sympathy for a band of negroes, brought into our ports under a suspicion of murder and piracy, intermeddling in their behalf with our own and the Spanish governments, and that, too, at the solicitation of an abolition society of her own subjects! Strange as this may seem, it is true. I hold in my hand evidence of the fact, which I request the secretary to read.

The secretary then read the following:

"Foreign Office, London, December 23, 1839.

"Sir—With reference to the memorial of the Glasgow Emancipation Society, dated the 25th of October last, on behalf of the negroes who took possession of the Amistad, and were subsequently carried to New-London, in the United States of America, I am directed by Viscount Palmerston to state to you, for the information of the above-mentioned society, that his lordship has directed her majesty's minister at Washington to interpose his good offices in their behalf, in order that they may be restored to liberty; and his lordship has farther instructed her majesty's chargé d'affaires at Madrid to call upon the Spanish government to issue immediately strict orders to the authorities of Cuba, that, if the request of the Spanish minister at Washington is complied with, the negroes in question may be put in possession of their liberties.

"Her majesty's chargé d'affaires at Madrid has likewise been instructed to urge the Spanish government to cause the laws against the slave-trade to be enforced against Messrs. Ruiz and Montez, and against all other Spanish subjects concerned in the transaction in question.

"I am, sir, your most obedient, humble servant,
"W. Fox Strangways.

"Wm. P. Patton, Esq., &c., Glasgow."

Yes, strange ways indeed, if it might be permitted, on so grave an occasion, to allude to a name. Strange ways—making millions of slaves in one hemisphere—forcing, by fire and sword, the poisonous product of their labour on an old and civilized people, while, in another, interposing, in a flood of sympathy, in behalf of a band of barbarous slaves, with hands imbrued with blood! I trust such officious intermeddling will be met as it deserves. Has it come to this, that we cannot touch a subject connected with an African without the inter-

ference of another government, at the solicitation of a foreign society, instigated, no doubt, by a foreign faction among ourselves? I mean not a faction of foreigners, but of our own people, who, in their fanatical zeal, have lost every feeling belonging to an American, and transferred their allegiance to a foreign power.

In making these remarks, I have not been actuated by feelings of hostility towards Great Britain. My motive is far different. With all her faults, I admire and esteem her for many and great qualities. My desire is peace. It is the wish of the civilized world, and I would regard war between the two kindred people as among the greatest of calamities. But justice is indispensable to peace among nations. Our maxim ought to be, neither to do, nor submit to wrong—to ask for nothing but justice, and to accept nothing less; but never disturb peaceful relations till every means of obtaining justice has been tried in vain. I have, in this case, acted in that spirit. I believe, solemely, that justice has been withheld. To prove that has been my object. I trust I have done it to the satisfaction of the Senate. I also believe that justice has been withheld on grounds utterly untenable, and which, if persisted in, must lead, in the end, to the avowal of a principle, on the part of Great Britain, that must strike a fatal blow at the peace of the two countries; and, in its reaction, on the social and political condition of Great Britain and the rest of Europe. Thus believing, I have attempted to point to some of the disastrous consequences which must follow, with the view of rousing attention to the question at issue between the two governments in the case under consideration, in order to obtain redress of injury. If, in making my remarks, I have assailed her, it is because we have been assailed, as I conceive, in assuming the principle on which justice has been withheld.

The immediate object I had for introducing these resolutions was to take the sense of the Senate on the subject to which they refer; and which embraces a principle vital to us of the South, and of deep interest to the rest of the Union. My conviction is strong that we have justice on our side; and I wish to afford to our brethren in the other sections an opportunity of exhibiting a proof of their attachment to the common interest, by sustaining a cause where we are particularly concerned, as we did, at the last session, by sustaining unanimously one where they were.*

I have no particular wish as to the mode of disposing of the resolutions. All I desire is a direct vote on them; but I am indifferent whether they shall be first referred and reported on, or be discussed and decided on without reference. I leave the Senate to decide which course shall be adopted.

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## XXVI.

### SPEECH ON THE BANKRUPT BILL, JUNE 2, 1840.

Mr. Calhoun said: It was impossible to listen to this discussion without being struck with the difficulty of the subject, and the number and delicacy of the questions involved. The relation of creditor and debtor was, indeed, the all-pervading one in our country, and ought not to be touched without much deliberation and caution. This bill, and the amendment proposed, taken together, embrace this universal relation, almost to its utmost extent and minutest ramification, and ought to be examined with corresponding care and attention.

I was at first inclined to favour the bill; but the discussion and reflection have brought me to the conclusion that it is unconstitutional, and therefore could not receive my support, if there were no other objection. The power of Congress

* Referring to the case of Maine.

is restricted, by the Constitution, to establishing laws on the subject of bankruptcies. That is the limit of its power. It cannot go an inch beyond, on the subject of this bill, without violating the Constitution. Thus far all must be agreed.

After full and deliberate investigation, I cannot regard this bill as one on the subject of bankruptcy. It relates, in my opinion, to another, but connected, subject, not embraced in the Constitution—that of insolvency, miscalled voluntary bankruptcy, as I hope to be able to establish.

In order to understand the ground on which my opinion rests, it will be necessary to premise—what none have denied, or can deny—that, at the time of the formation of the Constitution, there existed, both in this country and in England, from which we derived our laws, two separate systems of laws, growing out of the relation of creditor and debtor: the one known as the system of bankruptcy, and the other of insolvency. The two systems had existed together in England for centuries, and in this country from an early period of our colonial governments. It would be useless to waste the time of the Senate in accumulating proof of a fact beyond controversy. This very bill, and the only one ever passed by Congress on the subject of bankruptcy, bear internal evidence of the fact. The decisions of judges recognise the distinction, and elementary works place them under distinct heads, and in separate chapters. The distinction is one neither of form nor accident. The two systems, in commercial communities, naturally grow up out of the relation of creditor and debtor, but originate in different motives, and have different objects, which give different character and genius to the two.

The system of insolvent laws grew out of the debtor side of the relation, and originated in motives of humanity for the unfortunate but honest debtor, deprived of the means of paying his debts by some of the various unforeseen accidents of life, and, in consequence, exposed to the oppression of unfeeling creditors. Their object is to relieve him from the power of his creditors, on an honest surrender of all his property for their benefit.

Very different are the motives and objects in which the laws of bankruptcy originated. They grew out of the creditor side of the relation, and form a portion of the mercantile or commercial code of laws. Their leading object is to strengthen the system of commercial credit, with the view of invigorating and extending commercial enterprise; and we accordingly find that the system commenced in the commercial Republic of Venice, and has been confined exclusively, as far as my knowledge extends, to commercial communities. Though growing out of the same relation, and to that extent connected, the two are as different in genius and character as the different aspects of the relation out of which they grow. The one looks to credit and the creditor interest, and the other to the debtor, and the obligations of humanity towards him when, without demerit on his part, he is utterly deprived of the means of meeting his engagements.

It is true, indeed, that the insolvent system, in its humanity for the debtor, is not unmindful of the interest of the creditor; and the bankrupt system, in guarding the interest of credit and creditors, does not forget that of the debtor. But this, though it has, to a certain extent, blended the two, and caused some confusion in practice, cannot obliterate the essential and broad distinction between them. Nor is it necessary, with my object, to trace the history of the legislation in relation to them, in this country and England, with the judicial decisions, in order to show that the two systems, though blended and confounded in part, have, nevertheless, retained their distinctive features. It is enough for me that there were, when the Constitution was adopted, two separate systems, known both to our laws and the English, such as I have described.

I next assert, that the members of the Convention that framed the Constitution could not have been ignorant of the fact that there were two such systems, known by the names of bankrupt and insolvent laws. The Convention abounded

with able lawyers, many of whom were among the most distinguished and influential members of the body, and could not but be as perfectly familiar with the whole subject as we now are, after this long and able discussion.

Now sir, I ask, Is it to be supposed that, if they intended to delegate to Congress power over both systems, these able and cautious men, so familiar with the distinction between them, would not have included both by name? And is it not conclusive, that in not doing so, and in limiting the grant to bankruptcy alone, that it was their intention to grant that only, to the exclusion of insolvency? Do we not feel that, if we were framing a constitution, with our present knowledge of the subject, that such would be our course? If we intended to grant both, would we not insert both? And would not the insertion of bankruptcy only be intended to exclude insolvency? The conclusion appears irresistible. How is it met? By admitting (for it cannot be denied) that such would be the case if the words of the Constitution are to be taken in their legal sense; but it is asserted that our Constitution was made for the people at large; and on this assumption it is inferred that it ought to be interpreted, in all cases, according to the ordinary meaning of the words used, and not in their legal sense. Having arrived at this conclusion, it is next contended that, according to their ordinary sense, bankruptcy and insolvency are convertible terms, and of the same meaning; and it is thence inferred that the framers of the Constitution intended to comprehend both under the former.

I might well deny both the premises and conclusion. It might be easily shown that in many cases the words of the Constitution must, and have been, constantly taken in their legal sense; and that, according to the established rules of construction, they ought to be so taken in this. It might be also shown that they are not convertible in common use; that insolvency is the general term, and includes bankruptcy. But I deem all this unnecessary. I admit, for the sake of argument, both premises and conclusion, but deny the application. Taken unconnected with other words, insolvency and bankruptcy may be admitted to have the same meaning, and that the one may stand for the other; but that is not this case. In the Constitution, bankruptcy stands in connexion with law; which, attaching itself to it, fixes its meaning. Now, sir, I assert, however the terms bankruptcy and insolvency may be confounded, standing alone, no one—no, not the most uninformed, confounds bankrupt laws with insolvent laws. They never call the insolvent laws of the states bankrupt laws. They may not be able to draw the distinction with any precision, but they know that they are not the same.

But admit that there is doubt. I ask, What is the rule of interpretation to be applied to the Constitution in case of doubt? It is a fundamental principle, that Congress has no right to exercise any power whatever that is not granted by the Constitution. To do so would be an act of usurpation, and, if knowingly done, a violation of oath. Hence, in cases of doubt, it is a just caution to take the words in their limited sense, and not their broad and comprehensive—a rule at all times considered as essential to the safety of the Constitution by those of the State Rights creed. Apply it to this case, and the controversy ceases. Let me add, that there are few subjects in reference to which it is more necessary to apply the most rigid rules of construction than to that of the all-pervading relation of debtor and creditor. It is one on which the slightest encroachment is dangerous, and might, in its consequences, draw into the vortex of this government the whole of that vast relation in its fullest extent, and with it the entire money transactions of the Union, as will be manifest in the sequel.

If, after what has been said, doubts should still exist, they may be removed by turning to another provision of the Constitution, standing in close connexion with this. I have said that the bankrupt system grew out of the commercial policy, and made a part of it. The provision I refer to is that which grants to Congress the power of regulating commerce. This grant carried with it several

others, as connected powers; such as that of coining money and regulating the value thereof; fixing a uniform standard of weights and measures; and we accordingly find these, with the power of establishing the laws of bankruptcy, all grouped together, and following, in close connexion, the parent power of regulating commerce; just where we would expect to find it, regarded in the light I do, but not if taken in the broader and more general sense of insolvency, in which it would comprehend far more than what relates to trade, and what, under our system, belongs to the mass of local and particular powers reserved to the states.

So irresistible does the conclusion at which I have arrived appear to me, that I have been forced to inquire how it is that any one in favour of a strict construction of the Constitution could come to a different, and can find but one explanation. We are in the midst of great pecuniary embarrassment, suddenly succeeding a period of several years of an opposite character. There are thousands who, but a short time since, regarded themselves as rich, now reduced to poverty, with a weight of debt bearing them down, from which they can never expect to extricate themselves without the interposition of government. The prevailing opinion is, that the legislatures of the states can apply no remedy beyond the discharge of the person, and that there is no other power which can give a discharge against debts, and relief from the burden, but Congress. That so large and enterprising a portion of our citizens should be reduced to so hopeless a condition, makes a strong appeal to our feelings, of which I am far from being insensible. It is not at all surprising that, under the influence of such feelings, judgment should yield to sympathy; and that, under the impression there is no other remedy, one should be sought in a loose and unsafe construction of the Constitution; and hence the broad construction contended for. I appeal to the candour of my State Rights friend, who differs from me on this occasion, if what I state is not the true explanation. If I mistake not, it might be safely asserted that there is not one among them who would yield the power to this government, if he believed the state legislature could apply a remedy. I, on my part, neither assert nor deny that they can; but I do assert that, if the states cannot discharge the debt, neither can Congress.

I hold it clear, if by discharging the debt be meant releasing the obligation of a contract, either in whole or in part, that neither this government nor that of any of the states possesses such a power. The obligation of a contract belongs not to the civil or political code, but to the moral. It is imposed by an authority higher than human, and can be discharged by no power under heaven without the assent of him to whom the obligation is due. It is binding on conscience itself. If a discharged debtor had in his pocket the discharges of every government on earth, he would not be an honest man should he refuse to pay his debts, if ever in his power. In this sense, this government is just as powerless to discharge a debt as the most inconsiderable state in the Union.

But the subject may be viewed in a different light. It may be meant that government is not bound to lend its aid to a hard and griping creditor in the cruel attempt to coerce the honest but unfortunate debtor, who has lost his all, to pay his debts, when it is utterly beyond his power. Certainly not; and, in that sense, every government has the right to discharge the debt, as well as the person. They both stand on the same ground. It is a question of mere discretion when, and in what manner, the government will give its aid to enforce the demand of the creditor; but, thus regarded, state legislatures are just as competent to discharge the debt, under their insolvent laws, or, in the absence of our legislation, under their bankrupt laws, as Congress itself. In proof of what is asserted, I might cite the laws of many of the states, and my own among others, which discharge the debt, as well as the person, as far as the suing creditors are concerned—the constitutionality of which, so far as I know, has never been questioned. It would, indeed, be a violent and unreasonable pre-

sumption to suppose that, in granting the right to establish laws of bankruptcy, the states intended to leave Congress free to discharge the debt, and, at the same time, imposed on themselves an obligation to forbear the exercise of the same power in the case of insolvency or bankruptcy, should Congress decline to exercise the power granted. Nor can such be the intention of the provision in the Constitution which prohibits the states from passing laws impairing the obligation of contracts. The history of the times amply proves that the prohibition was intended to apply to stay laws, and others of a similar description, which state legislatures had been in the habit of passing, in periods like the present, when a sudden contraction of our always unstable currency had succeeded a wide expansion, and when large portions of the community, with ample means, found themselves unable to meet their debts, but who, with indulgence, would be able to meet all demands. The objects of all these laws were either to afford time, or to protect the debtor against the hardship of paying the same nominal amount, but in reality a much greater, in consequence of a change in the standard of value, resulting from a contraction of the currency. As plausible as was the object, experience had proved it to be destructive of credit and injurious to the community, and hence the prohibition. To extend it beyond, and give a construction which would compel the states, whether they would or not, to lend their aid to the merciless creditor, who would reduce to despair an innocent, but unfortunate debtor, without benefit to himself, and thereby to render him a burden to himself and society, would be abhorrent to every feeling of humanity and principle of sound policy. It is impossible for me to believe that such was the intention of the Constitution. Nor can I be reconciled to a construction which must have the effect of enlarging the power of this government, and contracting those of the states, in relation to the delicate and all-pervading relation of debtor and creditor, by throwing on the side of the former the powerful consideration of humanity and sympathy for a large and unfortunate portion of the community.

Having now established, I trust, satisfactorily, that the framers of the Constitution, in restricting the power of Congress to establishing laws of bankruptcy, intended to exclude those of insolvency, it remains to be shown that this bill belongs to the latter class, and is, therefore, unconstitutional. And here I might shift the burden of proof to the other side, and demand of them to prove that it is a bankrupt, and not an insolvent bill. They who claim to exercise a power under this government are bound to exhibit the grant, and to prove that the power proposed to be exercised is within its limits—to show, in this case, what a law of bankruptcy is—how far its limits extend—that this bill does not go beyond; and, in particular, that it does not cover the ground belonging to the connected power of insolvency reserved to the states. Till that is done, they have no right to expect our votes in its favour. The task is impossible. Every feature of the bill bears the impress of insolvency. The arguments urged for and against it demonstrate it. Have its advocates uttered a word, in urging its passage, in favour of credit or creditors? On the contrary, have not their warm and eloquent appeals been in behalf of the unfortunate and honest debtors, who have been reduced to hopeless insolvency by the embarrassment of the times? And has it not been attacked on the ground that it would be ruinous to credit, and unjust and oppressive to creditors? Every word uttered on either side proves that it belongs to the class of insolvent laws, and is, therefore, unconstitutional. As such, it cannot receive my support, were it free from other objections.

But as decidedly as I am opposed to the bill, I am still more so to the amendment proposed as a substitute by the minority of the committee. It contains a provision in favour of insolvent debtors similar to that of the bill, and is, of course, liable to the same objections. But it goes much farther, and provides for a comprehensive system of compulsory bankruptcy, as it is called; that is,

as I understand it, bankruptcy as intended by the Constitution. As far as the provisions of this portion of the bill are limited to individuals, I admit its constitutionality, but object to it on the broad ground of expediency.

It is impossible for any one to doubt, who will examine the history of our legislation, that there must be some powerful objection to the passage of laws of bankruptcy by Congress. No other proof is needed than the fact, that although the government has been in operation for more than half a century, and the power is unquestionable, yet, in that long period, notwithstanding the numerous and strenuous efforts that have been made, but a single act has passed; and that, though limited to five years, was repealed before the expiration of the time. If we inquire into the cause, we shall find it, in part at least, in the genius of our institutions and the character of our people, which are abhorrent to whatever is arbitrary or harsh in legislation, than which there is none, in its wide range, more so than the laws of bankruptcy. They give the creditors the most summary and efficient process against the debtors, of which we may be satisfied by looking into the provisions of this amendment. On the mere suspicion of insolvency or fraud, one or more creditors, to whom not less than five hundred dollars is due, may take out a process of bankruptcy against the debtor, by applying to a judge of the Federal Court; and on his order, without jury, he may be divested of his property, and the whole of his estate placed in the hands of assignees, with authority to wind up and settle his affairs, and distribute the proceeds among his creditors.

But, as repugnant as a process so summary and arbitrary is to the genius and character of our institutions and people, there is another objection connected with our currency still stronger. It has been the misfortune of our country at all times, with the exception of some short intervals, to be cursed with an unsound and unstable paper currency, subject to sudden and violent expansions and contractions. It belongs to such currency, in the period of its expansion, to excite a universal spirit of enterprise and speculation, particularly in a country so new and rapidly increasing, and of such vast capacity for increase as ours. Universal indebtedness is the result, followed, on the contraction, by wide-spread embarrassment, reducing thousands to hopeless insolvency, and leaving a still greater number, though possessed of ample property to pay their debts in ordinary times, without money, or the means of getting it, to meet the demands against them. What can be imagined more oppressive, unjust, or cruel, than to place, at such a period, such a power in the hands of hard and grasping creditors?

Now, sir, we are in the midst of such a one—a period of almost unexampled contraction, following one remarkable above all others for the extent and duration of the expansion; for the universality and boldness of speculation, and the extent and severity of the embarrassment which has followed. Such is the period selected to arm the creditors against the debtors, with the harsh summary and arbitrary power of a bankrupt law—a period, such as the states in former times interposed, with stay laws, valuation laws, and others of like description, to save the debtor struggling against an adverse current, and who, if allowed time, could save himself and family from poverty. This amendment proposes to reverse this humane but misguided policy, and, instead of interposing in favour of the embarrassed but solvent debtors, to arm their creditors with more powerful means to crush them. I say misguided policy. I will not call it unjust. On the contrary, there is a strong principle of justice at the bottom in favour of interposing at such a period as the present, if it could be done on principles of sound policy. The condition in which so large a portion of our people now find themselves, in debt, with ample means of discharging all they owe if time be allowed, but incapable of immediate payment, is much less their fault than that of the improvident legislation of the states, countenanced by this government, and by which the solid and stable currency of the

Constitution has been expelled, and an unsound, vacillating one of bank-notes substituted in its place, incapable of discharging debts. By its sudden, violent, and unexpected fluctuations, alternately raising and depressing prices, tempting at the one period to contract debts, and leaving debtors at the other without the means of paying, the whole country, even the cautious and prudent, has become involved in debt and embarrassment. To this cause may be traced the present condition of the country, and the many similar ones through which the country has of late so frequently passed, in which few are out of debt; and of the indebted, though few are actually insolvent, but a small portion could pay their debts, if demanded in legal currency. And shall we, who are, at least in part, responsible for such a state of things, at such a period, when the debtors are so much at the mercy of the creditors, reversing the ill-judged but humane policy wisely prohibited to the states by the Constitution, of interposing in favour of the debtors, arm the creditors with new and extraordinary powers of enforcing their demands? Who is there that does not feel that it would be impolitic, cruel, and unjust? But it is only at such periods that bankrupt laws are proposed; and is it at all wonderful that the instinctive feelings of the community have so steadily and strongly resisted their adoption?

On no occasion has there been stronger cause for resistance than the present, for on none would such a law be more impolitic and cruel; and such, if I may judge from the discussion, is the feeling of this body. Standing alone, and limited to individuals, I doubt whether the portion of the amendment under immediate consideration would receive a single vote, although it is the only part which is clearly and unquestionably within the limits of the Constitution. It may, then, well be asked, If it is without supporters, why is it inserted? But one answer can be given: because it is felt, as obnoxious as it is, to be indispensable to the passage of the provisions connected with it. One portion of the Senate is so intent on passing the part in favour of insolvent debtors, that they are willing to take with it the compulsory portion in favour of creditors; while another, from a strong desire to include corporations, are willing to comprehend the other provisions, though they denounce the provisions in favour of insolvent debtors, standing alone, as fraudulent, unjust, and unconstitutional. It is thus the two extremes unite in favour of a measure that neither would support alone; and a feature of the bill, obnoxious of itself, but constitutional, is made to buoy up other portions, which, if not clearly unconstitutional, to say the least, are of doubtful constitutionality.

Let me say to those who represent the portion of the Union where the indebtness is the greatest, and who, on that account, favour the provisions for the relief of the insolvent, that the operation of the amendment, should it pass, will disappoint them. The part in favour of the debtors may, indeed, throw off the burden from many who are now hopelessly insolvent, and restore their usefulness to themselves and society; but the other provisions will reduce a far greater number to insolvency, who might otherwise struggle through their embarrassments, with a competency left for the support of themselves and families. I cannot be mistaken. Should the amendment, as it now stands, become a law, instead of relieving, it would crush the indebted portion of the Union. In order to make good the assertion, I shall now turn to the novel and important provision which places certain corporations, and banks among them, under this compulsory process.

I am not the apologist of banks or corporations generally, nor am I the advocate of chartered privileges. On the contrary, there is not a member of the body more deeply impressed with the evils of the banking system, as now modified, or more opposed to grants of privileges to one portion of the community at the expense of the rest. My opinions on these points have not been recently or hastily formed. I long since embraced them, after much reflection and observation, and am prepared to assert and maintain them on all proper occasions.

But, sir, I am not to be caught by words: I have too much experience for that. It is in vain that I am told that this is a contest between corporations and individuals—the artificial, legal person, called a body politic, and the individual man, as formed by his Creator. All this is lost on me. I look not to where the blow is professedly aimed, but beyond, where it must fall. The corporate ideal thing at which it is said to be directed is intangible, and without the capacity of hearing, seeing, or feeling; but there are beneath thousands on thousands, not shadows, but real, sensitive human beings, on whom the blow will fall with vengeance. Before we act, let us look at things as they really are, and not as we may imagine them in the fervour of debate.

The states have, by an unwise and dangerous legislation, centralized in banks and other corporations, to a very great extent, the relation of creditor and debtor. Were I to assert that these central points could not be touched without touching, at the same time, that wide-spread and all-pervading relation, in its minutest and remotest ramification, I would scarcely express myself too strongly. To subject them to this measure would, then, be to subject to it, in reality, almost the entire relation of creditor and debtor. It would be bankrupting by wholesale—a prompt and forced settlement of the aggregate indebtedness of the country, under all the pressue of existing pecuniary embarrassments, made manifold greater by the measure itself.

In order that the Senate may have some idea how vast and comprehensive the measure is, I will give a statement from the paper in my hand, which contains the most recent account we have of the number and condition of the banks.

There were, then, by estimation, on the first of January last, upward of nine hundred banks, including branches, with a capital of upward of three hundred and fifty millions, having debts due to them of more than four hundred and sixty millions, and by them of more than two hundred and seventy millions, making the aggregate indebtedness, to and by them, upward of seven hundred and ten millions of dollars, with a supply of specie but little exceeding thirty-three millions. By including the banks, this vast amount of indebtedness, concentrated in the banking system, would be subject to the operation of the law, should the measure be adopted. But the amendment extends far beyond, and takes in all corporations for manufacturing, commercial, insurance, or trading purposes; or which issue, pay out, or emit bills, draughts, or obligations, with the intention of circulating them as a substitute for money; which would add to the indebtedness brought within its operations hundreds of millions more. Never was a scheme of bankruptcy so bold and comprehensive adopted, or even proposed, before: no, not in England itself, where the power of Parliament is omnipotent, and where the system has been in operation for three centuries.

Such is the measure proposed to be adopted at such a period as this, when there is a universal and intense pecuniary embarrassment—when one half of the banks have suspended payments, and when their available means of meeting their debts are so scanty. At such a period, and under such circumstances, any creditor or creditors, to whom a bank or other corporation may owe not less than five hundred dollars, may demand payment; and if not paid in fifteen days, may take out process of bankruptcy, on application to the federal courts, and place the corporation, with all its debts, credits, and assets, in the hands of trustees, to be wound up, and the proceeds distributed among its creditors. I venture nothing in asserting that one half of the banks, in numbers, and amount of capital, and a large portion of the other corporations, might be forthwith placed in commission, should the measure be adopted; which, including debts, credits, capital, and assets, would amount at least to seven or eight hundred millions; all to be converted into cash, and distributed among those entitled to it. How is this to be done? Where is the cash to be had at such a period as this, particularly when one half of the banks would be closed, and their notes, equalling one half of the present scanty supply of currency, would

cease to circulate? What sacrifices, what insolvencies, what beggary, what frauds, what desolation and ruin would follow!

But would the calamity fall with equal vengeance on all the land, or would there be some favoured, exempted portion, while desolation would overshadow the residue? Let the document* which I hold answer. It is a communication from the President, transmitting a report from the Secretary of the Treasury to this body, dated the 8th of January last, containing a list of the suspended and non-suspended banks of last year, arranged according to states, beginning with Maine. I find, on turning to the document, that there are nine hundred and fifty-nine banks, including branches, in the Union; of which five hundred and thirty-eight are in New-England and New-York. Of this number, but seven are suspended, if Rhode Island be excepted. Her banks all suspended, but I understand have since resumed. The senator near me from that state (Mr. Knight) can answer whether such is the fact.

[Mr. Knight assented.]

There are, then, sir, in New-England and New-York five hundred and thirty-one banks which are not suspended, and but seven that are. Now, sir, if we cross the Hudson, and cast our eyes South and West, we shall find the opposite state of things. We shall find there four hundred and twenty-one banks, of which three hundred and sixty-eight suspended in whole or part, and fifty-three not. It is probable that the present proportion is still more unfavourable.

Can we doubt, with these facts, where the storm will rage with all its desolating fury? Is there any one so credulous as to believe that any one of the suspended banks throughout that vast region, or many of the non-suspended, under the panic which the passage of the act would cause, could meet their debts, and thereby escape the penalties of the act? And, if not, is there any one here prepared to place at once all the banks south and west of New-York, with few exceptions, in the hands of assignees, under the jurisdiction and control of the federal courts? Is there any willing that their doors should be all at once closed; their notes cease to circulate; their affairs wound up; their debts to and from them to be forthwith collected; their property and assets converted into money by federal officers, acting under federal authority, and all that might be left from plunder, fraud, and forced sales, distributed among creditors? And how, I ask, is so mighty a concern, amounting, in the aggregate, certainly to not less than five or six hundred millions of dollars, to be at once wound up? Where is the money to be found to pay the debts to and from the banks, and to purchase the vast amount of property held by them and their debtors, which must be brought at once under the hammer? Where found, after their notes have ceased to circulate (as they would, as soon as process of bankruptcy is taken out against them), and before specie could come in to supply their place? Were it possible to carry through the measure, it would spread unheard-of destruction and desolation through the vast portion of the Union on which the blow would fall; such as the marching of hostile armies from one extremity to another, the sweep of tornadoes, the outpouring of floods, or the withholding from the parched and thirsty earth the fertilizing droppings of the clouds, would give but a faint conception. But it would be impossible. If you were to adopt the measure, you would ordain what would not, could not, be executed. Public indignation would paralyze the hand of the grasping creditor stretched to execute it, and sweep your act from the statute-book ere it could be enforced.

I turn now from the immediate effects of the measure, were it possible to carry it into effect, to inquire what would be its permanent, if adopted. Its first effect, after the desolating storm had passed over, would be to centralize the control over all the banks that might be spared, or thereafter chartered, in the banks located where the public revenue would be principally collected and dis-

* No. 72 of the Senate, present session.

bursed; and where that would be I need not say. The reason is obvious. The fiscal action of the government would keep the exchanges steadily and permanently in its favour. Now, sir, every man of business knows that the banks located at the point where exchanges are permanently favourable can control those where they are unfavourable. The reason is obvious. The former can draw on the latter with profit; and, through their draughts, command their specie or notes at pleasure, while the reverse is the case with the latter. Hence, the consequence would be control on one side and dependance on the other, increasing with the increasing amount of collection and disbursements, which, by their absorbing character, would draw with them the imports and exports, with an increased control over the exchanges. Add to this the power which this measure would place in the hands of the banks at the favoured points, and I hazard nothing in asserting that it would at all times be in their power to crush, by a sudden and unexpected run, the banks elsewhere, which might incur their displeasure, with greater ease, and more effectually, than the late United States Bank, in its most palmy days, ever could.

The next permanent effect would be, to place the whole banking system under the control of this government. It would hold over the banks the power of life and death. The process of bankruptcy against an incorporation is but another name for its death-warrant. It would give, with the power of destroying, that of regulating them, without regard to their chartered rights. The same bold construction that would authorize Congress to subject them to a bankrupt law, would give it the power to determine at pleasure what shall or shall not constitute acts of bankruptcy; by which it might limit the extent of their business, fix the proportion of specie to liability, and make it a condition for one dollar in circulation, there should be a dollar in their vaults. The possession of such a power would give Congress more unlimited control over the banks than that which the states that incorporated them possess, or which you would possess over a Bank of the United States chartered by yourselves. Your power over such an institution, and the states over their own banks, would be limited by the acts of incorporation; while yours over the banks of the states, with the bankrupt power in your hands, would be without any other limitation except your discretion.

It is easy to see that the complete subjugation of the state banks to your will would be the result of such unlimited control; and not less easy that, with their subjugation, the conflict between this government and the banks would cease, to be followed by a close and perpetual alliance. It is in the nature of governments to wage war with whatever is opposed to its will, and to take under protection that which it has subdued; nor would the banks be found to be an exception. They would be forced to conciliate the good-will of the government, on which both their safety and profit would depend; and in no way could they more effectually do that than by upholding its power and authority. They would be thus forced, by the strongest appeals to both their fear and hope, into the political arena, with their immense power and influence, and to take an active and decided part in all the party strifes of the day, throwing their weight always on the side which their safety and profit might dictate. The end would be the very reverse of that for which we, who are in favour of a divorce of government and banks, have been contending for the last three years. Instead of divorce, there would be union; instead of excluding the banks from the political struggles of the day, they would be forced to be active and zealous partisans in self-defence; and, instead of leaving the banks to the control of the states, from which they derive their charters, you would assume over them a control more powerful and unlimited than has ever been before exercised over them by this government, either through the pet-banks or a National Bank. This control would be the greatest at the principal points of collection and disbursement—the very point where that of the local banks would be the greatest over all oth-

ers. It follows that the government would have the most decisive and complete control over those that would control all others; and, by lending their powerful aid and influence to maintain their control, would, in reality, control the whole banking system; thus making, in effect, the banks at the favoured points the National Bank, and the rest virtually but branches. If to this we add the control which it would give over the other and powerful corporations enumerated in the amendment, it may be safely asserted that the measure, if adopted, would do more to increase the power of this government, and diminish that of the states—to strengthen the cause of consolidation, and weaken that of state rights—than any which has ever been assumed by Congress.

Having pointed out the consequences, I now demand, in the name of the Constitution, what right has Congress to extend a bankrupt act over the incorporated institutions of the states, and thereby seize on this immense power? The burden of proof is on those who claim the right, and not on us, who oppose it. I repeat, ours is a government of limited powers; and those who claim to exercise a power must show the grant—a clear and certain grant, in case of a power so pregnant with consequences as this.

I ask, then, those who claim this power, On what grounds do they place it? Do they rest it on the nature of the power, as being peculiarly applicable to banks, and the other corporations proposed to be embraced? If so, frail is the foundation. Never was power more unsuited to its object—so much so, that language itself has to be forced and perverted to make it applicable. Taking corporations in their proper sense, as bodies politic, and there is scarcely a single portion of the whole process, beginning with the acts of bankruptcy, and extending to the final discharge, applicable to them. What one of the numerous acts of bankruptcy can they commit? Can they depart from the state, or be arrested, or be imprisoned, or escape from prison, or, in a word, commit any one of the acts without which an individual cannot be made a bankrupt? No; but they may stop payment, and thereby subject themselves to the act. True; but how is the process to be carried through? The provision requires the bankrupt to be sworn: can you swear corporations? It requires divers acts to be done by the bankrupt, under the penalty of imprisonment: can you imprison a corporation? It directs a discharge to be given to the bankrupt, which exempts his person and future acquisitions: can a corporation receive the benefit of such discharge? No: the process itself is the dissolution, the death of the corporation. It is thus that language is forced, strained, and distorted, in order to bring a power so inapplicable to the subject to bear on corporations. It would be just as rational to include corporations in insolvent laws, which none has been, as yet, so absurd as to think of doing.

The right, then, cannot be inferred from the nature of the power. On what, then, can it stand? On precedents? I admit that if, at the period of the adoption of the Constitution, it was the practice to include corporations in acts of bankruptcy, it would go far to establish that it was intended by the Constitution to include them. But the reverse is the fact. As long as the system has been in operation, there is not a case where a corporation was ever included, either in England, this country, or any other, as far as can be ascertained, nor ever proposed to be. The attempt in this case is a perfect novelty, without precedent or example; and all the force which it is acknowledged the practice of including them would have given in favour of the right, is thus thrown with a weight equally decisive against it.

But we have not yet approached the real difficulty. If the power was ever so appropriate, and the only one that was—if precedents were innumerable—it would only prove that this government would have the right of applying the power to incorporations of its own creating. It could not go an inch beyond, and would leave the great difficulty untouched—the right of Congress to include state corporations in an act of bankruptcy passed by its authority! Where

is such a power to be found in the Constitution? It seems to be forgotten that this and the state governments are co-ordinate governments, emanating from the same authority, and making together one complex, but harmonious and beautiful system, in which each, within its allotted sphere, is independent and coequal with the other. If one has a right to create, the other cannot have the right to destroy. The principle has been carried so far, that in the case of the State of Maryland and M'Colough, the Supreme Court, after elaborate argument, decided that a state, in the exercise of its undoubted right of taxing, could not tax a Branch Bank of the United States, located in its limits, on the ground that the right of taxing, in such case, involved the right of destroying. Admit, then, Congress had the right to include corporations of its own creation, still, according to the principle thus recognised, it could not include those created by the states, unless, indeed, the fundamental principle of our system, admitted even by the extreme consolidation school of politics, that each government is coequal and independent within its sphere, should be denied, and the absolute sovereignty of this government be assumed. If, then, the states have a right to create banks, and other corporations enumerated in the amendment, it follows that Congress has not the right to destroy them; nor, of course, to include them in an act of bankruptcy, the very operation of which, when applied to corporations, is to destroy. But whether they have or have not the right, belongs not to Congress to decide. The right of the separate legislatures of the states to decide on their reserved powers is as perfect as that of Congress to decide on the delegated. Each must judge for itself in carrying out its powers. To deny this, would be virtually to give a veto to Congress over the acts of the state legislatures—a power directly refused by the Convention, though anxiously pressed by the national party in that body.

Such and so conclusive is the argument against the right; and how has it been met? We are told that the states have greatly abused the power of incorporation. I admit it. The power has been sadly and dangerously abused. I stand not here to defend banks or other incorporations, or to justify the states in granting charters. No: my object is far different. I have risen to defend the Constitution, and to resist the inroads on the rights of the states. In the discharge of that duty, I ask, Can the abuse of the right of granting bank or other charters give you the right to destroy or regulate them? Are you ready to admit the same rule, as applied to your own powers? Have the state legislatures abused their powers more than Congress has its powers? Has it not abused, and grossly abused, its powers of laying taxes and appropriating money? And what assurance is there, with these examples before us, that Congress would not equally abuse the right of controlling state corporations, which is so eagerly sought to be vested in it by some? But we are also told that bank paper—worthless, irredeemable bank paper—has deranged the currency, and ought to be suppressed. I admit the fact. I acknowledge the mischief, but object to the remedy, and the right of applying it. I go farther. If the evil could give us the right to apply any of our powers to remedy it, regardless of the Constitution, the taxing power would be far more simple, efficient, and less mischievous in its application. It would be applied to the specific evil. That which has deranged the currency, and defeated the object of the Constitution in relation to it, is the circulation of bank-notes. There lies the evil, and to divest the banks of the right of circulation is to eradicate it. For that purpose, what remedy could be more simple, safe, and efficacious than the taxing power, were it constitutional? By its means, bank-notes might be gradually and quietly suppressed, and the banks left in full possession of all their other functions unimpaired. There is but one objection to it, but that a decisive one—its unconstitutionality. It would be a perversion of the taxing power, given to raise revenue. To apply it to suppress or regulate the circulation of bank-notes would be to CHANGE ITS NATURE ENTIRELY, from a TAXING to a PENAL power, and is

therefore unconstitutional; but not more so than to include banks and other corporations in an act of bankruptcy, as proposed by the amendment, while in every other respect it would be greatly preferable.

One other ground still remains to be considered. The authority of influential names has been resorted to, in order to supply the defect of argument. The names of two distinguished individuals, who formerly filled the treasury department, have been introduced—Mr. Dallas and Mr. Crawford—in favour of the right of including banks. If this was a question to be decided by authority, it would be easy to show that their opinions, as able as they were, would be entitled to little weight in this case. It was casually and incidentally given in a report on another subject, and that calculated to lead them to an erroneous view in reference to this power. Such an opinion, given under such circumstances, by the ablest judge, would have little weight in a private case, even in a court of justice, and ought to have none in this body on a great constitutional question. Besides, it is well known that the opinion of both was in favour of the constitutionality of a National Bank, and that, too, after a full and deliberate consideration of the subject. Now, sir, I put the question to the senators who have quoted their casual opinion in favour of the constitutionality of including banks in a bankrupt law, Are they willing to adopt their well-considered and solemnly delivered opinion in favour of the right to incorporate a bank? And if not, how, on the ground of precedent, can they adopt the one and reject the other? The names of other distinguished individuals have been quoted—Randolph, Macon, White, Smith, and others—but, in my opinion, unfairly quoted. It is true, they voted in 1827, when the Bankrupt Bill was then before the Senate, in favour of an amendment to include the banks; but it is equally so, that the amendment was moved at the end of a long debate, when the Senate was exhausted, and that it was but slightly discussed. But, what is of more importance, they were opposed to the bill; and, as the amendment came from a hostile quarter, and was clearly intended to embarrass the bill, it is not improbable that it received the votes of many with the view of destroying the bill, without thinking whether it was constitutional or not; just as some, no doubt, will vote against the opposite amendment, to strike the banks out, now under consideration, from the belief that it is the most effectual means of destroying this bill. But if the question is to be decided by weight of names, and the vote on the occasion to be the test, the weight is clearly on the opposite side. The vote stood 12 to include the banks, and 35 against; and among the latter will be found names not less influential—that of Tazewell, Rowan, Hayne, Berrien, the present Secretary of the Treasury, and, finally, that of the present chief magistrate. But why attempt to decide this question by the weight of names, however distinguished? Do we not know that all those referred to belonged to the political school which utterly repudiates the authority of precedents in construing the Constitution, and who, if they were now all alive, and here present as members of the Senate, would not regard the name of any man in deciding this important constitutional question?

I have now presented the result of my reflections on this important measure. To sum up the whole in a few words, I am of the opinion that the whole project, including the bill and the amendment, is unconstitutional, except the provisions embracing compulsory bankruptcy, as it is called, as far as it relates to individuals; and that, under existing circumstances, to be highly inexpedient. Thus thinking, I shall vote, in the first instance, against striking out the bill and inserting the amendment; and, if that succeeds, against the bill itself.

# XXVII.

## SPEECH ON THE PROSPECTIVE PRE-EMPTION BILL, JANUARY 12, 1841.

THE bill to establish a permanent prospective pre-emption system in favour of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the proposition by Mr. Crittenden to recommit the bill, with instructions to report a bill to distribute the proceeds of the sales of the public lands among the states; which Mr. Calhoun offered to amend, by substituting a bill to cede the public lands to the states in which they lie, upon certain conditions.

Mr. Calhoun said: I regard the question of the public lands, next to that of the currency, the most dangerous and difficult of all which demand the attention of the country and the government at this important juncture of our affairs. I do not except a protective tariff, for I cannot believe, after what we have experienced, that a measure can again be adopted which has done more to corrupt the morals of the country, public and private, to disorder its currency, derange its business, and to weaken and endanger its free institutions, except the paper system, with which it is so intimately allied.

In offering the amendment I propose, I do not intend to controvert the justice of the eulogium which has been so often pronounced on our land system in the course of this discussion. On the contrary, I believe that it was admirably adjusted to effect its object, when first adopted; but it must be borne in mind that a measure, to be perfect, must be adapted to circumstances, and that great changes have taken place, in the lapse of fifty years, since the adoption of our land system. At that time, the vast region now covered by the new states, which have grown up on the public domain, belonged to foreign powers, or was occupied by numerous Indian tribes, with the exception of a few sparse settlements on the inconsiderable tracts to which the title of the Indians was at that time extinguished. Since then a mighty change has taken place. Nine states have sprung up as if by magic, with a population not less, probably, than two fifths of the old states, and destined to surpass them in a few years in numbers, power, and influence. That a change so mighty should so derange a system intended for an entirely different condition of things as to render important changes necessary to adapt it to present circumstances, is no more than might have been anticipated. It would, indeed, have been a miracle had it been otherwise; and we ought not, therefore, to be surprised that the operation of the system should afford daily evidence that it not only deranged, but deeply deranged, and that its derangement is followed by a train of evils that threaten disaster, unless a timely and efficient remedy should be applied. I would ask those who think differently, and who believe the system still continues to work well, Was it no evil, that session after session, for the last ten or twelve years, Congress should be engaged in angry and deeply agitating discussions, growing out of the public lands, in which one side should be denounced as the friends, and the other as the enemies, of the new states? Was the increasing violence of this agitation from year to year, and threatening ultimately, not only the loss of the public domain, but the tranquillity and peace of the country, no evil? Is it well that one third of the time of Congress should be consumed in legislating on subjects directly or indirectly connected with the public lands, thereby prolonging the sessions proportionally, and adding to the expense upward of $200,000 annually? Is it

no evil that the government should own half the lands within the limits of nine members of this Union, and over which they can exercise no authority or control? Is it nothing that the domain of so many states should be under the exclusive legislation and guardianship of this government, contrary to the genius of the Constitution, which, intending to leave to each state the regulation of its local and peculiar concerns, delegated to the Union those only in which all had a common interest? If to all these be added the vast amount of patronage exercised by this government through the medium of the public lands over the new states, and through them over the whole Union, and the pernicious influence thereby brought to bear on all other subjects of legislation, can it be denied that many and great evils result from the system as it now operates, which call aloud for some speedy and efficient remedy?

But why should I look beyond the question before us to prove, by the confession of all, that there is some deep disorder in the system? There are now three measures before the Senate, each proposing important changes, and the one or the other receiving the support of every member of the body; even of those who cry out against changes. It is too late, then, to deny the disordered state of the system. The disease is admitted, and the only question is, What remedy shall be applied?

I object both to the bill and the amendment proposed by the senator from Kentucky (Mr. Crittenden), because, regarded as remedial measures, they are both inappropriate and inadequate. Neither pre-emption, nor distribution of the revenue received from the public lands, can have any possible effect in correcting the disordered action of the system. I put the question, Would one or the other contribute in the smallest degree to diminish the patronage of the government, or the time consumed on questions growing out of the public lands, or shorten the duration of the sessions, or withdraw the action of the government over so large a part of the domain of the new states, and place them and their representatives here on the same independent footing with the old states and their representatives, or arrest the angry and agitating discussions which year after year distract our councils, and threaten so much mischief to the country? Far otherwise would be the effect. It would but increase the evil, by bringing into more decided conflict the interests of the new and old states. Of all the ills that could befall them, the former would regard the distribution as the greatest, while the latter would look on the pre-emption system, proposed by the bill, as little short of an open system of plunder, if we may judge from the declarations which we have heard in the course of the debate.

As, then, neither can correct the disease, the question is, What remedy can? I have given to this question the most deliberate and careful examination, and have come to the conclusion that there is, and can be, no remedy short of cession—cession to the states respectively within which the lands are situated. The disease lies in ownership and administration, and nothing short of parting with both can reach it. Part with them, and you will at once take away one third of the business of Congress; shorten its sessions in the same proportion, with a corresponding saving of expense; lop off a large and most dangerous portion of the patronage of the government; arrest these angry and agitating discussions, which do so much to alienate the good feelings of the different portions of the Union, and disturb the general course of legislation, and endanger, ultimately, the loss of the public domain. Retain them, and they must continue, almost without mitigation, apply what palliatives you may. It is the all-sufficient and only remedy.

Thus far would seem clear. I do not see how it is possible for any

one to doubt that cession would reach the evil, and that it is the only remedy that would. If, then, there should be any objection, it can only be to the terms or conditions of the cession. If these can be so adjusted as to give assurance that the lands shall be as faithfully managed by the states as by this government, and that all the interests involved shall be as well, or better secured than under the existing system, all that could be desired would be effected, and all objections removed to the final and quiet settlement of this great, vexed, and dangerous question. In saying all objections, I hold that the right of disposing of them as proposed, especially when demanded by high considerations of policy, and when it can be done without pecuniary loss to the government, as I shall hereafter show, cannot be fairly denied. The Constitution gives to Congress the unlimited right of disposing of the public domain, and, of course, without any other restrictions than what the nature of that trust and terms of cession may impose; neither of which forbids their cession in the manner proposed.

That the conditions can be so adjusted, I cannot doubt. I have carefully examined the whole ground, and can perceive no difficulty that cannot be surmounted. I feel assured that all which is wanting is to attract the attention of the Senate to the vast importance of doing something that will effectually arrest the great and growing evil, resulting from the application of the system, as it exists, to that portion of the public domain lying in the new states. That done, the intelligence and wisdom of the body will be at no loss to adjust the details in such manner as will effectually guard every interest, and secure its steady and faithful management.

In the mean time, I have adopted the provisions of the bill introduced originally by myself, and twice reported on favourably by the Committee on Public Lands, as the amendment I intend to offer to the amendment of the senator from Kentucky (Mr. Crittenden), as containing the general outlines of the conditions and provisions on which the lands may be disposed of to the states with safety and advantage to the interest of the government and the Union, and great benefit to those states. The details may, no doubt, be greatly improved; for which I rely on the intelligence of the body and critical examination of the committee, should the amendment be adopted and referred. At the present stage, I regard nothing but the great principles on which it rests, and its outlines, to be at issue; and I do hope that all who may concur with me on principle will give the amendment their support, whatever imperfection they may suppose to exist in its modifications. A measure relating to a question so vast and complicated can be perfected in its details, however sound the principles on which it rests, or correct its general outlines, only by the joint consultation and counsel. With these remarks, it will not be necessary for me, at this stage, to give more than a general summary of the provisions of the proposed amendment.

Its object is to instruct the committee so to amend the bill as to dispose of all the public lands lying in the states of Alabama, Louisiana, Mississippi, Arkansas, Missouri, Illinois, Michigan, Ohio, and Indiana, with the exception of sites for forts, navy and dock yards, arsenals, magazines, and other public buildings; the cession not to take place till after the 30th of June, 1842, and then only on the states respectively agreeing to the conditions prescribed in the amendment; that is, to pass acts irrevocably to adhere to those conditions, the most prominent of which is to pay annually, on a day fixed, to the United States sixty-five per cent. of the gross proceeds of the sales of the lands; that the land laws, as they now stand, and as proposed to be modified by the amendment, shall re-

main unchanged, except with the consent of Congress; that the cession shall be in full of the five per cent. fund thereafter to accrue to those states; that they shall be exclusively liable for the cost of surveys, sales, extinction of Indian titles, and management generally; that the states may, within certain prescribed limits, gradually reduce the price of the lands that may remain unsold after having been offered for sale ten years or upward; may grant, for a limited period, the right of pre-emption for ninety days to the actual settlers, at each step in the reduction of price; and, finally, that if the conditions of cession be violated by a state in any particular, all titles or grants to land thereafter sold by the state to be null and void: thus giving the measure the force and solemnity of a compact, and placing the whole under the protection of the courts, which would pronounce the titles to be void if made after an infraction of the conditions of the cession.

It is not my intention to go into an investigation of these various conditions at this time. On a question of reference, where the principle only is at issue, it is not necessary. It is sufficient to say that the leading object is to make as little change in the land system, as it now exists, as is consistent with the object in view, and to adopt such provisions as will enforce the faithful performance of the terms of cession on the part of the states, with the least compensation for their expense and trouble, and loss to the government, in a pecuniary point of view, consistent with the arrangement. If it can be made to appear that there are reasonable grounds to believe that the states will faithfully comply with these conditions, and that there will be no pecuniary loss to the government, compared with the system as it now stands, in consequence of the proposed disposition, it would seem difficult to conceive what substantial objection there can be to the measure.

I am thus brought to the great, I might say the only question admitting a doubt as to the expediency of the measure. Will the states adhere to their contract? or, to express it differently, would there be danger that the government would lose the land, in consequence of the states refusing to comply with the conditions of the cession? And if not, will the pecuniary loss to the government be such as to make it inexpedient, even if there be full assurance that the terms of cession will not be violated?

Before I enter on the discussion of these important points, it will be proper to make a few remarks on the extent of the interest that would be embraced in the cession. Without it, there would be but an imperfect conception of the subject.

The quantity of public lands lying in the new states, and embraced in the amendment, was estimated to be, on the 1st of January, 1840, about 160,000,000 of acres. It has been reduced since by sales, the exact quantity not known; but it will not materially vary the amount. The Indian title has been extinguished to nearly the whole, and about three fourths have been surveyed and platted, of which a larger part has been long in the market (much more than twenty years), and has been picked and culled, over and over again, with the view of taking all worth having, at the present price, even during the great expansion of currency, and consequent rise in price, and speculation in public lands, in 1835, 1836, and 1837. If compared in quantity to the remainder of the public domain, it will be found to be not equal to one sixth part of the whole. In this respect, it is a far more limited measure than that proposed by the senator from Kentucky, to which mine is an amendment. That embraces not only the proceeds of the whole public domain, exceeding 1,000,000,000 acres, but includes, in addition, the large sums drawn from the duties on imports, which are annually expended on its sales and management, all

of which he proposes permanently to distribute. It is also more limited in its application than the original bill, which embraces all the lands to which the Indian title is extinguished, as well territories as states, which greatly exceeds the quantity lying in the latter.

Having now shown the object and the character, with the scope of this measure, I shall next proceed to the great, and I must say, in my opinion, the only question that admits of controversy, Will the states adhere faithfully to the terms of the cession? Or, on the contrary, will they violate a compact solemnly entered into, on just and liberal principles, mutually beneficial to both, and which will place them, as to their domain, on the same independent footing on which the other states stand?

I would ask, at the outset, Is there anything in their history to justify a suspicion of a want of good faith? Have they been in the habit of violating contracts? If so, point out a single instance? Instead of giving ground to excite suspicion, I rejoice to say their history affords many and striking examples of exact and faithful compliance with their engagements. They all have standing compacts with the government, entered into on their admission into the Union, which impose important limitations on what otherwise would be their unquestioned right as independent members of the Union; and, among others, the important one, not only of not taxing the vast portion of their domain held by the United States within their limits, but also, for the period of five years after sale, the portion held by purchasers. To their honour be it said, that, in the long period which has elapsed from the admission of the oldest of these states, there has not been a single instance of a violation on their part of their plighted faith. With so striking an example of fidelity to engagements, with what justice can it be objected that the states will violate their plighted faith to a contract every way advantageous to them, as well as to the rest of the Union?

But I take higher ground, and put the question, With what propriety can we object to the want of faith on the part of the states to their engagements? What is our Constitution but a compact between the states? and how do we hold seats here but in virtue of that compact? And is it for us to turn round and question the faith on which our system stands, and through which we have our political existence; and this, too, when it is notorious that the state governments have adhered with far more fidelity than this to the constitutional compact? Many and great violations are charged, and truly charged to us, while few, very few, can be justly attributed to them.

But, admitting there might be danger of losing the lands, should they be disposed of as proposed, from the want of good faith on the part of the states, I boldly assert that the danger of their being lost is far greater if the present system should, unfortunately, be continued, and that, too, under circumstances vastly more disastrous to the peace and safety of the Union. What I have asserted comes from deep and solemn conviction, resulting from a long and careful examination of this vast and complicated subject.

Those who have not given special attention to it, and the progress of our land system, can form no just conception of the danger to which the public lands are exposed. The danger is twofold: that they will be lost by the mere progress of settlement, without payment, in consequence of the vast quantity beyond the wants of the country, to which the Indian title is extinguished; and if that should not be the case, they will be from the growing conflict between the old and new states, in consequence of the rapid increase of the latter, and the great difference in their respective views of the policy proper to be adopted in reference to them. Both

causes are operating with powerful effect; and if they do not speedily attract the attention of the government and the country, they will certainly terminate before long, either by their separate or joint action, in the loss of the public domain. Nothing but a full understanding of the causes of danger, and the application of a prompt and efficient remedy, can prevent it; and what I propose is to present a brief sketch of my views in reference to both.

As important as it is, few have turned the attention it deserves to the almost miraculous extension of our land system. In the comparatively short time in which it has been in operation, the Indian title has been extinguished, in round numbers, to 320,000,000 of acres; of which there has been sold 81,000,000, and granted away, for various purposes, 12,600,000; leaving in the possession of the government, on the 1st of January, 1840, 226,000,000, a larger portion of which is surveyed, platted, and in the market: showing that the progress of extinguishing the titles of the Indians has far outrun the demands of the country for government lands, as great as it has been. In fact, the reality far exceeds the statement, as strong as that is; for, of the eighty-one millions of acres sold, upward of thirty-eight millions were sold in the years 1835, 1836, and 1837, during the great expansion of the currency and rage for speculation in lands, of which but a small portion, perhaps not a third, was for settlement; and of the residue, a greater part, say twenty millions, is still for sale in the hands of large purchasers. Making proper allowance for the speculative operations of those years, the actual sale of the public lands for settlement, during the period of fifty years which has elapsed from the beginning of the government, would not probably exceed sixty millions of acres, about one fourth as much as that to which the Indian title is now extinguished.

But numbers can give but a very imperfect conception of the vast extent of the region to which the Indian title is extinguished, and of which the government is the sole and exclusive proprietor. To form a correct idea of its great magnitude, it will be necessary to compare it to portions of the Union, the extent of which is familiar to all. To enable me to do that, a friend has furnished me with a statement, from which it appears that, if all the land now unsold, and to which the Indian title is extinguished, was grouped together, it would be equal in extent to all New-England, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, and a third of North Carolina. But this falls far short of the vast extent of the region throughout which it lies dispersed—a region equalling all the old Atlantic States, taking in all Florida, the states of Alabama and Mississippi, and half of Tennessee. Into this vast and unoccupied domain, our people, with a multitude of foreigners, are pouring yearly in one incessant tide, by thousands on thousands, seeking new homes: some with the means of purchasing, who select the best lands; others with insufficient means, who select their place, and settle, with the hope of purchasing in a short time; and a large class without means, who settle on spots, without any fixed intention but to remain so long as they are undisturbed, generally on tracts of inferior quality, having the advantage of a spring, with a small portion of more fertile land, sufficient for their limited cultivation, but not sufficient to induce a purchaser to take it at the government price. This class of settlers has greatly increased, if I am correctly informed, within the last ten or fifteen years, and is still rapidly increasing, especially in the West and Southwestern States, where the proportion of good to inferior land is comparatively small, and must continue to increase with accelerated rapidity, so long as the present land system remains as it is.

Those who have had an opportunity of witnessing the effect of such occupancy on the minds of the settlers, will not be at a loss to anticipate the consequences which must follow, unless arrested. Occupation long and undisturbed, accompanied by improvement, however limited, cannot fail to be associated with the idea of property in the soil. It is that, in fact, which constitutes the primitive right in land. This will be felt in common by all the occupants similarly situated—will be sure to create an *esprit de corps*, accompanied by mutual respect for each other's rights, which would not fail to make it dangerous for any one to disturb the rights of another. This feeling will not be long in showing itself towards the emigrant intruder, as he would be considered, coming in with the view of purchase. He would find it not a little hazardous to enter and purchase a spot held by a mere occupant, or squatter, if you will, and oust him of his possession. In a short time, no one who regards his peace and safety will attempt it; and then, the feeling, which began with the poorer class, will extend rapidly upward to the more wealthy, until, finally, none will look to any other title but occupancy and improvement; and all, the rich and poor, will become squatters, with a common interest to maintain and defend each other, when the public lands will be lost, and cease to be any longer a source of revenue, if nothing be done to stop it. For the truth of the picture, I appeal to the senators from the new states, especially from the Western and Southwestern. We have thus presented the difficult question, What is to be done to remedy it?

It is perfectly natural that the first impression should be, to keep out intruders on the public lands. The lands belong to the people of the Union as common property, and it would seem contrary to reason and justice that any one should be permitted to enter on and appropriate the use of that to himself, without paying for it, which belongs to all; and we accordingly find not a small portion of the Senate who insist on keeping out and expelling all intruders as the proper remedy. But in this case, like many others, we must look beyond mere abstract right. What seems so plausible would, when tried, prove impracticable. We need no other proof than the fact that no administration has ever undertaken it, even when it would have been an easy task, comparatively to what it now would be. How is it to be done? By the marshals and their deputies? Can they expel from their homes the vast host of occupants on the public lands, all hardy and bold men, familiar with the use of the most deadly of weapons? Would you employ the army? It would be found almost as impotent as the civil authority. If the whole military was employed in this, to the neglect of all other service, there would be more than five hundred and fifty square miles for each officer and soldier, supposing your establishment to be full. No: were it possible to employ the military in so odious a service in this free country, you would have to double your force, at a cost greater than the annual income from the land; and the work would be ever beginning, and never ending. If you drive them away and destroy their improvements, as soon as the force was withdrawn they would return to their possession. I had some experience, while secretary at war, of the difficulty of expelling and keeping off intruders; and I found that the message which brought intelligence of the withdrawal of the force was immediately followed by that which brought information that the intruders had returned.

But the senator from Kentucky (Mr. Clay) deems all this as merely imaginary, and asserts that intruders may readily be kept off the public lands. I will not attempt to reply to his reason for this opinion. He and his political friends will soon be in power with a chief of their own selection, and in whose firmness and energy they express high confidence.

In six weeks the time will come round which brings him into power, and we shall see what will follow. Without pretending to the spirit of prophecy, I feel I hazard nothing in predicting that what is deemed so easy to be done when out of power will be pronounced impracticable when in. The senator would have too much prudence to give the advice; but, if not, the President elect will, I conjecture, have too much discretion to act on it.

If, however, I should be mistaken, and the attempt should be made to expel the occupants from the public lands, I hazard nothing in predicting that the administration will go out of power with ten times the majority with which it came in, as great as that was. The bitterest enemy could not give more fatal advice.

If, then, this powerful tide of emigration, which is flowing in on the public lands, cannot be arrested, what ought, or can be done, to prevent the loss of the public domain by the action of the causes already explained? This is the difficult question. In answer, I say, we must do as we are often compelled to do in our progress through life—accommodate ourselves to circumstances; to mitigate evils we cannot overcome, and retard or lessen those we cannot prevent. Such are the laws to which beings of our limited powers and control over events must necessarily yield.

Without, then, undertaking the impossible task of arresting the tide of emigration or expelling the settlers, I would advise the adoption of the most judicious and efficient measures of converting them into freeholders, with the least sacrifice consistent with effecting that object. The first step towards this should be to unite the interests of this government with that of the states within which the lands lie, so as to combine the power and influence of the two for their preservation. Without it nothing can be done. If they should not be united, the necessary consequence would be, that the interest of the states would be invariably found to be opposed to that of the government, and its weight thrown on the side of the settlers on all questions between them, of which we have daily proof in our proceedings. In the end, their united power and influence would prevail. If this indispensable step be not taken in a short time, instead of graduation and pre-emption, we shall have a demand, not to be resisted, for donations and grants to the settlers. A leading inducement with him to dispose of the lands to the states was to effect this important union of interest. It is the only way by which it can be accomplished; and, to render it sufficiently strong to effect the object intended, I am in favour of a liberal compensation to the states for the expense and trouble of their management.

But something more is indispensable to prevent the loss of the lands; and that is, to hold out adequate inducements to the settlers to become freeholders by purchasing the land. This can be effected with the least loss to the government, and the greatest advantage to the settlers, by a judicious system of graduation and pre-emption, and it is with that view that provisions are made for both in the amendment which I intend to offer. It provides that the states may, at their discretion, reduce the price of all lands which have been offered at sale ten years and upward, to one dollar per acre, after the 30th of June, 1842; and all that may be in market for fifteen years and upward, to seventy-five cents per acre, after the 30th of June, 1847; and all that may have been twenty years and upward, to fifty cents per acre, after the 30th of June, 1852; and all that have been twenty-five years and upward, to twenty-five cents, after the 30th of June, 1857; and all that have been thirty years and upward, to twelve cents, after the 30th of June, 1862; and all that should remain

unsold five years thereafter to be surrendered to the states; with the right, also, at their discretion, to allow pre-emption for ninety days to settlers, at each step in the reduction of the price. It also provides that all lands, after having been offered for sale in those states, shall, at the expiration of ten years from the time of being offered, become subject, in like manner, to graduation and pre-emption.

The object of these provisions is to hold out inducements to the settlers to purchase, by bringing the lands, within a reasonable period, to a price which would not only justify, but hold out strong inducement to them to purchase. One great difficulty in the way of purchasing, as the system now stands, is, that the great body of the lands are not worth, in reality, the price of $1 25, at which they are sold by the government. There appears to be a great mistake on this point, which it is important to correct. Instead of almost every acre, as is supposed by some gentlemen in debate, to be worth that sum, the reverse position is true, that none was worth it but that which was, at the time, coming in demand by purchasers. I rest the assertion on the well-established principle that demand and supply regulate price, and the fact that an article which is in the market at a fixed price, open to the demand of all, and is not taken, is the best proof that the price is above the market value at the time. It is in vain to talk of intrinsic value—a thing wholly different from price. There are many things of the highest intrinsic value that have no price, as air and water, while many of but small value would, from their great scarcity, command a very high one. In the language of business, a thing is worth what it will sell for, and no one is willing to give more, unless compelled by some particular reason. The occupants of the public lands partake of this feeling. They are unwilling to give for the inferior lands, which for the most part they occupy, $1 25, when a small part only of the best lands offered for sale would command that, and feel that they have something like justice on their side in not giving so high a price for their possessions.

This feeling must be met, and it is proposed to meet it by the provisions for graduation and pre-emption which I have just stated; a policy so liberal towards a large, though poor class, not less honest and patriotic than the rest of the community, could not fail to have a happy effect, not only in reference to them, but in a more enlarged point of view. One of the most important would be the great increase of the number of small freeholders, which, in the hour of danger, would prove of vast importance, especially in the weakest portion of the Union—in the Southwestern States—where the provision would have the greatest effect. It would be the class that would furnish the hardiest and best soldiers, with the advantage of being inured to the climate. Combined and modified as they would be, they cannot but have a powerful weight in inducing the occupants to purchase. It will work a revolution in his character. He will regard himself, on his little domain, more a freeholder than a squatter; and, as the price in the descending scale of graduation approaches the price that lands such as he occupies would sell for, his industry and economy would be exerted to be prepared with the requisite means to make the purchase. The liberal character of the policy would impress him with deep feelings of respect for the justice and care of the government; and the security it would afford would put an end to the *esprit de corps*, which otherwise would be so strong; and all, combined with the influence of the states on the side of the government, would, I feel confident, guard effectually against the danger of losing the lands, as far as the occupants are concerned, in the only way that would be practicable.

The amendment proposes to leave it to the states to graduate and grant

pre-emptions or not, at their discretion, within the limits prescribed. The conditions of the several states are very different in reference to the expediency of exercising the right. In the uniformly fertile region in the upper portion of the great Valley of the Mississippi, it may not be necessary to resort to either, or, if so, to a very limited extent; while in the Southwestern States, including Arkansas, it would be indispensable; and hence the propriety of giving the right, but leaving the exercise to the discretion of the states. Each state would be the most competent judge whether it should be exercised or not, and to what extent.

Having considered the provisions intended to guard against the danger of losing the lands from mere occupancy without payment, I next propose to make some remarks on that of their being lost, in consequence of the conflicting policy between the new and old states in reference to them, should the present system be continued. To understand this danger, we must have a just conception of the cause in which it originates, which I will endeavour first to explain.

In the nature of things, it is impossible that the new and old states can take the same view of the policy proper to be adopted in reference to the public domain. Their respective position, interest, and extent of knowledge in reference to it, are wholly different, which cannot but have a correspondent effect on their views. The old states stand in reference to the new somewhat in the light of an absent owner of a large estate, and not without some degree of his feelings, while the new stand, in some degree, in the situation of those who occupy and work his estate, with feelings not a little akin to those which belong to that relation. That such is the case, and that it leads to diverse views of the policy that ought to be adopted, and that, again, to conflict between them, the questions now before us, the discussion now going on, the feelings it excites, and the yearly and violent agitation of those questions for the last eight or ten years, abundantly prove. Nor is it less clear that they have increased, and must increase with the growth and influence of the new states over the action of the government, till their rapid growth will give them the ascendency, when they will decide it in their own way, under the high pretensions and excited feeling of real or supposed injustice, which must necessarily grow out of a long-continued and violent conflict. It is, in like manner, clear that the evil originates in the ownership and administration by the government of the lands lying in the new states, and constituting a large portion of their territory. If to these considerations it be added, that the questions growing out of this great subject must extend to and embrace, and influence in their bearings, every other question of public policy, as is illustrated by the amendment for distributing the proceeds of the sales of the lands among the states, which, in its consequences, takes in the whole circle of our legislation, and that it must enter into and influence all our political struggles, especially that in which all others are concentrated—the presidential election—some conception may be formed of the distracting influence, the agitation and danger which must grow out of this great question if not speedily settled.

If something be not done, it is not difficult to see that the danger from these causes and that from occupancy must run together, and that their combined forces will be altogether irresistible. The occupants on the public lands lying within the states are voters, with a weight at the polls equal to the most wealthy, and, of course, an equal influence over the election of President and Vice-president, members of Congress, and state governments. I hazard little in asserting that, if they have not already, from their numbers, a decided influence over all the elections in many of the new states, they will in a very short period, from their rapid

increase, if nothing should be done to arrest the evil. That influence would be felt here, and movements would be made to satisfy the demands of so numerous and powerful a class, till, with their growing influence, the proposition will be boldly made to give, as has been stated, the land without purchase; to which, from the necessity of the case, the government will be compelled to yield, in order to avoid the danger of being seized and kept in open defiance of its authority.

Against this, the only ground that can be devised, as far as I can see, is the one I have proposed—to dispose of the land to the states—to part with ownership and administration, the root of the evil—on fair and equitable conditions, with the best possible provisions that can be devised to ensure the faithful performance of the compact. If that, with the provisions against the danger from occupancy, cannot prevent the loss of the public lands, I know not what can. I have as strong confidence as the nature of the subject will admit, that it will, when perfected in its details by the wisdom of the Senate, prove all-sufficient, not only to prevent the loss of the public domain, but to arrest the many and growing evils to which I have alluded as incident to the system as it now exists. But if in that it is possible I should err, with all the caution I have taken to come to a correct conclusion, I feel assured I cannot in asserting that the danger would be far less, under the amendment I intend to propose, than it would be should the system continue as it now stands; and that if the public domain is to be lost, it is far better it should be under the former than the latter. It would be with far less intermediate hazard, and, in the end, with less violence and shock to our political fabric. In the one case we could lose nothing but the value of the land, which I shall presently show is far less than usually estimated, while, in the other, no one can estimate what the loss may not be

Having now, I trust, shown, to the satisfaction of the Senate, that nothing short of disposing of the public lands on just, equitable, and liberal terms, can remedy the evils, and guard against the dangers incident to the system under existing circumstances, it only remains to consider what would be the effects of the measure on the revenue compared with the present system. Should I be able to prove, as I hope to do, that even in that respect it will bear a highly advantageous comparison, it would yield more, and that when most needed, *now*, when the treasury will require replenishing, every solid objection to its adoption would, I trust, be removed.

There was a great and prevalent mistake as to the true value of the public lands, as I have just intimated. They are estimated as if every acre was worth $1 25 paid down, without taking into account that only a small quantity could be sold annually at that price, and that by far the greater portion of the income from the sales can only be received through a long series of years, extending to a very remote period. In estimating what is their true value, we must not forget that time has the same effect on value which distance has on magnitude, and that, as the largest objects in the universe dwindle to a point, when removed to the distance of the stars, so the greatest value, when it can only be realized at remote periods, diminishes almost to nothing. It is in consequence of this difference between present and future value, that a sum paid down is worth twice as much as an equal sum to be paid sixteen years hence, estimated at 6 per cent. simple interest, and four times as much as a like sum to be paid at the end of thirty-two years. I do not take fractions of years into the estimate. The principle is familiar to all who are in the habit of calculating the present value of annuities for a given number of years, and is as applicable to regular annual incomes from land, or any other source,

as it is from what is usually called an annuity. On the same principle, discounts are made on payments in advance. But we are in the daily habit of overlooking this plain and familiar principle, known to every business man in the management of his own affairs, in estimating the value of the public domain. In consequence of such oversight, the 160,000,000 of acres lying in the new states have been estimated to be worth $200,000,000, at $1 25 per acre—a sum nearly eight times greater than its real value, supposing that it would give an annual income averaging $2,500,000, and admitting every acre will be sold at $1 25—a supposition far greater than will ever be realized. The Committee on Public Lands, at the last session, assuming these data, proved incontestably that the true present value did not exceed twenty-six millions and a half of dollars. They showed, in the first place, that a permanent income forever of $2,500,000 would be worth but a fraction more than forty-one millions of dollars in hand, as that sum, at six per cent., would give an equal income. They next showed, that to derive an income of $2,500,000 from the one hundred and sixty millions of acres in the new states, would exhaust every acre in eighty years; and that, of course, instead of being a permanent income, it would be one only for that period, which would reduce its value to about thirty-four millions of dollars, which would be its present value, if there was no expense attending its sales and management. That is, however, far from being the case. Applying the same rule of calculation to the annual expense incident to their management, including what would be saved by the government if the cession should be made, ascertained to be about $550,000 annually, they find the present value of the land to be the sum stated ($26,500,000). The result, assuming the data to be correct, is incontrovertible; and that sum would constitute the entire amount of the loss under the present system, if the lands were really to be given away by the proposed cession, as has been most unfairly charged on the other side of the chamber.

I propose to apply the same principle to the same lands, to show its present value under the operation of the measure I intend to propose. Should it be adopted, the whole of the lands in question would be sold, I assume, in twenty-five years from the time they become subject to the graduating process—which is much more probable than that the whole would be sold in eighty years at the present price of $1 25 per acre. I next assume that equal quantities would be sold during each period of graduation. I next assume that the portion not yet offered for sale, and which, according to the amendment, would not be subject to graduation, and which is estimated, in the report of the Committee on Public Lands, to amount to a little more than 62,000,000 of acres, would yield an average revenue during the ten years equal in proportion to what the 160,000,000 of acres are estimated to yield. It is, probably, much less than what they would, as they will, for the first time, be offered for sale. I also estimate that the lands that have been offered, and which have not yet run ten years, and will, of course, be held till then at $1 25, will, with that which will be sold on the first reduction to $1, average $1 12½. I have also estimated the whole period, including that which is now in progress towards ten years, and the first period of reduction, as one period of fifteen years, and that the entire amount sold during the entire period will only equal the average of the other periods of graduation (five years): an estimate greatly under the truth.

On these data I have based the calculations, which have been made with great care, and I find the present value of the lands would be more than a third more, under my proposed amendment, than under the existing system; and that the excess would be sufficient to pay the 35 per

cent. proposed to be allowed to the new states for their expense and trouble, leaving the 65 to be received by the government, equal to the entire present value of the lands under the existing system. Such is the vast difference between receiving a smaller amount by annual payments, during half of a long period, and a much larger one, in like manner, during double of the time.

There are but two of the data on which the calculation is based which can be supposed to have any material effect on the result, which can possibly prove to be over-estimated: the one, that all the lands will be sold during the period of graduation, which, however, is quite as probable, to say the least, as that all will be sold in eighty years at $1 25; and the other, that equal quantities would be sold during each step of the reduction. It is not improbable this may not prove to be the case, and that larger quantities would be sold towards the latter stages of the graduation, at low prices, than during the earlier stages, at higher prices, which affect the result. The other supposition, that equal sums would be received at each period, would probably be much too low; and the truth may probably prove to be between them; but, even on that assumption, the present value, under the measure I propose, would greatly exceed that under the present system, so much so as to be quite sufficient to cover the 13 per cent. proposed to be allowed to the states for their trouble, above the expense of managing the lands, including the saving to the government by the cession. I have assumed that additional allowance, because it nearly corresponds to that proposed to be given in the bill for distribution (introduced by the author of the scheme) to the new states above that allowed to the old. I refer to the bill that passed both houses, and was vetoed by the President. That allowed 12½ per cent., which, for the sake of facility in calculating, I have enlarged to 13 per cent.

I have, I trust, now successfully met the only two objections which can, in my opinion, be urged with any plausibility against the measure I intend to propose, by proving, not only that there would be reasonable assurance that the states would abide by the terms of the cession, but that it is the only measure which can be devised to prevent the almost certain loss of the public domain under the operation of the system as it now stands; and that, instead of a loss, there would be a clear pecuniary gain. If I have succeeded in doing so, I have done all that ought, according to my conception, to be necessary to obtain the support of the body. But I cannot be ignorant that there are members from the new states who prefer supporting this bill to the measure I intend to propose; not that they think it better, but because they believe it has the best prospect of passing. In this I think they are mistaken. It is not probable that either can pass the present session. It is now but a few weeks to its termination, and it is impossible, in the midst of the crowd of other business, that any important measure, not indispensable, can get through, especially a system of pre-emption and graduation which has been so long struggling, unsuccessfully, to pass both houses. But if it cannot *pass now, there is little prospect that it can the next four years*, against the opposition of the coming, when it could not with the aid of the present and late administrations.

With this prospect, I put it to my friends from the new states, Is there not danger in pressing these isolated measures, which cannot settle the vexed and dangerous questions of the public lands, and which, at best, can be pressed on grounds only interesting to those states, that they will lose not only a favourite measure, but cause the passage of the most obnoxious to them of all measures, that of distribution? I ask them, Can

they hope to oppose successfully a measure so seductive to so many members of the Union, by a measure so partial in its operation, and which, so far from appealing to the reason or sympathy of two thirds of the states, secures but a reluctant vote from any of them; more from party feelings and associations than any conviction of its justice or expediency? Let me tell my friends, that if the struggle is to continue between this bill and the scheme for distribution, it is, on their part, a desperate one. Defeat is certain; and there is no way to avoid it (if it be not already too late) but to enlarge the issue—to raise it above mere local or pecuniary considerations to the broad and elevated ground of a final settlement of this deep and agitating question, on just and satisfactory principles, and thereby arrest the countless evils rushing through that channel on the country. It is only thus that an antagonist of sufficient strength can be reared up against the dangerous and corrupting scheme of distribution. A measure seductive to many of the states, unfortunately overwhelmed by debt, could only be successfully opposed by one which would make a powerful appeal to truth, justice, and patriotism. As strong as may be the appeal to the necessity of embarrassed states, a still stronger may be made to the higher and more commanding considerations of duty and patriotism. Such an issue, I believe, the measure I propose would tender to the country. I solemnly believe it to be founded on truth, and sustained by justice and high considerations of policy; and all it needs to ensure it success, if I mistake not, is the earnest and determined support of the states which not only have the deepest stake, but whose independence and equality, honour and pride, as members of this proud republic of states, are involved.

Having now presented my views of the amendment I intend to offer, with a motion to strike out the amendment of the senator from Kentucky and insert mine, I shall conclude with a few remarks in reference to the leading feature of his amendment, the distribution of the proceeds of the public lands among the states.

It is not my intention to enter on the discussion of a measure which I cannot but regard as palpably unconstitutional, as well as dangerous and corrupting in its tendency. I do not deem it necessary, as I expressed my opinion fully on the subject at the last session. I intend, at this time, to make a few remarks, in order to show that, viewed under every possible aspect, it must be regarded as either foolish, idle, or unjust.

It is admitted, on all sides, that the treasury is embarrassed, and that no part of the revenue can be withdrawn without making a corresponding deficit, which must be supplied by taxes on the people in one form or another, and that the withdrawal of the revenue from the land would cause a deficit, so to be supplied, of not less, probably, than $5,000,000 annually. The whole process, then, would consist in giving to the people of the several states their proportional share of the five millions of the revenue from the lands, to be collected back from the people of the United States, in the shape of a tax on imports, or some other subject, to the same amount. Now, sir, I ask, Is it not clear, if a state should receive by its distributive share a less sum than the people of that state would have to pay in taxes to supply the deficit, it would be, on their part, foolish to support the distribution? So, again, if they should receive the same amount they paid instead of a less, would it not be idle? And if more, would it not be unjust? Can any one deny these conclusions? How, then, can a scheme, which implies the one or the other of these alternatives (laying aside all other weighty objections), have any chance to be adopted? But two answers can be given. The one, that the states which would receive more from the distribution than their people would

have to pay to make up the deficit, can outvote the others, and are prepared to act on the principle of the strong plundering the weak; and the other, that a majority of the states want the money to pay their debts or to spend in favourite schemes, and prefer shifting the responsibility of taxing to the General Government to assuming it themselves, without regarding whether their people would contribute more or less than they may receive. They are afraid to lay taxes, lest the people should see the sums extracted from their pockets, and turn them out; and, to avoid this, would transfer the task to the General Government, because they can take from the people, through the tax on imports, without being detected as to the amount.

I take the opportunity, before I sit down, to tender my thanks for the honourable and high-minded suggestion of the senator from Missouri (Mr. Linn), considering the interior quarter of the Union from which he comes, to set apart the proceeds of the lands as a permanent fund for the navy.

[Mr. Linn, in an audible voice: "The navy and the defences of the country."]

I would rejoice to see such a disposition of it, and do hope that he will move an amendment to that effect. I would gladly receive it as a modification of my amendment, and would regard it as a great improvement. The navy, sir, is the right arm of our defence, and is equally important to every section—the North and South, the East and West, inland and seaboard. When I look at the condition of our country, and the world, I feel that too earnest and too early attention cannot be bestowed on the arm of defence on which the country must mainly rely, not only for sustaining its just weight and influence in the scale of nations, but also for protection.

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## XXVIII.

### SPEECH ON THE BILL TO DISTRIBUTE THE PROCEEDS OF THE PUBLIC LANDS, JANUARY 23, 1841.

On the amendment proposed by Mr. Crittenden to the Pre-emption Bill, to distribute the proceeds of the public lands among the states,

Mr. Calhoun said that the proposition of the senator from Kentucky (Mr. Crittenden) to distribute the proceeds of the sales of the public lands among the several states, was no stranger in this chamber. His colleague (Mr. Clay) had introduced it many years since, when he was in the opposition, and had often pressed its passage as an opposition measure, and once with success, while the treasury was groaning under the weight of a surplus revenue, of which Congress was willing to free it on almost any terms. It was then vetoed by General Jackson, and has had to contend ever since against the resistance of his and the present administration.

But it is now, for the first time, introduced under different auspices, not as an opposition, but an administration measure—a measure of the coming administration, if we may judge from indications that can scarcely deceive. It is brought in by a senator who, if rumour is to be credited, is selected as a member of the new cabinet (Mr. Crittenden), backed by another in the same condition (Mr. Webster), supported by a third (Mr. Clay), who, all know, must exercise a controlling influence over that administration. It is, then, fair to presume that it is not only a measure, but a leading measure of General Harrison's administration, pushed forward in advance of his inauguration by those who

have the right of considering themselves his organs on this floor. Regarded in this light, it acquires a vastly increased importance—so much so as to demand the most serious and deliberate consideration. Under this impression, I have carefully re-examined the measure, and have been confirmed in the opinion previously entertained, that it is perfectly unconstitutional, and pregnant with the most disastrous consequences; and what I now propose is to present the result of my reflection under each of these views, beginning with the former.

Whether the government can constitutionally distribute the revenue from the public lands among the states, must depend on the fact whether they belong to them in their united Federal character, or individually and separately. If in the former, it is manifest that the government, as their common agent or trustee, can have no right to distribute among them for their individual, separate use, a fund derived from property held in their united and Federal character, without a special power for that purpose, which is not pretended. A position so clear of itself, and resting on the established principles of law, when applied to individuals holding property in like manner, needs no illustration. If, on the contrary, they belong to the states in their individual and separate character, then the government would not only have the right, but would be bound to apply the revenue to the separate use of the states. So far is incontrovertible; which presents the question, In which of the two characters are the lands held by the states?

To give a satisfactory answer to this question, it will be necessary to distinguish between the lands that have been ceded by the states, and those that have been purchased by the government out of the common funds of the Union.

The principal cessions were made by Virginia and Georgia: the former, of all the tract of country between the Ohio, the Mississippi, and the lakes, including the states of Ohio, Indiana, Illinois, and Michigan, and the Territory of Wisconsin; and the latter, of the tract included in Alabama and Mississippi. I shall begin with the cession of Virginia, as it is on that the advocates for distribution mainly rely to establish the right.

I hold in my hand an extract of all that portion of the Virginia deed of cession which has any bearing on the point at issue, taken from the volume lying on the table before me, with the place marked, and to which any one desirous of examining the deed may refer. The cession is "to the *United* States in Congress assembled, for the benefit of said states." Every word implies the states in their united Federal character. That is the meaning of the phrase United States. It stands in contradistinction to the states, taken separately and individually; and if there could be, by possibility, any doubt on that point, it would be removed by the expression "in Congress assembled"—an assemblage which constituted the very knot that united them. I regard the execution of such a deed, in such an assemblage, to the *United States so assembled*, so conclusive that the cession was to them in their united and aggregate character, in contradistinction to their individual and separate character, and, by necessary consequence, the lands so ceded belonged to them in their former, and not in their latter character, that I am at a loss for words to make it clearer. To deny it, would be to deny that there is any truth in language.

But, as strong as this is, it is not all. The deed proceeds, and says that all the lands so ceded "shall be considered *a common* fund for the use and benefit of such of the United States as have become members of the *Confederation*, or *Federal alliance* of said states, Virginia inclusive;" and concludes by saying, "And shall be faithfully and *bona fide* disposed of for that purpose, and for no other use and purpose whatever." If it were possible to raise a doubt before, these full, clear, and explicit terms would dispel it. It is impossible for language to be clearer. To be "considered a *common* fund," an expression directly in contradistinction to separate or individual, and is, by necessary implication, as clear a negative of

the latter, as if it had been positively expressed. This common fund to "be for the use and benefit of such of the United States as have become, or shall become, members of the Confederation or Federal alliance;" that is, as clear as language can express it, for their common use in their united Federal character, Virginia being included as the grantor, out of abundant caution.

[Here Mr. Clay said, in an audible voice, there were other words not cited. To which Mr. Calhoun replied:]

I am glad to hear the senator say so, as it shows, not only that he regards the expressions cited standing alone, as clearly establishing what I contend for, but on what he relies to rebut my conclusion. I shall presently show that the expression to which he refers will utterly fail him. The concluding words are, "Shall be faithfully and *bona fide* disposed of for that use, and no other use and purpose whatever." For that use—that is, the common use of the states, in their capacity of members of the Confederation or Federal alliance—and no other; as positively forbidding to use the fund to be derived from the lands for the *separate* use of the states, or to be distributed among them for their separate or individual use, as proposed by this amendment, as it is possible for words to do. So far, all doubt would seem to be excluded.

But there are other words to which the senator refers, and on which the advocates of the measure vainly rely to establish the right. After asserting that it shall be considered a common fund for the use and benefit of the states that are, or shall become, members of the Confederation or Federal alliance, Virginia inclusive, it adds, "according to their usual respective proportions in the general charge and expenditure." Now, I assert, if these words were susceptible of a construction that the fund was intended for the separate and individual use and benefit of the states, which I utterly deny, yet it would be contrary to one of the fundamental rules of construction to give them that meaning. I refer to the well-known rule, that doubtful expressions, in a grant or other instrument, are not to be so construed as to contradict what is clearly and plainly expressed, as would be the case in this instance, if they should be so construed as to mean the separate and individual use and benefit of the states severally. But they are not susceptible of such construction. Whatever ambiguity may be supposed to attach to them, will be readily explained by reference to the history of the times. The cession was made under the old Articles of Confederation, according to which the general or common fund of the Union was raised, not by taxation on individuals, as at present, but by requisition on the states, proportioned among them according to the assessed value of their improved lands. An account had, of course, to be kept between each state and the common treasury; and these words were inserted simply to direct that the funds from the ceded lands were to be credited to states according to the proportion they had to contribute to the general or common fund respectively, in order, if not enough should be received from the lands to meet their contribution, they should be debited with the deficit; and, if more than sufficient, credited with the excess in making the next requisition. The expression can have no other meaning; and, so far from countenancing the construction that the common fund from the lands should be applied to the separate use of the states, it expressly provides how it shall be credited to the confederated or allied states, in their account current with the general or common fund of that confederacy. The opposite interpretation would imply the most palpable contradiction and absurdity.

But it is asked, What would have to be done if there had been a permanent surplus? Such a case was scarcely supposable, with the heavy debt of the Revolution, and the small yield from the land at the time; but if it had occurred, it would have been an unforeseen contingency, to be provided for by the United States, to whom the fund belonged, and not by Congress, as its agent or trustee for its management.

That this expression was intended merely to direct how the account should

be kept, and not to make that the separate property of the states individually which had been declared, in the most emphatic manner, to belong to them, and to be used by them as a common fund, in their united Federal character, we would have the most conclusive proof, if what has been stated already was not so, in the fact that, in the deeds of cession from all the other states, Massachusetts, Connecticut, New-York, North Carolina, and South Carolina, these words are omitted.

As to the cession from Georgia, it is impossible that there should be two opinions about it. It was made under the present government, and in the very words of the Virginia cession, excepting the words "according to their usual respective proportion in the general charge and expenditure." The omission, while the other portion was exactly copied, is significant. The old system of requisition on the states to supply the common treasury, under the Articles of Confederation, had been superseded by taxes laid directly on the people, under the present government, and it was no longer necessary to provide for the mode of keeping the account, and for that reason was omitted. But the cession by Georgia was, in reality, a purchase. The United States has paid full consideration for the land, including the expense of extinguishing the Indian titles, and other charges; and, of course, the portion of the public domain acquired from that state may be fairly considered as standing on the same principle, as far as the present question is concerned, as that purchased from foreign powers.

So undeniable is the conclusion that the lands ceded by the states were ceded to them in their united and aggregate character as a Federal community, and not in their separate and individual, that the senator from Massachusetts was forced to admit, if I understood him correctly (and if not, I wish to be corrected), that they were so ceded in the first instance, but only for the purpose of paying the public debt; and that, on its final discharge, the lands became the separate property of the states. This, sir, is a perfectly gratuitous assumption on the part of the senator, and is directly opposed by the deeds of cession, which expressly provide that it shall be a common fund for the use and benefit of the states in their united and Federal character, without restriction to the public debt, or limitation in point of time, or any other respect. This bold and unwarranted assertion may be regarded as an implied acknowledgment, on his part, of the truth of the construction for which I contend, and on which the government has ever acted, but now attempted to be changed on a false assumption.

The residue of the public lands, including Florida and all the region beyond the Mississippi, extending to the Pacific Ocean, and constituting by far the greater part, stands on a different footing. They were purchased out of the common funds of the Union, collected by taxes, and belong, beyond all question, to the people of the United States, in their Federal and aggregate capacity. This has not been, and cannot be denied; and yet it is proposed to distribute the common fund derived from the sales of these, as well as from the ceded lands, in direct violation of the admitted principle that the agent or trustee of a common concern has no right, without express authority, to apply the joint funds to the separate use and benefit of its individual members.

But, setting aside the constitutional objection, as conclusive as it is, I ask, What consideration of expediency—what urgent necessity is there for the adoption, at this time, of a measure so extraordinary as a surrender to the states, for their individual use, of the important portion of the revenue derived from the public domain, which it is probable will not fall short, on an average of the next ten years, of five millions of dollars? Is the treasury now burdened with a surplus far beyond the wants of the government, for which all are anxious to devise some measure of relief, as was the case when the senator introduced and passed his scheme of distribution formerly? On the contrary, is it not in the very opposite condition—one of exhaustion, with a deficit, according to the statement of that senator, and those who act with him, of many millions of

dollars? And is not the revenue still declining, so that in a short time the present deficit will be doubled? To take a broader view, I would ask, Is the condition of the country less unfavourable to the adoption of the measure than the state of the treasury? Is there an individual capable of taking a comprehensive view of our foreign relations at this moment, who does not see the imperious necessity of applying every dollar that can be spared to guard against coming dangers, more especially on that element where a revolution so extraordinary is going on, by the all-powerful agency of steam, both as to the means of attack and defence?

If, then, the state of the treasury and the condition of the country so urgently demand the retention of this important branch of revenue for the common use and objects for which the government was created, what possible motives can impel those who are shortly to be charged with its administration to bring forward, at such a period, the extraordinary proposition to take from the necessities of the treasury and the country so large a sum, to be distributed among the states for their separate and individual use? To this question but one answer has been, or can be given—that many of the states want the money. They have contracted debts for their own individual and local purposes beyond their ordinary means, and which the dominant party in those states are unwilling to meet by raising taxes on their own people, for fear of being turned out of power. The result has been a loss of credit, followed by a depreciation of their bonds, held by rich capitalists at home and abroad. The immediate object of this scheme is to raise the credit of the indebted states by distributing the revenue from the lands; that is, to surrender about one fourth of the permanent revenue of the Union, and that the most certain, to enhance the value of the state bonds, now greatly depressed, because some of the indebted states do not choose to raise, by taxes on their own people, the means of paying their own debts. To have a true conception of the whole case, it must be borne in mind that these bonds were taken by the capitalists on this and the other side of the Atlantic on speculation, in the regular course of business, as a profitable investment, and many of them at great depreciation; and that the demand on the common treasury is substantially to make good, not only their losses, but to enable them to realize their anticipated profits. Such is the object.

We are thus brought to the question, In what manner is this deficit of at least five millions to be supplied? By taxes—additional taxes on the commerce of the country, preparing the way for still higher by combining the indebted states with the tariff interest, to impose heavier burdens on that important but oppressed branch of industry. Wines and silks are to be selected, under the plea of taxing luxury; and much manœuvring has been resorted to in order to enlist the tobacco interest in favour of the tax, with, I fear, too much success. They are, I admit, fair objects of taxation, and ought to bear their due proportion of the public burden. I am prepared to act on that opinion when the tariff comes up for revision, as it must at the next session. I go farther: Fix the amount which the just and necessary wants of government may require, including the revenue from the lands, and I will cheerfully agree to lay as much on luxuries as gentlemen will agree to reduce on necessaries. It is my favourite system, and I am prepared to go as far as any one in that direction. But I shall not agree to impose a cent on luxuries or necessaries, on the rich or poor, to pay the debts for which this government is in no way responsible, and which we cannot pay without a palpable violation of the Constitution, and gross injustice to the great body of the community. I was struck with the fact that, while the senator (Mr. Webster) held out at one moment that the duties on wines and silks would fall on the consumers, and, by consequence, on the rich, in the very next he informed us that they would not rise in price in consequence of the duties, and, of course, they would entirely escape from them. To prove that they would not increase in price in consequence of the duties, he assumed as a prin-

ciple, that where one country is the principal producer of certain articles, as France was of wines and silks, and another a principal consumer of them, as the United States were, a duty imposed on them by the latter would have the effect, not of raising the price in the country where it was laid, but to reduce it where they were produced; that is, to reduce it in France, and not to raise it in the United States.

Now, I put it to the senator whether the loss, taking his own conclusion, could fall on the French producers of wines and silks, without, in its reaction, falling also on the American producers of the products given in exchange for them—that is, the growers of tobacco, rice, and cotton, which furnish almost exclusively the means of payment? Is it not clear, if they cannot sell as high or as much to us, in consequence of the duties, that we, in turn, cannot sell as high or as much to them, in consequence of the fall of price on their products? Their loss must be followed by ours; and it follows, according to the senator's own reasoning, that the five millions which is proposed to be raised by duties, to make good the deficit caused by the distribution, would be filched from the pockets of the honest and industrious producers of our great staples, and not, as alleged by the senator, from the wealthy consumers of wines and silks. It is out of their hard earnings that the means must be raised to enhance the value of the bonds of the states in the hands of foreign capitalists. The senator must surely hold in low estimation the intelligence and spirit of the Southern planter, in supporting such a proposition.

But I take still stronger grounds. The necessary effect of all duties is to diminish the imports; and the consequence of diminishing the imports is to diminish, in the same proportion, the exports. Imports and exports are dependant each on the other. If there can be no imports, there can be no exports; and if there be no exports, there can be no imports. The exports pay for the imports, and the imports pay for the exports—the one always implies the other. So, if the imports are limited in amount, the exports must be limited, when fairly estimated, to the same amount, and *vice versa*. But the effects of all duties, whether they fall on the consumers of the articles on which they are laid, or on the producers, must be to diminish the amount of the imports, and, by consequence, of the exports. In a word, duties on imports affect the amount of the exports to the same extent that they do the imports; and it would have just the same effect in the end, whether the deficit of five millions which would be caused by the distribution, be raised by a duty on tobacco, rice, and cotton, or on the wines and silks for which they might be exchanged. The loss would fall in either case on the same interest, and to the same amount, and those immediately connected with it.

But I rise to higher grounds. As bad as the scheme is in a financial view, it is far worse in a political. The most deadly enemy of our system could not, in my opinion, propose a measure better calculated to subvert the Constitution and the government. It would necessarily place the state governments in direct antagonist relations with this on all questions except that of collecting and distributing the revenue, which would end in defeating all the objects for which it was instituted, and reduce it, ultimately, to the odious capacity of a mere tax-collector for the state governments. In this there can be no mistake.

The money to be distributed would go, not to the people of the states individually, but to the state legislatures; or, to be more specific, to the majority, or, rather, to the dominant portion of the majority, which for the time might have the control. They, and their friends and supporters, would profit by the scheme. The money distributed would be applied in the most effective way to secure their ascendency, and to give them the lion's share of the profit. The dominant party in the states would thus be enlisted to continue and enlarge the distribution; and when it is added, that the sums expended in the states would

embrace powerful local interests, which would be seen and felt in its effects by large portions of the people, while the expenditures of the government would be on objects of a general character, connected, for the most part, with the defence of the country against foreign danger, which would be little felt or regarded by the great body of the community, except in war, or on the eve of hostilities, I hazard nothing in asserting, that the interests in favour of distributing the revenue would overpower that of expenditures by the General Government, even on the most necessary objects, the consequence of which would be such as has been stated. Be assured that the system, once fairly commenced, would go on and enlarge itself, till every branch of revenue would be absorbed, when the government, divested of all its constitutional functions, would expire, under universal scorn and contempt. Such must be the end of this most dangerous and unconstitutional measure, should it ever be adopted.

But the senator from Massachusetts (Mr. Webster), and others, allege that the cession of the lands to the new states is itself but a mode of distribution, with a view, doubtless, to weaken the force of my objections to this amendment. If it be so, I can only say that it is not intended; and if I can be satisfied that it is, I would be the first to denounce it. Its object is to remedy what I believe to be great and growing disorders in the operation of our land system, as it now exists; but as dangerous as I regard them, I would never consent to remedy them by a measure which I regard as vastly more dangerous. But the senator will, if I mistake not, find it far more easy to call it a scheme of distribution than to prove it to be so, or even that it is in the slightest degree analogous to it in any particular, as I hope to prove in some subsequent stage of this discussion.

I have heard, Mr. President, with pleasure, the deep denunciations levelled against the whole scheme of distribution, whether applied to the revenue from lands or taxes. It strengthens my confidence in the force of truth, and the conviction that, if one has the courage to do his duty, regardless of defeat for the time, he may hope to outlive error and misrepresentation. Let me add, if any of the denunciations were aimed at me, they passed harmless over me, and fell on another, against whom I would be the last to utter a censure in his retirement and declining years, however opposed to him while in power. The Senate will understand that I refer to General Jackson. It is far from agreeable to me to introduce his name here, or to speak of myself; but I am compelled, from the remarks made in a certain quarter, to do so, not from any feeling of egotism (for I am too inconsiderable to involve what concerns me individually in the discussion of so grave a subject), but that I may not be weakened, as the opponent of this most dangerous measure, by any misconception of my past course in relation to the scheme of distribution.

It has, sir, been my fortune to be opposed to the scheme from the beginning. It originated with a former member of this body, Mr. Dickerson, of New-Jersey, and recently Secretary of the Navy, as far back as the year 1827. His proposed object was to strengthen the protective tariff interest, by distributing part of its proceeds (if I remember correctly, five millions of dollars) annually among the states, in the manner proposed by this amendment. I took my stand against it, promptly and decidedly, on its first agitation, as a measure dangerous and unconstitutional, and well calculated to fix the protective system permanently on the country. The next year, the oppressive tariff of 1828 was passed, and the year afterward General Jackson was elected President, with the expectation, as far as South Carolina supported him, that he would use his patronage and influence to repeal that obnoxious act, or at least greatly reduce the burden it imposed.

But it was the misfortune of General Jackson and the country, that when he arrived here to assume the reins of government, he was strongly prepossessed in favour of the plan of distributing the surplus revenue, after the final payment

of the public debt, under the impression that it would be impossible to repeal that act, or reduce the duties it imposed. How he received so dangerous an impression, I have never understood; but so it was. I speak not from my own knowledge, but from information that is unquestionable, that his inaugural address contained a passage in favour of the distribution, when it was laid before those whom he had selected for his first cabinet; and that it was with difficulty he assented to omit it, so strongly was he impressed in its favour—no doubt honestly and sincerely impressed. His first message to Congress, in December, 1829, contained a strong recommendation of that scheme, which was repeated, with additional arguments in its favour, in his second message the succeeding year. A recommendation from so high and influential a quarter could not but have a powerful effect on public opinion. The governors of two great states, Pennsylvania and New-York, recommended it to their legislatures, who adopted resolutions in its favour. That the views which he then entertained may be fully understood, I ask the secretary to read the portions of the two messages, which he will find marked in the volumes on his table, in the order of their respective dates.

[The secretary read the following extracts from President Jackson's messages, 1st and 2d sessions, 26th Congress:

"*First Session, Twenty-sixth Congress.*

"After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the government without a considerable surplus in the treasury beyond what may be required for its current service. As then the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress, and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the states, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several states. Let us, then, endeavour to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

"To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several states, according to their ratio of representation; and, should this measure not be found warranted by the Constitution, that it would be expedient to propose to the states an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations.

"*Second Session, Twenty-sixth Congress.*

"I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds which may at any time remain in the treasury after the national debt shall have been paid, among the states, in proportion to the number of their representatives, to be applied by them to objects of internal improvement.

"Although this plan has met with favour in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here will not, therefore, I trust, be regarded as out of place.

"They rest, as far as they have come to my knowledge, on the following grounds: 1st. An objection to the ratio of distribution; 2d. An apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution; 3d, That the mode proposed would lead to the construction of works of a local nature, to the exclusion of such as are general, and as would, consequently, be of a more useful character; and, last, that it would create a discreditable and injurious dependance on the part of the state governments upon the Federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective states would constitute one that would be more equitable; and others, again, that the extent of their respective territories would furnish a standard which would be more expedient, and sufficiently equitable. The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent, from the rule of contribution proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if, in the judgment of those whose right it is to fix it, it be deemed politic and just to give it their character, have regard to several.

"In my first message, I stated it to be my opinion, that 'it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the government without a considerable surplus in the treasury beyond what may be required for its current service.' I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon; and if there be no such fund, its adoption will, in my opinion, work no injury to any interest; for I cannot assent to the justness of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority, in the exercise of constitutional power, shall, at any time hereafter, decide to be for the general good, will in that, as in other respects, deserve and receive the acquiescence and support of the whole country; and we have ample security that every abuse of power in that regard, by agents of the people, will receive a speedy and effectual corrective at their hands. The views which I take of the future, founded on the obvious and increasing improvement of all classes of our fellow-citizens, in intelligence, and in public and private virtue, leave me without much apprehension on that head.

"I do not doubt that those who come after us will be as much alive as we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burdens; and as sensible of the great truth, that the resources of the nation beyond those required for immediate and necessary purposes of government, can nowhere be so well deposited as in the pockets of the people."]

Such, I repeat, were, unfortunately, the opinions which General Jackson entertained on this all-important question when he came into power. I saw the danger in its full extent, and did not hesitate to take an open and decided stand against the measure which he so earnestly recommended; and that was the first question on which we separated. In placing myself in opposition to him

on a measure so vital, I was not ignorant of the hazard to which I exposed myself, but the sense of duty outweighed all other considerations. I clearly saw that there would be an increased surplus revenue after the final payment of the public debt, a period then rapidly approaching; and that, if it was once distributed to the states, it would rivet on the country the tariff of 1828, to be followed by countless disasters from the combined effects of the two measures. Had it been adopted, the last ray of hope of repealing or reducing that oppressive and ruinous measure would have vanished. It would, by its seductive influence, have drawn over to its support the very states whose prosperity it was crushing, not excepting South Carolina itself. The process is not difficult to explain.

For that purpose, I will take the case of South Carolina, and will assume that her citizens paid, under the tariff of 1828, four millions of dollars into the treasury of the Union, which is probably not far from the truth, and would have received back under the proposed distribution of the surplus but one fourth, making one million. The sum to be distributed, as has already been stated, would not have been returned to the people, but to the treasury of the state, to be disposed of by the Legislature; or, to speak more specifically, by the small portion which, for the time, would have had control over the dominant majority of the Legislature. All who have experience in the affairs of government, will readily understand that no disposition would have been made of it but what they, and their friends and supporters, would have had a full share of the profits and political advantages to be derived from its administration and expenditure. Thus an interest would be created on the part of the controlling influence in the state for the time, adverse to it—an interest to sustain the tariff, as the means of sustaining the distribution; and that for the plain reason, that they would receive more from the former than they would pay, as citizens, under the duties.

Now, sir, when we reflect that the amount taken by the duties out of the pockets of the people was extracted in so round-about and concealed a manner, that no one—no, not the best informed and shrewdest calculator, could ascertain with precision what he paid, while that received back from distribution would have been seen and felt by those into whose hands it would have passed, it will be readily understood, not only how those who participated directly in its advantages, but the people themselves, would have been so deluded as to believe that they gained more by the distribution than what they lost by the tariff, especially when the dominant influence in the state would have been interested in creating and keeping up the delusion.

It is thus that the result of the scheme would have been to combine and unite into one compact mass the dominant interests of all the states, with the great dominant interest of the Union, to perpetuate a system of plundering the people of the products of their labour, especially the South, to be divided among those, with their partisans, who could control the politics of the country. It was against this daring and profligate scheme that South Carolina interposed her sovereign authority, and by that interposition, as I solemnly believe, saved the Constitution and the liberty of the country.

But that step, as bold and decisive as it was, could not accomplish all. To save the manufacturing interest, and avoid the hazard of reaction, it was necessary to reduce the duties on the protected articles gradually and slowly. The consequence was a continued overflow of the treasury, notwithstanding the duty on every article not produced in the country was repealed, amounting in value to one half of the whole, to such an enormous extent had the protective duties been raised. A remedy had to be applied to meet the corrupting and dangerous influence of this temporary surplus, till the gradual reduction of the protective duties under the Compromise Act would bring them to the ordinary wants of the government. There was but one remedy, and that was to take it from the treasury. The flow was too great for the most lavish expenditures to keep down. I saw, in advance, that such would be the case; and, with the design

of devising a remedy beforehand, moved for a special committee, with the view mainly of freeing the treasury of its surplus, as the great source of executive influence and power. The committee, concurring in that opinion, recommended that the Constitution should be so amended as to enable Congress to make a temporary distribution. The report fully explains the reasons for believing there would be a large and corrupting surplus, and why, under the peculiar circumstances of the case, the distribution as proposed was the only remedy. I have marked a portion of it that will show the opinion I then entertained in reference to distribution, and which I ask the secretary to read.

[" *Second Session, Twenty-third Congress.*

" Your committee are fully aware of the many and fatal objections to the distribution of the surplus revenue among the states, considered as a part of the ordinary and regular system of this government. They admit them to be as great as can be well imagined. The proposition itself, that the government should collect money for the *purpose of such distribution*, or should distribute a surplus for the purpose of *perpetuating taxes*, is too absurd to require refutation; and yet what would be when applied, as supposed, so absurd and pernicious, is, in the opinion of your committee, in the present extraordinary and deeply disordered state of our affairs, not only useful and salutary, but indispensable to the restoration of the body politic to a sound condition; just as some potent medicine, which it would be dangerous and absurd to prescribe to the healthy, may, to the diseased, be the only means of arresting the hand of death. Distribution, as proposed, is not for the preposterous and dangerous purpose of raising a revenue for distribution, or of distributing the surplus as a means of perpetuating a system of duties or taxes, but a temporary measure to dispose of an unavoidable surplus while the revenue is in the course of reduction, and which cannot be otherwise disposed of without greatly aggravating a disease that threatens the most dangerous consequences, and which holds out the hope, not only of arresting its farther progress, but also of restoring the body politic to a state of health and vigour. The truth of this assertion a few observations will suffice to illustrate.

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" It may, perhaps, be thought by some that the power which the distribution among the states would bring to bear against the expenditure, and its consequent tendency to retrench the disbursements of the government, would be so strong as not only to curtail useless or improper expenditure, but also the useful and necessary. Such, undoubtedly, would be the consequence, if the process were too long continued; but, in the present irregular and excessive action of the system, when its centripetal force threatens to concentrate all its powers in a single department, the fear that the action of this government will be too much reduced by the measure under consideration, in the short period to which it is proposed to limit its operation, is without just foundation. On the contrary, if the proposed measure should be applied in the present diseased state of the government, its effect would be like that of some powerful alterative medicine, operating just long enough to change the present morbid action, but not sufficiently long to superinduce another of an opposite character."]

The measure recommended was not adopted. It was denied, and violently denied, that there would be a surplus, and I left it to time to decide which opinion was correct. A year rolled round, and conclusively decided the point. Instead of overrating, experience proved I had greatly under-estimated the surplus, as I felt confident at the time I had. It more than doubled even my calculation. I again revived the measure; but before it could be acted on, instructions from state legislatures, with intervening elections, turned the majority in the Senate, which had been opposed to the administration, into a minority. I ac-

quiesced, and gave notice that I would not press the measure I had introduced, and would leave the responsibility with the majority, to devise a remedy for what was at last acknowledged to be a great and dangerous evil. All felt that something must be done, and that promptly. In the greatly expanded state of the currency, the enormous surplus had flowed off in the direction of the public lands, and, by a sort of rotary motion, from the deposite banks to the speculators, and from them to the receivers, and back again to the banks, to perform the same round again, rapidly absorbing every acre of the public lands. No one saw more clearly than the senator from New-York (Mr. Wright), that an effectual and speedy remedy was indispensable to prevent an overwhelming catastrophe; and he promptly proposed to vest the surplus in the stocks of the states, to which I moved an amendment to deposite it in their treasuries, as being more equal and appropriate. These were acknowledged to be the only alternatives to leaving it in the deposite banks. Mine succeeded, and the passage of the Deposite Act, which is now unjustly denounced in a certain quarter as distribution, and not as deposite, as it really is, followed.

As far as I am concerned, the denunciation is utterly unfounded. I regarded it then, and still do, as simply a deposite—a deposite, to say the least, as constitutional as that in state banks, or state stocks held by speculators and stock-jobbers on both sides of the Atlantic, and far more just and appropriate than either. But while I regard it as a deposite, I did then, and now do, believe that it should never be withdrawn but in the event of war, when it would be found a valuable resource.

But had it been in reality a distribution, it would be, in my opinion, if not altogether, in a great measure justified, under the peculiar circumstances of the case. The surplus was not lawfully collected. Congress has no right to take a cent from the people but for the just and constitutional wants of the country. To take more, or for other purposes, as in this case, is neither more nor less than robbery—more criminal for being perpetrated by a trustee appointed to guard their interest. It in fact belonged to those from whom it was unjustly plundered; and if the individuals, and the share of each, could have been ascertained, it ought, on every principle of justice, to have been returned to them. But as that was impossible, the nearest practicable approach to justice was to return it proportionably, as it was, to the states, as a deposite, till wanted for the use of the people from whom it was unjustly taken, instead of leaving it with the banks, for their use, which had no claims whatever to it, or vesting it in state stocks, for the benefit of speculators and stock-jobbers.

As brief as this narrative is, I trust it is sufficient to show that the advocates of this amendment can find nothing in my former opinion or course to weaken my resistance to it, or to form the show of a precedent for the extraordinary measure which it proposes. So far from it, the Deposite Act, whether viewed in the causes which led to it, or its object and effect, stands in direct contrast with it.

We stand, sir, in the midst of a remarkable juncture in our affairs; the most remarkable, in many respects, that has occurred since the foundation of the government; nor is it probable that a similar one will ever again occur. *This government is now left as free to shape its policy, unembarrassed by existing engagements or past legislation, as it was when it first went into operation, and even more so.* The entire system of policy originating in the Federal consolidation school has fallen prostrate. We have now no funded debt, no National Bank, no connexion with the banking system, no protective tariff. In a word, the paper system, with all its corrupt and corrupting progeny, has, as far as this government is concerned, vanished, leaving nothing but its bitter fruits behind. The great and solemn question now to be decided is, Shall we again return and repeat the same system of policy, with all its disastrous effects before us, and under which the country is now suffering, to be again followed with tenfold aggravation;

or, profiting by past experience, seize the precious opportunity to take the only course which can save the Constitution and liberty of the country—that of the old State Rights Republican policy of 1798? Such is the question submitted for our decision at this deeply important juncture; and on that decision hangs the destiny of our country. A few years must determine. Much, very much will depend on the President elect. If he should rest his policy on the broad and solid principles maintained by his native state, in her purest and proudest days, his name will go down to posterity as one of the distinguished benefactors of the country; but, on the contrary, if he should adopt the policy indicated by the amendment, and advocated by his prominent supporters in this chamber, and attempt to erect anew the fallen temple of consolidation, *his overthrow, or that of his country, must be the inevitable consequence.*

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## XXIX.

SPEECH IN REPLY TO THE SPEECHES OF MR. WEBSTER AND MR. CLAY, ON MR. CRITTENDEN'S AMENDMENT TO THE PRE-EMPTION BILL, JANUARY 30, 1841.

Mr. Calhoun said: No one who had attended to this debate could doubt that the cession of Virginia, on which the right to distribute the revenue from the public lands had heretofore been placed, was altogether too narrow to support that measure. The portion of the public domain ceded by her is small in amount when compared with the whole, and by far the better portion of it had already been disposed of, leaving a residue altogether too inconsiderable to effect the object intended by the distribution. The other, and much the larger portion of the public domain, consisting of Alabama, Mississippi, Florida, and the entire region west of the Mississippi River, was purchased out of the common fund of the Union, and no construction which could be put on the deed of cession from Virginia could possibly apply to it. This was seen and felt by the two leading advocates of this amendment on the other side of the chamber (Mr. Clay and Mr. Webster), and they, accordingly, endeavoured to find some other ground on which to place the right, broad enough to support the whole; and found it, as they supposed, in the provision of the Constitution which gives to Congress the power to dispose of the territories and other property belonging to the United States. In this they both concurred, so far as the revenue derived from the lands was concerned. But the senator from Massachusetts, with bolder views than his associate, extended the right of distributing, as I understood him, to the entire revenue—comprehending as well that received from taxes as from lands.

[Mr. Webster interposed, and denied that he had said so.]

I stand corrected, and am happy to hear the denial of the gentleman. I had so understood him, and am gratified that he had so restricted the right as to exclude the revenue from taxes. But I cannot be mistaken in asserting that both of the senators concur in regarding the power conferred, in the provision referred to, as having *no limitation whatever but the discretion of Congress.* If such be the true construction, it would, of course, give the right of making the proposed distribution; which presents the question, Has Congress the right of disposing of the public domain, and all the other property belonging to the Union, and the revenue derived therefrom, as it pleases, without any constitutional restrictions whatever?

Before I proceed to discuss that question, it will be well to ascertain what is the extent and value of the property embraced. The public domain, as has been frequently stated in the course of the debate, embraces more than one thousand millions of acres; and the other property includes the public build-

ings, dock and navy yards, forts, arsenals, magazines, ships of war, cannon, arms of all descriptions, naval stores, and munitions of war. It is difficult to estimate the value of the whole. The public domain alone, according to the estimate of the gentlemen (not mine), at $1 25 per acre, is worth upward of $1,200,000,000; and, including the value of the other property, the whole, at the lowest estimate, must far exceed $1,500,000,000, and probably would equal not less than $2,000,000,000. Such is the extent and value of the property over which the two senators claim for Congress unlimited and absolute right to dispose of at its good-will and pleasure. And the question recurs, Have they such right? A graver question has never been presented for our consideration, whether we regard the principles, the amount of property, or the consequences involved.

Now, sir, in order to test the right, it is my intention to propound a few questions to the senators, to which I hope they will give explicit answers. Suppose, then, in the progress of time, an administration should come in (I make no allusion to the next) which should think an established church indispensable to uphold the morals, the religion, and the political institutions of the country: would it have the right to select some one of the religious sects—say the Methodist, Baptist, Presbyterian, Episcopalian, or Catholic—and erect it into a splendid hierarchy, by endowing it out of this ample fund?

[Mr. Webster: "The Constitution expressly prohibits it."]

I hear the answer with pleasure. It assigns the true reason. Here, then, we have a limitation in the Constitution, by the confession of the senator; and, of course, there is one restriction, at least, on the unlimited right which he and his friend claimed for Congress over this vast fund. Having made good this step, I proceed to take another.

Suppose, then, that such an administration should undertake to colonize Africa, with the view of Christianizing and civilizing it, and, for that purpose, should propose to vest this vast fund, or a portion of it, in the Colonization Society: would Congress have the right of doing so? Or, to take a still stronger case, suppose a majority of Congress should become abolitionists: would it have the right to distribute this vast sum among the various abolition societies, to enable them to carry out their fanatical schemes? The senator is silent. I did not anticipate an answer. He cannot say yes; and to say no would be to surrender the whole ground. Nor can he say, as he did, that it is prohibited by the Constitution. I will relieve the senator. I answer for him: Congress has no such right, and cannot exercise it without violation of the Constitution. But why not? The answer is simple, but decisive: because Congress has not the right to exercise any power except what is expressly granted by the Constitution, or may be necessary to execute the granted powers; and that in question is neither granted, nor necessary to execute a granted power.

Having gained this important point, I next ask the senators, Would Congress have the right to appropriate the whole, or part, of this vast fund to be drawn directly from the treasury, in payment of the principal or interest of the state bonds? And if not (as they certainly would not, for the reason already assigned), has it the right to give it to the states to be so applied? Can it do that indirectly by an agent, which it cannot constitutionally do directly by itself? If so, I would be glad to hear the reason. I might proceed and propound question after question, equally embarrassing; but abstain, lest I should exhaust the patience of the Senate.

But there is one question of a different character which I must propound, and to which I would be glad to have the answers of the two ingenious and learned senators. They are both agreed, as I now understand the senator from Massachusetts, that the revenue from taxes can be applied only to the objects specifically enumerated in the Constitution, and in repudiating the general welfare

principle, as applied to the money power, as far as the revenue may be derived from that source. To this extent, they profess to be good State Rights Jeffersonian Republicans. Now, sir, I would be happy to be informed by either of the able senators—I regret that one (Mr. Clay) is not in his seat—by what political alchymy the revenue from taxes, by being vested in land or other property, can, when again turned into revenue by sales, be entirely freed from all the constitutional restrictions to which they were liable before the investment, according to their own confessions? A satisfactory explanation of so curious and apparently incomprehensible a process would be a treat.

The senator from Kentucky (Mr. Clay) failing to find any argument to sustain the broad and unqualified right of distributing the revenue from the public lands as Congress might think proper, sought to establish it by precedent. For that purpose he cited, as a precedent, the distribution of arms among the states; which, he contended, sanctioned also the distribution of the revenue from the lands among them. The senator forgot that it is made the duty of Congress, under an express provision of the Constitution, "to provide for arming the militia;" and that the militia force belongs to the states, and not to the Union; and, of course, that, in distributing arms among the states with the view of arming them, Congress but fulfil a duty enjoined on them by the Constitution.

The palpable misconception, as I must consider it, into which the two senators have fallen in reference to this important question, originates, as I conceive, in overlooking other provisions of the Constitution. They seem not to advert to the fact that the lands belong to the United States—that is, to the states in their united and Federal character; and that the government, instead of being the absolute proprietor, is but an agent appointed to manage the joint concern. They overlook a still more important consideration—that the United States, in their united and Federal character, are restricted to the express grants of powers contained in the Constitution, which says "that the powers not delegated to the *United States* by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people;" and, also, that the Congress of the United States, as the common agent, is restricted expressly, in the exercise of its powers, to the objects specified in the instrument, and passing such laws only as may be necessary and proper for carrying them into execution. It follows that Congress can have no right to make the proposed distribution, or use its powers to effect any other object, except such as are expressly authorized, without violating and transcending the limits prescribed by the Constitution.

It is thus the whole fabric erected by the arguments of the two senators falls to the ground by the giving way of the foundation on which they rest, except the small portion of lands embraced in the Virginia cession; which I will next proceed to show stands on ground not more solid. It will not be necessary, for that purpose, to travel over the arguments which I offered, when last up, against the right to make the distribution, attempted to be deduced from that cession, and which have been so much enlarged and strengthened by the able and lucid speech of the senator from New-York (Mr. Wright). I propose simply to reply, in this connexion, to the arguments of the senator from Kentucky (Mr. Clay), who I again have to regret is not in his place.

His first position was, that the resolution of the old Congress, which recommended to the states to cede the land to the Union, held out, as motives, the payment of the debt contracted in the Revolution, and the inducement it offered to the states to adopt the Articles of Confederation. From this he inferred that these constituted the sole objects of the cession. I admit that, if there was any ambiguity in the deeds of cession as it respects the objects of the cession, a reference to the resolution which proposed it might be fairly made, in order to ascertain the intention of the parties; but that is not the case. The deeds are couched in the broadest and most comprehensive terms, and make an abso-

lute cession of the lands to the United States, as a common fund, without lim itation as to the objects.

But the argument on which he mainly relied was, that, although the cession is to the United States in their united and Federal character, to be administered by Congress as a common agent, the *use* is for the states in their separate and individual character. If the fact were so, the argument would be strong; but it happens to be the very reverse. It is expressly provided in the Virginia cession, that the land should be considered *a common fund*, for the use and benefit of the states, *as members of the Confederation or Federal alliance, and for no other use or purpose whatever.* The senator will not venture to deny that *common* is the very opposite of *separate;* and, of course, the distinction on which he so much relied, that the use was separate, falls to the ground.

His next position rested on the expression in the deed of cession, "according to their usual respective proportion in the general charge and expenditure," which has been bandied about so often in this and former discussions on this subject, that I will not go over the argument again, as conclusive as I consider it, as I am sure the Senate must be surfeited to nausea with those words. I take higher ground, which I regard as conclusive, be their meaning what they may.

It will not be denied that the Constitution must override the deeds of cession, and that of Virginia among the rest, whenever they come in conflict; and that, for the plain reason that the parties to both were the same, and had, of course, a right, in adopting the Constitution, to change or modify the previous acts of cession as they pleased. Now, sir, I repeat, without fear of contradiction, that the Constitution, in superseding the old system of requisition on the states, as the mode of raising the common supplies of the Union, by the system of taxing the people directly, superseded this particular provision, which all admit had reference to the former system of requisition. The senator himself in reality admits such to be the fact, by proposing to distribute the revenue from the lands according to federal numbers—the rule of imposing direct taxes under the Constitution—instead of *the assessed value of improved lands*—the rule of making requisitions under the old confederation. This provision, then, being thus superseded, the lands are left as the property of the Union, for the common use of the states which compose it, freed from these disputed words, and without the semblance of a doubt; and the Constitution, accordingly, speaks of the public lands, in broad and unqualified terms, as *belonging to the United States.*

The last ground assumed by the senator was, that, as the lands are common property, it is competent for Congress, as the common agent, to divide their proceeds among the United States, as joint-owners. It might be true in the case of individuals owning a joint-farm, to be worked in common, as supposed by the senator; but that is not analogous to the case of the United States, where there is a joint concern, *for specific objects*, with a common agent to carry it into effect, *for the joint interest of the concern, without any authority to distribute the profits.* In such a case, it would be contrary to the plainest dictates of reason, and the established principles of law, for the agent to undertake to apply to the separate and individual use of the partners what was intended by them for the joint concern. It would be to make that separate which his principals intended to be common.

When I look, Mr. President, to what induced the states, and especially Virginia, to make this magnificent cession to the Union, and the high and patriotic motives urged by the old Congress to induce them to do it, and turn to what is now proposed, I am struck with the contrast, and the great mutation to which human affairs are subject. The great and patriotic men of former times regarded it as essential to the consummation of the Union, and the preservation of the public faith, that the lands should be ceded as a common fund; but now, men distinguished for their ability and influence, and who are about to assume the high trust of administering the government, are striving with all their might

(and that, too, when this fund is most needed) to undo their holy work. Yes, sir: distribution and cession are the very reverse in character and effect; *the tendency of one is to union*, and *the other to disunion*. The wisest of modern statesmen, and who had the keenest and deepest glance into futurity (Edmund Burke), truly said that the revenue is the state; to which I add, that to distribute the revenue in a confederated community among its members is to dissolve the community—that is, with us, the Union; as time will prove, if ever this fatal measure should be adopted.

There is another contrast, not less striking. The states composing the old confederation, in their extreme jealousy of power, adopted the system of requisition as the means of supplying the common treasury; but that proving insufficient, it was changed, with the adoption of the present Constitution, into the system of laying taxes directly on individuals. But now, it is proposed to restore virtually the exploded system of requisition, but in the reverse order—requisitions of the states on the Union, instead of the Union on the states; and thereby reversing the relation which the wise and patriotic founders of our political institutions regarded as essential to liberty. They regarded it as a fundamental principle, that the people should grant the supplies to the government, in order to keep it dependant on them. But now this is to be reversed; and the government, in the shape of distribution, is to grant supplies to the people. How is this to be done? How can the government, which, with all its legislation, does not produce a cent, grant supplies to those who are the producers of all? I will tell you: the supplies to be distributed to the states are to be collected in a roundabout, concealed manner, under the plausible pretext of taxing luxuries (wines and silks), to be paid by the rich, or nobody, as we are told, to meet the requisitions of the governments of the states, lest their constituents should turn them out for taxing them directly and openly. Yes: we are plainly told that the states have surrendered the right of taxing imports, the most easy and convenient mode of raising a revenue—that is, the most concealed and ingenious way to the pockets of the people; and that it is the duty of this government, to which this convenient contrivance is intrusted, to raise supplies by its use, not only to meet its own wants, but also to meet those of the states. What monstrous and dangerous perversion!

If (continued Mr. Calhoun) I have been successful in demonstrating the utter unconstitutionality of this dangerous scheme, as I trust I have, the Senate will not expect me to follow the senator from Kentucky (Mr. Clay) in his excursive flights in favour of the expediency of this, his favourite and cherished scheme. If Congress has no right to adopt it, there is an end of the whole affair; but there is one of the good effects he imputes to it that I cannot pass in silence. He asserted that it would finally settle the disputes and agitations growing out of questions connected with the public lands, by reconciling and harmonizing all conflicting interests, and restoring kind feelings in relation to them between the old and new states. Such are his anticipations; but will they be realized? Let the tone with which the senators from Missouri (Mr. Linn) and Arkansas (Mr. Sevier) denounced his scheme, answer. Does he not know that every senator from the new states, with the exception of those from Indiana, are opposed to his measure? Can he, in the face of such facts, really hope for a final settlement of the vexed question of the public lands, or a restoration of harmony between the old and new states in relation to them? On the contrary, will it not imbitter the feelings on both sides? Can he expect that the new states would see with favour a mortgage laid on that portion of the public domain lying within their limits, for the security of the holders of state bonds? Such, virtually, would be the case should the distribution be made. The holders would regard it as a pledge; and to withhold it, when once made, as a violation of faith.

Would it conciliate the staple states—the growers of rice, cotton, and

tobacco—on which the tax to make good the deficiency caused by the distribution must principally fall? It is in vain you tell them that the duties on wines and silks would fall on the consumers, or on the producers of those articles abroad. They know, by woful experience, that it matters little to them whether the duty be laid on the export of the staples they produce, or the importation of products received in exchange; whether the duties be paid on their products going out of port, or the return cargo coming in. Viewing it in that light, the people of those states will regard the measure as a cunningly-devised scheme to pay the debts of others at their expense.

Would it, I again ask, reconcile the states free from debt? Will they be satisfied to be taxed to pay the debts of the states which have been less cautious in their engagements than themselves? I ask the senators from New-Hampshire, Would their state, happily free from all debt, be satisfied?

Instead of the final settlement of the question, or the restoration of harmony, it would unsettle the whole subject of the public lands, and throw the apple of discord among the states.

Having now said what I intended on the immediate question under consideration, I avail myself of the opportunity to reply to the objections which have been made to the proposition I offered in an earlier stage of this discussion, to cede to the new states the lands lying within their respective limits, on just and equitable conditions. The Senate will recollect that the debate on that measure terminated unexpectedly, and without affording me an opportunity of answering the objections against it. As there will probably be no other opportunity of meeting them, I trust it will be a sufficient apology for doing so on this occasion.

I begin with what, to me, would be the most formidable objection—that, under the garb of a cession, the measure is, in fact, but a mode of distribution. I reply, as on a former occasion, Prove it, and I shall renounce it at once, and forever. But I cannot take assertion for proof, however boldly made. Until it is proved, I shall regard the charge of distribution, coming as it does from the open advocates of that measure, as originating in a conscious feeling that, so far from being popular, the scheme has no hold on the affections of the people. If they believed it to be popular, those who so warmly oppose cession would be the last to call it distribution.

It is next objected that it is a gift of the lands to the new states. Be it so. I would infinitely rather make a gift of the whole than to adopt the fatal policy of distribution; and, if it should be necessary to defeat it, I would regard a surrender of the whole as a cheap sacrifice. I go farther, and hold that if the lands, instead of being regarded as the property of the Union, should be regarded as the property of the states separately, the new states would have the best right to the portion within their limits. They possess, unquestionably, the eminent domain, which would have carried with it the property in the public lands within their borders respectively, had they not surrendered it by special agreement on their admission into the Union. But that agreement was with the *United States*, and the surrender of the property in the lands was to them; and it may be fairly questioned how far the agreement, on their admission, would be binding on them, should the revenue from the lands be perverted from the use of the *United States* to that of the states separately, as is proposed by this scheme of distribution.

But is the cession a gift? Does it propose a surrender of the land for nothing? Is 65 per cent. of the gross proceeds to be paid into the treasury nothing? Is it nothing to put an end to the angry and agitating debates which we witness session after session, constantly increasing in violence? Nothing to save the time, and labour, and expense of Congress? Nothing to curtail one fourth of the patronage of the government, and that of the most dangerous character? Nothing to raise the new states to a level with the old? Nothing

to remove this great disturbing cause, which so injuriously influences our legislation? Is it nothing, finally, to substitute a system in lieu of the present, as far as the lands lying within the new states are concerned, which, in addition to all these considerations, proposes the only practical method of preventing the loss of the lands, and which, so far from a pecuniary loss, will bring more into the treasury than the present system? I boldly assert that such would be the case; as I may well do now, as no one opposed to the measure has ventured to question the correctness of the calculation, or the data on which it rests.

But the senator from Kentucky (Mr. Clay) says it is a gift, because 35 per cent. is too high a compensation to the states for their expense and trouble in managing the land. He estimates the actual expense, all things included, at 2½ per cent. on the gross receipts, and says that all beyond that is a gift to the states. He has ventured this assertion with the report of the Committee on the Public Lands at the last session before him, containing in detail, from the proper departments, an estimate of the expense which, on a supposition that the average annual sale of the portion of the land in question would average two and a half millions, would amount to 22 per cent. The senator has omitted all the expenses except that of selling the lands, when, by turning to the tables, he will find that nearly one third is yet to be surveyed and platted; that a large amount must be paid for extinguishing Indian titles, and removing Indians to the West. He also overlooks that the 5 per cent. fund is to be surrendered by those states: a sum of itself equal to double the amount which he has estimated as the entire expense to which the states would be subject.

To these large items must be added donations, which, instead of being made, as they have heretofore been, by Congress, are, if made by the states, to be paid for by them at the selling price of the land at the time, allowing them 35 per cent.; and also the sums spent on internal improvement, which, with the exception of the portion spent on the Mississippi and Ohio, are to terminate; and, finally, the saving of expense in our legislation, and in the General Land Office, in consequence of the cession. All of which the senator has omitted—omitted, notwithstanding they are to be found in the report before him, and to which he has referred in the debate. These, as I have stated, amount to 22 per cent. on the gross amount of the sales; to which the committee has added 13 per cent., making the 35—not as a gratuity, but on the ground of liberal compensation beyond mere expense and saving to this government, as being right of itself, and necessary to ensure the hearty co-operation of the states in carrying out a measure that would be highly beneficial to the whole Union, and which could not be successfully carried out without such co-operation on the part of the states. Not a cent has been proposed to be allowed which could be avoided, with just regard to sound policy.

But the senator was not content with holding out the difference of what he was pleased to regard the actual expense, and the 35 per cent. as a gift. He took stronger grounds, and pronounced it to be a gift of all the public lands, on the assumption that the cession would be extended to the states hereafter to come in, on their admission; and, next, to the territories; and, finally, to the whole of the public domain. I will not undertake to reply to a mere assumption without proof, farther than to say, that every measure of sound policy may be in like manner condemned, if it is to be assumed that what we have wisely done, under all the circumstances of the case, may form a precedent for others to do under dissimilar circumstances, and without regard to the principle on which we acted. In proposing the measure I have, I yield to the necessity of remedying a great and growing evil, originating in the fact that this government is the owner and administrator of a large portion of the territories of nine states of this Union, and which cannot be remedied so long as their ownership and administratorship continue. It is the number and influence of the states in which they exist that give such magnitude and danger to the evil; and what

we may do now, under such circumstances, cannot constitute a precedent, to be extended in the manner which the senator supposes it will be. On the contrary, by adopting the measure, we would enlist the new states, now opposed to the old on almost all questions growing out of the public lands, to aid in vigilantly guarding the residue of the public domain.

The senator from Massachusetts (Mr. Webster) took different grounds. He insisted that cession necessarily implies gift; and therefore, as I suppose, the one I have proposed is a gift, in spite of the many valuable considerations inducing to it. I do not attach the same meaning to the word which he does; but, as I have no taste for verbal criticism, I have assented to the request of a friend to change "cession" to "dispose of"—the words used in the Constitution, and which, on the authority of the two senators, are of such comprehensive meaning as to confer on Congress unlimited power to do as they please with the public lands.

But it seems that, so soon as I had availed myself of this comprehensive term, it forthwith contracted to the narrowest limits. I was told the lands could not be disposed of to the states. Why not? They can be disposed of to individuals, and to companies of individuals; and why not to that company or community of individuals which constitutes a state? Can any good reason be assigned?

I am next told that we may dispose of them absolutely, but not conditionally. I again repeat the question, Why not? What is it that limits our power? We can dispose of the lands to individuals on condition, of which there are striking instances in lands containing lead mines. They are leased for a term of years, on condition that one tenth of the lead be paid to the government in kind. If this can be done for a term of years, what is to prevent it from being done forever, on the same condition? And, if so, why may we not prescribe the rules on which the mines shall be worked? If all this can be done in the case of individuals, what is to prevent it from disposing of the public lands to the states on the conditions proposed, and to prescribe the rules to be observed by them in the sales and management; that is, to adopt the measure I have proposed?

It is next objected, that it is not a disposition of the lands, but merely a transfer of the administration of them to the states. I deny the fact. It is intended, and is, in reality, a conditional disposition or sale to the states. But if it were otherwise, and as supposed, I ask, What is there to prevent Congress from disposing of the lands by an agency, or to employ the states as the agent, and prescribe the rules by which they shall be disposed of? I can see no solid objection to such arrangement, but do not deem it necessary to discuss the point, because the fact is not as is supposed.

Then follows the objection, that it would create the relation of creditor and debtor between this government and the states. Admit it to be the fact: I ask, Is that relation more objectionable, or as much so, as that which now exists of landlord and tenant, growing out of ownership and administration in this government of so large a part of the domain of these states—a relation which is the parent of so many evils, both to them and us? But, to put an end to the objection, I have, on the suggestion of some of the members from the new states, so modified my proposition as to provide that the 65 per cent. of the proceeds of the sales coming to the government shall be paid directly to its own officers—say the marshals in each of the states. Now I ask the opponents of the measure to join me, and, by the cession, to put an end, in the only way it can be done, to the still more objectionable relation of landlord and tenant between this government and the states.

It is farther objected, that it would not settle the question. It is said, if we cede the lands, the next demand would be to relinquish that portion of the proceeds of their sales which is to be paid to the government; that concession would have to follow concession, till the whole would be lost. This, sir, is the

old answer which the advocates of existing abuses are ever ready to give those who complain. It is the answer of Lord North in the controversy which led to our Revolution. He refused to yield the disputed right of taxing the colonies, on the ground that to yield would not satisfy them. If taxation was surrendered, he said it would not settle the question; that their next demand would be to surrender the right of regulating their commerce. The result of such blind obstinacy was the dismemberment of the British Empire.

There is not a feature which more strongly distinguishes the firm and enlightened statesman from the obstinate or weak than that of knowing when it is proper to make concessions, as the means of avoiding, in the end, the humiliation of submission on the one hand, or the modification of defeat on the other; and never was there an occasion or a question when it was more politic than at this time, and on this question. It may now be made with dignity. The question may now be adjusted on just and honourable terms; but, if it be delayed, the new states will decide it, in a few years, in their own way, without asking our leave, by their rapid relative increase in population and political weight. They are now anxious for a fair adjustment, and we may satisfy them without making any real sacrifice on our part; and it is doing injustice to them to suppose that, after soliciting a measure so liberal, and from which they would derive such advantages, they would suddenly turn round and condemn what they had solicited, and make the palpably unjust demand, that we should surrender the portion of the proceeds coming to the government. There is nothing in their past history that would warrant such an imputation on their character.

It was next objected, that the measure was unequal; and, to prove it so, the case of Ohio, which has but a small amount of public lands within its limits to be disposed of, was contrasted with that of Illinois, which has a large amount; and, because the portion of the proceeds to be allowed to the states (35 per cent. of the gross amount) would be small in the case of the former when compared with that of the latter, the measure is pronounced unequal and unjust. If it were a scheme of distribution, as has been erroneously alleged, such might be the fact; but as, instead of that, it is a mere compensation or commission for trouble, expense, responsibilities to be incurred, and services rendered, so far from being unequal, because the amount to be received in the one case was not equal to that in the other, it is precisely the reverse. Equality of compensation for equal expense and service is equal, but equality for unequal expense and service would be glaringly unequal; and, had I proposed to allow Ohio the same amount of compensation for the expense and trouble of managing the small portion of the public domain in her limits as that to be allowed to Illinois for the management of the large portion within hers, instead of allowing a compensation to each proportioned to their respective expenses and services, it would, so far from being equal, have been grossly unequal, and would have been so pronounced by those who now make this objection.

In this connexion, I must say that I cannot but regret that the senator from Ohio (Mr. Allen), in answer to the senator from Kentucky (Mr. Clay) on this alleged inequality between Ohio and Illinois, did not meet him by denying the truth of his allegation, instead of the manner he did; which had, to say the least, the appearance of sustaining the side to which he is most opposed, against that to which he is less.

(Mr. Allen rose to explain. Mr. Calhoun said he did not doubt that the senator gave the true explanation of his vote, but did not think it was called for at the time, and that the effect was as he had stated.)

Another objection was, that it did not extend to the territories. This objection had the advantage (what few others had) of being founded in fact, but was unfounded in reason. Had it been extended to them, it would have gone beyond the mischief, and would have been wholly improper. The evil, I repeat,

originates in the fact of the government being the owner and administrator of so large a portion of the domain of nine states of the Union (being more than one third of the whole); and must increase, so long as it remains, with the increased number and relative weight of the new states. They will soon be increased to twelve, by the admission of the three territories, with a corresponding increase of weight in the government. The territories, on the contrary, are without political weight; and, of course, with the object in view, it would have been preposterous to have included them.

As little force is there in the objection, that some of the states would not accept of the cession. It is possible that Ohio and Indiana might not, but not probable, as the amount of public land within their borders is inconsiderable. But what of that? Should it prove to be the case, what possible injury could result? The fact of not accepting would be proof conclusive that the evil to be removed acted with but little relative force in either, and that the old system might be left to go on quietly in both, until the land within their limits was all disposed of. But the case is very different in the other seven. In them it is in active operation; and they would gladly accept of the cession, as the only remedy that can reach the disease, consistently with the interests of all concerned.

I come now to the final objection—that the land system is working well, and that we ought to adhere to the old maxim, "Let well enough alone." I say the final, as it is the last I recollect. If (as is possible—I took no notes) I have omitted to notice any objection made by the opponents of the measure, I call on them to name it now, that I may answer it before I proceed to notice the one just stated.

When I first addressed the Senate on this subject, at the opening of the discussion, I admitted that the system worked well at first; but I must limit the admission to its earliest stages. From the beginning it contained within itself the seeds of mighty disorders, and of great evils to the country, if nothing should be done to avert them. If I do not greatly mistake the tendency of the system as it stands, it is to extinguish the Indian titles far more rapidly than the demands of our increasing population require, and to disperse our population over a larger space than is desirable for the good of the country. That the former of these evils exists in reality, the proof is conclusive; and that it is already the cause of much difficulty and danger, and that both are rapidly on the increase, so as to threaten the loss of the lands themselves, I have, I trust, conclusively shown in my former remarks. It is sufficient here to repeat, in order to show that the Indian title has been too rapidly extinguished, that the government has sold, from the beginning of the system (now almost half a century), but little more than eighty millions of acres; and that not less than twenty millions, probably, are held by large holders, who purchased on speculation to sell again; making the actual demand for land for settlement not exceeding, probably, sixty millions in that long period of time. But during the same period the Indian litle has been extinguished to about three hundred and twenty millions of acres, of which about two hundred and twenty-six millions remain unsold—exceeding fourfold the demand for lands in consequence of the increase of our population. Such is the fact. To what cause is it to be attributed? I feel confident it will be principally found in the land system itself, which has been so indiscriminately praised during the discussion.

But, before I proceed to assign my reasons, it will be proper to pause and reflect on the influence that the occupation of the aborigines whom we are so rapidly expelling has had, through the mysterious dispensation of Providence, on the prosperity and greatness of our country. They were precisely in the condition most favourable to that mode of settlement which was best calculated to secure liberty, civilization, and prosperity. Had they been more numerous or powerful, the settlement of our country would either not have been made at all,

or would have been by the immediate agency and superintendence of the government, with a force not only sufficient to expel or subjugate the aborigines (as in Mexico by the Spaniards, and Hindostan by the English), but also sufficient to keep the colonies in subjection. How great a change such a mode of settlement would have made in the destiny of our country is not necessary to be explained on this occasion. But as it was, they were not too strong to prevent settlement by hardy and enterprising emigrants, inspired, in some instances, with a holy zeal to preserve their religious faith in its purity; in others, by the love of adventure and gain; and in all, with a devotion to liberty. It is to settlements formed by individuals so influenced, and thrown, from the beginning, on their own resources almost exclusively, that we owe our enterprise, energy, love of liberty, and capacity for self-government.

But there is another consideration not less important connected with the occupancy and condition of the aborigines. Had they not existed at all, or been too weak to prevent our people from spreading out over the vast extent of the continent without resistance, or resistance too feeble to keep them within moderate limits, in the rapid and wide outspread after game, pasturage, or choice spots on which to settle down, the far larger portion would have lost all the arts of civilized life, and become fierce herdsmen and barbarians, like our ancestors; and like them, in their frequent inundations over Southern Asia and Europe, would have overflowed and desolated the civilized agricultural and commercial settlements along the coast, excepting such as might be protected by walls and fortifications.

It is to this fortunate combination of facts connected with the aboriginal population—that they were not strong enough to prevent settlements in the manner they were actually formed, while they were sufficiently strong to prevent the too rapid spread of our population over the continent—that we owe, in a great measure, our wonderful success. A change in either the one or the other would have changed entirely, in all probability, the destiny of our country.

The bearing of this digression on the point under consideration will be readily perceived. We have grown, indeed, to be so powerful, that the aborigines can no longer resist us by force, and when there is no danger that the arts of civilized life would be lost by the spreading out of our population; but the aboriginal population would not, therefore, cease to perform an important function in our future growth and prosperity, if properly treated. They are the land-wardens or keepers of our public domain, until our growth and increase of population require it, as the means of new settlements. But till then, our interests, no less than justice to them, require that their occupancy should continue; and if the extinguishment of their title should continue to outrun the regular demand of our population for settlement as rapidly in proportion hereafter as it has heretofore, it is difficult to conceive the confusion and difficulty which must follow. Those we now experience are nothing to those which would come. That such must, however, prove to be the case to a great extent, if our land system continue as it is, I hold to be certain. The cause, as I have said, is inherent in the system as it exists; and, if not corrected, will impel our population, by its necessary operation, from the states to the territories, and from them to the Indian possessions; which I shall now proceed to explain.

The system, as it now stands, embraces three powerful causes, all of which conspire to produce these results: pre-emption, as proposed by this bill, before survey and sale; the auction system, under its actual operation; and a fixed minimum for all the lands, be the quality or the time which they have been offered for sale what they may. They act together, and jointly contribute to the results I have attributed to them.

My friends from the new states, who are so much attached to pre-emption as proposed by this bill, must excuse me for speaking my opinion freely of

their favourite measure. The consequences involved are too important to keep silence.

What, then, is this pre-emption principle? and how does it operate as a part of the existing land system? It is neither more nor less than to say to every one, when the Indian title is extinguished to a new portion of the public domain, that you may go, and search, and take all the choice parts, the fertile spots, the favourable localities, the town sites, or whatever other advantages any portion may possess, at $1 25 per acre; and that not to be paid till the lands are offered at auction, which may be many years thereafter. What, then, is its operation, but to give pick and choice of the public domain to the active and enterprising, who are best acquainted with the tract of country to which the Indian title is extinguished, with the speculating capitalists, who may choose to associate with them? It is like spreading out a large table, having a few choice and costly dishes intermixed with ordinary fare, and opening the door to the strong, and the few that may be nearest, to rush in and select the best dishes for themselves, before the others at a distance can enter and participate. And can we wonder, with such advantages, that there should be an active and powerful interest constantly at work to extinguish the titles of the Indians in rapid succession, without regard to the demand of our increasing population; to spread out table after table, that they may gorge their appetites on the choicest dishes, and slake their thirst with the most costly wines; leaving the ordinary fare, with the crumbs and bones, to the rest of the community?

But this is not all. After this picking and choosing, under the pre-emption, as it has heretofore operated, and which it is now proposed to make prospective and perpetual, comes the auction system; that is, the sales of the lands at vendue to the highest bidder. Nothing could be more just and equal, if fairly carried out; but it is notorious that the very opposite is the case under its actual operation. Instead of leaving the lands to be disposed of to the bids of individuals, according to their conception of the value of each tract, the whole is arranged beforehand, *by combinations of powerful and wealthy individuals*, to take the choice of the lands left by the pre-emptioners, and to run down all individual competition, so that no one can obtain what he wants without joining them; and thus another powerful interest is united with the former, to extinguish the Indian title—to spread out another table.

The next feature of the system so much lauded operates the same way—I refer to what is called the minimum price; that is, of fixing one invariable price of $1 25 an acre for all lands not sold at auction, without regard, as has been said, to quality, or the time it has been in market. The effect of this, with a quantity on hand to which the Indian title is extinguished, so far exceeding the demand of the community, is to sink the value of all the unsold land which has not been offered at auction to a price below the minimum, except a small portion of the best, which is annually purchased. Taking the aggregate of the whole of the lands in the new states, it would, according to its estimated present value by the Committee on the Public Lands, not be worth, on an average, more than 16½ cents per acre. The result is, that no one is willing to give the minimum for the inferior or less valuable portion. Hence comes that great and growing evil, of occupancy without purchasing; which threatens the loss of the public domain, unless arrested by some speedy and decisive remedy. It has already extended far beyond what is thought of by those who have not looked into the subject, and is still rapidly progressing. I have taken some pains to ascertain to what extent it has extended in two of the states—Illinois and Alabama. It is probable that there are not less than thirty thousand voters in those states, residing on public lands as mere occupants, without title. In a single congressional district in Alabama, there are, by estimate, six thousand voters. But, as great as this evil is, it is not all. The fixed

minimum price co-operates with the pre-emption and auction systems to impel emigrants, especially of the more wealthy class, to turn from the states to the territories, where the land has been less culled over; and from the territories to the Indian lands, for the same reason; thus urging forward our population farther and farther, and driving before them the Indian tribes, unmindful of the dispensation of a kind Providence, which placed them as a restraint on the too rapid dispersion of our population.

There is another and powerful cause co-operating to the same result, which must not be passed unnoticed. I refer to the vast expenditures in the last twelve or fifteen years, in holding treaties with the Indians, and in extinguishing their titles, including reservations, and removing them to the West; equalling, in some instances, the fee-simple value of the lands, and in many others not much less. These immense expenditures, amounting, in the period specified, I know not to how many millions (not less, certainly, than forty or fifty), have made such treaties a great money-making affair, the profits of which have been divided between influential Indian chieftains and their white associates, and have greatly contributed not only to increase the force of the other causes in the too rapid extinguishment of Indian titles, but to diffuse widely the baneful spirit of speculation.

Such are the inherent defects of the system, and the results to which they have led, and must continue to lead, so long as it can find subjects on which to operate, if not remedied. The measure I have proposed would apply an efficient remedy, as far as the public lands in the new states are concerned. The combined action of graduation and pre-emption applied to lands which have been offered for sale, as provided for by the amendment I offered, would, in a few years, convert the occupants without title into freeholders; while, at the same time, it would tend powerfully to prevent the population of the new states from emigrating, and turn towards those the tide of emigration from the old states, and, to the same extent, counteract the too rapid spreading out of our population, and extinguishment of the titles of the Indians. But nothing can effectually remedy the defects of the system but a radical change. What that ought to be, would require much reflection to determine satisfactorily; but it seems to me, on the best reflection I can give it, that if, in lieu of public sales at auction, a system of graduation and pre-emption had been introduced from the first, fixing a maximum price sufficiently high when the lands are first offered for sale, and descending gradually, at short intervals of one or two years, to the present minimum price, and then, in the manner proposed in the measure which I have brought forward, giving the right of pre-emption at every stage, from first to last, to the settlers, it would have averted most of the evils incident to the present system, and, at the same time, have increased the revenue from the lands. It would have checked the spirit of speculation, concentrated our population within the proper limits, prevented the too rapid extinguishment of Indian titles, and terminated our ownership and administration of the lands in the new states, by disposing of them within a moderate period of time, and prevented most of the mischievous consequences which have been experienced. The introduction of such a change, or some such, founded on the same principles, in reference to lands not yet offered for sale in the territories, and the portion of the public domain lying beyond, and to which the Indian title is not yet extinguished, would, in combination with the measure I have proposed, go far to restore the system to a healthy action, and put a stop to the farther progress of the evil, and remedy, in a great measure, those already caused. I throw out these suggestions for reflection, without intending to propose any other measure, except the one I have already.

# XXX.

## SPEECH ON THE CASE OF M'LEOD, JUNE 11, 1841.

The business before the Senate being the motion of Mr. Rives to refer so much of the President's Message as relates to our foreign affairs to the Committee on Foreign Affairs,

Mr. Calhoun said: I rise with the intention of stating, very briefly, the conclusion to which my reflections have brought me on the question before us.

Permit me, at the outset, to premise, that I heartily approve of the principle so often repeated in this discussion, that our true policy, in connexion with our foreign relations, is neither to do nor to suffer wrong, not only because the principle is right of itself, but because it is, in its application to us, wise and politic, as well as right. Peace is pre-eminently our policy. Our road to greatness lies not over the ruins of others, but in the quiet and peaceful development of our immeasurably great internal resources—in subduing our vast forests, perfecting the means of internal intercourse throughout our widely-extended country, and in drawing forth its unbounded agricultural, manufacturing, mineral, and commercial resources. In this ample field all the industry, ingenuity, enterprise, and energy of our people may find full employment for centuries to come; and through its successful cultivation we may hope to rise, not only to a state of prosperity, but to that of greatness and influence over the destiny of the human race, higher than has ever been attained by arms by the most renowned nations of ancient or modern times. War, so far from accelerating, can but retard our march to greatness. It is, then, not only our duty, but our policy to avoid it, as long as it can be, with honour and a just regard to our right; and, as one of the most certain means of avoiding war, we ought to observe strict justice in our intercourse with others. But that is not of itself sufficient. We must exact justice as well as render justice, and be prepared to do so; for where is there an example to be found of either individual or nation that has preserved peace by yielding to unjust demands?

It is in the spirit of these remarks that I have investigated the subject before us, without the slightest party feelings, but with an anxious desire not to embarrass existing negotiations between the two governments, or influence, in any degree, pending judicial proceedings. My sole object is to ascertain whether the principle already stated, and which all acknowledge to be fundamental in our foreign policy, has, in fact, been respected in the present case. I regret to state that the result of my investigation is a conviction that it has not. I have been forced to the conclusion that the Secretary of State has not met the peremptory demand of the British government for the immediate release of M'Leod as he ought; the reasons for which, without farther remark, I will now proceed to state.

That demand, as stated in the letter, rests on the alleged facts, that the transaction for which M'Leod was arrested is a public one; that it was undertaken by the order of the colonial authorities, who were invested with unlimited power to defend the colony; and that the government at home has sanctioned both the order and its execution. On this allegation the British minister, acting directly under the orders of his government, demanded his immediate release, on the broad ground that he, as well as others engaged with him, was "performing an act of public duty, for which he cannot be made personally and individually responsible to

the laws and tribunals of any foreign country;" thus assuming, as a universal principle of international law, that where a government authorizes or approves of an act of an individual, it makes it the act of the government, and thereby exempts the individual from all responsibility to the injured country. To this demand, resting on this broad and universal principle, our Secretary of State assented, and, in conformity, gave the instruction to the attorney-general which is attached to the correspondence; and we have thus presented for our consideration the grave question, Do the laws of nations recognise any such principle?

I feel that I hazard nothing in saying they do not. No authority has been cited to sanction it, nor do I believe that any can be. It would be no less vain to look to reason than to authority for a sanction. The laws of nations are but the laws and morals, as applicable to individuals, so far modified, and no farther, as reason may make necessary in their application to nations. Now there can be no doubt that the analogous rule, when applied to individuals, is, that both principal and agents, or, if you will, instruments, are responsible in criminal cases; directly the reverse of the rule on which the demand for the release of M'Leod is made. Why, I ask, should the rule in this case be reversed when applied to nations, which is universally admitted to be true in the case of individuals? Can any good reason be assigned? To reverse it when applied to individuals, all must see, would lead to the worst of consequences, and, if I do not greatly mistake, must in like manner, if reversed when applied to nations. Let us see how it would act when brought to the test of particular cases.

Suppose, then, that the British, or any other government, in contemplation of war, should send out emissaries to blow up the fortifications erected at such vast expense for the defence of our great commercial marts—New-York and others—and that the band employed to blow up Fort Hamilton, or any other of the fortresses for the defence of New-York, should be detected in the very act of firing the train: would the production of the most authentic papers, signed by all the authorities of the British government, make it a public transaction, and exempt the villains from all responsibility to our laws and tribunals? Or would that government dare make a demand for their immediate release? Or, if made, would ours dare yield to it, and release them? The supposition, I know, is altogether improbable, but it is not the less, on that account, calculated to test the principle.

But I shall next select one that may possibly occur. Suppose, then, in contemplation of the same event, black emissaries should be sent from Jamaica to tamper with our slaves in the South, and that they should be detected at midnight in an assembly of slaves, where they were urging them to rise in rebellion against their masters, and that they should produce the authority of the home government, in the most solemn form, authorizing them in what they did: ought that to exempt the cut-throats from all responsibility to our laws and tribunals? Or, if arrested, ought our government to release them on a peremptory demand to do so? And if that could not be done forthwith, from the embarrassment of state laws and state authorities, ought this government to employ counsel and to use its authority and influence to effect it? And if that could not accomplish its object, would it be justified in taking the case into their own tribunals, with the view of entering a *nolle prosequi*?

But, setting aside all suppositious cases, I shall take one that actually occurred—that of the notorious Henry, employed by the colonial authority of Canada to tamper with a portion of our people, prior to the late war, with the intention of alienating them from the government, and ef-

fecting a disunion in the event of hostilities. Suppose he had been detected and arrested for his treasonable conduct, and that the British government had made the like demand for his release, on the ground that he was executing the orders of his government, and was not, therefore, liable, personally or individually, to our laws and tribunals: I ask, Would our government be bound to comply with the demand?

To all these questions, and thousands of others that might be asked, no right-minded man can hesitate for a moment to answer in the negative. The rule, then, if it does exist, must be far from universal. But does it exist at all? Does it even in a state of war, when, if ever, if we may judge from the remarks of gentlemen on the opposite side, it must? They seemed to consider nothing more was necessary to establish the principle for which they contend but to show that this, and all other cases of armed violence on the part of one nation or its citizens against another, is, in fact, war; informal war, as they call it, in contradistinction from one preceded by a declaration in due form.

Well, then, let us inquire if the principle for which they contend, that the authority or the sanction of his government exempts an individual from all responsibility to the injured government, exists even in case of war.

Turning, then, from a state of peace to that of war, we find, at the very threshold, a very important exception to the rule, if it exists at all, in the case of spies. None can doubt that, if a spy is detected and arrested, he is individually and personally responsible, though his pockets should be filled with all the authority the country which employed him could give.

But is the case of spies the only exception? Are they alone personally and individually responsible? Far otherwise. The war may be declared in the most solemn manner; the invaders may carry with them the highest authority of their government; and yet, so far from exempting them individually, officers, men, and all, may be slaughtered and destroyed in almost every possible manner, not only without the violation of international laws, but with rich honour and glory to their destroyers. Talk of the responsibility of the government exempting their instruments from responsibility? How, let me ask, can the government be made responsible but through its agents or instruments? Separate the government from them, and what is it but an ideal, intangible thing? True it is, when an invading enemy is captured or surrenders, his life is protected by the laws of nations as they now stand; but not because the authority of his government protects it, or that he is not responsible to the invaded country. It is to be traced to a different and higher source—the progress of civilization, which has mitigated the laws of war. Originally it was different. The life of an invader might be taken, whether armed or disarmed. He who captured an enemy had a right to take his life. The older writers on the laws of nations traced the lawfulness of making a slave of a prisoner to the fact that he who captured him had a right to take his life; and, if he spared it, a right to his service. To commute death unto servitude was the first step in mitigating the horrors of war. That has been followed by a farther mitigation, which spares the life of a prisoner, excepting the cases of spies, to whom the laws of war, as they stood originally, are still in force. But, because their lives are spared, prisoners do not cease to be individually responsible to the invaded country. Their liberty, for the time, is forfeited to it. Should they attempt to escape, or if there be danger of their being released by superior force, their lives may be still taken, without regard to the fact that they acted under the authority of their country. A demand on the part of their government for an immediate release, on the ground assumed in this case, would be regarded as an act of insanity.

Now, sir, if the senators from Virginia and Massachusetts (Mr. Rives and Mr. Choate) could succeed in making the case of the attack on the Caroline to be an act of war, it would avail them nothing in their attempt to defend the demand of Mr. Fox or the concession of Mr. Webster. M'Leod, if it be war, would be a prisoner of war, which, if it protected his life, would forfeit his liberty. In that character, so far from his government having a right to demand his immediate release under a threat of war, our government would have the unquestionable right to detain him till there was a satisfactory termination of the war by the adjustment of the question.

To place this result in a stronger view, suppose, after the destruction of the Caroline, the armed band which perpetrated the act had been captured, on their retreat, by an armed force of our citizens, would they not, if the transaction is to be regarded as war, justly have been considered as prisoners of war, to be held as such in actual confinement, if our government thought proper, till the question was amicably settled? And would not the demand for their immediate release, in such a case, be regarded as one of the most insolent ever made by one independent country on another? And can the fact that one of the band has come into our possession as M'Leod has, if it is to be considered as war, vary the case in the least? Viewed in this light, the authority or sanction of the British government would be a good defence against the charge of murder or arson, but it would be no less so against his release.

But this is not a case of war, formal or informal, taking the latter in the broadest sense. It has not been thought so, nor so treated, by either government; and Mr. Webster himself, in his reply to Mr. Fox, which has been so lauded by the two senators, speaks of it as "a hostile intrusion into the territory of a power *at peace*." The transaction comes under a class of cases fully recognised by writers on international law as distinct from war—that of belligerants entering with force the territories of neutrals; and it only remains to determine whether, when viewed in this, its true light, our secretary has taken the grounds which our rights and honour required against the demand of the British minister.

Thus regarded, the first point presented for consideration is, whether Great Britain, as a belligerant, was justified in entering our territory under the circumstances she did. And here let me remark, that it is a fundamental principle in the laws of nations, that every state or nation has full and complete jurisdiction over its own territory, to the exclusion of all others—a principle essential to independence, and, therefore, held most sacred. It is accordingly laid down by all writers on those laws who treat of the subject, that nothing short of *extreme necessity* can justify a belligerant in entering, with an armed force, on the territory of a neutral power, and, when entered, in doing any act which is not forced on them by the like necessity which justified the entering. In both of the positions I am held out by the secretary himself. The next point to be considered is, Did Great Britain enter our territory in this case under any such necessity? and, if she did, were her acts limited by such necessity? Here, again, I may rely on the authority of the secretary, and, if it had not already been quoted by both of the senators on the other side who preceded me, I would read the eloquent passage towards the close of his letter to Mr. Fox, which they did with so much applause. With this high authority, I may then assume that the government of Great Britain, in this case, had no authority under the laws of nations, either to enter our territory, or to do what was done in the destruction of the Caroline, after it was entered.

Now, sir, I ask, under this statement of the case, What ought to have been our reply when the peremptory demand was made for the immediate

release of M'Leod? Ought not our Secretary of State to have told Mr. Fox that we regarded the hostile entry into our territory, and what was perpetrated after the entry, as without warrant under the laws of nations? That the fact had been made known to his government long since, immediately after the transaction? That we had received no explanation or answer? That we had no reason for believing that his government had sanctioned the act? That M'Leod had been arrested and indicted under the local authority of New-York, without possibility of knowing that the transaction had been sanctioned by it? That we still regarded the transaction in the light we originally did, and could not even consider the demand till the conduct of which we had complained was explained? But, in the mean time, that M'Leod might have the benefit of the fact on his trial, that the transaction was sanctioned by his government, it would be transmitted, in due form, to those who had charge of his defence?

Here let me say that I entirely concur with Mr. Forsyth, that the approval of the British government of the transaction in question was an important fact in the trial of M'Leod, without, however, pretending to offer an opinion whether it would be a valid reason against a charge of murder, of which the essence was killing with malice prepense. It is a point for the court and jury, and not for us, to decide. Nor do I intend to venture an opinion whether, if found guilty, with the knowledge of the fact that his government approved of his conduct, it ought not to be good cause for his pardon, on high considerations of humanity and policy. I leave both questions, without remark, to those to whom the decision properly belongs, except to express my conviction that there is not, and has not been, the least danger that any step would be taken towards him not fully sustained by justice, humanity, and sound policy. Any step which did not strictly comport with these would shock the whole community.

Having taken the ground, I have indicated that we ought to have received explanation before we responded to a peremptory demand; there we ought to have rested till we had first received explanation. It is a maxim, that he who seeks equity must do equity; and, on the same principle, a government that seeks to enforce the laws of nations in a particular case against another, ought to show that it has first observed them, on its own part, in the same transaction, or at least show plausible reasons for thinking that it had. None but a proud and haughty nation like England would think of making the demand she has without even deigning to notice our complaints against her conduct in connexion with the same transaction; and I cannot but think that, in yielding to her demand under such circumstances, the secretary has not only failed to exact what is due to our rights and honour as an independent people, but has, as far as the influence of the example may effect it, made a dangerous innovation on the code of international laws. I cannot but think the principle in which the demand to which he yielded was made is highly adverse to the weaker power, which we must admit ourselves yet to be when compared to Great Britain. Aggressions are rarely by the weak against the stronger power, but the reverse; and the practical effect of the principle, if admitted, would be to change the responsibility of declaring war from the aggressor, the stronger power, to the aggrieved, the weaker; a disadvantage so great, that the alternative of abandoning the demand of redress for the aggression would almost invariably be forced on the weaker, rather than to appeal to arms. This case itself will furnish an illustration. We have been told again and again, in this discussion, that, in yielding to the demand to release M'Leod, we do not sur-

render our right to hold Great Britain responsible; that we have the power and will to exact justice by arms. This may be so; but is it not felt on all sides that this is, I will not say empty boasting, but that it is all talk? After yielding to the peremptory demand for his immediate release; after sending the attorney-general to look after his safety, and employing able counsel to defend him against the laws of the state, the public feeling must be too much let down to think of taking so bold and responsible a measure as that of declaring war. The only hope we could ever have had for redress for the aggression would have been to demand justice of the British government before we answered her demand on us; and I accordingly regard the acquiescence in the demand for release, without making a demand of redress on our part, as settling all questions connected with the transaction. Thus regarding it, I must say that, though I am ready to concede to Mr. Webster's letter in reply to Mr. Fox all the excellences which his friends claim for it, the feeling that it was out of place destroyed all its beauties in my eyes. Its lofty sentiments and strong condemnation of the act would have shown to advantage in a letter claiming redress on our part before yielding to a peremptory demand; but, afterward, it looked too much like putting on airs when it was too late, after having made an apology, and virtually conceded the point at issue. In truth, the letter indicates that Mr. Webster was not entirely satisfied with his ready compliance with Mr. Fox's demand, of which the part where he says he is not certain that he correctly understood him in demanding an *immediate* release furnishes a striking instance.

There could be but little doubt as to what was meant; but the assumption of one afforded a convenient opportunity of modifying the ground he first took.

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## XXXI.

### SPEECH ON THE DISTRIBUTION BILL, AUGUST 24, 1841.

Mr. Calhoun said: If this bill should become a law, it would make a wider breach in the Constitution, and be followed by changes more disastrous, than any one measure which has ever been adopted. It would, in its violation of the Constitution, go far beyond the general-welfare doctrine of former days, which stretched the power of the government as far as it was then supposed was possible by construction, however bold. But, as wide as were the limits which it assigned to the powers of the government, it admitted by implication that there were limits; while this bill, as I shall show, rests on principles which, if admitted, would supersede all limits.

According to the general-welfare doctrine, Congress had power to raise money, and appropriate it to all objects which it might deem calculated to promote the general welfare—that is, the prosperity of the states, regarded in their aggregate character as members of the Union, or, to express it more briefly, and in language once so common, to national objects; thus excluding, by necessary implication, all that were not national, as falling within the spheres of the separate states. As wide as are these limits, they are too narrow for this bill. It takes in what is excluded under the general-welfare doctrine, and assumes for Congress the right to raise money to give, by distribution, to the states; that is, to be applied by them to those very local state objects to which that doctrine, by necessary implication, denied that Congress had a right to appropriate money; and thus superseding all the limits of the Constitution, as far,

at least, as the money power is concerned. The advocates of this extraordinary doctrine have, indeed, attempted to restrict it, in their argument, to revenue derived from the public lands; but facts speak louder than words. To test the sincerity of their argument, amendments after amendments have been offered to limit the operation of the bill exclusively to the revenue derived from that source, but which, as often as offered, have been steadily voted down by their united votes. But I take higher ground. The aid of those test votes, as strong as they are, is not needed to make good the assumption that Congress has the right to lay and collect taxes for the separate use of the states. The circumstances under which it is attempted to force this bill through speak, of themselves, a language too distinct to be misunderstood.

The treasury is exhausted; the revenues from the public lands cannot be spared; they are needed for the pressing and necessary wants of the government. For every dollar withdrawn from the treasury and given to the states, a dollar must be raised from the customs to supply its place: that is admitted. Now, I put it to the advocates of this bill, Is there, can there be, any real difference, either in principle or effect, between raising money from customs to be divided among the states, and raising the same amount from them to supply the place of an equal sum withdrawn from the treasury to be divided among the states? If there be a difference, my faculties are not acute enough to perceive it, and I would thank any one who can to point it out. But, if this difficulty could be surmounted, it would avail nothing, unless another, not inferior, can also be got over. The land from which the revenue proposed to be divided is derived was purchased (with the exception of the small portion, comparatively, lying between the Ohio and Mississippi Rivers) out of the common funds of the Union, and with money derived, for the most part, from customs. I do not exempt the portion acquired from Georgia, which was purchased at its full value, and cost as much, in proportion, as Florida purchased from Spain, or Louisiana from France.

If money cannot be raised from customs or other sources for distribution, I ask, How can money, derived from the sales of land purchased with money raised from the customs or other sources, be distributed among the states? If the money could not be distributed before it was vested in land, on what principle can it be when it is converted back again into money by the sales of the land? If, prior to the purchase, it was subject, in making appropriations, to the limits prescribed by the Constitution, how can it, after having been converted back again into money by the sale of the land, be freed from those limits? By what art, what political alchymy, could the mere passage of the money through the lands free it from the constitutional shackles to which it was previously subject?

But if this difficulty, also, could be surmounted, there is another, not less formidable and more comprehensive, still to be overcome. If the lands belong to the states at all, they must belong to them in one of two capacities—either in their federative character, as members of a common Union, or in their separate, as distinct and independent communities. If the former, this government, which was created as a common agent to carry into effect the objects for which the Union was formed, holds the lands, as it does all its other delegated powers, as a trustee for the states in their Federal character, for the execution of those objects, and no other purpose whatever; and can, of course, under the grant of the Constitution "to dispose of the territories or other property belonging to the United States," dispose of the lands only under its trust powers, and in execution of the objects for which they were granted by the Constitution. When, then, the lands, or other property of the United States, are disposed of by sale—that is, converted into money—the trust, with all its limitations, attaches as fully to the money as it did to the lands or property of which it is the proceeds. Nor would the government have any more right to divide the land or the money among the states—that is, to surrender it to them—than it

would have to surrender any other of its delegated powers. If it may surrender either to the states, it may also surrender the power of declaring war, laying duties, or coining money. They are all delegated by the same parties, held under the same instrument, and in trust, for the execution of the same objects. The assumption of such a right is neither more nor less than the assumption of a right paramount to the Constitution itself—the right on the part of the government to destroy the instrument and dissolve the Union, from which it derives its existence. To such monstrous results must the principle on which this bill rests lead, on the supposition that the lands—that is, the territories—belong to the United States, as they are expressly declared to do by the Constitution.

But the difficulty would not be less if they should be considered as belonging to the states in their individual and separate character. So considered, what right can this government possibly have over them? It is the agent or trustee for the United States; the states as members of a common Union, and not of the states individually, each of which has a separate government of its own to represent it in that capacity. For this government to assume to represent them in both capacities would be to assume all power—to centralize the whole system in itself. But, admitting this bold assumption, on what principle of right or justice, if the lands really belong to the states—or, which is the same thing, if the revenue from the lands belong to them—can this government impose the various limitations prescribed in the bill? What right has it, on that supposition, to appropriate funds belonging to the states separately to the use of the Union, in the event of war, or in case the price of the lands should be increased above a dollar and a quarter an acre, or any article of the tariff above twenty per centum ad valorem?

Such, and so overwhelming, are the constitutional difficulties which beset this measure. No one who can overcome them—who can bring himself to vote for this bill—need trouble himself about constitutional scruples hereafter. He may swallow without hesitation, bank, tariff, and every other unconstitutional measure which has ever been adopted or proposed. Yes: it would be easier to make a plausible argument for the constitutionality of the most monstrous of the measures proposed by the Abolitionists—for abolition itself—than for this detestable bill; and yet we find senators from slaveholding states, the very safety of whose constituents depends on a strict construction of the Constitution, recording their names in favour of a measure from which they have nothing to hope and everything to fear. To what is a course so blind to be attributed, but to that fanaticism of party zeal, openly avowed on this floor, which regards the preservation of the power of the Whig party as the paramount consideration? It has staked its existence on the passage of this and the other measures for which this extraordinary session was called; and when it is brought to the alternative of their defeat or success, in the anxiety to avoid the one and secure the other, constituents, Constitution, duty, and country—all are forgotten.

A measure which would make so wide and fatal a breach in the Constitution could not but involve in its consequences many and disastrous changes in our political system, too numerous to be traced in a speech. It would require a volume to do them justice. As many as may fall within the scope of my remarks, I shall touch in their proper place. Suffice it for the present to say, that such and so great would they be, as to disturb and confound the relations of all the constituent parts of our beautiful but complex system—of that between this and the co-ordinate governments of the states, and between them and their respective constituency. Let the principle of the distribution of the revenue, on which this bill rests, be established, and it would follow, as certainly as it is now before us, that this government and those of the states would be placed in antagonist relations on all subjects except the collection and distribution of revenue; which would end, in time, in converting this into a mere machine of collection and distribution for those of the states, to the utter neglect of all the

functions for which it was created. Then the proper responsibility of each to their respective constituency would be destroyed; then would succeed a scene of plunder and corruption without parallel, to be followed by dissolution, or an entire change of system. Yes: if any one measure can dissolve this Union, this is that measure. The revenue is the state, said the great British statesman, Burke. With us, to divide the revenue among its members is to divide the Union. This bill proposes to divide that from the lands. Take one step more, to which this will lead if not arrested—divide the revenue from the customs, and what of union would be left? I touched more fully on this, and other important points connected with this detestable measure, during the discussions of the last session, and shall not now repeat what I then said.

What I now propose is, to trace the change it would make in our financial system, with its bearings on what ought to be the policy of the government. I have selected it, not because it is the most important, but because it is that which has heretofore received the least attention.

This government has heretofore been supported almost exclusively from two sources of revenue—the lands and the customs; excepting a short period at its commencement, and during the late war, when it drew a great portion of its means from internal taxes. The revenue from lands has been constantly and steadily increasing with the increase of population, and may, for the next ten years, be safely estimated to yield an annual average income of $5,000,000, if they should be properly administered: a sum equal to more than a fourth of what the entire expenditures of the government ought to be with due economy, and restricted to the objects for which it was instituted.

This bill proposes to withdraw this large, permanent, and growing source of revenue from the treasury of the Union, and to distribute it among the several states; and the question is, Would it be wise to do so, viewed as a financial measure, in reference to what ought to be the policy of the government? which brings up the previous question, What ought that policy to be? In the order of things, the question of policy precedes that of finance. The latter has reference to, and is dependant on, the former. It must first be determined what ought to be done, before it can be ascertained how much revenue will be required, and on what it ought to be raised.

To the question, then, What ought to be the policy of the government? the shortest and most comprehensive answer which I can give is, that it ought to be the very opposite of that for which this extraordinary session was called, and of which this measure forms so prominent a part. The effect of these measures is to divide and distract the country within, and to weaken it without; the very reverse of the objects for which the government was instituted—which was to give peace, tranquillity, and harmony within, and power, security, and respectability without. We find, accordingly, that without, where strength was required, its powers are undivided. In its exterior relations—abroad, this government is the sole and exclusive representative of the united majesty, sovereignty, and power of the states constituting this great and glorious Union. To the rest of the world we are one. Neither state nor state government is known beyond our borders. Within it is different. There we form twenty-six distinct, independent, and sovereign communities, each with its separate government, whose powers are as exclusive within as that of this government is without, with the exception of three classes of powers which are delegated to it. The first is, those that were necessary to the discharge of its exterior functions—such as declaring war, raising armies, providing a navy, and raising revenue. The reason for delegating these requires no explanation. The next class consists of those powers that were necessary to regulate the exterior or international relations of the states among themselves, considered as distinct communities—powers that could not be exercised by the states separately, and the regulation of which was necessary to their peace, tranquillity, and that free

intercourse, social and commercial, which ought to exist between confederated states. Such are those of regulating commerce between the states, coining money, and fixing the value thereof, and the standard of weights and measures. The remaining class consists of those powers which, though not belonging to the exterior relations of the states, are of such nature that they could not be exercised by states separately without one injuring the other—such as imposing duties on imports; in exercising which, the maritime states, having the advantage of good ports, would tax those who would have to draw their supply through them. In asserting that, with these exceptions, the powers of the states are exclusive within, I speak in general terms. There are, indeed, others not reducible to either of these classes, but they are too few and inconsiderable to be regarded as exceptions.

On the moderate and prudent exercise of these, its interior powers, the success of the government, and with it our entire political system, mainly depend. If the government should be restricted in their exercise to the objects for which they are delegated, peace, harmony, and tranquillity would reign within; and the attention of the government, unabsorbed by distracting questions within, and its entire resources unwasted by expenditures on objects foreign to its duties, would be directed with all its energy to guard against danger from without, to give security to our vast commercial and navigating interest, and to acquire that weight and respectability for our name in the family of nations which ought to belong to the freest, most enterprising, and most growing people on the globe. If thus restricted in the exercise of these, the most delicate of its powers, and in the exercise of which only it can come in conflict with the governments of the states, or interfere with their interior policy and interest, this government, with our whole political system, would work like a charm, and become the admiration of the world. The states, left undisturbed within their separate spheres, and each in the full possession of its resources, would, with that generous rivalry which always takes place between clusters of free states of the same origin and language, and which gives the greatest possible impulse to improvement, carry excellence in all that is desirable beyond any former example.

But if, instead of restricting these powers to their proper objects, they should be perverted to those never intended; if, for example, that of raising revenue should be perverted into that of protecting one branch of industry at the expense of others; that of collecting and disbursing the revenue into that of incorporating a great central bank, to be located at some favoured point, and placed under local control; and that of making appropriations for specified objects, into that of expending money on whatever Congress should think proper—all this would be reversed. Instead of harmony and tranquillity within, there would be discord, distraction, and conflict, followed by the absorption of the attention of the government, and exhaustion of its means and energy on objects never intended to be placed under its control, to the utter neglect of the duties belonging to the exterior relations of the government, and which are exclusively confided to its charge. Such has been, and ever must be, the effect of perverting these powers to objects foreign to the Constitution. When thus perverted, they become unequal in their action, operating to the benefit of one part or class to the injury of another part or class—to the benefit of the manufacturing against the agricultural and commercial portions, or of the non-productive against the producing class. The more extensive the country, the greater would be the inequality and oppression. In ours, stretching over two thousand square miles, they become intolerable when pushed beyond moderate limits. It is then conflicts take place, from the struggle on the part of those who are benefited by the operation of an unequal system of legislation to retain their advantage, and on the part of the oppressed to resist it. When this state of things occurs, it is neither more nor less than a state of hostility between the oppressor and oppressed —war waged not by armies, but by laws; acts and sections of acts are sent by

the stronger party on a plundering expedition, instead of divisions and brigades, which often return more richly laden with spoils than a plundering expedition after the most successful foray.

That such must be the effect of the system of measures now attempted to be forced on the government by the perversion of its interior powers, I appeal to the voice of experience in aid of the dictates of reason. I go back to the beginning of the government, and ask, What, at its outset, but this very system of measures caused the great struggle which continued down to 1828, when the system reached its full growth in the tariff of that year? And what, from that period to the termination of the late election which brought the present party into power, has disturbed the harmony and tranquillity of the country, deranged its currency, interrupted its business, endangered its liberty and institutions, but a struggle on one side to overthrow, and on the other to uphold the system? In that struggle it fell prostrate; and what now agitates the country, what causes this extraordinary session, with all its excitement, but the struggle on the part of those in power to restore the system; to incorporate a bank; to re-enact a protective tariff; to distribute the revenue from the lands; to originate another debt, and renew the system of wasteful expenditures; and the resistance on the part of the opposition to prevent it? Gentlemen talk of settling these questions: they deceive themselves. They cry peace, peace, when there is no peace. There never can be peace till they are abandoned, or till our free and popular institutions are succeeded by the calm of despotism; and that not till the spirit of our patriotic and immortal ancestors, who achieved our independence and established our glorious political system, shall become extinct, and their descendants a base and sordid rabble. Till then, or till our opponents shall be expelled from power, and their hope of restoring and maintaining their system of measures is blasted, the struggle will be continued, the tranquillity and harmony of the country be disturbed, and the strength and resources of the government be wasted within, and its duties neglected without.

But, of all the measures which constitute this pernicious system, there is not one more subversive of the objects for which the government was instituted, none more destructive of harmony within and security without, than that now under consideration. Its direct tendency is to universal discord and distraction; to array the new states against the old, the non-indebted against the indebted, the staple against the manufacturing; one class against another; and, finally, the people against the government. But I pass these. My object is not to trace political consequences, but to discuss the financial bearings of this measure, regarded in reference to what ought to be the policy of the government; which, I trust, I have satisfactorily shown ought to be, to turn its attention, energy, and resources from within to without, to its appropriate and exclusive sphere, that of guarding against danger from abroad; giving free scope and protection to our commerce and navigation, and that elevated standing to the country to which it is so fairly entitled in the family of nations. It becomes necessary to repeat, preparatory to what I propose, that the object of this measure is to withdraw the revenue from the public lands from the treasury of the Union, to be divided among the states; that the probable annual amount that would be so drawn would average the next ten years not less than five millions of dollars; and that, to make up the deficit, an equal sum must be laid on the imports. Such is the measure, regarded as one of finance; and the question is, Would it be just, wise, expedient, considered in its bearings on what ought to be the policy of the government?

The measure, on its face, is but a surrender of one of the two sources of revenue to the states, to be divided among them in proportion to their joint delegation in the two houses of Congress, and to impose a burden to an equal amount on the imports; that is, on the foreign commerce of the country. In every view I can take, it is preposterous, unequal, and unjust. Regarded in its most fa-

vourable aspect—that is, on the supposition that the people of each state would pay back to the treasury of the Union, through the tax on the imports, in order to make up the deficit, a sum equal to that received by the state as its distributive share; and that each individual would receive of that sum an amount equal in proportion to what he paid of the taxes—what would that be but the folly of giving with one hand and taking back with the other? It would, in fact, be worse. The expense of giving and taking back must be paid for, which, in this case, would be one not a little expensive and troublesome. The expense of collecting the duties on imports is known to be about ten per cent.; to which must be added the expense and trouble of distribution, with the loss of the use of the money while the process is going on, which may be fairly estimated at two per cent. additional; making, in all, twelve per cent. for the cost of the process. It follows that the people of the state, in order to return back to the treasury of the Union an amount equal to the sum received by distribution, would have each to pay, by the supposition, twelve per cent. more of taxes than his share of the sum distributed. That sum (equal to six hundred thousand dollars on five millions) would go to the collectors of the taxes—the custom-house officers—for their share of the public spoils.

But it is still worse. It is unequal and unjust, as well as foolish and absurd. The case supposed would not be the real state of the facts. It would be scarcely possible so to arrange a system of taxes under which the people of each state would pay back a sum just equal to that received; much less that the taxes should fall on each individual in the state in the same proportion that he would receive of the sum distributed to the state. But, if this be possible, it is certain that no system of taxes on imports—especially the bill sent from the other house—can make such equalization. So far from that, I hazard nothing in asserting that the staple states would pay into the treasury, under its operation, three times as much as they would receive on an average by the distribution, and some of them far more; while to the manufacturing states, if we are to judge from their zeal in favour of the bill, the duties it proposes to impose would be bounties, not taxes. If judged by their acts, both measures—the distribution and the duties—would favour their pockets. They would be gainers, let who may be losers in this financial game.

But be the inequality greater or less than my estimate, what could be more unjust than to distribute a common fund in a certain proportion among the states, and to compel the people of the states to make up the deficit in a different proportion; so that some shall pay more, and others less, than what they respectively received? What is it but a cunningly-devised scheme to take from one state and to give to another—to replenish the treasuries of some of the states from the pockets of the people of the others; in reality, to make them support the governments and pay the debts of other states, as well as their own? Such must be the necessary result, as between the states which may pay more than they receive, and those which may receive more than they pay; the injustice and inequality will increase or decrease, just in proportion to the respective excess or deficit between receipts and payments, under this flagitious contrivance for plunder.

But I have not yet reached the reality of this profligate and wicked scheme. As unequal and unjust as it would be between state and state, it is still more so regarded in its operation between individuals. It is between them its true character and hideous features fully disclose themselves. The money to be distributed would not go to the people, but to the legislatures of the states; while that to be paid in taxes to make up the deficiency would be taken from them individually. A small portion of that which would go to the legislatures would ever reach the pockets of the people. It would be under the control and management of the dominant party of the Legislature, and they under the control and management of the leaders of the party. That it would be administer-

ed to the advantage of themselves, and their friends and partisans; and that they would profit more by their use and management of an irresponsible fund, taken from nobody knows who, than they would lose as payers of the taxes to supply its place, will not be doubted by any one who knows how such things are managed. What would be the result? The whole of the revenue from the immense public domain would, if this wicked measure should become the settled policy, go to the profit and aggrandizement of the leaders, for the time, of the dominant party in the twenty-six state legislatures, and their partisans and supporters; that is, to the most influential, if not the most wealthy clique, for the time, in the respective states; while the deficiency would be supplied from the pockets of the great mass of the community, by taxes on tea, coffee, salt, iron, coarse woollens, and, for the most part, other necessaries of life. And what is that but taking from the many and giving to the few—from those who look to their own means and industry for the support of themselves and families, and giving to those who look to the government for support, to increase the profit and influence of political managers and their partisans, and diminish that of the people? When it is added that the dominant party in each state for the time would have a direct interest in keeping up and enlarging this pernicious fund, and that their combined influence must for the time be irresistible, it is difficult to see by what means the country can ever extricate itself from this measure, should it be once established, or what limits can be prescribed to its growth, or the extent of the disasters which must follow. It contains the germe of mighty and fearful changes, if it be once permitted to shoot its roots into our political fabric, unless, indeed, it should be speedily eradicated.

In what manner the share that would fall to the states would, in the first instance, be applied, may, for the most part, be anticipated. The indebted states would probably pledge it to the payment of their debts; the effect of which would be to enhance their value in the hands of the holders—the Rothschilds, the Barings, the Hopes, on the other side of the Atlantic, with wealthy brokers and stock-jobbers on this. Were this done at the expense of the indebted states, none could object. But far different is the case when at the expense of the Union, by the sacrifice of the noble inheritance left by our ancestors, and when the loss of this great and permanent fund must be supplied from the industry and property of a large portion of the community, who had no agency or responsibility in contracting the debts, or benefit from the objects on which the funds were expended. On what principle of justice, honour, or Constitution, can this government interfere, and take from their pockets to increase the profit of the most wealthy individuals in the world?

The portion that might fall to the states not indebted, or those not deeply so, would probably, for the most part, be pledged as a fund on which to make new loans for new schemes similar to those for which the existing state debts were contracted. It may not be applied so at first; but such would most likely be the application on the first swell of the tide of expansion. Supposing one half of the whole sum to be derived from the lands should be so applied: estimating the income from that source at five millions, the half would furnish the basis of a new debt of forty or fifty millions. Stock to that amount would be created—would find its way to foreign markets, and would return, as other stocks of like kind have, in swelling the tide of imports in the first instance, but in the end by diminishing them to an amount equal to the interest on the sum borrowed, and cutting off in the same proportion the permanent revenue from the customs; and this, when the whole support of the government is about to be thrown exclusively on the foreign commerce of the country. So much for the permanent effects, in a financial view, of this measure.

The swelling of the tide of imports, in the first instance, from the loans, would lead to a corresponding flush of revenue, and that to extravagant expenditures, to be followed by embarrassment of the treasury, and a glut of

goods, which would bring on a corresponding pressure on the manufacturers; when my friend from Massachusetts (Mr. Bates), and other senators from that quarter, would cry out for additional protection, to guard against the necessary consequences of the very measure they are now so urgently pressing through the Senate. Such would be the consequences of this measure, regarded as one of finance, and in reference to its internal operation. It is not possible but that such a measure, so unequal and unjust between state and state, section and section—between those who live by their own means and industry, and those who live or expect to live on the public crib—would add greatly to that discord and strife within, and weakness without, which are necessarily consequent on the entire system of measures of which it forms a part.

But its mischievous effects on the exterior relations of the country would not be limited to its indirect consequences. There it would strike a direct and deadly blow, by withdrawing entirely from the defences of the country one of the only two sources of our revenue, and that much the most permanent and growing. It is now in the power of Congress to pledge permanently this great and increasing fund to that important object—to completing the system of fortifications, and building, equipping, and maintaining a gallant navy. It was proposed to strike out the whole bill; to expunge the detestable project of distribution, and to substitute in its place the revenue from the public lands, as a permanent fund, sacred to the defences of the country. And from what quarter did this patriotic and truly statesmanlike proposition come? From the far and gallant West; from a senator (Mr. Linn) of a state the most remote from the ocean, and secure from danger. And by whom was it voted down? Strange to tell, by senators from maritime states—states most exposed, and having the deepest interest in the measure defeated by their representatives on this floor. Wonderful as it may seem, Louisiana, Mississippi, Georgia, and South Carolina, each gave a vote against it. North Carolina, Virginia, Maryland, Delaware, and New-Jersey, gave each two votes against it. New-York gave one; and every vote from New-England, but two from New-Hampshire and one from Maine, was cast against it. Be it remembered in all after times, that these votes from states so exposed, and having so deep a stake in the defence of the country, were cast in favour of distribution—of giving gratuitously a large portion of the fund from the public domain to wealthy British capitalists, and against the proposition for applying it permanently to the sacred purpose of defending their own shores from insult and danger. How strange that New-York and New-England, with their hundreds of millions of property, and so many thousands of hardy and enterprising sailors annually afloat, should give so large a vote for a measure above all others best calculated to withdraw protection from both, and so small a vote against one best calculated to afford them protection! But, strange as that may be, it is still more strange that the staple states—the states that will receive so little from distribution, and which must pay so much to make up the deficiency it will cause—states so defenceless on their maritime frontier—should cast so large a vote for their own oppression, and against their own defence! Can folly, can party infatuation, be the cause one or both, go farther?

Let me say to the senators from the commercial and navigating states, in all soberness, that there is now a warm and generous feeling diffused throughout the entire Union in favour of the arm of defence with which your interest and glory are so closely identified. Is it wise, by any act of yours, to weaken or alienate such feelings? And could you do an act more directly calculated to do so? Remember, it is a deep principle of our nature not to regard the safety of those who do not regard their own. If you are indifferent to your own safety, you must not be surprised if those less interested should become still more so.

But as much as the defences of the country would be weakened directly by

the withdrawal of so large a fund, the blow would be by no means so heavy as that which, in its consequences, would fall on them. That would paralyze the right arm of our power. To understand fully how it would have that effect, we must look not only to the amount of the sum to be withdrawn, but also on what the burden would fall to make up the deficiency. It would fall on the commerce of the country, exactly where it would do most to cripple the means of defence. To illustrate the truth of what I state, it will be necessary to inquire what would be our best system of defence. And that would involve the prior question, From what quarter are we most exposed to danger? With that I shall accordingly begin.

There is but one nation on the globe from which we have anything serious to apprehend, but that is the most powerful that now exists or ever did exist. I refer to Great Britain. She is, in effect, our near neighbour, though the wide Atlantic divides us. Her colonial possessions stretch along the whole extent of our Eastern and Northern borders, from the Atlantic to the Pacific Ocean. Her power and influence extend over the numerous Indian tribes scattered along our Western border, from our Northern boundary to the infant Republic of Texas. But it is on our maritime frontier, extending from the mouth of the Sabine to that of St. Croix—a distance, with the undulations of the coast, of thousands of miles, deeply indented with bays and navigable rivers, and studded with our great commercial emporiums; it is there, on that long line of frontier, that she is the most powerful, and we the weakest and most vulnerable. It is there she stands ready, with her powerful navy, sheltered in the commanding positions of Halifax, Bermuda, and the Bahamas, to strike a blow at any point she may select on this long line of coast. Such is the quarter from which only we have danger to apprehend; and the important inquiry which next presents itself is, How can we best defend ourselves against a power so formidable, thus touching us on all points, excepting the small portion of our boundary along which Texas joins us?

Every portion of our extended frontier demands attention, inland as well as maritime; but with this striking difference: that on the former, our power is as much greater than hers as hers is greater than ours on the maritime. There we would be the assailant, and whatever works may be erected there ought to have reference to that fact, and look mainly to protecting important points from sudden seizure and devastation, rather than to guard against any permanent lodgment of a force within our borders.

The difficult problem is the defence of our maritime frontier. That, of course, must consist of fortifications and a navy; but the question is, Which ought to be mainly relied on, and to what extent may the one be considered as superseding the other? On both points I propose to make a few remarks.

Fortifications, as the means of defence, are liable to two formidable objections, either of which is decisive against them as an exclusive system of defence. The first is, that they are purely defensive. Let the system be ever so perfect, the works located to the greatest advantage, and planned and constructed in the best manner, and all they can do is to repel attack. They cannot assail. They are like a shield without a sword. If they should be regarded as sufficient to defend our maritime cities, still they cannot command respect, or give security to our widely-spread and important commercial and navigating interests.

But regarded simply as the means of defence, they are defective. Fortifications are nothing without men to garrison them; and if we should have no other means of defence, Great Britain could compel us, with a moderate fleet stationed at the points mentioned, and with but a small portion of her large military establishment, to keep up on our part, to guard our coast, ten times the force, at many times the cost, to garrison our numerous forts. Aided by the swiftness of steam, she could menace at the same time every point of our coast; while

we, ignorant of the time or point where the blow might fall, would have to stand prepared, at every moment and at every point, to repel her attack. A hundred thousand men constantly under arms would be insufficient for the purpose; and we would be compelled to yield, in the end, ingloriously, without striking a blow, simply from the exhaustion of our means.

Some other mode of defence, then, must be sought. There is none other but a navy. I, of course, include steam as well as sails. If we want to defend our coast and protect our rights abroad, it is absolutely necessary. The only questions are, How far ought our naval force to be carried? and to what extent would it supersede the system of fortification?

Before I enter on the consideration of this important point, I owe it to myself and the subject to premise that my policy is peace, and that I look to the navy but as the right arm *of defence, not as an instrument of conquest or aggrandizement.* Our road to greatness, as I said on a late occasion, lies not over the ruins of others. Providence has bestowed on us a new and vast region, abounding in resources beyond any country of the same extent on the globe. Ours is a peaceful task—to improve this rich inheritance; to level its forests; cultivate its fertile soil; develop its vast mineral resources; give the greatest rapidity and facility of intercourse between its widely-extended parts; stud its wide surface with flourishing cities, towns, and villages; and spread over it richly-cultivated fields. So vast is our country, that generations after generations may pass away in executing this task, during the whole of which time we would be rising more surely and rapidly in numbers, wealth, greatness, and influence, than any other people have ever done by arms. But, to carry out successfully this, our true plan of acquiring greatness and happiness, it is not of itself sufficient to have peace and tranquillity within. These are, indeed, necessary, in order to leave the states and their citizens in the full and undisturbed possession of their resources and energy, by which to work out, in generous rivalry, the high destiny which certainly awaits our country if we should be but true to ourselves. But, as important as they may be, it is not much less so to have safety against external danger, and the influence and respectability abroad necessary to secure our exterior interests and rights (so important to our prosperity) against aggression. I look to a navy for these objects, and it is within the limits they assign I would confine its growth. To what extent, then, with these views, ought our navy to be carried? In my opinion, any navy less than that which would give us the habitual command of our own coast and seas, would be little short of useless. One that could be driven from sea and kept in harbour by the force which Great Britain could safely and constantly allot to our coast, would be of little more service than an auxiliary aid to our fortifications in defending our harbours and maritime cities. It would be almost as passive as they are, and would do nothing to diminish the expense, which I have shown would be so exhausting, to defend the coast exclusively by fortifications.

But the difficult question still remains to be solved: What naval force would be sufficient for that purpose? It will not be expected that I should give more than a conjectural answer to such a question. I have neither the data nor the knowledge of naval warfare to speak with anything like precision, but I feel assured that the force required would be far less than what would be thought when the question is first propounded. The very idea of defending ourselves on the ocean against the immense power of Great Britain on that element has something startling at the first blush. But, as greatly as she outnumbers us in ships and naval resources, we have advantages that countervail that, in reference to the subject in hand. If she has many ships, she has also many points to guard, and these as widely separated as are the parts of her widely-extended empire. She is forced to keep a home fleet in the Channel, another in the Baltic, another in the Mediterranean, one beyond the Cape of Good Hope, to guard her important possessions in the East, and another in the Pacific. Our situa-

tion is the reverse. We have no foreign possessions, and not a point to guard beyond our own maritime frontier. There our whole force may be concentrated, ready to strike whenever a vulnerable point is exposed. If to these advantages be added, that both France and Russia have large naval forces; that between us and them there is no point of conflict; that they both watch the naval supremacy of Great Britain with jealousy; and that nothing is more easy than for us to keep on good terms with both powers, especially with a respectable naval force at our command, it will be readily perceived that a force far short of that of Great Britain would effect what I contemplate. I would say a force equal to one third of hers would suffice; but if not, certainly less than half would. And if so, a naval force of that size would enable us to dispense with all fortifications, except at important points, and such as might be necessary in reference to the navy itself, to the great relief of the treasury, and saving of means to be applied to the navy, where it would be far more efficient. The less considerable points might be safely left to the defence of cheap works, sufficient to repel plundering attacks; as no large fleet, such as would be able to meet us, with such a naval force as that proposed, would ever think of disgracing itself by attacking places so inconsiderable.

Assuming, then, that a navy is indispensable to our defence, and that one less than that supposed would be in a great measure useless, we are naturally led to look into the sources of our naval power preparatory to the consideration of the question how they will be affected by imposing on commerce the additional burden this bill would make necessary.

Two elements are necessary to naval power—sailors and money. A navy is an expensive force, and is only formidable when manned with regularly-bred sailors. In our case, both of these depend on commerce. Commerce is indispensable to form a commercial marine, and that to form a naval marine; while commerce is with us, if this bill should pass, the only source of revenue. A flourishing commerce is, then, in every respect, the basis of our naval power; and to cripple commerce is to cripple that power—to paralyze the right arm of our defence. But the imposition of onerous duties on commerce is the most certain way to cripple it. Hence this detestable and mischievous measure, which surrenders the only other source of revenue, and throws the whole burden of supporting the government exclusively on commerce, aims a deadly blow at the vitals of our power.

The fatal effect of high duties on commerce is no longer a matter of speculation. The country has passed recently through two periods—one of protective tariffs and high duties, and the other of a reduction of duties; and we have the effects of each in our official tables, both as it regards our tonnage and commerce. They speak a language not to be mistaken, and far stronger than any one could anticipate who has not looked into the tables, or made himself well acquainted with the powerful operation of low duties in extending navigation and commerce. As much as I had anticipated from their effects, the reduction of the duties—the lightening of the burdens of commerce—have greatly exceeded my most sanguine expectation.

I shall begin with the tonnage, as more immediately connected with naval power; and, in order to show the relative effects of high duties and low on our navigation, I shall compare the period from 1824, when the first great increase of protective duties took place, to 1830 inclusive, when the first reduction of duties commenced. During these seven years, which include the operation of the two protective tariffs of 1824 and 1828—that is, the reign of the high protective tariff system—our foreign tonnage fell off from 639,972 tons to 576,475, equal to 61,497; our coasting tonnage from 719,190 to 615,310, equal to 103,880 tons—making the falling off in both equal to 165,370 tons. Yes; to that extent (103,880) did our coasting tonnage decline—the very tonnage, the increase of which, it was confidently predicted by the protective party, would

make up for every possible loss in our foreign tonnage from their miserable quack system. Instead of that, the falling off in the coasting trade is even greater than in the foreign; proving clearly that high duties are not less injurious to the home than to the foreign trade.

I pass now to the period (I will not say of free trade—it is far short of that) of reduction of high protective duties; and now mark the contrast between the two. I begin with the year 1831, the first after the reduction was made on a few articles (principally coffee and tea), and will take in the entire period down to the last returns—that of 1840—making a period of ten years. This period includes the great reduction under the Compromise Act, which is not yet completed, and which, in its farther progress, would add greatly to the increase, if permitted to go through undisturbed. The tonnage in the foreign trade increased during that period from 576,475 tons to 899,764, equal to 323,288 tons—not much less than two thirds of the whole amount at the commencement of the period; and the coasting for the same period increased from 615,310 to 1,280,999, equal to 665,699 tons—more than double; and this, too, when, according to the high tariff doctrine, our coasting trade ought to have fallen off instead of increasing (in consequence of the reduction of the duties), and thus incontestably proving that low duties are not less favourable to our domestic than to our foreign trade. The aggregate tonnage for the period has increased from 1,191,776 to 2,180,763—nearly doubled. Such, and so favourable to low duties in reference to tonnage, is the result of the comparison between the two periods.

The comparison in reference to commerce will prove not less so. In making the comparison, I shall confine myself to the export trade, not because it gives results more favourable—for the reverse is the fact—but because the heavy loans contracted by the states during the latter period (between 1830 and 1841) gave a factitious increase to the imports, which would make the comparison appear more favourable than it ought in reality to be. Their effects were different on the exports. They tended to decrease rather than increase their amount. Of the exports, I shall select domestic articles only, because they only are affected by the rate of the duties, as the duties on foreign articles, paid or secured by bond on their importation, are returned on reshipment. With these explanatory remarks, I shall now proceed to the comparison.

The amount in value of domestic articles exported for 1825 was $66,944,745, and in the year 1830, $59,462,029; making a falling off, under the high tariff system, during that period, of $7,482,718. Divide the period into two equal parts of three years each, and it will be found that the falling off in the aggregate of the latter part, compared to the former, is $13,090,255; showing an average annual decrease of $4,963,418 during the latter part, compared with the former.

The result will be found very different on turning to the period from 1830, when the reduction of the duties commenced, to 1840, during the whole of which the reduction has been going on. The value of domestic exports for 1831 was $61,277,057, and for 1840, $113,895,634; making a difference of $52,618,577, equal to eighty-three per cent. (omitting fractions) for the ten years. If the period be divided into two equal parts of five years each, the increase of the latter, compared to the former, will be found to be $139,089,371; making an average annual increase for the latter period (from 1835 to 1840) of $27,817,654. This rapid increase began with the great reduction under the Compromise Act of 1833. The very next year after it passed, the domestic exports rose from $81,034,162 to $101,189,082—just like the recoil which takes place when the weight is removed from the spring.

But my friends from the manufacturing states will doubtless say that this vast increase of exports from reduction of duties was confined to the great agricultural staples, and that the effects were the reverse as to the export of domestic manufactures. With their notion of protection, they cannot be prepared

to believe that low duties are favourable to them. I ask them to give me their attention while I show how great their error is. So far from not partaking of this mighty impulse from reduction, they felt it more powerfully than other articles of domestic exports, as I shall now proceed to show from the tables.

The exports of domestic manufactures during the period from 1824 to 1832 inclusive—that is, the period of the high protective duties under the tariffs of 1824 and 1828—fell from $5,729,797 to $5,050,633, making a decline of $679,133 during that period. This decline was progressive, and nearly uniform, from year to year, through the whole period. In 1833 the Compromise Act was passed, which reduced the duties at once nearly half, and has since made very considerable progressive reduction. The exports of domestic manufactures suddenly, as if by magic, sprung forward, and have been rapidly and uniformly increasing ever since; having risen, in the eight years, from 1832 to 1840, from $505,633 to $12,108,538, a third more than double in that short period, and that immediately following a great decline in the preceding period of eight years, under high duties.

Such were the blighting effects of high duties on the tonnage and the commerce of the country, and such the invigorating effects of their reduction. There can be no mistake. The documents from which the statements are taken are among the public records, and open to the inspection of all. The results are based on the operations of a series of years, showing them to be the consequence of fixed and steady causes, and not accidental circumstances; while the immediate and progressive decrease and increase of tonnage, both coastwise and foreign, and of exports, including manufactured as well as other articles, with the laying on of high duties, and the commencement and progress of their reduction, point out, beyond all controversy, *high duties to be the cause of one, and reduction—low duties—that of the other.*

It will be in vain for the advocates of high duties to seek for a different explanation of the cause of these striking and convincing facts in the history of the two periods. The first of these, from 1824 to 1832, is the very period when the late Bank of the United States was in the fullest and most successful operation; when exchanges, according to their own showing, were the lowest and most steady, and the currency the most uniform and sound; and yet, with all these favourable circumstances, which they estimate so highly, and with no hostile cause operating from abroad, our tonnage and commerce, in every branch on which the duties could operate, fell off: on the contrary, during the latter period, when all the hostile causes which they are in the habit of daily denouncing on this floor, and of whose disastrous consequences we have heard so many eloquent lamentations; yes, in spite of contractions and expansions; in spite of tampering with the currency, and the removal of the deposites; in spite of the disordered state of the whole machinery of commerce; the deranged state of the currency, both at home and abroad; in spite of the state of the exchanges, and of what we are constantly told of the agony of the country, both have increased—rapidly increased—increased beyond all former example! Such is the overpowering effect of removing weights from the springs of industry, and striking off shackles from the free exchange of products, as to overcome all adverse causes.

Let me add, Mr. President, that of this highly prosperous period to industry (however disastrous to those who have over-speculated, or invested their funds in rotten and swindling institutions), the most prosperous of the whole, as the tables will show, is that during the operation of the Sub-treasury—a period when some progress was made towards the restoration of the currency of the Constitution. In spite of the many difficulties and embarrassments of that trying period, the progressive reduction of the duties, and the gradual introduction of a sounder currency, gave so vigorous a spring to our industry as to overcome them all; showing clearly, if the country was blessed with the full and steady

operation of the two, under favourable circumstances, that it would enjoy a degree of prosperity exceeding what even the friends of that measure anticipated.

Having now shown that the navy is the right arm of our defence; that it depends on commerce for its resources, both as to men and means; and that high duties destroy the growth of our commerce, including navigation and tonnage, I have, I trust, satisfactorily established the position which I laid down—that this measure, which would place the entire burden of supporting the government on commerce, would paralyze the right arm of our power. Vote it down, and leave commerce as free as possible, and it will furnish ample resources, skilful and gallant sailors, and an overflowing treasury, to repel danger far from our shores, and maintain our rights and dignity in our external relations. With the aid of the revenue from land, and proper economy, we might soon have ample means to enlarge our navy to that of a third of the British, with duties far below the limits of 20 per cent. prescribed by the Compromise Act. The annual appropriation, or cost of the British navy, is about $30,000,000. Ours, with the addition of the appropriation for the home squadron made this session, is (say) $6,000,000; requiring only the addition of four millions to make it equal to a third of that of Great Britain, provided that we can build, equip, man, and maintain ours as cheaply as she can hers. That we can, with proper management, can scarcely be doubted, when we reflect that our navigation, which involves almost all the elements of expense that a navy does, successfully competes with hers over the world. Nor are we deficient in men—gallant and hardy sailors—to man a navy on as large a scale as is suggested. Already our tonnage is two thirds of that of Great Britain, and will, in a short time, approach an equality with hers, if our commerce should be fairly treated. Leave, then, in the treasury the funds proposed to be withdrawn by this detestable bill; apply it to the navy and defences of the country; and even at its present amount, with small additional aid from the impost, it will give the means of raising it, with the existing appropriation, to the point suggested; and, with the steady increase of the fund from the increased sales of lands, keeping pace with the increase of our population, and the like increase of commerce under a system of light and equal duties, we may, with proper economy in the collection and disbursements of the revenue, raise our navy steadily, without feeling the burden, to half the size of the British, or more, if more be needed for defence and the maintenance of our rights. Beyond that we ought never to aim.

I have (said Mr. C.) concluded what I proposed to say. I have passed over many and weighty objections to this measure, which I could not bring within the scope of my remarks without exhausting the patience of the body. And now, senators, in conclusion, let me entreat you in the name of all that is good and patriotic—in the name of our common country, and the immortal fathers of our Revolution and founders of our government—to reject this dangerous bill. I implore you to pause, and ponder before you give your final vote for a measure which, if it should pass and become a permanent law, would do more to defeat the ends for which this government was instituted, and to subvert the Constitution, and destroy the liberty of the country, than any which has ever been proposed.

# XXXII.

## SPEECH ON THE TREASURY NOTE BILL, JANUARY 25, 1842.

Mr. Calhoun said: There is no measure that requires greater caution, or more severe scrutiny, than one to impose taxes or raise a loan, be the form what it may. I hold that government has no right to do either except when the public service makes it imperiously necessary, and then only to the extent that it requires. I also hold that the expenditures can only be limited by limiting the supplies. If money is granted, it is sure to be expended. Thus thinking, it is a fundamental rule with me not to vote for a loan or tax bill till I am satisfied it is necessary for the public service, and then not, if the deficiency can be avoided by lopping off unnecessary objects of expenditure, or the enforcement of an exact and judicious economy in the public disbursements. Entertaining these opinions, it was in vain that the chairman of the Finance Committee pointed to the estimates of the year as a sufficient reason for the passage of this bill as amended. Estimates are too much a matter of course to satisfy me in a case like this. I have some practical knowledge of the subject, and know too well how readily old items are put down, from year to year, without much inquiry whether they can be dispensed with or reduced, and new ones inserted, without much more reflection, to put much reliance on them. To satisfy me, the chairman must do what he has not even attempted: he must state satisfactorily the reasons for every new item, and the increase of every old one, and show that the deficiency to meet the revenue cannot be avoided by retrenchment and economy. Until he does that, he has no right to call on us to vote this heavy additional charge of five millions of dollars on the people, especially at a period of such unexampled pecuniary embarrassment. Having omitted to perform this duty, I have been constrained to examine for myself the estimates in a very hasty manner, with imperfect documents, and no opportunity of deriving information from the respective departments. But, with all these disadvantages, I have satisfied myself that this loan is unnecessary; that its place may be supplied, and more than supplied, by retrenchment and economy, and the command of resources in the power of the government, without materially impairing the efficiency of the public service; my reasons for which I shall now proceed to state.

The estimates of the Secretary of the Treasury for the expenditures of the year are $32,997,258, or, in round numbers, thirty-three millions, embraced under the following heads: the civil list, including foreign intercourse and miscellaneous, amounting to $4,000,987 37; military, in all its branches, $11,717,791 83; navy, $8,705,579 83; permanent appropriations, applicable to the service of the year, $1,572,906; and treasury notes to be redeemed, $7,000,000.

Among the objects of retrenchment, I place at the head the great increase that is proposed to be made to the expenditures of the navy, compared with that of last year. It is no less than $2,508,032 13, taking the expenditure of last year from the annual report of the secretary. I see no sufficient reason, at this time, and in the present embarrassed condition of the treasury, for this great increase. I have looked over the report of the secretary hastily, and find none assigned, except general reasons for an increased navy, which I am not disposed to controvert. But I am decidedly of the opinion that the commencement ought to be postponed till some systematic plan is matured, both as to the ratio of in-

crease and the description of force of which the addition should consist, and till the department is properly organized and in a condition to enforce exact responsibility and economy in its disbursements. That the department is not now properly organized and in that condition, we have the authority of the secretary himself, in which I concur. I am satisfied that its administration cannot be made effective under the present organization, particularly as it regards its expenditures. I have very great respect for the head of the department, and confidence in his ability and integrity. If he would hear the voice of one who wishes him well, and who takes the deepest interest in the branch of service of which he is the chief, my advice would be, to take time; to look about; to reorganize the department in the most efficient manner, on the staff principle; and to establish the most rigid accountability and economy in the disbursements before the great work of a systematic increase is commenced. Till that is done, add not a dollar to the expenditure. Make sure of the foundation before you begin to rear the superstructure. I am aware that there will be a considerable increase this year in the navy, compared to the expenditure of last year, in consequence of the acts of the extraordinary session. This may deduct several hundred thousand dollars from the amount I propose to retrench; but I cannot doubt that an improved administration of the moneyed affairs of the department, with the very great reduction in prices and wages, a saving may be made more than sufficient to make up for that deduction. In speaking of improved administration, I comprehend the marine corps. And here I deem it my duty to remark, that the estimates for that branch of the service appear to me to be very large. The corps is estimated at one thousand privates, and its aggregate expense at $502,292. This strikes me to be far too large for so small a corps, of long standing, stationed at convenient and cheap points, and at a period when the price of provisions, clothing, and all other articles of suppy is low. A large portion, I observe, is for barracks, which, if proper at all, surely may be postponed till the finances are placed in better condition.

I shall now pass from the naval to the military department; and here I find an estimate of $1,508,032 13 for harbours, creeks, and the like. I must say that I am surprised at this estimate. All who have been members of the Senate for the last eight or ten years must be familiar with the history of this item of expenditure. It is one of the branches of the old, exploded American System, and almost the only one which remains. It has never been acquiesced in, and was scarcely tolerated when the treasury was full to overflowing with the surplus revenue. Of all the extravagant and lawless appropriations of the worst of times, I have ever regarded it as the most objectionable—unconstitutional, local in its character, and unequal and unjust in its operation. Little did I anticipate that such an item, and of so large an amount, would at this time be found in the estimates, when the treasury is deeply embarrassed, the credit of the government impaired, and the revenue from the lands surrendered to the states and territories. Such an item, at such a period, looks like infatuation; and I hope the Committee on Finance, when it comes to take up the estimates, will strike it out. It certainly ought to be expunged, and I shall, accordingly, place it among the items that ought to be retrenched.

Passing to the treasury department, I observe an estimate of $43,932 for surveys of public lands; and, under the head of "balances of appropriations on the 31st of December, 1841, required to be expended in 1842," $200,000 for the same object: making together $243,932, which ought either not to be in the estimates, or, if put there, ought to be credited in the

receipts of the year. The reason will be apparent when it is stated that the Distribution Act deducts the expenses incident to the administration of the public lands, and, among others, that for surveying; and, of course, it must be deducted from the revenue from the lands, before it is distributed among the states, and brought to the credit of the treasury. It is, in fact, but an advance out of the land fund, to be deducted from it before it is distributed. There are several other items in the estimates connected with the expenses incident to the administration of the public lands to which the same remarks are applicable, and which would make an additional deduction of many thousand dollars, but the exact amount of which I have not had time to ascertain. These several items, taken together, make the sum of $4,317,322 25, that may fairly be struck from the estimates. To these there are, doubtless, many others of considerable amount that might be added, had I the time and means for full investigation. Among them, I would call the attention of the chairman to an item of $158,627 17, under the name of "patent fund," and comprised among the balances of appropriations on the 31st of December last, and which will be required for this year. I have not had time to investigate it, and am uninformed of its nature. I must ask the chairmain to explain. Does it mean receipts of money derived from payments for patents? If so, it ought to be passed to the treasury, and classed under the receipts of the year, and not the appropriations, unless, indeed, there be some act of Congress which has ordered otherwise. If it be an appropriation, I would ask, To what is it appropriated, and to what particular objects is it to be applied this year? The chairman will find it in page 40 of the document containing the estimates.

I would ask the chairman, also, whether the interest on the trust funds, including both the Smithsonian and Indian, which may not be applied to the object of the trusts during the year, have been comprehended in the receipts of the year? We pay interest on them, and have the right, of course, to their use till required to be paid over. The interest must be considerable. That of the former alone is about $30,000 annually.

I would also call his attention to the pension list. I observe the diminution of the number of pensioners for the last year is very considerable, and, from the extreme age of the revolutionary portion, there must be a rapid diminution till the list is finally closed. I have not had time to investigate the subject sufficiently to say to what amount the treasury may be relieved from that source, but I am informed, by a friend who is familiar with the subject, that a very great reduction of expenditure, say $300,000 annually, for some years, may be expected under that head. Under these various heads, and others, which a careful examination might designate, I feel confident that a reduction might be made by retrenchment in the estimates to the amount of the sum proposed to be borrowed by this bill, as amended, without materially impairing the efficiency of the government.

I shall next proceed to examine what reduction may be made by strict economy in the public disbursements; by which I mean, not parsimony, but that careful and efficient administration of the moneyed affairs of the government which guards against all abuse and waste, and applies every dollar to the object of appropriations, and that in the manner best calculated to produce the greatest result. This high duty properly appertains to the functions of the executive, and Congress can do but little more than to urge on and sustain that department of the government to which it belongs in discharging it, and which must take the lead in the work of economy and reform. My object is to show that there is ample room for the work, and that great reduction may be made in the expenditures by

such an administration of the moneyed affairs of the government as I have described. But how is this to be made apparent? Can it be done by minute examination of the various items of the estimates and expenditures? Can a general state of looseness, of abuses, or extravagance in the disbursements, be detected and exposed by such examination? All attempts of the kind have failed, and must continue to do so. It would be impracticable to extend such an inquiry through the various heads of expenditures. A single account might be selected, that would occupy a committee a large portion of a session; and, after all their labour, it would be more than an even chance that they would fail to detect abuses and mismanagement, if they abounded ever so much. They lie beyond the accounts, and can only be reached by the searching and scrutinizing eyes of faithful and vigilant officers charged with the administrative supervision.

There is but one way in which Congress can act with effect in testing whether the public funds have been judiciously and economically applied to the objects for which they were appropriated, and, if not, of holding those charged with their administration responsible; and that is, by comparing the present expenditures with those of past periods of acknowledged economy, or foreign contemporaneous service of like kind. If, on such comparison, the differences should be much greater than they should be, after making due allowance, those who have the control should be held responsible to reduce them to a proper level, or to give satisfactory reasons for not doing it; and that is the course which I intend to pursue. They who now have the control, both of Congress and the executive department, came into power on a solemn pledge of reform; and it is but fair that they should be held responsible for the reformation of the abuses and mismanagement which they declared to exist, and the great reduction of expenses which they pledged themselves to make if the people should raise them to power.

But I am not so unreasonable as to expect that reform can be the work of a day. I know too well the labour and the time it requires to entertain any such opinion. All I ask is, that the work shall be early, seriously, and systematically commenced. It is to be regretted that it has not already commenced, and that there is so little apparent inclination to begin. We had a right to expect that the chairman of the Committee on Finance, in bringing forward a new loan of $5,000,000, would have at least undertaken to inform us, after a full survey of the estimates and expenditures, whether any reduction could be made, and, if any, to what amount, before he asked for a vote adding so great an addition to the public debt. I cannot but regard the omission as a bad omen. It looks like repudiation of solemn pledges. But what he has failed to do I shall attempt, but in a much less full and satisfactory manner than he might have done, with all his advantages as the head of the committee. For the purpose of comparing, I shall select the years 1823 and 1840. I select the former because it is one of the years of the second term of Mr. Monroe's administration, and which, it is admitted now, administered the moneyed affairs of the government with a reasonable regard to economy; but at that time it was thought by all to be liberal in its expenditures, and by some even profuse, as several senators whom I now see, and who were then members of Congress, will bear witness. But I select it for a still stronger reason. It is the year which immediately preceded the first act professedly passed on the principles of the protective policy. The intervening time between the two periods comprehends the two acts of 1824 and 1828, by which that policy was carried to such great extremes. To those acts, connected with the banking system, and the connexion of the banks with the government, is

to be attributed that train of events which has involved the country and the government in so many difficulties; and, among others, that vast increase of expenditures which has taken place since 1823, as will be shown by the comparison I am about to make.

The disbursements of the government are comprised under three great heads: the civil list, including foreign intercourse and miscellaneous; the military; and the navy. I propose to begin with the first, and take them in the order in which they stand.

The expenditures under the first head have increased since 1823, when they were $2,022,093, to $5,492,030 98, the amount in 1840; showing an increase, in seventeen years, of $2\frac{7}{10}$ to 1, while the population has increased only about $\frac{3}{4}$ to 1, that is, about 75 per cent.; making the increase of expenditures, compared to the increase of population, about $3\frac{6}{10}$ to 1. This enormous increase has taken place although a large portion of the expenditures under this head, consisting of salaries to officers and the pay of members of Congress, have remained unchanged. The next year, in 1841, the expenditure rose to $6,196,560. I am, however, happy to perceive a considerable reduction in the estimates for this year compared with the last and several preceding years; but still leaving room for great additional reduction to bring the increase of expenditures to the same ratio with the increase of population, as liberal as that standard of increase would be.

That the Senate may form some conception, in detail, of this enormous increase, I propose to go more into particulars in reference to two items—the contingent expenses of the two houses of Congress, and that of collecting the duties on imports. The latter, though of a character belonging to the civil list, is not included in it, or either of the other heads; as the expenses incident to collecting the customs are deducted from the receipts before the money is paid into the treasury.

The contingent expenses (they exclude the pay and mileage of members) of the Senate, in 1823, were $12,841 07, of which the printing cost $6349 56, and stationary $1631 51; and that of the House $37,848 95, of which the printing cost $22,314 41, and the stationary $3877 71. In 1840, the contingent expenses of the Senate were $77,447 22, of which the printing cost $31,285 32, and the stationary $7061 77; and that of the House $199,219 57, of which the printing cost $65,086 46, and the stationary $36,352 99. The aggregate expenses of the two houses together rose from $50,690 02 to $276,666, being an actual increase of $5\frac{4}{10}$ to 1, and an increase, in proportion to population, of about $7\frac{2}{10}$ to 1. But, as enormous as this increase is, the fact that the number of members had increased not more than about ten per cent. from 1823 to 1840, is calculated to make it still more strikingly so. Had the increase kept pace with the increase of members (and there is no good reason why it should greatly exceed it), the expenditures would have risen from $50,690 to $55,759 only, making an increase of but $5069; but, instead of that, it rose to $276,666, making an increase of $225,970. To place the subject in a still more striking view, the contingent expenses in 1823 were at the rate of $144 per member, which one would suppose was ample, and in 1840, $942. This vast increase took place under the immediate eyes of Congress; and yet we were told at the extra session, by the present chairman of the Finance Committee, that there was no room for economy, and that no reduction could be made; and even in this discussion he has intimated that little can be done. As enormous as are the contingent expenses of the two houses, I infer, from the very great increase of expenditures under the head of civil list generally, when so large a portion is for fixed salaries, which have not been materially increased for the last seventeen years, that they are not much less so throughout the whole range of this branch of the public service.

I shall now proceed to the other item, which I have selected for more particular examination, the increased expenses of collecting the duties on imports. In 1823 it was $766,699, equal to $3\frac{36}{100}$ per cent. on the amount collected, and $\frac{98}{100}$ on the aggregate amount of imports; and in 1840 it had increased to $1,542,319 24, equal to $14\frac{13}{100}$ per cent. on the amount collected, and to $1\frac{58}{100}$ on the aggregate amount of the imports, being an actual increase of nearly a million, and considerably more than double the amount of 1823. In 1839 it rose to $1,714,515.

From these facts, there can be little doubt that more than a million annually may be saved under the two items of contingent expenses of Congress and the collection of the customs, without touching the other great items comprised under the civil list, the executive and judicial departments, the foreign intercourse, lighthouses, and miscellaneous. It would be safe to put down a saving of at least half a million for them.

I shall now pass to the military, with which I am more familiar. I propose to confine my remarks almost entirely to the army proper, including the Military Academy, in reference to which the information is more full and minute. I exclude the expenses incident to the Florida war, and the expenditures for the ordnance, the engineer, the topographical, the Indian, and the pension bureaus. Instead of 1823, for which there is no official and exact statement of the expenses of the army, I shall take 1821, for which there is one made by myself, as secretary of war, and for the minute correctness of which I can vouch. It is contained in a report made under a call of the House of Representatives, and comprises a comparative statement of the expenses of the army proper for the years 1818, 1819, 1820, 1821, respectively, and an estimate of the expense of 1822. It may be proper to add, which I can with confidence, that the comparative expense of 1823, if it could be ascertained, would be found to be not less favourable than 1821. It would, probably, be something more so.

With these remarks, I shall begin with a comparison, in the first place, between 1821 and the estimate for the army proper for this year. The average aggregate strength of the army in the year 1821, including officers, professors, cadets, and soldiers, was 8109, and the proportion of officers, including the professors of the Military Academy, to the soldiers, including cadets, was 1 to $12\frac{18}{100}$, and the expenditure $2,180,093 53,* equal to $263 91 for each individual. The estimate for the army proper, for the year 1842, including the Military Academy, is $4,453,370 16. The actual strength of the army, according to the return accompanying the message at the opening of the session, was $11,169. Assuming this to be the average strength for this year, and adding for the average number of the academy, professors and cadets, 300, it will give, within a very small fraction, $390 for each individual, making a difference of $136 in favour of 1821. How far the increase of pay, and the additional expense of two regiments of dragoons, compared to other descriptions of troops, would justify this increase, I am not prepared to say. In other respects, I should suppose, there ought to be a decrease rather than an increase, as the price of clothing, provisions, forage, and other articles of supply, as well as transportation, is, I presume, cheaper than in 1821. The proportion of officers to soldiers I would suppose to be less in 1842 than 1821, and, of course, as far as that has influence, the expense of the former ought to be less per man than the latter. With this brief and imperfect comparison between the expense of 1821 and the estimates for this year, I shall proceed to a more minute and full comparison between the former and the year 1837. I select that year, because the strength of the

* See Document 38 (H. R.), 1st Session, 17th Congress.

army, and the proportion of officers to men (a very material point as it relates to the expenditure), are almost exactly the same.

On turning to document 165 (H. R., 2d sess., 26th Con.), a letter will be found from the then secretary of war (Mr. Poinsett), giving a comparative statement, in detail, of the expense of the army proper, including the Military Academy, for the years 1837, 1838, 1839, and 1840. The strength of the army for the first of these years, including officers, professors, cadets, and soldiers, was 8107, being two less than in 1821. The proportion of officers and professors to the cadets and soldiers $11\frac{46}{100}$, being $\frac{72}{100}$ more than 1821. The expenditure for 1837, $3,308,011, being $1,127,918 more than 1821. The cost per man, including officers, professors, cadets, and soldiers, was, in 1837, $408 03, exceeding that of 1821 $144 12 per man. It appears, by the letter of the secretary, that the expense per man rose, in 1838, to $464 35; but it is due to the head of the department at the time to say, that it declined under his administration, the next year, to $381 65, and, in the subsequent, to $380 63. There is no statement for the year 1841, but, as there has been a falling off in prices, there ought to be a proportionate reduction in the cost, especially during the present year, when there is a prospect of so great a decline in almost every article which enters into the consumption of the army. Assuming that the average strength of the army will be kept equal to the return accompanying the President's message, and that the expenditure of the year should be reduced to the standard of 1821, the expense of the army would not exceed $2,895,686, making a difference, compared with the estimates, of $1,557,684; but that, from the increase of pay, and the greater expense of the dragoons, cannot be expected. Having no certain information how much the expenses are necessarily increased from those causes, I am not prepared to say what ought to be the actual reductions, but, unless the increase of pay, and the increased cost, because of the dragoons, are very great, it ought to be very considerable.

I found the expense of the army in 1818 including the Military Academy, to be $3,702,495, at a cost of $451 57 per man, including officers, professors, cadets, and soldiers, and reduced it, in 1821, to $2,180,098, at a cost of $263 91, and making a difference between the two years, in the aggregate expenses of the army, of $1,522,397, and $185 66 per man. There was, it is true, a great fall of prices in the interval; but allowing for that, by adding to the price of every article entering into the supplies of the army a sum sufficient to raise it to the price of 1818, there was still a difference in the cost per man of $163 95. This great reduction was effected without stinting the service or diminishing the supplies, either in quantity or quality. They were, on the contrary, increased in both, especially the latter. It was effected through an efficient organization of the staff, and the co-operation of the able officers placed at the head of each of its divisions. The cause of the great expense at the former period was found to be principally in the neglect of public property, and the application of it to uses not warranted by law. There is less scope, doubtless, for reformation in the army now. I cannot doubt, however, but that the universal extravagance which pervaded the country for so many years, and which increased so greatly the expenses both of government and individuals, has left much room for reform in this as well as other branches of the service.

In addition to the army, there are many other and heavy branches of expenditure embraced under the military head—fortifications, ordnance, Indians, and pensions—the expenditures of which, taken in the aggregate, greatly exceed the army; the expenses of all of which, for the reason to which I have alluded, may, doubtless, be much reduced.

In turning to the navy, I have not been able to obtain information which would enable me to make a similar comparison between the two periods in reference to that important arm; but I hope, when the information is received which has been called for by the senator from Maine (Mr. Williams), ample data will be obtained to enable me to do so on some future occasion. In place of it, I propose to give a comparative statement of the expense of the British navy and ours for the year 1840. The information in reference to the former is taken from a work of authority, the Penny Cyclopædia, under the head of "Navy."

The aggregate expense of the British navy in the year 1840 amounted to 4,980,353 pounds sterling, deducting the expense of transport for troops and convicts, which does not properly belong to the navy. That sum, at $4 80 to the pound sterling, is equal to $23,905,694 46. The navy was composed of 392 vessels of war of all descriptions, leaving out 36 steam-vessels in the packet-service, and 23 sloops fitted for foreign packets. Of the 392, 98 were line-of-battle ships, of which 19 were building; 116 frigates, of which 14 were building; 68 sloops, of which 13 were building; 44 steam-vessels, of which 16 were building; and 66 gun-brigs, schooners, and cutters, of which 12 were building.

The effective force of the year, that which was in actual service, consisted of 3400 officers, 3998 petty officers, 12,846 seamen, and 9000 marines, making an aggregate of 29,244. The number of vessels in actual service was 175, of which 24 were line-of-battle ships, 31 frigates, 30 steam-vessels, and 45 gun-brigs, schooners, and cutters, not including the 30 steamers and 24 sloops in the packet-service, at an average expenditure of $573 for each individual, including officers, petty officers, seamen, and marines.

Our navy is composed at present, according to the report of the secretary accompanying the President's message, of 67 vessels, of which 11 are line-of-battle ships, 17 frigates, 18 sloops of war, 2 brigs, 4 schooners, 4 steamers, 3 store ships, 3 receiving vessels, and 5 small schooners. The estimates for the year are made on the assumption that there will be in service, during the year, 2 ships of the line, 1 razee, 6 frigates, 20 sloops, 11 brigs and schooners, 3 steamers, 3 store ships, and 8 small vessels, making in the aggregate 53 vessels. The estimates for the year, for the navy and marine corps, as has been stated, is $8,705,579 83, considerably exceeding one third of the entire expenditures of the British navy for 1840. I am aware that there is probably a much larger expenditure applied to the increase of the navy in our service than in the British, in proportion to the respective forces; and I greatly regret that I have not the materials to ascertain the difference, or to compare the expenses of the two navies in the various items of building, outfit, and pay, and the relative expenses of the two per man, per gun, and per ton. The comparison would be highly interesting, and would throw much light on the subject of these remarks. We know our commercial marine meets successfully the British in fair competition; and, as the elements of the expenses of the commercial and naval marine are substantially the same in time of peace, when impressment is disused in the British service, our navy ought not to bear an unfavourable comparison with theirs on the score of expense. Whether it does, in fact, I am not prepared to say, with the materials I have been able to collect; but it does seem to me, when I compare the great magnitude of their naval establishment with the smallness of ours, and the aggregate expense of the two, that ours, on a full comparison, will be found to exceed theirs by far in expense, however viewed.

I hope what I have stated will excite inquiry. It is a point of vast im-

portance. If we can bring our expenditures to an equality, or nearly so, with hers, we may then look forward with confidence to the time, as not far distant, when, with our vast commercial marine (more than two thirds of the British), we may, with proper economy in our disbursement, and by limiting the objects of our expenditures to those which properly belong to this government under the Constitution, place a navy on the ocean, without increase of burden on the people, that will give complete protection to our coast and command the respect of the world. But if that cannot be done—if our expenses must necessarily greatly exceed in proportion that of the first maritime power in the world, it is well it should be known at once, that we may look to other means of defence, and give up what, in that case, would be a hopeless struggle. I do not believe that it will be found to be the case. On the contrary, I am impressed with the belief that our naval force ought not to cost more in proportion than the British. In some things they may have the advantage, but we will be found to have equally great in others.

From these statements it may be fairly inferred that there is great room for economy, under every head of expenditure. I am by no means prepared to say what reduction may be effected by it. It would require much more time and minute examination to determine with precision anything like the exact amount; but it is certain that millions may be saved, simply by a judicious and strict system of economy, without impairing in any degree the efficiency of the government. But in order to form a more definite conception as to the amount of that reduction, I propose to add to the aggregate expense of 1823 seventy-five per cent.—the estimated increase of the population of the United States since then, which will give the amount that ought to have been the estimated expenditures for this year, on the supposition that the expense of the government ought not, in ordinary times, to increase faster than the population; and which, deducted from the actual estimates of the year, will show, on that supposition, to what amount they ought to have been reduced. But in making this supposition, I wish it to be understood I do not admit that the expenditures of the government ought to keep pace with our rapidly increasing population. There are many branches of the public service which ought not to be, and have not, in fact, been much increased with the increase of population, and are now, in point of expansion, very nearly what they were in 1823. Others are more enlarged, but it is believed that there are but few whose growth have been greater, or as great, as that of our population. It would, in truth, not be difficult to show that an increase of revenue and expenditures, and, consequently, of patronage and influence, equal to our rapidly growing population, must almost necessarily end in making the government despotic. It is known that it takes a much less military force in proportion to subject a large country with a numerous population, than a small one with an inconsiderable one; and in like manner, and for similar reasons, it takes much less patronage and influence in proportion to control the former than the latter. So true is it, that I regard it as an axiom, that the purity and duration of our free and popular institutions, looking to the vast extent of country and its great and growing population, depend on restricting its revenues and expenditures, and thereby its patronage and influence, to the smallest amount consistent with the proper discharge of the few great duties for which it was instituted. To a departure from it may be attributed, in a great measure, the existing disorders. With these remarks, I shall now proceed to give the result of the proposed calculation.

The actual expenditures of 1823, all included, except payments on account of the public debt, amounted to $9,827,832. That sum multiplied

by 75 per cent., the estimated ratio of increase of population from 1823 to 1840, gives $17,198,681, which, on the assumption that the expenditures should not increase more rapidly than the population, ought to be the extreme limits of the expenditures of this year. But the estimates for the year, deducting payment on account of the debt, are, as has been stated, $25,997,258, being an excess of $8,498,577 beyond what the expenditures ought to be on the liberal scale assumed. The increase, instead of being at the rate of the population, is equal to $2\frac{68}{100}$ to 1, compared with the expenditures of 1823, and $3\frac{1}{2}$ nearly, compared with the ratio of the increase of population. Had the ratio of increase not exceeded that of the population, the whole expenditure of the year, including the sum of $7,000,000 for the debt, would have been but $24,198,681, instead of $32,997,258.

But as great as this reduction is, it by no means represents the saving that would be made on the data assumed. The expense of collecting the revenue (of which a statement has already been made as it relates to the customs), as well as several other items, less important, are not included in the expenditures, and must be added, to get the true amount that would be saved. The addition, at the lowest calculation, would be a million of dollars; which, added to the $8,498,577, would make the sum of $9,498,577, and would reduce what ought to be the estimates of the year, on the ground assumed, to $16,198,681. The saving is great; but, I feel confident, not greater than what, with a judicious and efficient system of administration, might be effected, and that not only without impairing, but actually increasing the efficiency of the government. To make so great a reduction, would take much time and labour; but if those who have the power, and stand pledged, would begin the good work, much, very much, might be done during the present session. But if this bill, as it now stands, should become a law, I would despair for the present. I see in the amendment a deliberate and fixed determination to keep up the expenditures, regardless of pledges and consequences.

Having now shown how greatly the public expenditures have increased since 1823, I next propose to make some remarks on the causes that have produced it. In the front rank I place the protective tariff. I selected the year 1823, as I stated in the early stages of my remarks, in part to illustrate the effects of that pernicious system in this connexion. It is curious to look over the columns of expenditures, under their various heads, in the table I hold in my hand, and note how suddenly they rose under every head, after each of the tariff acts of 1824 and 1828, until they reached the present point. [Here Mr. C. read from the table of the expenditures under each head, year by year, from 1823 to 1840, in illustration of his remarks]. Nor is it wonderful that such should be the effect of the protective policy. How could it be otherwise? Duties were laid, not for revenue, but for protection. Money was not the object. It was but an incident, and the party in favour of the system (a majority in both houses during the whole period) cared not how it was wasted. During that wasteful period, I have heard members of Congress of high intelligence declare that it was better that the money should be burned or thrown into the ocean than not collected; and they spoke in the true genius of that corrupting and oppressive system. In fact, after it was collected, there was a sort of necessity that it should be spent. The collection was in bank-notes; and of all absurdities, one of the greatest is, an accumulation of such an article in the public treasury, whether we regard the thing itself, or its effects on the community and the banks. When pushed to a great extent, it must prove ruinous to all; and to such an accumulation, in spite of the most wasteful extravagance in the expendi-

tures, may be attributed, in a great degree, the overthrow of the banks, and the embarrassments of the government and country. But so blind were the banks, for the most part, to their fate, that they were among the foremost to urge on the course of policy destined to hasten so greatly their overthrow. All resistance on the part of the minority in Congress opposed to the system was in vain. If the money was saved from one objectionable object, it was sure to be applied to some other, and perhaps even more objectionable; if the sluice of expenditures was stopped in one place, it was certain to burst through another. Under the conviction that the struggle was in vain so long as the cause remained, I ceased in a great measure resistance to appropriations, and turned my efforts against the cause—a treasury overflowing with bank-notes—to exhaust which was the only means left of staying the evil. It is not my intention to cast the blame on either party. The fault lay in the system—the policy of imposing duties when the money was not needed, and collecting it in a currency, which, to keep, would have been more wasteful and ruinous, if possible, than to spend, however extravagantly. It is due, in justice to the late administration, to say, that they had commenced, in good earnest, the work of reform, and that with so much success, as to have made a very considerable reduction in the expenditures, towards which no one exerted himself with more zeal or greater effect than the senator behind me (Mr. Woodbury), then at the head of the treasury department. It is to be deeply regretted that what was then so well begun has not been continued by those who have succeeded.

It is admitted on all sides that we must equalize the revenue and expenditures. The scheme of borrowing to make up an increasing deficit must in the end, if continued, prove ruinous. Already is our credit greatly impaired. It is impossible to borrow at home, in the present state of things, at the usual rate of interest. The six per cent. stock authorized at the late session is now several per cent. below par; and, if we would borrow in the home market, it would endanger the solvent banks. It is admitted that a loan of two millions in Boston has caused the present intense pressure there in the money market. Nor can the foreign market be relied on till our finances are put in a better condition. Who, in their present condition, would think of jeopardizing our credit by appearing in the European market with United States stocks? It is certain that no negotiation could be effected there but at usurious interest, and on a considerable extension of the time for redemption; the tendency of which would be to depress the state stocks, and lay the foundation of a permanent funded debt. There remains another objection, which should not be overlooked: the loan would be returned in merchandise, with the usual injurious and embarrassing effects of stimulating the consumption of the country, for the time, beyond what its exports would permanently sustain.

Nor is the prospect much better for the additional issue of treasury-notes proposed by the bill as amended in the Senate. They are now below par, and this must still add to their depression; perhaps to the same extent to which the six per cents. are now depressed. The reason is obvious. The only advantage which they have over stocks in raising a loan is, that they are receivable in the dues of the government, which gives them, to a certain extent, the character of currency; but that advantage is not peculiar to them. As the law now stands, notes of solvent banks are also receivable in the public dues. They are, in fact, treasury-notes, as far as it depends on receivability; as much so as if each one was endorsed to be received in the dues of the government by an authorized agent. Now, so long as the government receives bank-notes at par with their own, and the banks (as is now the case) refuse to receive them at par

with bank-notes, treasury-notes will be depressed compared with bank-notes; for the plain reason that the latter can pay the debts both of the banks and the government, while the former can pay only the debts of the government.

In such a state of things, only a very small amount of treasury-notes can be used for currency without depressing them below par; and when that amount is much exceeded, they will sink rapidly to the depression of stock bearing the same rate of interest. Very different would be the fact if the sub-treasury had not been repealed. Under its operation, the government could at any time have issued what amount it pleased to meet a temporary deficit of the treasury, at a mere nominal rate of interest, or none at all. The provision that nothing but gold and silver, and the paper issued on the credit of the government, should be received in the public dues, would have kept them at par. But as things now are, it must be obvious that neither loans in the usual way, nor treasury-notes, can be relied on to make up the deficit, without ruinous consequences. And here let me inform the senators on the other side that they are labouring under a great mistake in supposing that we, who prefer treasury-notes to loans to meet the temporary wants of the treasury, are anxious to force the use of them on you. The fact is far otherwise. We deeply regret to see you reduced to the necessity of using them. We believe them to be very useful and convenient, much cheaper, and more safe, than loans, to meet the occasional wants of the government, and see, with regret, a resort to them under circumstances so well calculated to discredit them in the public estimation, and when they cannot be used but at the expense of the public creditors.

We have, then, arrived at the point that we must increase the duties or curtail expenditures; and the question is, Which shall we choose? That question will be decided by the vote we are about to give. There is no mistake. Those who have changed this bill into a loan bill of $5,000,000 tell us, in language too intelligent to be mistaken, that they intend to fix the permanent expenses of the government at about $25,000,000; for it will take that sum, at least, to meet what they tell us is the lowest amount to which the expenditures can be reduced, and to discharge the interest and principal of the debt already contracted or authorized. Now, sir, it is clear that so large a sum cannot be derived from the present tariff, as high as it has been raised. I agree with the chairman that, with our present export trade, the heavy interest to be paid on debts abroad, and the large list of free articles, that it is not safe to estimate the consumption of the country of dutiable articles at more than $85,000,000, which, at 20 per cent. round, would give but $17,000,000 gross, and a nett revenue, according to the present expense of collection, of not more than $15,000,000 at the outside; leaving $10,000,000 annually to be raised by additional duties on imports, or a corresponding reduction in the expenses of the government. Which shall we choose? That the reduction may be made, and the deficit met, aided by the repeal of the Distribution Bill, without impairing the efficiency of the government, I trust I have satisfactorily shown; not all at once, but enough and more, this year, to avoid this loan, and gradually, by a vigorous system of economy, to arrest all farther loans, and to discharge those that have been contracted or authorized. Why not, then, adopt the alternative of curtailing expenses? I put the question in all soberness to those who are in power and responsible. You stand pledged, solemnly pledged to reform—you told the people that the expenses of the government were extravagant; that they could be reduced to a point lower than I have assigned; and why not redeem your pledge, when I have proved that there is such ample room to do so? We, on this side, are anxious to co-operate with you, and to carry out with vigour the good work which had been commenced before you came into power. Why, instead of carrying on with still greater vigour what had been commenced, do you halt? No: it is not strong enough. Why do you now go for increase, instead of reduction? Why falsify all your solemn promises, and prove, now

that you are in power, that you are as zealous for debts, duties, and increase of expenditures, as you exhibited zeal for reform while you were seeking power?

But one answer can be given—from deep solicitude for another protective tariff. Yes, that same pernicious system, which swelled the expenditures to their present vast amount, is the real impediment to their reduction. It is that which has made you forget all your promises, and which now seeks to keep up the expenditures as a pretext for imposing duties, not for revenue, but, in reality, for protection. It is that which is striving to force government to return to the old and disastrous policy which has brought such calamity on the country, and done so much to corrupt its morals and politics; and which is now forcing it to resort to loans and treasury-notes, at the hazard of its credit, when it is so necessary, in the midst of the wrecks of that of so many of the states, that the credit of the Union should stand above suspicion. It is that which passed the Distribution Bill, and now resists its repeal, when it is clear that the revenue from the lands is indispensable to meet the demands on the government, and to preserve its credit. Put that corrupt and corrupting system out of the way, and every difficulty connected with our finances would vanish; the Distribution Act would be repealed, the revenue from the public domain restored to the Union, and economy and retrenchment would save their millions. Every voice would be raised in their favour, and the expenditure would be speedily equalized with the revenue. Were this done, we would hear no more of an empty treasury—of loans, of treasury-notes and prostrated credit; no more of additional duties. Instead of increase, we should hear the cheerful note of reduction—repeal of taxes—striking shackles from commerce and navigation—and lightening the burden of labour. I hazard nothing in asserting that, with a thorough reform in the fiscal action of the government, and a repeal of the Distribution Act, that a revenue of thirteen millions from the customs would be sufficient—amply sufficient for carrying on the government efficiently. Such would be the happy effects of equalizing the revenue and expenditures by a judicious system of economy and retrenchment, aided by the restoration of the revenue from the lands.

Let me now ask gentlemen if they have reflected on the consequences which must result from the other alternative, that of raising the revenue to the standard of the expenditures. What has already been the effects of that policy? What is the immediate cause of the present embarrassment? What has emptied the treasury, prostrated the credit of the government, and imposed high additional taxes on the commerce and labour of the country? What but the policy commenced at the extra session, of keeping up the expenditures to the present high standard, and which, if we may judge by this measure, and the declaration of the chairman of the Committee on Finance, it is determined to adhere to? Can any one doubt that if there had been no change of policy—if that so earnestly pressed by my friend behind me, of reducing the expenditures, had been continued, but that the existing embarrassments would have been avoided? On you, who have reversed the wise and judicious course then commenced, rests the responsibility. It is you who have emptied the treasury; you who have destroyed the credit of the government, and caused the present embarrassments.

But you are only at the beginning of your difficulties. Those that are to come, unless you change your course, are still more formidable. The power of borrowing, in every form, short of usurious and ruinous interest, is gone, and can you expect to raise from commerce alone the means of meeting the expenditures at the present high standard? I pronounce it to be beyond your power to raise twenty-five millions annually from the customs. So large a sum cannot be extorted from commerce in the present state of things. A nett revenue to that amount would require a gross revenue, at the present extravagant rate of collection, of at least twenty-seven millions of dollars. Our present exports

will not pay for an importation of more than $125,000,000, allowing for the ordinary profits of trade. From this must be deducted $10,000,000 for the interest of debt abroad, which would reduce the imports to $115,000,000. Deduct $10,000,000 more for free articles, immediately connected with the manufacturing operations of the country, and it would reduce the dutiable articles consumed in the country annually to $105,000,000. In the free articles I do not include tea and coffee, which are now so. It would take an average duty of 26 per cent. to raise $27,000,000 on $105,000,000. Can you, in the present state of things, raise your duties to that high standard?

I pass over the effects of such a duty in repressing the export trade, on which the import depends. Between them there is the most intimate relation. Each limits the amount of the other. In the long run, it is acknowledged that the imports cannot, on a fair valuation, exceed the exports. It is not less certain that the same rule applies to the exports, which, in the long run, cannot exceed the imports. And hence, duties on imports as effectually restrict and limit the amount of the exports as if directly imposed on the latter. To repress the one is to repress the other. But, setting aside all considerations of the kind, I directly meet the question, and say that you cannot extort from commerce the amount you propose.

He who would reason from the past on this subject will be greatly deceived. High duties now will not give the revenue they once did. The smuggler forbids. The standard of morals is greatly lowered. The paper system and the protective policy have worked a great and melancholy change in that respect. The country is filled with energetic and enterprising men, rendered desperate by being reduced from affluence to poverty through the vicissitudes of the times. They will give an impulse to smuggling unknown to the country heretofore. The profits of regular business, in the new state of things in which the country is placed, must be low and slow. Fortunes can no longer be made by a single bold stroke; and the impatience and necessities of the large class to which I have alluded, and whose debts will be sponged by the Bankrupt Act, will not submit to recovering their former condition by so slow a process. With high duties, smuggling, then, will open too tempting a field to restore their broken fortunes, not to be entered by many of the large class to which I refer, to which many will be added from the lowered standard of morals, who cannot plead the same necessity. If to this be added the great increased facility for smuggling, both on our Northern, and Eastern, and Southwestern frontiers, it will be in vain to expect to raise the sum proposed from commerce. Not only has the line of frontier along the lakes been greatly lengthened, but the facility of intercourse with them, both by canals and roads, have been increased in a still greater degree. How is smuggling to be prevented along so extended a frontier, with such unlimited facility for practising it? Nor will the supply of smuggled goods be confined to the immediate neighbourhood of the frontier. They will penetrate through the numerous roads and canals leading to the lakes, far inland, and compete successfully with the regular trade in the heart of the country. Nor is it to be doubted but that the British authorities will connive at this illicit trade. Look at the immense interest which they have to turn the trade of our country, as far as possible, through the channel of the St. Lawrence. It will give to Great Britain the entire tonnage to whatever portion of our trade may be turned through that channel—a point so important to her naval supremacy, to which she is ever so attentive. Already great facility is afforded for turning the provision trade, both for the home market and the supply of the West Indies, through it, and with much success.

I was surprised to learn, since the commencement of the session, as I have no doubt most of those who hear me will be, that a place on the St. Lawrence, almost unknown, is already the fourth town in the Union, as to the number of vessels that enter and depart in the year. I refer to St. Vincent, at the outlet

of Lake Ontario. It is the depôt for the British trade which descends the St. Lawrence from our side. To give life and vigour to a vast trade, which gives her the entire tonnage of the outward and inward voyage, is too important to be neglected, particularly as it would so powerfully counteract our high duties, and so greatly widen the field of consumption for her manufactures. Turning to the frontier at the other end of the Union, we shall find a great increase of facility for smuggling in that quarter; but I abstain from enlarging on it for the present.

Taking all these causes together, it cannot be doubted but that smuggling will commence at a much more lower point of duties than it ever has heretofore, and that all calculations of increase of revenue from increase of duties founded on the past will fail. It is the opinion of good judges that it would commence with duties as low as 12 per cent. on such articles as linen and silks; but be that as it may, it may be safely predicted that the scheme of raising the standard of revenue to the present expenditures will fail. I pass over the violation of the compromise, which such a policy necessarily involves, its ruinous effects on the great staples of the country, now suffering under the greatest depression, and that deep discontent which must follow in the quarter that produces them. I shall confine myself simply to the financial question. Regarded in that light, I tell gentlemen that the line of policy they propose will fail. They will have to abandon it, or resort to internal taxes to supply the deficit from commerce. Yes, you must restore the revenue from the lands, economize and retrench, or be forced to resort to internal taxes in the end. Are you prepared for that? I ask those who represent the great sections to the North and East of this, if they have reflected how that portion of the Union would be affected by internal taxes. I refer not to direct taxes, for that, according to the mode prescribed in the Constitution, can never be pushed to any oppressive extreme, but to excises. If you have not, it is time you should; for in the way you are now going, you will soon have to learn experimentally how it will operate.

There never has been a civilized country within my knowledge whose moneyed affairs have been worse managed than ours for the last dozen of years. In 1828 we raised the duties, on an average, to nearly fifty per cent. when the debt was on the eve of being discharged, and thereby flooded the country with a revenue, when discharged, which could not be absorbed by the most lavish expenditures. Hence the double affliction of an accumulating surplus of millions on millions, and of the most wasteful expenditures at the same time. Then came the Compromise Act, which entirely exempted one half of the imports from duties, in order to escape the growing evil of such a surplus, and reduced the one tenth, every two years, on all the duties above twenty per cent., in order to get clear of the protective policy. Under their operation, aided by the Deposite Act, the surplus was absorbed, and the revenue gradually brought down to the proper level; to meet the descending revenue, a reduction of expenditures was commenced, with the intention of equalizing the revenue and expenditures. Then a change of party took place, the one coming in professing a greater love for economy and retrenchment than the one going out; but, instead of fulfilling their promises, the public expenditures have been increased by millions—debts contracted—revenue from the lands squandered—and all this when the income was reduced to the least possible depression. Take all in all, can folly, can infatuation, go farther?

# XXXIII.

## SPEECH IN SUPPORT OF THE VETO POWER, FEB. 28, 1842.

MR. CALHOUN said: The senator from Kentucky, in support of his amendment, maintained that the people of these states constitute a nation; that the nation has a will of its own; that the numerical majority of the whole was the appropriate organ of its voice; and that whatever derogated from it, to that extent departed from the genius of the government, and set up the will of the minority against the majority. We have thus presented, at the very threshold of the discussion, a question of the deepest import, not only as it regards the subject under consideration, but the nature and character of our government; and that question is, Are these propositions of the senator true?* If they be, then he admitted the argument against the veto would be conclusive; not, however, for the reason assigned by him, that it would make the voice of a single functionary of the government (the President) equivalent to that of some six senators and forty members of the other house; but for the far more decisive reason, according to his theory, that the President is not chosen by the voice of the numerical majority, and does not, therefore, according to his principle, represent truly the will of the nation.

It is a great mistake to suppose that he is elected simply on the principle of numbers. They constitute, it is true, the principal element in his election, but not the exclusive. Each state is, indeed, entitled to as many votes in his election as it is to representatives in the other house—that is, to its federal population; but to these, two others are added, having no regard to numbers for their representation in the Senate, which greatly increases the relative influence of the small states, compared to the large, in the presidential election. What effect this latter element may have on the numbers necessary to elect a president, may be made apparent by a very short and simple calculation.

The population of the United States, in federal numbers, by the late census, is 15,908,376. Assuming that sixty-eight thousand, the number reported by the committee of the other house, will be fixed on for the ratio of representation there, it will give, according to the calculation of the committee, two hundred and twenty-four members to the other house. Add fifty-two, the number of the senators, and the electoral college will be found to consist of two hundred and seventy-six, of which one hundred and thirty-nine is a majority. If nineteen of the smaller states, excluding Maryland, be taken, beginning with Delaware and ending with Kentucky inclusive, they will be found to be entitled to one hundred and forty votes, one more than a majority, with a federal population of only 7,227,869; while the seven other states, with a population of 8,680,507, would be entitled to but one hundred and thirty-six votes, three less than a majority, with a population of almost a million and a half greater than the others. Of the one hundred and forty electoral votes of the smaller states, thirty-eight would be on account of the addition of two to each state, for their representation in this body, while of the larger there would be but fourteen on that account; making a difference of twenty-four votes on that account, being two more than the entire electoral votes of Ohio, the third state in point of numbers in the Union.

* Mr. Clay here interrupted Mr. Calhoun, and said that he meant a majority according to the forms of the Constitution.

Mr. Calhoun, in return, said he had taken down the words of the senator at the time, and would vouch for the correctness of his statement. The senator not only laid down the propositions as stated, but he drew conclusions from them against the President's veto, which could only be sustained on the principle of the numerical majority. In fact, his course at the extra session, and the grounds assumed both by him and his colleague, in this discussion, had their origin in the doctrines embraced in that proposition.

The senator from Kentucky, with these facts, but acts in strict conformity to his theory of the government, in proposing the limitation he has on the veto power; but as much cannot be said in favour of the substitute he has offered. The argument is as conclusive against the one as the other, or any other modification of the veto that could possibly be devised. It goes farther, and is conclusive against the executive department itself, as elected; for there can be no good reason offered why the will of the nation, if there be one, should not be as fully and perfectly represented in that department as in the legislative.

But it does not stop there. It would be still more conclusive, if possible, against this branch of the government. In constituting the Senate, numbers are totally disregarded. The smallest state stands on a perfect equality with the largest—Delaware, with her seventy-seven thousand, with New-York, with her two millions and a half. Here a majority of states control, without regard to population; and fourteen of the smallest states, with a federal population of but 4,064,457, little less than a fourth of the whole, can, if they unite, overrule the twelve others, with a population of 11,844,919. Nay, more: they could virtually destroy the government, and put a veto on the whole system, by refusing to elect senators; and yet this equality among states, without regard to numbers, including the branch where it prevails, would seem to be the favourite with the Constitution. It cannot be altered without the consent of every state; and this branch of the government, where it prevails, is the only one that participates in the powers of all the others. As a part of the legislative department, it has full participation with the other in all matters of legislation, except originating money bills; while it participates with the executive in two of its highest functions, that of appointing to office and making treaties; and in that of the judiciary, in being the high court before which all impeachments are tried.

But we have not yet got to the end of the consequences. The argument would be as conclusive against the judiciary as against the Senate, or the executive and his veto. The judges receive their appointments from the executive and the Senate; the one nominating, and the other consenting to and advising the appointment; neither of which departments, as has been shown, is chosen by the numerical majority. In addition, they hold their office during good behaviour, and can only be turned out by impeachment; and yet they have the power, in all cases in law and equity brought before them, in which an act of Congress is involved, to decide on its constitutionality—that is, in effect, to pronounce an absolute veto.

If, then, the senator's theory be correct, its clear and certain result, if carried out in practice, would be to sweep away, not only the veto, but the executive, the Senate, and the judiciary, as now constituted; and to leave nothing standing in the midst of the ruins but the House of Representatives, where only, in the whole range of the government, numbers exclusively prevail. But, as desolating as would be its sweep in passing over the government, it would be far more destructive in its whirl over the Constitution. There it would not leave a fragment standing amid the ruin in its rear.

In approaching this topic, let me premise (what all will readily admit), that if the voice of the people may be sought for anywhere with confidence, it may be in the Constitution, which is conceded by all to be the fundamental and paramount law of the land. If, then, the people of these states do really constitute a nation, as the senator supposes; if the nation has a will of its own, and if the numerical majority of the whole is the only appropriate and true organ of that will, we may fairly expect to find that will, pronounced through the absolute majority, pervading every part of that instrument, and stamping its authority on the whole. Is such the fact? The very reverse. Throughout the whole—from first to last—from beginning to end—in its formation, adoption, and amendment, there is not the slightest evidence, trace, or vestige of the existence of the facts on which the senator's theory rests; neither of the nation, nor its will,

nor of the numerical majority of the whole, as its organ, as I shall next proceed to show.

The Convention which formed it was called by a portion of the states; its members were all appointed by the states; received their authority from their separate states; voted by states in forming the Constitution; agreed to it, when formed, by states; transmitted it to Congress to be submitted to the states for their ratification; it was ratified by the people of each state in convention, each ratifying by itself, for itself, and bound exclusively by its own ratification; and by express provision it was not to go into operation unless nine out of the twelve states should ratify, and then to be binding only between the states ratifying. It was thus put in the power of any four states, large or small, without regard to numbers, to defeat its adoption; which might have been done by a very small proportion of the whole, as will appear by reference to the first census. That census was taken very shortly after the adoption of the Constitution, at which time the federal population of the then twelve states was 3,462,279; of which the four smallest, Delaware, Rhode Island, Georgia, and New-Hampshire, with a population of only 241,490 (something more than the fourteenth part of the whole), could have defeated the ratification. Such was the total disregard of population in the adoption and formation of the Constitution.

It may, however, be said, it is true, that the Constitution is the work of the states, and that there was no nation prior to its adoption; but that its adoption fused the people of the states into one, so as to make a nation of what before constituted separate and independent sovereignties. Such an assertion would be directly in the teeth of the Constitution, which says that, when ratified, "it should be binding" (not over the states ratifying, for that would imply that it was imposed by some higher authority; nor between the individuals composing the states, for that would imply that they were all merged in one; but) "between the states ratifying the same;" and thus, by the strongest implication, recognising them as the parties to the instrument, and as maintaining their separate and independent existence as states after its adoption. But let that pass. I need it not to rebut the senator's theory—to test the truth of the assertion, that the Constitution has formed a nation of the people of these states. I go back to the grounds already taken: that if such be the fact—if they really form a nation since the adoption of the Constitution, and the nation has a will, and the numerical majority is its only proper organ, in that case the mode prescribed for the amendment of the Constitution would furnish abundant and conclusive evidence of the fact. But here again, as in its formation and adoption, there is not the slightest trace or evidence that such is the fact; on the contrary, most conclusive to sustain the very opposite opinion.

There are two modes in which amendments to the Constitution may be proposed. The one, such as that now proposed, by a resolution to be passed by two thirds of both houses; and the other, by a call of a convention by Congress, to propose amendments, on the application of two thirds of the states, neither of which gives the least countenance to the theory of the senator. In both cases, the mode of ratification, which is the material point, is the same, and requires the concurring assent of three fourths of the states, regardless of population, to ratify an amendment. Let us now pause for a moment to trace the effects of this provision.

There are now twenty-six states, and the concurring assent, of course, of twenty states is sufficient to ratify an amendment. It then results that twenty of the smaller states, of which Kentucky would be the largest, are sufficient for that purpose, with a population, in federal numbers, of only 7,652,097, less by several hundred thousand than the numerical majority of the whole, against the united voice of the other six, with a population of 8,216,279, exceeding the former by more than half a million. And yet this minority, under the amending power, may change, alter, modify, or destroy every part of the Constitution,

except that which provides for an equality of representation of the states in the Senate; while, as if in mockery and derision of the senator's theory, nineteen of the larger states, with a population, in federal numbers, of 14,526,073, cannot, even if united to a man, alter a letter in the Constitution, against the seven others, with a population of only 1,382,303; and this, too, under the existing Constitution, which is supposed to form the people of these states into a nation. Finally, Delaware, with a population of little more than 77,000, can put her veto on all the other states, on a proposition to destroy the equality of the states in the Senate. Can facts more clearly illustrate the total disregard of the numerical majority, as well in the process of amending, as in that of forming and adopting the Constitution?

All this must appear anomalous, strange, and unaccountable, on the theory of the senator, but harmonious and easily explained on the opposite; that ours is a union, not of individuals, united by what is called a social compact, for that would make it a nation; nor of governments, for that would have formed a mere confederacy, like the one superseded by the present Constitution; but a union of states, founded on a written, positive compact, forming a Federal Republic, with the same equality of rights among the states composing the union as among the citizens composing the states themselves. Instead of a nation we are, in reality, an assemblage of nations, or peoples (if the plural noun may be used where the language affords none), united in their sovereign character immediately and directly by their own act, but without losing their separate and independent existence.

It results from all that has been stated, that either the theory of the senator is wrong, or that our political system is throughout a profound and radical error. If the latter be the case, then that complex system of ours, consisting of so many parts, but blended, as was supposed, into one harmonious and sublime whole, raising its front on high and challenging the admiration of the world, is but a misshapen and disproportionate structure, that ought to be demolished to the ground, with the single exception of the apartment allotted to the House of Representatives. Is the senator prepared to commence the work of demolition? Does he believe that all other parts of this complex structure are irregular and deformed appendages; and that if they were taken down, and the government erected exclusively on the will of the numercial majority, it would effect as well, or better, the great objects for which it was instituted: "to establish justice; ensure domestic tranquillity; provide for the common defence; promote the general welfare; and secure the blessings of liberty to ourselves and our posterity?" Will the senator—will any one—can any one—venture to assert that? And if not, why not? There is the question, on the proper solution of which hangs not only the explanation of the veto, but that of the real nature and character of our complex, but beautiful and harmonious system of government. To give a full and systematic solution, it would be necessary to descend to the elements of political science, and discuss principles little suited to a discussion in a deliberative assembly. I waive the attempt, and shall content myself with giving a much more matter-of-fact solution.

It is sufficient, for that purpose, to point to the actual operation of the government through all the stages of its existence, and the many and important measures which have agitated it from the beginning; the success of which one portion of the people regarded as essential to their prosperity and happiness, while other portions have viewed them as destructive of both. What does this imply but a deep conflict of interests, real or supposed, between the different portions of the community, on subjects of the first magnitude—the currency, the finances, including taxation and disbursements; the Bank, the protective tariff, distribution, and many others; on all of which the most opposite and conflicting views have prevailed? And what would be the effect of placing the powers of the government under the exclusive control of the numercial majority—

of 8,000,000 over 7,900,000; of six states over all the rest—but to give the dominant interest, or combination of interests, an unlimited and despotic control over all others? What, but to vest it with the power to administer the government for its exclusive benefit, regardless of all others, and indifferent to their oppression and wretchedness? And what, in a country of such vast extent and diversity of condition, institutions, industry, and productions, would that be but to subject the rest to the most grinding despotism and oppression? But what is the remedy? It would be but to increase the evil to transfer the power to a minority, to abolish the House of Representatives, and place the control exclusively in the hands of the Senate—in that of the four millions instead of the eight. If one must be sacrificed to the other, it is better that the few should be to the many, than the many to the few.

What, then, is to be done, if neither the majority nor the minority, the greater nor less part, can be safely trusted with the exclusive control? What but to vest the powers of the government in the whole—the entire people; to make it in truth and reality the government of the people, instead of the government of a dominant over a subject part, be it the greater or less—of the whole people—self-government; and if this should prove impossible in practice, then to make the nearest approach to it, by requiring the concurrence, in the action of the government, of the greatest possible number consistent with the great ends for which government was instituted—justice and security, within and without. But how is that to be effected? Not, certainly, by considering the whole community as one, and taking its sense as a whole by a single process, which, instead of giving the voice of all, can but give that of a part. There is but one way by which it can possibly be accomplished; and that is by a judicious and wise division and organization of the government and community, with reference to its different conflicting interests, and by taking the sense of each part separately, and the concurrence of all as the voice of the whole. Each may be imperfect of itself; but if the construction be good, and all the keys skilfully touched, there will be given out, in one blended and harmonious whole, the true and perfect voice of the people.

But on what principle is such a division and organization to be made to effect this great object, without which it is impossible to preserve free and popular institutions? To this no general answer can be given. It is the work of the wise and experienced, having full and perfect knowledge of the country and the people in every particular for whom the government is intended. It must be made to fit; and when it does, it will fit no other, and will be incapable of being imitated or borrowed. Without, then, attempting to do what cannot be done, I propose to point out how that which I have stated has been accomplished in our system of government, and the agency the veto is intended to have in effecting it.

I begin with the House of Representatives. There each state has a representation according to its federal numbers, and, when met, a majority of the whole number of members controls its proceedings; thus giving to the numerical majority the exclusive control throughout. The effect is to place its proceedings in the power of eight millions of people over all the rest, and six of the largest states, if united, over the other twenty; and the consequence, if the house was the exclusive organ of the voice of the people, would be the domination of the stronger over the weaker interests of the community, and the establishment of an intolerable and oppressive despotism. To find the remedy against what would be so great an evil, we must turn to this body. Here an entirely different process is adopted to take the sense of the community. Population is entirely disregarded, and states, without reference to the number of people, are made the basis of representation; the effect of which is to place the control here in a majority of the states, which, had they the exclusive power,

would exercise it as despotically and oppressively as would the House of Representatives.

Regarded, then, separately, neither truly represents the sense of the community, and each is imperfect of itself; but, when united, and the concurring voice of each is made necessary to enact laws, the one corrects the defects of the other; and, instead of the less popular derogating from the more popular, as is supposed by the senator, the two together give a more full and perfect utterance to the voice of the people than either could separately. Taken separately, six states might control the house, and a little upward of four millions might control the Senate, by a combination of the fourteen smaller states; but, by requiring the concurrent votes of the two, the six largest states must add eight others to have the control in both bodies. Suppose, for illustration, they should unite with the eight smallest, which would give the least number by which an act could pass both houses: it will be found, by adding the population, in federal numbers, of the six largest to the eight smallest states, that the least number by which an act can pass both houses, if the members should be true to those they represent, would be 9,788,570 against a minority of 6,119,797, instead of 8,000,000 against 7,900,000, if the assent of the most popular branch alone were required.

This more full and perfect expression of the voice of the people by the concurrence of the two, compared to either separately, is a great advance towards a full and perfect expression of their voice; but great as it is, it falls far short, and the framers of the Constitution were, accordingly, not satisfied with it. To render it still more perfect, their next step was to require the assent of the President before an act of Congress could become a law; and, if he disapproved, to require two thirds of both houses to overrule his veto. We are thus brought to the point immediately under discussion, and which, on that account, claims a full and careful examination.

One of the leading motives for vesting the President with this high power was, undoubtedly, to give him the means of protecting the portion of the powers allotted to him by the Constitution against the encroachment of Congress. To make a division of power effectual, a veto in one form or another is indipensable. The right of each to judge for itself of the extent of the power allotted to its share, and to protect itself in its exercise, is what in reality is meant by a division of power. Without it, the allotment to each department would be a mere partition, and no division at all. Acting under this impression, the framers of the Constitution have carefully provided that his approval shall be necessary, not only to the acts of Congress, but to every resolution, vote, or order requiring the consent of the two houses, so as to render it impossible to elude it by any conceivable device. This of itself was an adequate motive for the provision; and, were there no other, ought to be a sufficient reason for the rejection of this resolution. Without it, the division of power between the legislative and executive departments would have been merely nominal.

But it is not the only motive. There is another and deeper, to which the division itself of the government into departments is subordinate—to enlarge the popular basis, by increasing the number of voices necessary to its action. As numerous as are the voices required to obtain the assent of the people through the Senate and the house to an act, it was not thought by the framers of the Constitution sufficient for the action of the government in all cases. Nine thousand eight hundred, as large as is the number, were regarded as still too few, and six thousand one hundred too many, to remove all motives for oppression; the latter being not too few to be plundered, and the former not too large to divide the spoils of plunder among. Till the increase of numbers on one side, and the decrease on the other, reaches that point, there is no security for the weaker against the stronger, especially in so extensive a country as ours. Acting in the spirit of these remarks, the authors of the Constitution, although they

deemed the concurrence of the Senate and the house as sufficient, with the approval of the President, to the enactment of laws in ordinary cases; yet, when he dissented, they deemed it a sufficient presumption against the measure to require a still greater enlargement of the popular basis for its enactment. With this view, the assent of two thirds of both houses was required to overrule his veto—that is, eighteen states in the Senate, and a constituency of ten million six hundred thousand in the other house.

But it may be said that nothing is gained towards enlarging the popular basis of the government by the veto power, because the number necessary to elect a majority to the two houses, without which the act could not pass, would be sufficient to elect him. That is true. But he may have been elected by a different portion of the people, or, if not, great changes may take place during his four years, both in the Senate and the house, which may change the majority that brought him into power, and with it the measures and policy to be pursued. In either case, he might find it necessary to interpose his veto, to maintain his views of the Constitution, or the policy of the party of which he is at the head, and which elevated him to power.

But a still stronger consideration for vesting him with the power may be found in the difference of the manner of his election, compared with that of the members of either house. The senators are elected by the vote of the legislatures of the respective states; and the members of the house by the people, who, in almost all the states, elect by districts. In neither is there the least responsibility of the members of any one state to the Legislature or people of any other state. They are, as far as their responsibility may be concerned, solely and exclusively under the influence of the states and people who respectively elect them. Not so the President. The votes of the whole are counted in his election, which makes him more or less responsible to every part—to those who voted against him, as well as those to whom he owes his election; which he must feel sensibly. If he should be an aspirant for a re-election, he will desire to gain the favourable opinion of states that opposed him, as well as to retain that of those which voted for him. Even if he should not be a candidate for re-election, the desire of having a favourite elected, or maintaining the ascendency of his party, may have, to a considerable extent, the same influence over him. The effect, in either case, would be to make him look more to *the interest of the whole*—to soften sectional feelings and asperity—to be more of a patriot, than the partisan of any particular interest; and, through the influence of these causes, to give a more general character to the politics of the country, and thereby render the collision between sectional interests less fierce than it would be if legislation depended solely on the members of the two houses, who owe no responsibility but to those who elected them. The same influence acts even on the aspirants for the presidency, and is followed to a very considerable extent by the same softening and generalizing effects. In the case of the President, it may lead to the interposing of his veto against oppressive and dangerous sectional measures, even when supported by those to whom he owes his election. But, be the cause of interposing his veto what it may, its effect, in all cases, is to require a greater body of constituency, through the legislative organs, to put the government in action against it—to require another key to be struck, and to bring out a more full and perfect response from the voice of the people.

There is still another impediment, if not to the enactment of laws, to their execution, to be found in the judiciary department. I refer to the right of the courts, in all cases coming before them in law or equity, where an act of Congress comes in question, to decide on its unconstitutionality; which, if decided against the law in the Supreme Court, is, in effect, a permanent veto. But here a difference must be made between a decision against the constitutionality of

a law of Congress and that of states. The former acts as a restriction on the powers of this government, but the latter as an enlargement.

Such are the various processes of taking the sense of the people through the divisions and organization of the different departments of the government; all of which, acting through their appropriate organs, are intended to widen its basis, and render it more popular, instead of less, by increasing the number necessary to put it in action, and having for their object to prevent one portion of the community from aggrandizing or enriching itself at the expense of the other, and to restrict the whole to the sphere intended by the framers of the Constitution. Has it effected these objects? Has it prevented oppression and usurpation on the part of the government? Has it accomplished the objects for which the government was ordained, as enumerated in the preamble of the Constitution? Much, very much, certainly, has been done, but not all. Many instances might be enumerated, in the history of the government, of the violation of the Constitution—of the assumption of powers not delegated to it—of the perversion of those delegated to uses never intended—and of their being wielded by the dominant interest, for the time, for its aggrandizement, at the expense of the rest of the community—instances that may be found in every period of its existence, from the earliest to the latest, beginning with the bank and bank connexion at its outset, and ending with the Distribution Act, at its late extraordinary session. How is this to be accounted for? What is the cause?

The explanation and cause will be found in the fact that, as fully as the sense of the people is taken in the action of the government, it is not taken fully enough. For, after all that has been accomplished in that respect, there are but two organs through which the voice of the community acts directly on the government, and which, taken separately, or in combination, constitute the elements of which it is composed: the one is the majority of the states regarded in their corporate character as bodies politic, which, in its simple form, constitutes the Senate; and the other is the majority of the people of the states, of which, in its simple form, the House of Representatives is composed. These, combined in the proportions already stated, constitute the executive department; and that department and the Senate appoint the judges who constitute the judiciary. But it is only in their simple form in the Senate and the other house that they have a steady and habitual control over the legislative acts of the government. The veto of the executive is rarely interposed—not more than about twenty times during the period of more than fifty years that the government has existed. Their effects have been beneficially felt, but only casually, at long intervals, and without steady and habitual influence over the action of the government. The same remarks are substantially applicable to what, for the sake of brevity, may be called the veto of the judiciary; the right of negativing a law for the want of constitutionality, when it comes in question, in a case before the courts.

The government, then, of the Union being under no other habitual and steady control but these two majorities, acting through this and the other house, is, in fact, placed substantially under the control of the portion of the community which the united majorities of the two houses represent for the time, and which may consist of but fourteen states, with a federal population of less than ten millions against a little more than six, as has been already explained. But, as large as is the former, and as small as is the latter, the one is not large enough, in proportion, to prevent it from plundering, under the forms of law, and the other small enough from being plundered; and hence the many instances of violation of the Constitution, of usurpation, of powers perverted and wielded for selfish purposes, which the history of the government affords. They furnish proof conclusive that the principle of plunder, so deeply implanted in all governments, has not been eradicated in ours by all the precaution taken by its framers against it.

But in estimating the number of the constituency necessary to control the majority in the two houses of Congress at something less than ten millions, I have estimated it altogether too high, regarding the practical operation of the government. To form a correct conception of its practical operation in this respect, another element, which has in practice an important influence, must be taken into the estimate, and which I shall next proceed to explain.

Of the two majorities, which, acting either separately or in combination, control the government, the numerical majority is by far the most influential. It has the exclusive control in the House of Representatives, and preponderates more than five to one in the choice of the President, assuming that the ratio of representation will be fixed at sixty-eight thousand under the late census. It also greatly preponderates in appointment of the judges, the right of nominating having much greater influence in making appointments than that of advising and consenting. From these facts, it must be apparent that the leaning of the President will be to that element of power to which he mainly owes his elevation, and on which he must principally rely to secure his re-election, or maintain the ascendency of the party and its policy, the head of which he usually is. This leaning of his must have a powerful effect on the inclination and tendency of the whole government. In his hands are placed, substantially, all the honours and emoluments of the government; and these, when greatly increased, as they are, and ever must be when the powers of the government are greatly stretched and increased, must give the President a corresponding influence over not only the members of both houses, but also public opinion, and, through that, a still more powerful indirect influence over them; and thus they may be brought to sustain or oppose, through his influence, measures which otherwise they would have opposed or sustained, and the whole government be made to lean in the same direction with the executive.

From these causes, the government, in all of its departments, gravitates steadily towards the numerical majority, and has been moving slowly towards it from the beginning; sometimes, indeed, retarded, or even stopped or thrown back, but, taking any considerable period of time, always advancing towards it. That it begins to make near approach to that fatal point, ample proof may be found in the oft-repeated declaration of the mover of this resolution, and of many of his supporters at the extraordinary session—that the late pesidential election decided all the great measures which he so ardently pressed through the Senate. Yes, even here, in this chamber, in the Senate, which is composed of the opposing element, and on which the only effectual resistance to this fatal tendency exists that is to be found in the government, we are told that the popular will, as expressed in the presidential election, is to decide not only the election, but every measure which may be agitated in the canvass in order to influence the result. When what was thus boldly insisted on comes to be an established principle of action, the end will be near.

As the government approaches nearer and nearer to the one absolute and single power, the will of the greater number, its action will become more and more disturbed and irregular; faction, corruption, and anarchy will more and more abound; patriotism will daily decay, and affection and reverence for the government grow weaker and weaker, until the final shock occurs, when the system will rush to ruin, and the sword take the place of law and Constitution.

Let me not be misunderstood. I object not to that structure of the government which makes the numerical majority the predominant element: it is, perhaps, necessary that it should be so in all popular constitutional governments like ours, which excludes classes. It is necessarily the exponent of the strongest interest, or combination of interests, in the community; and it would seem to be necessary to give it the preponderance, in order to infuse into the government the necessary energy to accomplish the ends for which it was instituted. The great question is, How is due preponderance to be given to it, without sub-

jecting the whole, in time, to its unlimited sway? Which brings up the question, Is there anywhere in our complex system of government, a guard, check, or contrivance, sufficiently strong to arrest so fearful a tendency of the government? Or, to express it in more direct and intelligible language, Is there anywhere in the system a more full and perfect expression of the voice of the people of the states calculated to counteract this tendency to the concentration of all the powers of the government in the will of the numerical majority, resulting from the partial and imperfect expression of their voice through its organs?

Yes, fortunately, doubly fortunately, there is; not only a more full and perfect, but a full and perfect expression to be found in the Constitution, acknowledged by all to be the fundamental and supreme law of the land. It is full and perfect, because it is the expression of the voice of each state, adopted by the separate assent of each, by itself, and for itself; and is the voice of all, by being that of each component part, united and blended into one harmonious whole. But it is not only full and perfect, but as just as it is full and perfect; for, combining the sense of each, and therefore all, there is nothing left on which injustice, or oppression, or usurpation can operate. And, finally, it is as supreme as it is just; because, comprehending the will of all, by uniting that of each of the parts, there is nothing within or above to control it. It is, indeed, the *vox populi vox Dei*—the creating voice that called the system into existence, and of which the government itself is but a creature, clothed with delegated powers to execute its high behests.

We are thus brought to a question of the deepest import, and on which the fate of the system depends. How can this full, perfect, just, and supreme voice of the people, imbodied in the Constitution, be brought to bear habitually and steadily in counteracting the fatal tendency of the government to the absolute and despotic control of the numerical majority? Or—if I may be permitted to use so bold an expression—How is this, the deity of our political system, to be successfully invoked, to interpose its all-powerful creating voice to save from perdition the creature of its will and the work of its hand? If it cannot be done, ours, like all free governments preceding it, must go the way of all flesh; but if it can be, its duration may be from generation to generation, to the latest posterity. To this all-important question I will not attempt a reply at this time. It would lead me far beyond the limits properly belonging to this discussion. I descend from the digression nearer to the subject immediately at issue, in order to reply to an objection to the veto power taken by the senator from Virginia on this side the chamber (Mr. Archer).

He rests his support of this resolution on the ground that the object intended to be effected by the veto has failed; that the framers of the Constitution regarded the legislative department of the government as the one most to be dreaded; and that their motive for vesting the executive with the veto was to check its encroachments on the other departments; but that the executive, and not the Legislature, had proved to be the most dangerous; and that the veto had become either useless or mischievous, by being converted into a sword to attack, instead of a shield to defend, as was originally intended.

I make no issue with the senator as to the correctness of his statement. I assume the facts to be as he supposes; not because I agree with him, but simply with the view of making my reply more brief.

Assuming, then, that the executive department has proved to be the more formidable, and that it requires to be checked rather than to have the power of checking others, the first inquiry, on that assumption, should be into the cause of its increase of power, in order to ascertain the seat and the nature of the danger; and the next, whether the measure proposed—that of divesting it of the veto, or modifying it as proposed—would guard against the danger apprehended.

I begin with the first; and in entering on it, assert with confidence, that if the executive has become formidable to the liberty or safety of the country, or

other departments of the government, the cause is not in the Constitution, but in the acts and omissions of Congress itself.

According to my conception, the powers vested in the President by the Constitution are few and effectually guarded, and are not of themselves at all formidable. In order to have a just conception of the extent of his powers, it must be borne in mind that there are but two classes of power known to the Constitution; and they are powers that are expressly granted, and those that are necessary to carry the granted powers into execution. Now, by a positive provision of the Constitution, all powers necessary to the execution of the granted powers are expressly delegated to Congress, be they powers granted to the legislative, executive, or judicial department; and can only be exercised by the authority of Congress, and in the manner prescribed by law. This provision will be found in what is called the residuary clause, which declares that Congress shall have power "to make all laws which shall be necessary and proper to carry into execution the foregoing powers" (those granted to Congress), "and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof." A more comprehensive provision cannot be imagined. It carries with it all powers necessary and proper to the execution of the granted powers, be they lodged where they may, and vests the whole, in terms not less explicit, in Congress; and here let me add, in passing, that the provision is as wise as it is comprehensive. It deposites the right of deciding what powers are necessary for the execution of the granted powers where, and where only, it can be lodged with safety—in the hands of the law-making power; and forbids any department or officer of the government from exercising any power not expressly authorized by the Constitution or the laws, thus making ours emphatically a government of *law and Constitution.*

Having now shown that the President is restricted by the Constitution to powers expressly granted to him, and that if any of his granted powers be such that they require other powers to execute them, he cannot exercise them without the authority of Congress, I shall now show that there is not one power vested in him that is any way dangerous, unless made so by the acts or permission of Congress. I shall take them in the order they stand in the Constitution.

He is, in the first place, made commander-in-chief of the army and navy of the United States, and the militia when called into actual service. Large and expensive military and naval establishments, and numerous corps of militia, called into service, would, no doubt, increase very dangerously the power and patronage of the President; but neither can take place but by the action of Congress. Not a soldier can be enlisted, a ship of war built, nor a militiaman called into service, without its authority; and, very fortunately, our situation is such that there is no necessity, and probably will be none, why his power and patronage should be dangerously increased by either of those means.

He is next vested with the power to make treaties and to appoint officers, with the advice and consent of the Senate; and here, again, his power can only be made dangerous by the action of one or both houses of Congress. In the formation of treaties, two thirds of the Senate must concur; and it is difficult to conceive of a treaty that could materially enlarge his powers, that would not require an act of Congress to carry it into effect. The appointing power may, indeed, dangerously increase his patronage, if officers be uselessly multiplied and too highly paid; but if such should be the case, the fault would be in Congress, by whose authority exclusively they can be created or their compensation regulated.

But much is said in this connexion of the power of removal, justly accompanied by severe condemnation of the many and abusive instances of the use of the power, and the dangerous influence it gives the President; in all of which

I fully concur. It is, indeed, a corrupting and dangerous power, when officers are greatly multiplied and highly paid, and when it is perverted from its legitimate object to the advancement of personal or party purposes. But I find no such power in the list of powers granted to the executive, which is proof conclusive that it belongs to the class necessary and proper to execute some other power, if it exists at all, which none can doubt; and, for reasons already assigned, cannot be exercised without authority of law. If, then, it has been abused, it must be because Congress has not done its duty in permitting it to be exercised by the President without the sanction of law authorizing its exercise, and guarding against the abuses to which it is so liable.

The residue of the list are rather duties than rights—that of recommending to Congress such measures as he may deem expedient; of convening both houses on extraordinary occasions; of adjourning them when they cannot agree on the time; of receiving ambassadors and other ministers; of taking care that the laws be faithfully executed, and commissioning the officers of the United States. Of all these, there is but one which claims particular notice, in connexion with the point immediately under consideration; and that is, his power as the administrator of the laws. But whatever power he may have in that capacity depends on the action of Congress. If Congress should limit its legislation to the few great subjects confided to it; so frame its laws as to leave as little as possible to discretion, and take care to see that they are duly and faithfully executed, the administrative powers of the President would be proportionally limited, and divested of all danger. But if, on the contrary, it should extend its legislation in every direction; draw within its action subjects never contemplated by the Constitution; multiply its acts, create numerous offices, and increase the revenue and expenditures proportionally, and, at the same time, frame its laws vaguely and loosely, and withdraw, in a great measure, its supervising care over their execution, his power would indeed become truly formidable and alarming. Now I appeal to the senator and his friend, the author of this resolution, whether the growth of executive power has not been the result of such a course on the part of Congress. I ask them whether his power has not, in fact, increased or decreased just in proportion to the increase and decrease of the system of legislation, such as has been described? What was the period of its maximum increase, but the very period which they have so frequently and loudly denounced as the one most distinguished for the prevalence of executive power and usurpation? Much of that power certainly depended on the remarkable man then at the head of that department; but much —far more—on the system of legislation which the author of this resolution had built up with so much zeal and labour, and which carried the powers of the government to a point beyond that to which it had ever before attained, drawing many and important powers into its vortex, of which the framers of the Constitution never dreamed. And here let me say to both of the senators, and the party of which they are prominent members, that they labour in vain to bring down executive power, while they support the system they so zealously advocate. The power they complain of is but its necessary fruit. Be assured that, as certain as Congress transcends its assigned limits, and usurps powers never conferred, or stretches those conferred beyond the proper limits, so surely will the fruits of its usurpation pass into the hands of the executive. In seeking to become master, it but makes a master in the person of the President. It is only by confining itself to its allotted sphere, and a discreet use of its acknowledged powers, that it can retain that ascendency in the government which the Constitution intended to confer on it.

Having now pointed out the cause of the great increase of the executive power on which the senator rested his objection to the veto power, and having satisfactorily shown, as I trust I have, that, if it has proved dangerous in fact, the fault is not in the Constitution, but in Congress, I would next ask him, In

what possible way could the divesting the President of his veto, or modifying it as he proposes, limit his power? Is it not clear that, so far from the veto being the cause of the increase of his power, it would have acted as a limitation on it if it had been more freely and frequently used? If the President had vetoed the original Bank—the connexion with the banking system—the tariffs of 1824 and 1828, and the numerous acts appropriating money for roads, canals, harbours, and a long list of other measures not less unconstitutional, would his power have been half as great as it now is? He has grown great and powerful, not because *he used* his veto, but because *he abstained* from using it. In fact, it is difficult to imagine a case in which its application can tend to enlarge his power, except it be the case of an act intended to repeal a law calculated to increase his power, or to restore the authority of one which, by an arbitrary construction of his power, he has set aside.

Now let me add, in conclusion, that this is a question, in its bearings, of vital importance to that wonderful and sublime system of government which our patriotic ancestors established, not so much by their wisdom, wise and experienced as they were, as by the guidance of a kind Providence, who, in his divine dispensations, so disposed events as to lead to the establishment of a system of government wiser than those who framed it. The veto of itself, as important as it is, sinks into nothing compared to the principle involved. It is but one, and that by no means the most considerable, of those many devices which I have attempted to explain, and which were intended to strengthen the popular basis of our government, and resist its tendency to fall under the control of the dominant interest, acting through the mere numerical majority. The introduction of this resolution may be regarded as one of the many symptoms of that fatal tendency, and of which we had such fearful indications in the bold attempt at the late extraordinary session, of forcing through a whole system of measures of the most threatening and alarming character, in the space of a few weeks, on the ground that they were all decided in the election of the late President; thus attempting to substitute the will of a majority of the people, in the choice of a chief magistrate, as the legislative authority of the Union, in lieu of the beautiful and profound system established by the Constitution.

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## XXXIV.

### SPEECH ON MR. CLAY'S RESOLUTIONS IN RELATION TO THE REVENUES AND EXPENDITURES OF THE GOVERNMENT, MARCH 16, 1842.

Mr. Calhoun said: These resolutions are of a very mixed and contradictory character. They contain much that I approve, and much that I condemn. I approve of them, in the first place, because they recognise the Compromise Act, and profess to respect its provisions. I still more heartily approve of them because they assert that no duty ought to be laid but for revenue, and no revenue raised but what may be necessary for the economical administration of the government, and, by consequence, abandon the protective policy. I very decidedly approve of the preference which they give to the ad valorem over specific duties, and the effective argument of the senator (Mr. Clay) in support of that preference. And, finally, I approve of the principle that the government ought not to rely on loans or treasury-notes as a part of their ways and means in time of peace, except to meet a temporary deficit.

Having approved of so much, it may be asked, For what do I condemn them? I do it for this: that they do not propose to carry out in practice what they profess in principle; that, while they profess to respect the Compromise Act, they violate it in every essential particular but one, the ad valorem principle; and

even that, I fear, it is intended to set aside by the juggle of home valuation. If there be any part of that act more sacred than another, it is that which provides that there shall be no duty imposed after the 30th of June next except for revenue, and no revenue raised but what may be necessary to the economical administration of the government. It was for that the act was passed, and without which it would not have existed. If that was not apparent on the face of the act itself, the causes which led to its adoption would clearly prove it. It is sufficient, in this connexion, to remind the Senate that the object of the act was to terminate the controversy between the State of South Carolina and this government, growing out of the tariff of 1828. The object of the state, as far as it was individually concerned, was twofold—to put down the protective policy, and to protect herself against high duties, even for revenue, when it could be avoided by due regard to economy. To secure the former, the provision was inserted that no duty should be laid but for revenue; and the latter, that no revenue should be raised but what was necessary for the economical administration of the government. Without these provisions, I, as her representative on this floor, would never have given my assent to the act; and, if I had, the state would never have acquiesced in it. I speak with perfect confidence, for even with these important provisions, she reluctantly assented to the compromise.

Besides these, there was another object, in which the whole Union was deeply concerned, which influenced her in the step she then took; and that was to guard against the dangerous consequences of an accumulation of a large surplus revenue in the treasury after the payment of the public debt. While defending herself, and the portion of the Union in which her lot is cast, against an unconstitutional and oppressive measure, she was not unmindful of her Federal duties and obligations, nor did she permit her fidelity to the Union and the government to be impaired in her resistance to oppression. She had the sagacity to see, long in advance, the corrupting and dangerous consequences of a large and permanent surplus, of which experience has since given such calamitous evidence; and has the merit of taking the most intrepid stand against it, while others were unheeding, or indifferent to consequences. To guard against this danger, every article imported that did not come in conflict with the protective policy was made, by the Compromise Act, duty free to the 30th of June next, which, in the aggregate, equalled in value those on which the duties were retained; that is, one half the duties were forthwith repealed; but to prevent the possibility of abuse, and to guard in the most effectual manner the two leading provisions of the act, it was expressly provided that, after that time, all articles of imports, except a small list contained in the 5th section, should be subject to duty, and that no duty should thereafter exceed 20 per cent. ad valorem. The intention of the former provision was to prevent the enlargement of the free list, and thereby raising the duties proportionally higher on the dutied articles; and of the latter, that, under no pretext whatever, for protection or revenue, should duties be raised above 20 per cent., which was regarded as the extreme limits to which they ought ever to be carried for revenue. These were the guards on which I relied to prevent a return to the protective policy, or the raising of the revenue beyond what the necessary and economical wants of the government might require; and which, if they should be respected, will prove all-sufficient for the purpose intended.

Having secured these essential points, as far as the state and the Union at large were concerned, the next object was so to reduce the duties on the protected articles as to prevent any shock to the manufacturing interests. The state waged no war against them. Her opposition was to the unconstitutional and oppressive means by which it was sought to promote them at the expense of the other great interests of the community. She wished the manufacturers well; and, in proposing to bring down the duties gradually, through a slow process of many years, to the revenue point, I but faithfully represented her feel-

ings. My first proposition was to allow seven years, and to take one seventh annually off; but, finally, I acquiesced in extending the time two years more, and to reduce the duties as provided for by the act. So far from being an opponent to manufacturing industry, there is not one within the reach of my voice who puts a higher estimate on those arts, mechanical and chemical, by which matter is subjected to the dominion of mind. I regard them as the very basis of civilization, and the principal means designed by Providence for the future progress and improvement of our race. They will be found in progress to react on the moral and political world, and thereby producing greater and more salutary changes in both than all other causes combined.

Such are the leading objects of the Compromise Act. It is admitted, on all hands, that the provisions in favour of the manufacturing interests have been faithfully observed on our part. We have patiently waited the nine years of slow reduction, and resisted every attempt to make changes against the manufacturing interest, even when they would have operated in our favour, and for which we have received the thanks of those who represented it on this floor. And now, when the time has arrived when it is our turn to enjoy its benefits, they who called on us to adhere to the act when the interest of the manufacturers was at stake, and commended us for our fidelity to the compromise, turn round, when it suits their interest, and coolly and openly violate every provision in our favour, with the single exception already noticed, as I shall next proceed to show.

For that purpose it will be necessary to go back to the extraordinary session, for then the violation commenced. Going, then, back, and passing over minor points, I charge upon the senator and his friends, in the first place, a palpable infraction of the compromise, in raising the duties without making the least effort to reduce the expenditures of the government to what was necessary to its economical administration. The act is positive, that no more revenue should be raised than what such administration might require: a provision just as essential as that which requires that no duty should be imposed but for revenue. Acting, then, in the spirit of the act, the first step towards a revision of the duties should have been to ascertain what amount of revenue would be required for the economical administration of the government. Was that done? Nothing like it; but the very reverse. Not an effort was made to ascertain what the wants of the treasury required—not one to reduce the expenditures, although the senator and his party had come in on a solemn pledge to make a great reduction. Instead of that, every effort was made to increase the expenditures and add to the loans, forgetful alike of the compromise and pledges to the people, and, at the same time, to reduce the revenue by giving away the income from the lands, with the intention of increasing the duties on the imports.

The next charge I make is, a great enlargement of the list of free articles by the act increasing the duties, passed at the same session, in direct violation of the fifth section of the Compromise Act. Foreseeing that the protective system might again be renewed, and high duties imposed, simply by extending the list of free articles, and throwing the whole burden of supporting the government on the articles selected for protection, that section enumerates a short list of articles which should be duty free after the 30th of June next, and provided that all which were not enumerated should be subject to duties after that period, in order to guard against such abuses. In the face of this provision, the act alluded to increased the list of free articles manifold, taking the amount stated by the senator, as contained in that list, to be correct.

Such were the infractions of the act during that session; and it is now proposed by these resolutions to give the finishing blow by raising the duties, on an average, to 30 per centum on all articles not made free, in express violation of the main provision in the compromise, that no duty should be laid above 20 per cent. after the 30th of June next. The senator admits this to be an infrac-

tion, but pleads necessity. Now, sir, I admit, if there be indeed a necessity—if, after reducing the expenditures of the government to its just and economical wants, and the list of free articles to that provided for in the act, and returning the revenue from the lands to the treasury, there should be a deficit which could not be met without going beyond the 20 per cent., a case would be made that might justify it. But I utterly deny, in the first place, that, if all had been done that ought to have been, there would be any such necessity; and, in the next, the right to plead a necessity of his own creating. I go farther, and call on him to explain how he can, in fairness or honour, after what occurred at the extraordinary session, propose, as he has in these resolutions, to repeal the provision in the Distribution Act which makes it void if the duties should be raised above 20 per cent. It is well known to all that it could not have passed without the insertion of that provision, and that on its passage depended that of the Bankrupt Bill. Now I ask him how, after having secured the passage of two such important measures, can he reconcile it with what is fair or honourable, to turn round and propose to repeal the very provision by which their passage was effected?

But the senator denies that the necessity is of his creating, and insists that, if the revenue from the land were restored, rigid economy enforced, and all the provisions of the compromise respected, there would not be sufficient income to meet the necessary and economical wants of the government. I take issue with him on the fact, and shall now proceed to show that, even on his own data, there would be ample revenue without raising the duties above 20 per cent.

According to the estimates of the senator, the whole amount of appropriations, excluding public debt, required for the service of the year, permanent and current, under the various heads of civil list and miscellaneous, army and navy in all their branches, is twenty millions five hundred thousand dollars. To which he adds for other appropriations, not included in these, one million five hundred thousand dollars, which can mean nothing but contingent, unforeseen expenditures, and for the debt, two millions of dollars; making, in the aggregate, twenty-four millions of dollars. To this he proposes to add two millions more annually, as a reserved fund to meet contingencies; to which I object, on the ground that the object is already provided for by the one million five hundred thousand dollars for appropriations not included in the twenty millions five hundred thousand. There can be no demand on the treasury but through appropriations, and there can be no meaning attached to contingent appropriations but such unforeseen expenditures as are not usually included under the various heads of civil list, miscellaneous, army, and navy. The senator has clearly attempted to make a distinction that does not exist, and, in consequence, made a double provision for the same object. Of the two, I take the less sum, as I regard it ample as a permanent contingent fund, which will make his estimate for the year, thus corrected, to be twenty-four millions of dollars—a sum surely amply large.

Let us now turn to the ways and means to meet this large demand on the treasury. The first item is the revenue from the land, which ought to yield, under proper management, an average of at least three millions five hundred thousand dollars for the next five years, and which would reduce the amount to be provided for from the imposts to twenty millions five hundred thousand dollars. From this there ought to be deducted at least five hundred thousand dollars from the saving that may be made in the collection of the customs, which the senator estimates at one million six hundred thousand. I find, taking a series of years, under the tariff of 1828, with its exorbitant duties, and the consequent great increase of expenditures to guard against smuggling and frauds, that the collection of about an equal sum cost $4\frac{1}{2}$ per cent. Allowing the same rate under the more simple and moderate system of duties, according even to the scheme of the senator, and the cost of collection, instead of the sum proposed, would be about eight hundred and fifty thousand dollars, making a difference

of seven hundred and fifty thousand; but, for the facility of counting, and to be liberal, I allow but half a million for saving. That would reduce the sum to be provided for by duties to twenty millions of dollars; and the next question is, What rate of duty will be necessary to meet that amount?

Here, again, I take the estimate of the senator as the basis of my calculation. He bases his estimates of the imports on the probable amount of the exports, adding fifteen per cent. to the former for the profits of freight and trade. On this basis he estimates the probable amount of imports at one hundred and nineteen millions of dollars, a sum probably too low, taking the average of the next five years, provided the duties shall be moderate, and no adverse unforeseen cause should intervene. From this sum he deducted ten millions to meet the interest abroad, on account of the debts of the states: a sum, for the reason assigned by the senator from New-Hampshire behind me, too large, at least by three millions of dollars. Deduct seven millions on that account, and there would be left one hundred and twelve millions. The senator next deducted eighteen millions for articles made free by the act of the extra session, not including coffee and tea, which he estimates at twelve millions. I cannot assent to the deduction to the extent stated, as it is clearly against the provisions of the Compromise Act, as beyond the permanent free list provided for by that act. What would be the amount within its limits I have not been able to ascertain; but on the best data I have been able to obtain, I would not suppose that it would much, if any, exceed three millions five hundred thousand dollars, not including gold and silver. I exclude them because they are constantly flowing in and out, according to the demands of trade, the imports of one year becoming the exports of the next, and the reverse, except the small amount that may be permanently added to the circulation or be used in the country. The sum of three millions five hundred thousand dollars deducted from the hundred and twelve millions would leave, on the data assumed, a hundred and eight millions five hundred thousand as the probable annual amount of dutiable articles that would be imported for home consumption. Twenty per cent. on that sum would give twenty-one millions seven hundred thousand dollars, a sum ample to meet the amount estimated, and cover the necessary expenses of collection, and pay the bounties and premiums properly chargeable on the treasury.

But, in making these calculations, I by no means wish to be understood as acquiescing in the estimates which the senator has made of what ought to be the expenditures of the government. I hold them much too high. With an efficient system of administration, actuated by a true spirit of economy, seventeen millions would be ample to meet all expenses, without impairing the efficiency of the government, as I have shown on a former occasion; to raise which, an average duty of twelve or fifteen per cent., instead of twenty, would, with the aid of the revenue from the lands, be abundantly sufficient.

Having now shown that, while the senator professes to respect the compromise, he has in fact violated, or proposes to violate, all the essential provisions of the act, and that his plea of necessity for the proposing to raise the duties above the twenty per cent. utterly fails him, it may be asked, How is this contradiction in his course to be explained? Is he deluded, or does he intend to delude others? To suppose the latter would impeach his sincerity, which I do not intend to question. But how is delusion to be accounted for? It results from his position.

He is a tariff man, decidedly opposed to free trade. We have his own authority for the assertion. According to his views, free trade is among the greatest curses that could befall the country, and a high protective tariff among the greatest blessings. While he thus thinks and feels, circumstances, not necessary to be explained, have placed him in such relation to the Compromise Act, that he is sincerely desirous of respecting its provisions; but the misfortune is, that his respect for it is not compatible with his strong attachment to

his long-cherished system of policy. There is no estimating the force of self-delusion in a position so contradictory, of which the course of the senator on this occasion furnishes a striking illustration. Entertaining the opinion he does, it is natural that he should desire to carry out in practice his high restrictive notions on one side and opposition to free trade on the other; nor is it to be wondered at that his respect for the Compromise Act should have to yield as far as they stand in the way of his favourite system; especially as he has persuaded himself that the experiment, as he chooses to call it, of free trade has utterly failed on trial. Under that impression, he boldly asserted that the reduction of the duties had impaired the productive energy of the country, and has proved a curse not only to the portion of the country which so strongly advocated it, but to the very state by whose efforts the protective policy was overthrown.

Here, again, I take issue on the fact with the senator. I deny, in the first place, that we have had free trade, or anything that comes near to it. It is true that about one half of the articles were made duty free, but on the residue, and they the most important, but a small reduction of duties, comparatively speaking, was made prior to the 1st of January last. Till then, the duty on most of the articles was at a high protective rate. But while I deny that we have had free trade, I equally deny that the reduction which has taken place has in any degree impaired the productive energies of the country, or proved a curse to the staple states. On the contrary, I assert, and shall prove, that its effects has equalled the most sanguine expectation of the friends of free trade, notwithstanding the highly adverse circumstances under which it has taken place; that of a currency fluctuating and deranged, credit universally impaired, the machinery of commerce broken, and our principal customer, on whom we mainly depend for the sales of our produce abroad, and the purchase of our supplies, in a state of the greatest commercial embarrassment. In the midst of all these opposing and formidable difficulties, the productive energies of the country have advanced beyond all former example, under the wholesome stimulus of reduction of duties, as I shall next proceed to show.

I shall draw my facts principally from the annual commercial document from the treasury department, which gives full and authentic information of the commerce and navigation of the year, in all their relations, and shall begin with that portion of our domestic products which is shipped abroad, and which constitutes the basis of our commerce and navigation. I shall not include the imports, not because they would give a less favourable view of our industrial pursuits, but because they would give one that was apparently too favourable during the last four years, owing to the vast extent of loans contracted abroad by many of the states, and which were principally returned in merchandise of various descriptions. Nor shall I include the carrying trade, because it is little affected by the rate of the duties, as they are returned in the shape of drawbacks on reshipment of the imported articles.

In order to have a full and satisfactory view of the relative effects of increasing and reducing the duties on our export trade, I have arranged in table A the aggregate amount of all our domestic exports, including manufactures, for sixteen years, beginning with 1825, the first year under the first tariff laid professedly for protection, and ending with 1840, divided into two equal periods of eight years each; the first ending with 1832, and comprehending the period of the two protective tariffs of 1824 and 1828, and the last extending from the termination of the first to 1840 inclusive. I have not included 1841, because it would impede the facility of comparing the two periods, by making one longer than the other, and not because it would be less favourable than the other years, since the commencement of the reduction. I have extended the first to 1833, notwithstanding the reduction of the duties on coffee, tea, and some other articles began in 1830, and which, as a reference to the table will show, gave a considerable impulse to our export trade in 1831 and 1832, and a corresponding

increase of the exports to the period of high protective duties, which fairly belongs to that of reduction. The great reduction took place in March, 1833, under the Compromise Act, and with that year, accordingly, I commence the period of reduction, to the effects of which the senator attributes such disastrous results to the industry of the country. With these remarks I shall now proceed to compare the two periods, in order to ascertain how far facts will sustain or refute his bold declamatory assertions.

The aggregate amount of the value of the exports, in the first series of years, from 1824 to 1833, the period when the protective policy was in its greatest vigour, was $469,198,564, making an average of $57,399,945 per annum, throughout the period; while the aggregate amount of value in the last, the period of reduction under the compromise, was $768,352,365, giving an average of $96,442,795, and making an aggregate gain, in the period of reduction, over that of protection, of $299,174,791, and an average annual gain of $38,646,855, being rather more than 65 per cent. on the average of the former period: an increase without example in any former period of the history of our commerce. This vast increase has had a corresponding effect on our tonnage in the foreign and coasting trade, as will appear by reference to table B, which contains a statement of our tonnage for the two periods. The aggregate amount of the foreign tonnage at the close of the first period was, in the foreign, 686,989, and the coasting, 752,456 tons, making the aggregate 1,439,450 tons, against the last, in the foreign trade, of 896,646, and the coasting, 1,280,999; making, in the aggregate, 2,180,763, and an increase during the period of reduction of duties, over that of protection, of 741,303 tons; while, during the first, there was an actual falling off in the tonnage, as the table will show.

But it will no doubt be objected, that this mighty impulse from reduction, which has so vastly increased our exports and tonnage, was confined to the great agricultural staples; and that the effects will be found to be the reverse on the manufacturing industry of the country. The very opposite is the fact; so far from falling off, it is the very branch of our exports that has received the greatest impulse, as will be apparent by reference to table C, in which the exports in value of domestic manufactures are arranged in tabular form, divided into the same periods. It will appear, by reference to it, that the whole value of the exports of domestic manufactures, during the period of high protective duties, was but $43,180,755. So far from increasing, there was an actual falling off, comparing the last with the first year of the series, of $505,633. Now turn to the period of reduction of duties, and mark the contrast. Instead of falling off, the exports increased to $65,917,018 during the period; and, comparing the last year of the series with the last of that of high protective duties, the increase will be found to be $7,798,207, greater than the former year by nearly three millions of dollars. This vast increase of the exports of domestic manufactures, even beyond the other branches of exports, is attributable mainly to the fact that a large portion of the articles for which they were exchanged were made duty free during the period under the compromise, while the greater part of those for which the great agricultural staples were exchanged were still subject to high duties.

But it has been said that this vast increase has resulted from the embarrassed state of the home market, which forced the manufacturers to go abroad to find purchasers, and that it is rather an evidence of their depression than their prosperity. To test the truth of this objection, I propose to select the manufacture of cotton, which furnishes the largest item in the exports of domestic manufactures, and shall show conclusively that the increase of exports under the reduction of duties, so far from being produced by the cause assigned, is but the natural result of the healthy and flourishing condition of that important branch of our industry. I shall go to its headquarters, Lowell and Boston, for my proof, as affording the best possible evidence of its actual condition throughout

the manufacturing region. I shall begin at the former place, and, in the absence of all official documents, shall draw from a highly respectable source, the writer of the money articles in the New-York Herald, who appears to have drawn from some authentic source, if we may judge from the minuteness of his statement.

According to his statement, the entire amount of cotton goods made at Lowell, in 1839, was 58,263,400 yards; and in 1840, 73,853,400 yards; making an increase, in a single year, of 15,590,000 yards, more than 25 per cent. on the entire growth in that branch in that flourishing town, from its foundation to the beginning of the year 1840! But as great as that is, it is not equal, in proportion, to the quantity of the raw article consumed, which in the former year was 19,258,600 pounds, and the latter 28,764,000—increase 9,509,600—more than 50 per cent. in one year, on the entire increase of the consumption, up to the commencement of the year! What makes it the more striking, is the fact that this great increase took place under a very great fall of price, averaging fully 22 per cent.; but, notwithstanding this great fall, the aggregate gain from the fall in the price of the raw material and extension of the operations exceeded that of 1839 by $195,922; affording conclusive proof that low prices and increased gain may be reconciled in manufacturing industry.

But it may be said that the gain is not in proportion to the extension of the operation, and that, so far from indicating a prosperous condition, it is indicative of the reverse. To this I reply, that if the fact be as supposed—if the year 1840 was really a bad instead of a good year for the manufacture of cotton in Massachusetts and the adjacent region—the proof will be found in the falling off of their operations the next year. But, so far from that being the case, I shall show, by conclusive evidence, that their increase in 1841 exceeded all preceding years, if we may judge from the quantity of the raw material required, than which there can be nothing safer by which to judge.

I hold in my hand a statement of the amount of cotton imported into Boston from 1835 to 1840 inclusive; and from the 1st of January, 1841, to the 25th of May, of the same year, being rather less than five months, taken from the Boston Atlas, which may be regarded as good authority on the subject. Now assuming, as I safely may, that the cotton imported into Boston is almost exclusively for domestic use, and is consumed by that large portion of our cotton manufacturers which draw their supply from there, we will have in the quantity imported very nearly the quantity consumed; and in that consumed the extent of the manufacturing operations in the entire circle which draws its supplies from Boston. Now, what says the statement? In 1835 there were imported, in round numbers, into Boston, 80,000 bales; in 1836, 82,000; in 1837, 82,000; in 1838, 96,000; in 1839, 94,000; in 1840, 136,000; and from the 1st of January to the 26th of May, 1841, 93,000; and for the year, as estimated by the editor of the Atlas, 150,000; almost double the consumption, as compared to 1835, in the short space of eight years, and increasing more and more rapidly with the reduction of duties, and the most rapidly just as the period of the final great reduction is about to take place. I rejoice at all this. I rejoice, because it is proof conclusive of the great prosperity, up to that period, of this important branch of our industry; because it is proof of the beneficial and stimulating effect of decreasing duties; because I see in such results that the great staple interest of the South, and the great manufacturing interest of the North, may be reconciled, and that each will find, on fair trial, their mutual interest in low duties and a sound currency, as the only safe and solid protection. This great and striking result is not, be assured, accidental. It comes from fixed laws, which only require to be known and to be acted on to give unbounded prosperity to the country. But I had almost forgotten to ask, How can this vast increase of 1841, compared with that of 1840, be reconciled with the supposed unproductive condition of the manufacture of cotton in the latter year? Have

our New-England brethren forgotten their sagacity and prudence, and gone on rapidly extending their operations, in spite of a decaying business?

But I have not yet exhausted the proof of the great and beneficial effects resulting from the reduction of the duties. It has been alleged, as a conclusive objection against the reduction of duties, that it would inundate the country with imports of foreign production, the belief of which has spread great alarm among the manufacturing interest of the country. I admit that the injudicious and sudden reduction at the beginning of this year, and which is to take place on the 30th of June next, may, to a considerable extent, have the temporary effect apprehended. I was opposed to throwing so great a reduction on the termination of the series of years of reduction fixed by the compromise, and that for the reason that it would have that effect. Had the reduction been equally distributed over the whole period, as I proposed, or had the offer I made at the extraordinary session been accepted, of bringing down the duties above 20 per cent. on the protected articles gradually, and raising those on the free in the same way, the evil would have been wholly avoided; but other counsel prevailed. The mischief is now done, and must be endured. It is, however, some consolation to think it will be but temporary. Low duties and a sound currency will prove the most effective preventive to over-importation, and the alarm, in the end, will prove unfounded. That reduction of duties has not been followed by the evil apprehended, we have strong proof in the fact that it has not been the case under the regular and gradual reduction provided by the compromise, quite down to the last great reduction. In 1839, the importation of cotton goods, of all descriptions, amounted in value to $13,913,393, and in 1840 to but $6,594,484; making a reduction in one year, under the increasing reduction of duties, of $7,408,909; more than equal to the whole amount of the importation of the year; and yet, with all these decisive proofs of their great and growing prosperity, the cotton and other manufacturing interests are pouring in petitions day after day by thousands, crying out for relief, and asking for high and oppressive duties on almost every article of consumption, for their benefit, at the expense of the rest of the community; and that, too, when the great staple exporting interest, if we are to believe the members representing these petitioners on this floor, is at the same time in the most depressed and embarrassed condition.

But it is attempted to explain these striking proofs of prosperity, which cannot be denied, by stating that they occurred under high protective duties, as only four tenths of the duties above 20 per cent. on protected articles had been taken off prior to the 1st of January last, and that what remained was ample for protection; and that it is to that, not the reduction of the duties, that this great increase of the manufacture of cotton is to be attributed. In reply, I ask, if protection, and not reduction of duties, be in fact the cause, how is it to be explained that so little progress was made by the cotton manufactories during the high protective duties of the tariffs of 1824 and 1828? And how, that the progress has been more and more rapid, just in proportion as the duties have been reduced under the compromise, as the vast increase of the importation of the raw material into the port of Boston clearly indicates? These facts prove, beyond controversy, that the great increase in question did not depend on the protective policy, but the reverse, the reduction of duties, and may be fairly attributed to the effect which the repeal and the reduction of duties under that act have had *in cheapening the cost of production at home, and enlarging the market for the product of our labour abroad, by removing so many and such oppressive burdens from our foreign exchanges.*

Having now shown the relative effects of protection and reduction of duties on the export trade generally, and on the tonnage, foreign and coasting, and the manufacture and consumption of cotton, I shall now proceed to trace their comparative effects on the three great agricultural staples, cotton, rice, and tobacco,

all of which are the product of that portion of the Union which the senator and his friends would persuade us has suffered so much from the reduction of the duties. I shall begin with 1820 and conclude with 1840, making twenty-one years, which I shall divide into three equal periods of seven years each; the first to extend to 1826 inclusive, the second to 1833 inclusive, and the last to 1841. The first will conclude with the period which fairly represents the effects of the high duties under the act of 1816, with one or two supplemental acts passed at the close of the late war; the second, that under the protective tariffs of 1824 and 1828; and the last, that under the compromise or reduction of duties. I have commenced the periods of protection and reduction at a little later period than in making out the table of exports generally, because the agricultural staples are sold and shipped in the fiscal year subsequent to their production, and are not materially affected by a change of duty till the succeeding year. It has also the advantage of being divisible into three equal parts, nearly coinciding with those marked and dissimilar periods of legislation in reference to the duties on imports. The disturbing effects of the late war on the commerce of the country had in a great measure ceased at the date of the commencement of the first period. With these explanatory remarks, I shall begin with cotton, the leading article, and shall draw my facts from official documents, unless otherwise stated.

The table marked D contains a statement of the value of the exports of cotton for each year during this long period, divided, as already stated, into periods of seven years; by reference to which it will be seen that the aggregate value of the exports for the first period of seven years, from 1819 to 1826 inclusive, was $170,765,993. That period was one of severe contraction of the currency, following the great expansion in consequence of the universal suspension of all the banks south of New-England, from 1813 to 1817, and was marked by great commercial and pecuniary embarrassment.

The aggregate exports in value for the next period of seven years, from the termination of the first to 1833 inclusive, was $201,302,247 (see same table)—a period throughout of high protective duties, without relaxation, excepting the last two years, when the duties on coffee, tea, and some other articles were greatly reduced, and which, as will be seen by reference to the table, had a very sensible effect in increasing the exports of those years. The increase of the exports in the whole of this period, compared with the former, was but $31,536,254, about $1\frac{5}{6}$ per cent., being a rate per cent. compared to the increase of population of about $\frac{1}{15}$ only. But even this inconsiderable increase, in a period marked by no extraordinary vicissitude or embarrassment in the commerce or currency of the country, over one of severe contraction and embarrassment, occurred principally during the last two years of the series, after the reduction of the duties already alluded to, and to which it may be fairly attributed.

The aggregate increase for the last period of seven years, from 1833, the year of the compromise, to 1841, was $435,300,830 (see same table)—a period throughout of reduction, making an increase of $233,998,583; equal to about 115 per cent. compared to the aggregate value of the period of high protective tariff, and four times greater than the average increase of our population for the same period, and this for a large portion of the time of unexampled derangement of the currency and pecuniary and commercial embarrassment.

I shall now pass to the next most important of our great agricultural staples, tobacco, referring for a detailed view to table marked E, and for explanation as to each period, the remarks made in reference to cotton.

The aggregate export in value of tobacco for the first period was $43,441,569; and of the second, $39,983,570; being an actual falling off under the high, increased protective duties of the acts of 1824 and 1828, compared to the lower, but still high duties of the former period, of $3,557,899, and that, too, in the absence of all adverse causes except the high, oppressive duties during the period.

Turn now to the period of reduction, and witness the result, notwithstanding all its embarrassments. The aggregate export of tobacco during that period increased to $57,809,098—an increase, compared to the period of protection, of $17,945,528, equal to about 43 per cent. on the former, and nearly double compared to the increase of population. And yet, with this striking fact, taken from official documents, there are those residing in the tobacco region who, not content with this vast and rapid increase, would resort to retaliatory duties on silks, linens, wines, and the other articles made free of duty by the Compromise Act, in order to increase still more the tobacco trade; that is, they would lay heavy duties on the very articles, the exception of which from duties has given it this mighty increase, in the hopeless struggle of compelling a change in the long-established system of finance by which tobacco has been subject to high duties in the old nations of Europe. If what is aimed at could be accomplished, it would be well, though I doubt whether it would be to the advantage of our tobacco trade, even if it could be done; but if it should fail, the loss would be certain and incalculable to the tobacco growers. The trade would be sacrificed in the attempt. The duty already imposed, at the extra session, of 20 per cent., will do much to cripple the trade.

I shall next proceed to the least considerable of the three staples, rice, referring for detailed information to the table F; and here we have the only unfavourable result which any of the items of exports I have examined give. The aggregate exports of rice, in value, during the first period, were $12,334,369; and in the second, $16,308,842, showing a gain of $3,974,573; and in the third, of $15,314,739, showing a falling off of $994,103 in the exports, probably caused by the greater consumption at home, in consequence of opening the interior to its use by means of railroads and canals, and the drawing off of hands engaged in the culture of rice to be employed in that of cotton.

By combining the whole, it will appear that the aggregate gain on the three staples in the second period, that of high protective duties, compared with the first, that of lower, but still high duties and great commercial and pecuniary embarrassment, deducting the falling off on tobacco, and adding the gain on rice, is only $31,953,828 in seven years, on an aggregate export, during the first period, of $226,538,201, less than $1\frac{2}{3}$ per cent. for the whole period, being an increase, compared to that of the population for the time, of about one sixteenth only; while the aggregate gain of the last period (that of reduction of duties) on the three staples combined, deducting the loss on rice, and adding the gain on tobacco, is, compared to the second, that of high protective duties, $250,950,958 in the seven years; being an increase greater than the whole amount of the aggregate exports of the preceding period, and greater than the ratio of the increase of population for the time, by more than $3\frac{1}{2}$ to one.

Such is the mighty impulse which (I will not say free trade, for we are still far from it) a reduction of duties has given to the export trade of our great agricultural staples, from which the commerce and navigation of the country derive their main support. There can be no mistake. The facts are drawn from official sources, and do not admit of any error which can materially vary the result.

But I admit that there is great pecuniary embarrassment and distress throughout the whole staple region, notwithstanding this vast increase of the production and value of their great staples. The fact being admitted, the question is, What is the cause? The senator and his friends attribute it to the reduction of the duties. I deny it. The official documents deny it; for nothing is more certain than that the income of the staple states, taken as a whole, never has been so great; no, nothing like it in proportion to its population, as it has been during the period since the adoption of the compromise. Be, then, the cause what it may, it is certain that it is not the reduction of duties; and that, so far from that, it has taken place in spite of, and not in consequence of reduction.

What, then, is it? I will tell you: indebtedness—universal, deep indebtedness of states, corporations, and individuals, followed by a forced and sudden liquidation. That is the obvious and unquestionable cause. And what has caused that? What but a vast and long-continued expansion of the currency, which raised prices beyond all former rates, and which, by its delusive effects, turned the whole community into a body of speculators, in the eager expectation of amassing sudden fortunes? And what caused this great and disastrous expansion? The banks, combined with the high and oppressive duties imposed by the tariff of 1828. It was that measure, which, by its necessary operation, turned exchanges in favour of this country, and, by necessary consequence, as I have proved on a former occasion,* caused the great expansion which followed the passage of that act, and which, by a series of causes, explained on the same occasion, continued to keep exchanges either in our favour, or about par, to the suspension in 1837. Another powerful cause for this expansion, resulting from high duties and springing from the same act, was the vast surplus revenue which it accumulated in the treasury, or rather in the banks, as its depositories, and which became, in fact, bank capital in its worst and most corrupting form, and did more to overthrow them, and cause the present embarrassed state of the government and the country, than all other causes combined. It was the proximate cause of the then suspension; and, in turn, of their present ruined condition, and that of the forced liquidation under which the country is suffering. These causes, with the bankrupt law and the return of stocks from abroad, followed by a drain of specie, have produced that universal and intense pecuniary embarrassment and distress of which we hear such complaint. They belong to the banking and tariff system, and not to the reduction of duties, which, so far from being the cause, has done much to mitigate the evil, by the vast addition it has made to the income of the country, as has been shown. But, in addition to these, the great staple region, especially the cotton region of the Southwest, have had great and peculiar difficulties of their own. The rapid extinction of the Indian title to a vast and fertile territory in that quarter, with a climate and soil more congenial to the growth of cotton than any of the Atlantic states, which, in combination with the expanded state of the currency, led to bold and reckless speculation, on a great scale, at the highest prices in land and negroes, and which have overwhelmed the Southwestern States with debt, and, notwithstanding the vast increase of their income, have left them in their present embarrassed condition.

These, I repeat, are the great causes of the distress and embarrassments of the staple states, and, I may add, through them, of the Union. They come not from free trade, as the senator would have us believe, but from his own favourite system of banks and tariffs, to which he so earnestly invites the country again to return. His is the stimulating treatment. The suffering patient is trembling in every joint, and almost ready to sink from his late debaucheries; his prescription is to return again to the bottle—to drink from the same deceitful bowl, instead of honestly prescribing total abstinence as the only effectual remedy.

But to return to the documents, which I have not exhausted. The senator asserted that the price of cotton has been lower during the period of reduction than under his old and cherished system of protection; and here, again, I meet him on the fact. In order to test the truth of his assertion, I have formed a tabular statement of the quantity and price of cotton for each year, from 1819 to 1841, divided, as in the case of the exports, into three parts, of seven years each, corresponding with the former. The table will be found in the appendix, marked G. The statement from 1819 to 1836 is taken from a laborious and carefully-compiled report of the senator from New-Hampshire (Mr. Woodbury), made while he was Secretary of the Treasury, and which contains a great deal

* Speech on the Assumption of State Debts.

of valuable information in relation to that important staple. The price for the remaining portions of the period is from a monthly statement of the prices of cotton at New-Orleans, taking the average between the highest and lowest price each month, and the quantity from several sources, but principally from a carefully-drawn statement, apparently by one well informed, and published in the Southern Banner.

By reference to the table, it will be seen that the aggregate quantity produced in the first part of the period, from 1819 to 1826 inclusive, was 1555 millions of pounds; that the average price was 15⅓ cents per pound, and the value $234,675,000; and that in the second, from 1826 to 1834, the quantity was 2530 millions of pounds, the average price 10 cents, and the value $263,387,500; showing a falling off in the average price of rather more than one third, and an aggregate increase of value of only $28,712,500 in the whole seven years. Now note the difference under the influence of the reduction of the duties. The aggregate quantity increased to 3777 millions of pounds, the price increased to an average of 13¼ cents per pound, and the aggregate value to $496,516,500, making an increase for the seven years of $223,730,000. But as great and striking as this result is, there is reason to believe that it is below the reality. Having the average price for the respective periods, and the value of the exports for the same, it is easy to ascertain the quantity shipped to foreign countries on those data, which, if deducted from the whole quantity produced, will give what would be left for home consumption. By applying this calculation to the respective periods, it will be found that in the two former periods a considerably greater amount is left for home consumption than what the home market is usually estimated to require during those periods, and in the last considerably less. That would indicate a corresponding error either in the price or the quantity, in favour of the first two, against the last period; which may in part be accounted for from the fact that, in making up the estimate of the price prior to 1835, the Secretary of the Treasury took the aggregate value, including Sea Island as well as the short staple, and which, of course, would considerably increase the average price of the whole, at a period when the former bore a larger proportion to the whole than at present. The prices in the table, since 1835, are taken exclusively from the short staple. But, be the cause what it may, it is probable, on the data already stated, the value during the last period, that of reduction, ought to be raised not less than twenty millions, or those of the preceding reduced that amount.

And here I deem it proper to notice the triumphant air with which the senator noticed the present low price of cotton, which he asserted to be lower than it has been since the late war. It is indeed low, very low—too much so to bear the burden of high protective duties; but as low as it is, it is not lower than it was in 1831, under the operation of his favourite system, and to which he invites us to return. But the senator seems to forget that price is not the only element by which the prosperity of cotton, or any other product, is to be estimated. Quantity is fully as important as price itself in estimating the income of those engaged in the production. Now, sir, let us take into the calculation both these elements, in estimating the income of the cotton planters from the crop of 1830, sold in 1831, and that of 1841, sold this year, estimated at the same price, say an average of 9 cents, or any other amount. The crop of 1830 is put down at 350 millions of pounds, which, at 9 cents, would give $31,500,000; and that of 1841 estimated at one million seven hundred thousand bales, say four hundred pounds to the bale, would give 680 millions of pounds, which, at nine cents, would give $61,200,000; making a difference of $29,700,000 in favour of the latter, nearly double the former. It is this great increase in quantity, produced under the stimulus of low duties, which, if we were permitted to enjoy its advantages, would add so greatly to the prosperity of the cotton interest.

Such are the facts, drawn almost exclusively from official documents, and such the results, proving beyond all doubt the deadening effects of high protective duties on the productive energy of the country, and the vivifying effects of a reduction from duties. Proof more conclusive of the one and the other cannot be offered; but it would be vain to expect it to make the slighest impression on the party which now controls the government. The leading interests—those which control all their actions—are banks, tariffs, stocks, paper, monopolies, and, above all, that misletoe interest which lives on the government itself, and flourishes most when its exactions are the greatest, and its expenditures the most profuse. High duties are the life-blood of this powerful combination; and be the proof of its pernicious effects on the community at large ever so clear—as clear as the sun at noon, it would make no impression on them. It is to politics, and not to political economy, they look; and they would readily sacrifice the manufactures themselves to save their party and its political ascendency. But I say to them, that it is in vain you resist light and reason. The freedom of trade has its foundation in the deep and durable foundation of truth, and will vindicate itself. It draws its origin from on high. It emanates from the Divine will, and is designed in its dispensation to perform an important part in binding together in concord and peace the nations of the earth, and in extending far and wide the blessings of civilization. In fulfilment of this high design, severe penalties are annexed to a departure from its laws. But this is not the proper occasion to enter on these higher considerations. I hope an opportunity will be afforded when the bill comes up for the revision of the duties for which these resolutions are, I suppose, intended to prepare the way. When it comes to be acted on, I intend to embrace the opportunity to trace the laws of which the facts and results, which I have stated from official sources, are but consequences—laws as fixed and immutable as those which govern the material world.

As great and striking as these results are, it must be borne in mind that they are but the effects of the *reduction* of duties, and that, too, under the greatest embarrassment and disadvantages, growing out of the protective system, and not the full and mature fruit of free trade. What has as yet been experienced affords but a faint conception of the wide and general prosperity which would be diffused throughout the whole community by low duties, sound currency, and exemption from the debts and embarrassments of a false and pernicious system. If gentlemen could be persuaded to abstain from their prescriptions—leave off their nostrums—restore the revenue from the lands—economize and retrench expenditures—the youthful vigour of the patient would soon do the rest. Full and robust health would soon be restored, and a few years' experience under the benign effects of a truer and better system would, in a short time obliterate the recollection of present suffering.

Before I conclude, I feel called on to notice the frequent allusion made to South Carolina during the course of this discussion. Every one who has listened to what has been said must have been struck with the bold assertions of the senator, and others who have taken the same side, in reference to her depression and difficulties. It has been solemnly asserted that no one could venture to say that she has realized any of the anticipated advantages from reduction of the duties. I propose to answer these bold and declamatory assertions, as I have others of like kind, by appealing to facts, resting on official documents. For this purpose, I have selected the same period of twenty-one years, from 1819 to 1841, divided into the same divisions of seven years each, and have formed a table marked H, giving the exports from the state for each year, and the aggregate exports for each division. Reference to it will show that the aggregate exports in value from the state during the first period, from 1819 to 1826 inclusive, was $55,545,572; and that from the next, terminating with 1833, under the operation of the two high tariffs of 1824 and 1828, the aggre-

gate exports decreased to $52,965,513, showing a falling off of a million and a half, under high duties. Turning, then, to the period of reduction, the period depicted by gentlemen as so disastrous to the state, we shall find, instead of a decrease, the aggregate exports of the period swelled to $78,338,594, being an increase of $25,375,081, compared to the preceding period of high duties. The effect on the imports is still more striking, both in the falling off during the period of high duties and recovering under that of reduction.

But it has been attempted to explain this rapid increase of exports on the ground that a large portion are the products of Georgia, drawn to the port of Charleston by the railroad to Hamburg, opposite to Augusta. It is probable that there was a greater amount from Georgia during the last period, compared with the preceding, from that cause, but nothing like sufficient to account for the increase, as would be manifest by turning to the exports and imports of Georgia for the same period. I find, on examining them, that they have followed the same laws in the two periods, the exports remaining about stationary during the period of high duties, and the imports regularly falling off, and both immediately and regularly increasing throughout that of the reduction; with this difference, that Georgia has increased in both even more rapidly than Carolina, probably because of her increased population. But be that as it may, it clearly shows that the great increase of Carolina is not owing to the cause to which it is attempted to attribute it.

But as great as the impulse is which has been given to her export trade, I do not deny that South Carolina, like all the other states, is suffering under great pecuniary and commercial embarrassments; not, however, in consequence of reduction of duties, but in spite of it. Her suffering is from the same general causes already explained, with the addition of several peculiar to herself. Short crops from bad seasons for the last two years; a destructive fire in the heart of her commercial capital, which destroyed a large portion of that city; a heavy loss, estimated at about three millions of dollars, from the insolvency of the United States Bank of Pennsylvania; a large expenditure on a railroad project, which has been found impracticable; and the deranged state of the currency in the surrounding states, which has done much to embarrass her commerce. But, in the midst of all difficulties, she stands erect, with a sound currency and unimpeached credit, and as likely to ride out the storm as any other state. Gentlemen greatly mistake if they suppose she is so ignorant and stupid as to confound the cause of her difficulties with what has done so much to augment her means, and to enable her to bear up successfully under her difficulties.

Having finished my remarks as far as they relate to these resolutions, I propose to advert, in conclusion, to a topic which has been drawn into this discussion by almost every one who has spoken on the opposite side. It would seem that there has sprung up, all at once, among our manufacturing friends, a great solicitude about us of the South, and our great staple. They look on our ruin as certain, unless something should be done to prevent it, and are ready to shed tears at the distress about to overwhelm us. They see in Hindostan a great and successful rival, about to drive us entirely out of the cotton market of the world; against which, according to their opinion, there is but one refuge, the home market, to be secured by high protective duties. To this panacea they resort for every disease that can afflict the body politic. But admit the danger: I ask, Of what service would the home market be to us if we lose the foreign? We have already possession, substantially, of the home market. The whole amount of cotton goods imported for consumption in 1840 was but little more than six millions of dollars, about one eighth in value compared with that manufactured at home. Of the imported, by far the larger proportion are fine and light articles, which would require but a small quantity of the raw material to manufacture them; not more at the outside, I should suppose, than thirty thousand bales; so that, if every yard of cotton goods consumed in the country was

made at home, it would only make that addition to the quantity of cotton already consumed by our own manufactures. What, I ask, is to be done with the residue, which is five or six times greater, and now finds its market abroad? Do you suppose that we are such simpletons as to assent to high duties on all we consume—to be highly taxed in all that we eat, drink, or wear, for such paltry consideration? But suppose we should be simple enough to be gulled by so shallow a device, what security have we, if the East India cotton should prove to be cheaper than ours, as you allege it will, that the duty which would be laid on it might not be repealed, just as you have repealed that on indigo, raw hides, and many other articles, which might be supplied from our own soil? You must pardon me. I cannot take your word, after the ingenuity you have shown in construing away the Compromise Act. You must excuse me if I am a little suspicious and jealous after what I have witnessed. You must redeem the existing pledges before you ask me to accept of another.

But is the danger really so great as gentlemen represent? Are we in reality about to find a successful rival in the cultivation of cotton? If such be the fact—if the cultivation of cotton is to be lost, we shall have at least the poor consolation that we will not be the only sufferer. It would work a revolution in all our industrial pursuits. What would become of our foreign and domestic commerce? What of our tonnage and navigation? What of our finances? What of the great internal exchanges of the country? I will not undertake to offer an opinion on the capacity of Hindostan to produce cotton. The region is large, and the soil and climate various. The population great, and wages low; but I must be permitted to doubt the success of the experiment of driving us out of the market, though backed and patronised by English capital and energy. Nor am I alone in doubting. I have taken from a late English paper (The Manchester Guardian) an article which speaks with great confidence that the experiment has proved a failure. I will thank the secretary to read it:

"Cultivation of Cotton in India.—Since the publication of the letter on this subject, addressed by the Bombay Chamber of Commerce to the Indian government, we have learned, through the medium of letters received by the last overland mail, that the efforts of the American planters who went to the westerly side of India have so far entirely failed. Indeed, so far as we can learn, there has been very great neglect and mismanagement on almost every point connected with their operations. It would seem as if the directors of the East India Company had thought it was quite enough to send them to India, and that all farther care about them was quite unnecessary; for, on their arrival in that country, they found that no direction respecting them had been given; and they were absolutely losing their time for two or three months, until instructions could be received from the government. Then, instead of letting them survey the country, and choose the situation and soil which appeared best adapted for the culture of cotton, when instructions were received, they were taken at once to Broach, and there placed under the direction of a gentleman who felt no interest in the matter, but who took upon him to choose soil and situation for them. He allotted them what was considered very good cotton land—that is, land of a strong and tenacious quality, exceedingly well adapted for the growth of the native cotton, but which former experiments had shown to be very unfavourable to the American plant, which has a large tap root, and thrives as badly in the stiff black soil in which the native cotton is grown, as carrots would thrive in a stiff clay in this country. As a matter of course, their crop of upland cotton has failed, with the exception of a very small patch which they had planted on a piece of light sandy soil, which the tap roots of the cotton were able to penetrate, and on which the plants were exceedingly luxuriant, and covered with large pods of cotton. From the strong black soil, it was not supposed that they would be able to pick a pound per acre of good cotton. So far, therefore, the cultivation of American cotton in Upper India has made no

progress; nor do we imagine that it is very likely to do so hereafter. From all we have read upon the subject of Indian cotton cultivation, it seems to us that the best chance of success is to be found in a careful and discriminating growth of native varieties, and a careful gathering and cleaning of the produce. This was one of the objects towards which the attention of the American planters was to be directed, but hitherto we find very little has been done. At the date of the latest advices from Broach (the 24th of November), they were putting up a ginhouse for ginning native cotton; but, owing to the great number of obstacles necessarily experienced in such a country as India, they made very slow progress with their work, and it was feared that the growing crop would be entirely over before their gins were ready. Up to the date mentioned, no satisfactory experiments had been made as to the capability of the native cotton to stand ginning. Some trials were about to be made with a hand-gin, which, one would suppose, ought to have been the first step taken, before incurring a large expense in erecting machinery, which may prove useless. On the whole, we fear the prospect of receiving any large supply of superior cotton from India is not at present very flattering. In order to overcome the difficulties presented by the habits of the people, and by other causes, great energy and perseverance on the part of the agents of the Indian government intrusted with the control of the experiments are absolutely necessary; and those qualities cannot be expected from parties who do not feel a strong interest in their success. Hitherto, we believe, the government agents have lent but a cold and indifferent aid to the experiments; and it is, therefore, to be feared that, unless the matter should be put into other hands, there does not seem to be much chance of any good result from experiments from which so much was expected."—*Manchester Guardian.*

In confirmation of the opinion of the writer of the article, that of intelligent individuals, well acquainted with the country, might be added, who speak with confidence that, taking price and quality into consideration, we have nothing serious to apprehend. We might, indeed, have something to fear during the continuance of the Chinese war. That country is the principal market for the cotton of Hindostan, and while it remains closed, the cotton intended for its market may be thrown in such quantities on the European as may materially depress the price. But the present relation between Great Britain and China cannot long continue. It can scarcely be doubted that the former will at last succeed in opening the market of China to the commerce of the world to a much greater extent than it has ever been heretofore; when, so far from competing with us, the cotton of Hindostan will not be sufficient to supply the demands of that great market.

But I am not ignorant that we must rely for holding the cotton market on our superior skill, industry, and capacity for producing the article. Nearly, if not altogether, one half of the solid contents of the globe is capable of producing cotton; and that, too, in the portion the most populous, and where labour is the cheapest. We may have rivals everywhere in a belt of 70 degrees at least, lying on each side of the equator, and extending around the globe. Not only the far East, but all Western Asia, quite to the 35th, or even the 40th degree of latitude, a large portion of Europe, almost all Africa, and a large portion of this continent, may be said to be a cotton-producing region. When the price of cotton rises high, a large portion of that immense region becomes our competitors in its production, which invariably results in a great fall of price, when a struggle follows for the market. In that struggle we have ever, heretofore, succeeded, and I have no fear, with fair play on the part of our own government, we will continue to be successful against the world. We have the elements of success within us. A favourable soil and climate, a plenty of cheap land, held in fee simple, without rent, tithes, or poor rates. But, above all, we have a cheap and efficient body of labourers, the best fed, clothed, trained, and

provided for of any in the whole cotton-growing region, for whose labour we have paid in advance. I say paid for in advance, *for our property in our slaves is but wages purchased in advance, including the support and supplies of the labourers*, which is usually very liberal. With these advantages, we may bid defiance to Hindu or Egyptian labour, at its two or three cents a day. Ours being already paid for, is, as far as the question of competition is concerned, still cheaper, to say nothing of its superior efficiency, its better and more skilful direction, under the immediate eye of intelligent proprietors, of cheap, unencumbered land, favourable soil and climate, and greater facility and cheapness of transportation to the great markets of the world. But this is not all. We have another and great advantage. There is not a people on earth who can so well bear the curtailing of profits as the Southern planters, when out of debt. A plantation is a little community of itself, which, when hard pressed, can furnish within itself almost all of its supplies. Ours is a fine provision country, and, when needs be, can furnish most of its supplies of food and clothing from its own resources. In prosperous times, when the price of our staples is high, our labour is almost exclusively directed to their production; and then we freely and liberally part with their proceeds in exchange for horses, mules, cattle, hogs, and provisions of all description from the West, and clothing and all the products of the arts with the North and East; but when prices fall and pressure comes, we gradually retire on our own means, and draw our own supplies from within.

With these great advantages, it is not wonderful that in all the great struggles that we have had for the cotton market (they have been many and great), we have ever come off successful. It is incident to that great staple article, cotton, the first in the whole circle of commerce, to be subject to extraordinary vibrations of price from the causes to which I have alluded. At one time prices are high and profits great, and at another low and the profits small. It can be permanently cultivated only by those who can best go through these great vibrations. We are willing to hold it on that condition, and feel confident we can, with justice from this government. We dread not the competition of Hindostan; but your unequal, unconstitutional, and oppressive legislation—that legislation which pushes the expenditures of the government to the most extravagant extent, and which places the burden of supporting the government almost exclusively on the exchanges of our products with the rest of the world. Every dollar of tax, imposed on our exchanges in the shape of duties, impairs to that extent our capacity to meet the severe competition to which we are exposed; and nothing but a system of high protective duties, long continued, can prevent us from meeting it successfully. It is that which we have to fear. Let the planters avoid banks, keep out of debt, and have a sound currency and low duties, and they may bid defiance to competition, come from what quarter it may, and look forward with confidence to a prosperity greater than they have ever yet experienced.

## APPENDIX.

TABLE A.—DOMESTIC EXPORTS.

| Years. | Domestic Exports. | Years. | Domestic Exports. |
|---|---|---|---|
| 1825 | $66,941,745 | 1833 | $70,317,698 |
| 1826 | 53,055,710 | 1834 | 81,034,162 |
| 1827 | 58,921,691 | 1835 | 101,189,082 |
| 1828 | 50,669,669 | 1836 | 106,916,680 |
| 1829 | 55,700,193 | 1837 | 95,564,414 |
| 1830 | 59,462,029 | 1838 | 96,033,821 |
| 1831 | 61,277,057 | 1839 | 103,533,891 |
| 1832 | 63,137,470 | 1840 | 113,762,617 |
| | $469,198,564 | | $768,352,365 |

TABLE B.—AMERICAN TONNAGE.

| Years. | Registered Tonnage. | Enrolled and Licensed. | Total. | Years. | Registered Tonnage. | Enrolled and Licensed. | Total. |
|---|---|---|---|---|---|---|---|
| 1825 | 700,787 | 722,323 | 1,423,111 | 1833 | 750,026 | 856,122 | 1,606,149 |
| 1826 | 737,978 | 796,212 | 1,534,190 | 1834 | 857,438 | 901,468 | 1,758,906 |
| 1827 | 747,170 | 873,437 | 1,620,607 | 1835 | 885,821 | 939,118 | 1,824,939 |
| 1828 | 812,619 | 928,772 | 1,741,391 | 1836 | 897,774 | 984,328 | 1,892,202 |
| 1829 | 650,142 | 610,654 | 1,260,977 | 1837 | 810,447 | 1,086,238 | 1,896,685 |
| 1830 | 576,475 | 615,301 | 1,191,776 | 1838 | 822,591 | 1,173,047 | 1,995,638 |
| 1831 | 620,451 | 647,394 | 1,267,846 | 1839 | 834,244 | 1,262,234 | 2,096,478 |
| 1832 | 686,989 | 752,459 | 1,439,450 | 1840 | 899,764 | 1,280,999 | 2,180,763 |

TABLE C.—MANUFACTURES.

| Years. | Amount in each year. | Years. | Amount in each year. |
|---|---|---|---|
| 1825 | $5,729,797 | 1833 | $6,557,080 |
| 1826 | 5,495,130 | 1834 | 6,247,893 |
| 1827 | 5,536,651 | 1835 | 7,694,073 |
| 1828 | 5,548,354 | 1836 | 6,107,528 |
| 1829 | 5,412,320 | 1837 | 7,136,997 |
| 1830 | 5,320,980 | 1838 | 8,397,078 |
| 1831 | 5,086,890 | 1839 | 10,927,529 |
| 1832 | 5,050,633 | 1840 | 12,848,840 |
| | $43,180,755 | | $65,917,018 |

TABLE D.—EXPORTS.

| Years. | Cotton. | Years. | Cotton. | Years. | Cotton. |
|---|---|---|---|---|---|
| 1820 | 22,308,667 | 1827 | 29,359,545 | 1834 | 49,448,402 |
| 1821 | 20,157,484 | 1828 | 22,487,229 | 1835 | 64,661,302 |
| 1822 | 24,035,058 | 1829 | 26,575,311 | 1836 | 71,284,925 |
| 1823 | 20,445,520 | 1830 | 29,674,883 | 1837 | 63,240,102 |
| 1824 | 21,947,401 | 1831 | 25,289,492 | 1838 | 61,556,811 |
| 1825 | 36,846,649 | 1832 | 31,724,682 | 1839 | 61,238,982 |
| 1826 | 25,025,214 | 1833 | 36,191,105 | 1840 | 63,870,307 |
| | 170,765,993 | | 201,302,247 | | 435,300,831 |

TABLE E.—EXPORTS.

| Years. | Tobacco. | Years. | Tobacco. | Years. | Tobacco. |
|---|---|---|---|---|---|
| 1820 | 7,968,600 | 1827 | 6,816,146 | 1834 | 6,595,305 |
| 1821 | 5,648,962 | 1828 | 5,840,707 | 1835 | 8,250,577 |
| 1822 | 6,222,838 | 1829 | 5,185,370 | 1836 | 10,058,640 |
| 1823 | 6,282,672 | 1830 | 5,833,112 | 1837 | 5,795,647 |
| 1824 | 4,855,566 | 1831 | 4,892,388 | 1838 | 7,392,029 |
| 1825 | 6,115,623 | 1832 | 5,999,769 | 1839 | 9,832,943 |
| 1826 | 5,347,208 | 1833 | 5,755,968 | 1840 | 9,883,957 |
| | 43,441,469 | | 39,963,460 | | 57,809,098 |

TABLE F.—EXPORTS.

| Years. | Rice. | Years. | Rice. | Years. | Rice. |
|---|---|---|---|---|---|
| 1820 | 1,714,923 | 1827 | 2,343,908 | 1834 | 2,122,292 |
| 1821 | 1,494,307 | 1828 | 2,620,696 | 1835 | 2,210,331 |
| 1822 | 1,563,482 | 1829 | 2,514,370 | 1836 | 2,548,750 |
| 1823 | 1,820,985 | 1830 | 1,986,824 | 1837 | 2,309,279 |
| 1824 | 1,882,982 | 1831 | 2,016,267 | 1838 | 1,721,819 |
| 1825 | 1,925,245 | 1832 | 2,152,361 | 1839 | 2,460,198 |
| 1826 | 1,917,445 | 1833 | 2,774,418 | 1840 | 1,942,076 |
| | 12,319,369 | | 16,408,844 | | 15,314,745 |

TABLE G.

*Statement showing the quantity, price, and value of the Cotton grown in the United States from* 1819 *to* 1840.

| Year. | lbs. millions. | Price per lb. cents. | Value. | Increase. |
|---|---|---|---|---|
| 1820 | 160 | 17 | $27,200,000 | |
| 1821 | 180 | 16 | 28,800,000 | |
| 1822 | 210 | 16½ | 34,650,000 | |
| 1823 | 185 | 11 | 20,350,000 | |
| 1824 | 215 | 15 | 32,250,000 | |
| 1825 | 255 | 21 | 53,550,000 | |
| 1826 | 350 | 11 | 38,500,000 | |
| | 1555 | 15⅔ | $234,675,000 | |
| 1827 | 270 | 9½ | 27,700,000 | |
| 1828 | 325 | 10¼ | 40,625,000 | |
| 1829 | 365 | 10 | 36,500,000 | |
| 1830 | 350 | 10 | 35,000,000 | |
| 1831 | 385 | 9¼ | 35,612,500 | |
| 1832 | 390 | 10 | 39,000,000 | |
| 1833 | 445 | 11 | 48,950,000 | |
| | 2530 | 10 | $263,387,500 | $28,712,500 |
| 1834 | 460 | 13 | 59,800,000 | |
| 1835 | 416 | 16½ | 68,640,000 | |
| 1836 | 445 | 15¼ | 67,862,500 | |
| 1837 | 485 | 15¼ | 73,962,500 | |
| 1838 | 525 | 10¼ | 53,812,500 | |
| 1839 | 566 | 14 | 79,240,000 | |
| 1840 | 880 | 9½ | 83,600,000 | |
| | 3777 | 13⅓ | $487,117,500 | $223,730,000 |

The quantity of cotton received at the port of Boston from October, 1839, to October, 1840, was:

| | | |
|---|---|---|
| Receipts in | 1835 | 80,709 bales. |
| do. | 1836 | 82,885 " |
| do. | 1837 | 82,664 " |
| do. | 1838 | 96,636 " |
| do. | 1839 | 94,350 " |
| do. | 1840 | 136,357 " |
| Estimate for | 1841 | 150,000 " |

Since January 1st, 1841, there was received to this, the 26th of May, less than five months, 93,057 bales, and the quantity received this year will probably be 150,000 bales.—*Boston Atlas.*

TABLE H.—DOMESTIC EXPORTS OF SOUTH CAROLINA FROM 1819 TO 1841.

| Years. | Exports. | Years. | Exports. | Years. | Exports. |
|---|---|---|---|---|---|
| 1820 | 8,690,539 | 1827 | 8,189,496 | 1834 | 11,119,565 |
| 1821 | 6,867,515 | 1828 | 6,508,570 | 1835 | 11,224,298 |
| 1822 | 7,136,366 | 1829 | 8,134,676 | 1836 | 13,482,757 |
| 1823 | 6,671,998 | 1830 | 7,580,821 | 1837 | 11,138,992 |
| 1824 | 7,833,713 | 1831 | 6,528,605 | 1838 | 11,017,391 |
| 1825 | 10,876,475 | 1832 | 7,685,833 | 1839 | 10,318,822 |
| 1826 | 7,468,966 | 1833 | 8,337,512 | 1840 | 10,036,769 |
| | 55,545,572 | | 52,965,513 | | 78,338,594 |

Gain in last seven years, 25,373,081.

# XXXV.

## SPEECH ON THE LOAN BILL, APRIL 12, 1842.

THE question being put on the passage of the bill, and the yeas and nays having been ordered,

Mr. Calhoun said, that it was not his object, in rising at this late stage of the question, to discuss the provisions of this bill. That had been done so fully and ably by those who had preceded in the debate on the same side, that he had nothing to add. But, in order to have a full and clear understanding of the bearing of this measure on the finances of the government, we must look beyond the provisions of the bill. It was not a lone measure, unconnected with those which preceded it, or would succeed it, but quite the reverse. It was a link in the sytem of policy commenced at the special session, and which had hitherto been perseveringly followed up, and, if he was not greatly deceived, would be persisted in so long as those who now have the control held power. Already has the system contributed greatly to depress the credit of the government, and it is to be feared, if it be not arrested, that it will sink it far below its present level. What he proposed, in the remarks which he was about to offer, was to trace the consequences of the system in its bearings on the finances and credit of the government.

That the credit of the government is greatly impaired of late, will not be denied. It is but a short time since the very committee which reported this loan bill reported another for about the same amount, which became a law. At that time, so high did the credit of the government stand, that it was expressly provided that not more than six per cent. interest should be allowed, and that the loan should be redeemable in three years. As short as was the period, it was confidently predicted that it would be taken at five per cent.; and the Secretary of the Treasury commenced his negotiation for the loan with that expectation, and actually obtained a considerable portion of it under six per cent. The bill passed late in July last; and, in the period of nine short months, the very same committee reported this bill, which proposes to send the public credit into the market to be sold for what it will bring; and that, too, for twenty years, a period nearly seven times longer than the term prescribed in the former bill.

The conditions offered for a loan may fairly be regarded as indicating the value which the government stamps on its own credit; and we may be assured that the keensighted race who have money to lend will rarely affix a higher value than what that stamp indicates. Judged by that standard, the credit of the government has never before been as low; no, not in the late war with England—a war with one of the greatest, if not the greatest power on earth—commenced with a remnant of an old debt of more than forty millions of dollars, and at the very beginning of which there was a universal suspension of payments by all the banks south of New-England. Even in that great struggle, under all its embarrassments, no secretary of the treasury or committee ever dared to put the credit of the government into market under such disadvantageous terms as is proposed in this bill. The longest period for the redemption of any loan contracted during the war, if his memory served him, was but twelve years — a period not much exceeding half the time allowed by this bill. Such and so great has been the decay of the public credit in the short space of a few months! And here the question is presented, What

has caused this unexampled and rapid decay of the credit of the government in a period of peace, when the resources of the country are more than doubled, and with a public debt comparatively so small?

The chairman of the Finance Committee felt the force of this question; and, if we are to believe him, the extraordinary offer which the Secretary of the Treasury is authorized to make for this loan is to be explained, not on the ground that the credit of the government is impaired, but from the scarcity of money. He says that there is an extraordinary demand for money, and that a higher interest, in consequence, must be paid for its use; and that the government, like individuals, can get it only by giving its market value. Unfortunately for him, the fact does not accord with his explanation. Interest is now lower in the general market of the world than when the former loan bill passed. The best index of that market is the rate of interest at which the Bank of England discounts. Judging by that, there has been a very great reduction of interest within the last few months—from five to four per cent. Even in our own country, where confidence is imperfect, interest is far from being high. It was but the other day stated, in a debate on this bill, that the stocks of the State of Maine and the city of Philadelphia, bearing six per cent. interest, are at par; and that of his own state, in its own market, is, he is informed, something above par. But the senator himself may be quoted against his own explanation. Forgetful of the ground that he had taken, he mentioned it as a remarkable fact, that exchange with England at this time is very low—several per cent. below par. From this he inferred that money was plenty—not, indeed, from increase of quantity, but from the diminution of business. Like everything else, its price (if he might use the expression as applied to money) followed the great law of demand and supply; and it might be lowered, as well by diminishing the demand as by increasing the supply; and, in either case, a favourable state of the market would exist for the negotiation of loans on good terms, where the credit of the borrower was above suspicion.

The senator from Rhode Island (Mr. Simmons), taking a more correct view of the fact, admitted that the difficulty of negotiating a loan on favourable terms was the loss of credit; but he attributed the loss of credit on the part of this government to the loss of credit by so many of the states of the Union. He said that there was a mutual sympathy between the credit of this government and that of the states, and that when the one was impaired it necessarily impaired the other. He (Mr. C.) did not admit that there was any such dependance; and, for proof, he referred to the fact that a few months since, when the former loan bill passed, the credit of this government stood high—never higher, although that of many of the states was then greatly depressed. But, while he denied the dependance, he readily admitted that there was so much connexion between the two, that, when the credit of the states was greatly impaired, great prudence, much caution, and careful management were necessary to prevent that of this government from being depressed. It was the moment when the money-lenders would view the conduct of this government with the keenest jealousy, and when any mismanagement of its finances would be sure to be followed with the worst effect on its credit; but, with proper management, its credit would not be affected by the discredit of the states.

If, then, neither the state of the money market, nor the discredit of so many of the states, can explain the necessity for the extraordinary terms to be offered for this loan, to what is it to be attributed? It was no time for vague or gentle language. He intended to express himself plainly and strongly, but without the least intention of offending. It is, then, to be

attributed to the loss of credit on the part of the government—a rapid and great loss—and which, he feared, was still in progress. And to what is that to be attributed? To your conduct, gentlemen. It is you who have impaired the public credit. You are the responsible party. You have destroyed the equilibrium between income and expenditure, on which the credit of governments, as well as individuals, must ultimately depend. You have reduced the income of the government below its expenditures: in the first place, by giving away a portion of the revenue from the public lands—a portion by far the most permanent and growing; and, in the next, by greatly increasing its expenditures. To this you added a heavy loan of $12,000,000, making an annual charge for interest of upward of seven hundred thousand dollars. And, to cap the climax, you proposed, in the face of all this, to raise the permanent expenditures to nearly thirty millions of dollars, without making any adequate provision to meet it. It was thus that the equilibrium between the income and expenditure of the government was destroyed; and the want of means to meet its engagements followed as a matter of course.

But what you did was not so fatal to the public credit, as bad as it was, as the circumstances under which you did it. What were they? You did it when you knew that the credit of many states was deeply impaired, and threatened to be still more so. You knew that there was hazard that their discredit might react and cast suspicion on the credit of the Union, and impair that of this government, as well as that of the states which still preserved theirs, without great prudence and caution in the management of our finances. Nor were you ignorant that the financial condition of the government was in other respects highly critical. That you were fully apprized of the fact, I will prove from your own words. How often have you declared that there was a heavy deficit when you came into power; that the revenue was rapidly declining under the Compromise Act; and that those who preceded you had neglected to make provision to meet the growing deficit; and, finally, that there was great waste in the collection and disbursement of the revenue? You stated all this to prove that the blame lay not at your door. Admitting all you said, can you exempt yourselves from blame? Power was not forced on you. You sought it—eagerly sought it—and that by the most objectionable means. You got it under the promise of reform, and thus placed yourselves under the most solemn obligation to administer the finances with the utmost care and skill. And yet it was under these circumstances, and in the extremely critical condition, according to your own admission, of the finances of the government, that you reduced the income, increased the expenditures, added a large amount of debt, and proclaimed your intention to raise the permanent expenditures far above the then existing scale, without providing anything like adequate means to meet such increase. Can it, then, be a matter of surprise that such conduct should be followed by that rapid and deep decay of credit by which it has been sunk, in the short space of a few months (if we may judge by the terms of this bill), to a point of depression far below what it ever has been at any other period, in peace or war? Be assured that the keen and vigilant class who have money to lend watch your course with ceaseless attention; and that not a false step has been taken in the management of the finances, nor an act been done that may indicate a want of due care or regard to the public faith on your part, that has not contributed to impair the credit of the government, especially at so critical a period as that through which we are now passing.

Having now shown that it is the course you have pursued which has prostrated the credit of the government, the question next presented is,

What impelled you to pursue a course so disastrous to the public credit? Why did you surrender the revenue from the land? Why so greatly increase the expenditures at the same time? Why propose to raise the permanent expenses to so high a standard? Were you ignorant of consequences? Did you not see that it would destroy the equilibrium between income and expenditures? You cannot plead ignorance; you did it with your eyes open. The loan bill of the special session proves that your measures had created a deficit; and the declaration of your distinguished leader, whose authority is so high with you, at the close of the extra session, that there would be a deficit in the revenue for this year of at least ten millions of dollars, conclusively shows that the deficit then created was known to be not of a temporary character. And here we have a still more important and searching question presented: What impelled you, at so critical a moment, when the credit of the government required the most careful and vigilant nursing, knowingly to destroy—not for the moment only, but for the future—the equilibrium between its income and its expenditures? To this there can be but one answer: it was your system of policy that impelled you—a system deliberately adopted at the special session, steadily pursued since, and, it is to be feared, will be pursued, regardless of consequences to government and country, as long as you can retain power.

What that policy is, is not a matter of inference or conjecture. You have openly, boldly, and manfully avowed, that the great and leading objects of your policy were bank and tariff—a National Bank and high protective tariff; that without the one there never could be a sound currency, nor prosperous industry without the other. Your great leader has, over and over again, proclaimed them to be the great objects of your policy; and the report of the minority of the committee on the exchequer in the other house, from the pen of a distinguished member of your party, openly asserts that the one is indispensable to the other, and that without both there can be no relief for the currency and industry of the country. There is, indeed, a mysterious connexion between them; and he (Mr. C.) would admit that, without their joint action, there never could be such an inflation of the currency, and fictitious and delusive state of prosperity, as that through which we have recently passed. Their united action might, indeed, again restore a like state; but it would be of short duration, and would be suddenly followed by disasters still greater than the present; just as each succeeding debauch of the drunkard leaves him in a worse condition than that which preceded.

In pursuing these, the acknowledged great and leading objects of your system of policy, to which all others are subordinate, you commenced at the extra session with the bank; justly believing that, once established, all others would follow as a matter of course. The Bank Bill fell under the veto, and a new tack became necessary, in which its associated measure, a high tariff, became the primary object, in the hope (not badly founded), if it could be adopted and be made permanent, that it would, in the end, carry the bank as certainly as the bank would the tariff. Since then, your whole energy has been directed to establishing a high tariff. How was that to be done?

The Compromise Act stood in the way. Under its provisions a protective tariff, by name, was out of the question. Your distinguished leader stood openly pledged against it, and the whole Southern wing of your party, with one or two exceptions (besides being pledged against it), represented constituents who were utterly opposed to the system. In this dilemma there was but one expedient left—to bring about such a condition of the treasury as would compel a resort to high duties for revenue, and

thereby accomplish indirectly what could not be effected directly. This is the key of your whole policy. It explains everything. For this the revenue from the land was surrendered; the expenses increased; loans contracted; a high and permanent rate of expenditures proposed; the pledge to reform, to economize, and retrench, left unredeemed; and, finally, the credit of the government prostrated at a moment so hazardous. That very prostration, this very bill, with all the enormity of its provisions, is part of the ways and means by which you hope to accomplish your cherished object.

Gentlemen (said Mr. C., addressing the opposite side of the chamber), I must speak freely. The critical state of the public credit, and the dangerous condition of the government and country, demand it. There is one fatal principle pervading your policy, not now only, but at all times, which has wellnigh brought the government to destruction. You lay duties, not for revenue, but for protection. Revenue, with you, in laying duties, is a mere incident, which claims but little of your care or attention. Your primary object is protection; that is, so to impose the duties as to convert them into actual bounties to certain portions of the capital and industry of the country, without regard to their effect on the residue. It is the *bounty*, and not the *revenue, that you regard;* and hence duties are imposed, either as to time, amount, and manner, with little or no regard to revenue.

Of the truth of this, we have a remarkable illustration when you were last in power, under the younger Adams, in 1828. At that time the revenue—as was acknowledged on all sides—was ample to meet the expenditures of the government, including the payment of the public debt, which was then nearly discharged. A few millions only remained then to be paid off, when a large portion of the revenue—nearly one half—would no longer be required for the use of the government. On revenue principles, it was clearly the time, not for the increase, but the reduction of duties. And yet it was at that very period, when you, acting under the false and dangerous system which guides you in all your acts, regardless of consequences, passed the tariff of 1828, which nearly doubled the duties, and so increased the revenue as suddenly to pay off the public debt. Then followed the surplus revenue; expansion of the currency; the pet-bank system, and all the corrupting and disastrous consequences which have since caused such calamity. The Compromise Act put an end to the tariff of 1828. Then followed an opposite train of consequences: a gradually decreasing revenue, with the high rate of expenditures caused by the surplus revenue. Under its mischievous influence, the expenditures had nearly trebled in a few years, accompanied by a looseness and waste unknown before in the collection and disbursements of the government. It required but little sagacity to see that, if something decisive was not done to bring down the expenditures with the decrease of revenue, a crash must follow. I was not silent. I saw the danger, and proclaimed it; and those in power began to exert themselves with effect to meet it. At this critical period, you succeeded in obtaining power; but, as experience has proved, with no abatement in your attachment to the fatal policy which led to the disastrous act of 1828.

You then committed, under the influence of that policy, the monstrous folly and injustice of raising the revenue, when it ought to have been reduced; of destroying the equilibrium between income and expenditures, by raising the latter far beyond the former; and now, under the same pernicious influence, you commit the reverse error, of sinking the income below the expenditures, by throwing away the revenue from the lands, and increasing expenditures, to be followed, I fear, by disasters still more

fatal. It is difficult to imagine an error calculated to cause greater mischief, in the present condition of things, than that of making revenue a subordinate consideration in the imposition of duties. The revenue is, emphatically, the state; and the imposition of burdens on the people to raise what may be necessary for the wants of the government is the act, above all others, which requires the highest caution and skill so to be performed as to extract the greatest amount of revenue with the least burden, and the greatest equality and justice among the members of the community. But when the great and primary object is forgotten—when duties are imposed as to time, manner, and amount, without regard to revenue, or equality, or justice, the result must be such as we have witnessed—the treasury overflowing, and exhausted in rapid succession; and distrust, jealousy, and discord pervading the whole community. Alternation of income and expenditures, as rapid as the government has experienced under the influence of this radical and pernicious error, would prove ruinous in private life. Take, for illustration, an ordinary family of half a dozen sons and daughters, in independent but moderate circumstances, having (say) an annual income of two thousand dollars, and living in decent frugality within their income. Few conditions of life would be more propitious to happiness than this. Now, suppose that their income should be suddenly raised to twenty thousand dollars annually, and continue so for eight or nine years, till the habit of the family should become completely changed—a fine mansion to rise not far from their former snug residence, furnished with rich furniture, splendid carriages and horses to take the place of the plain gig and horse, and the sons and daughters to enter into all the fashionable and extravagant amusements and expenses of the higher circles. And then suppose the income of the family to be reduced suddenly to its former standard of two thousand dollars; and who does not see that it would require the greatest resolution and prudence on the part of its head to save the family from ruin—the most careful nursing of income, severest lopping off of expenditures, and rigid economy in all things? But if, instead of that, they should endeavour to keep up or increase expenses and their style of living, and should ostentatiously give away a large portion of their reduced revenue, their discredit would be certain, and the ruin of the family inevitable. And such must be the fate of the government, if the folly of your course be persisted in.

I feel, Mr. President, how vain it is to urge arguments against the fixed determination of a party resolved to carry through their favourite system of policy, however ruinous it may prove to both the government and the country. That its determination is fixed, has been evinced on so many and striking occasions, that I am forced to surrender the hope of overcoming it so long as the party can retain a majority in either house. It is true, there have been some signs, occasionally, of yielding as to the revenue from the lands. We have been told by a member on that side, in this discussion, that the policy of giving up the revenue from the land was a great mistake, and that it must be reversed; and that the party would be forced to do it, whether it wished or not. I have no such anticipation: not that I doubt but the pressure on the public treasury will be great, and the discredit of the government ruinous; but I see little hope that anything of the kind can force the party to relax. They have staked their all on the tariff and the bank, and are resolved to play out the game to the last cent. When the question of repeal comes up, we shall find that the Distribution Act will be clung to, should credit perish and the treasury be bankrupt, because the policy of the party requires it. But we are told that the act will be repealed by its own provisions; that

the duties must be raised above 20 per cent., in order to meet the wants of the government; and that the fact of so raising them will, by one of its provisions, repeal the act. Such is, indeed, the provision; and it is no less true that its insertion was necessary to secure the passage of the act, and its passage that of the Bankrupt Act. Such being the fact, honour and good faith forbid the repeal of the proviso. But will they be respected? I would be happy to think so, but am incredulous, because the policy of the party stands in the way. Yes; to restore the land fund would raise the income some three or four millions of dollars annually. That would reduce the necessity of raising the duties proportionally; and that would be inconsistent with the policy of the party, to which everything must yield.

The same cogent argument will prevent all serious efforts in favour of economy and retrenchment. We have been told by gentlemen that there was great waste, extravagance, and fraud in the public disbursements; and able committees have been appointed in both houses to detect abuses, and reduce the expenditures of the government. Well: I am one of those who believe that there are, and have been, great abuses in the disbursements; who never doubted that the surplus revenue would lead, and has led, to frauds, waste, and extravagance; but I have little hope of seeing them corrected, or of witnessing any considerable reduction in the expenses of the government, while you, gentlemen, shall retain power. I doubt not the committees will be vigilant in hunting out fraud and maladministration: that is something. I wish every instance may be detected and brought to light, fall the blame where it may. But as to any substantial reform, either by economy or retrenchment, I expect none; and that for the all-powerful reason—your system of policy forbids. So far from looking for either, I anticipate the very reverse from this bill. If the negotiation for the loan should be successful, it will but replenish the treasury, to be wasted in extravagant appropriations; raising still higher the standard of expenditures, and creating new demands on the treasury, to be supplied by what is so desired by you—still higher duties. The result must be, that the credit of the government, instead of improving, will be worse a year hence than at present.

I (said Mr. C.) regard this bill, not only as the offspring of the fixed policy of gentlemen, but as intended as one of means of perpetuating it. The great length of time which the proposed loan would have to run, and the decisive vote against the amendment offered by the senator from Mississippi (Mr. Walker), to pledge the revenue from the lands to pay its interest and redeem the principal, leave but little doubt on that point. Thus regarding it, I cannot look forward without the apprehension of the most disastrous results to the credit and finances of the government. If persisted in, it must ultimately prostrate public credit, or force the government to an entire change of its system of finance. It will not only throw the entire burden of supporting the government on duties on imports, but will lead to an imposition of them the most unjust and unequal, and, at the same time, least favourable, in proportion to the burden imposed, to a productive revenue. The very spirit of the system, which leads to the imposition of the whole burden of supporting the government on the imports, will as surely lead to such an imposition of the duties as may be regarded the most favourable to the protective policy, without regard either to revenue, or justice, or equality.

Acting in the spirit of the system, it is easy to see that those who have the control will lay the highest rate of duties on all articles which can be manufactured at home, with the view of excluding entirely foreign articles of a similar description. That is the professed object of the system.

But the effect of such duties would be, to a vast extent, in the present state of things, to lop off almost entirely what might be a great and productive source of income under a moderate and judicious system of duties laid expressly for revenue.

Under the influence of the same policy, there will, no doubt, be a large list of articles entirely exempt from duties. The chairman of the Committee on Finance (if I did not mistake him) estimated the amount of the free articles under the tariff to be established, at thirty millions of dollars.

[Mr. Evans said, "That is the amount now, as the law stands."]

Yes (replied Mr. C.), and is intended to be the amount after it is modified to suit the wishes of the party. It is no conjecture.

I hold the proof in my hand—a bill reported to the other house by a member from Massachusetts (Mr. Saltonstall), chairman of the Committee on Manufactures, and a gentleman deep in the confidence of his party. It proposes a free list of at least thirty millions, and a system of duties not much, if any, less odious and oppressive than the tariff of 1828. This long and heavy list is made up of articles of a description not produced in the country, and which, for the most part, are consumed in the manufacturing region, or for which manufactures are given in exchange abroad. If revenue was the principal object, the very principle on which they are to be excepted would make them the most legitimate objects of high duties. They are the very articles that could be taxed highest, without danger of being superseded by home articles of a similar description, and which, for the same reason, would throw the burden equally on the consumers. But revenue is not the object; and they must be exempted, be the inequality or the effect on the revenue and credit of the government what it may. If to the probable amount of free articles be added the amount required to meet the interest of the debt abroad—say seven millions; and if to that be added the very great reduction which the high duties to be laid on the protected articles must make in their importation, some conception may be formed of the narrow basis on which the revenue of the government must stand, if the system of policy of the party should be carried out in its spirit, as it is intended to be. The whole weight will press on what the advocates choose to call luxuries—such as linen, worsted stuffs, silks, spirits, wines; most of which may come, indirectly, into competition with home-made articles, for which they may be substituted; and all of which, or nearly so, are got in exchange, not for manufactures, but the productions of our soil; and are, therefore, according to the genius of the system, legitimately objects of high taxation.

Such, gentlemen, must be the system of imposts, if the influence which has heretofore controlled you should continue to do so; which, I fear, hardly admits of a doubt. It is precisely the system proposed to be established by the bill of the other house. It may, indeed, be modified, to catch a few Southern votes; but there is little hazard in saying that it is what is desired, and will be approached as near as may be practicable. It is on such a tariff that you propose to rely exclusively for revenue to maintain the public credit, and to support the government, at a rate of expenditures graduated by the highest scale; and this you expect to do in the present depressed state of credit, crippled condition of commerce, and deranged state of the currency. I shall not stop to discuss the influence which these, and the many other causes that might be enumerated, must have in diminishing, far below all ordinary calculation, the income from such a tariff; the advanced growth of our manufactures in most of the important branches; the effects of high duties on the articles for which our great agricultural staples are for the most part exchanged; and the

great extent of smuggling, which cannot but take place in the present condition of the country; but I will venture to tell you that you will be utterly disappointed in your expectation of an adequate revenue from such a tariff. The income will fall far short, and the credit of the country will receive a shock from which it will be hard to recover it. The end will be, the abandonment of your system, or a resort to internal taxes; when an entire change of our financial system will follow.

Thus thinking, I cannot vote for this bill. I would rather meet the difficulties at once, than to contribute by my vote to postpone the shock, by sustaining a system which I solemnly believe must lead to such dangerous consequences. I would rather let the patient take his chance, than to countenance what I cannot but regard as the most dangerous quackery. But we are not reduced to the alternative of doing nothing or taking this bill. There are other, and safe and speedy measures of relief, if you would but agree to abandon your system of policy and adopt them. They are so obvious, that I cannot persuade myself that they have been overlooked; and am forced to believe that they have not been adopted because your policy forbids it. If you could be persuaded to yield that, and substitute for this bill a provision to fund the outstanding treasury-notes in six per cent. stocks, payable in four, five, or six years; to surrender the public lands, and pledge them for the faithful redemption of that stock; and pass a joint resolution refusing to receive the notes of banks that declined to receive your treasury-notes at par, the market would speedily be freed from that excess which depresses the credit of treasury-notes, and the residue would rise at once to par with specie. If the banks agreed to receive them, their interest and that of the government would be combined to uphold their credit at par; and, if not, the fact that they would be exclusively received with specie in the public dues would give a greatly increased demand for them, which would have the same effect.

That done, follow up with a rigid system of economy and retrenchment; lop off all expenses not necessary for the defence of the country and the frugal administration of the government; put an end to waste, extravagance, and fraud; and, after you have made your appropriations, and revised the duties with an eye mainly to revenue and equality of burden—if there should be an estimated deficit in the income, before the increased duties could be made available, it may be met by the use of your own credit directly, or the negotiation of a small loan, which could then be had on fair terms, and for a short period. It is by this simple process that you may relieve the government from its present embarrassment, restore its credit, and raise what supplies may be necessary at home, without going abroad at present. I have (said Mr. C.), on my part, insuperable objections to sending our credit abroad in the world at this time. It stands low at present; and, as an American and Republican, I am too proud to have it exposed to the contumely of the rich and powerful bankers of Europe, to which it must necessarily be at such a period. I would adopt any expedient, or make any reasonable sacrifice, to avoid such disgrace. Adopt the measures I have suggested, which, instead of sacrifice, will afford relief on terms more favourable than the most sanguine can anticipate obtaining supplies from abroad, and it will be avoided. I can imagine but one objection, and that the oft-repeated one—your system—forbids.

Having now said what I intended in reference to this measure, let me add, in conclusion, that if I could be governed by party feelings and views at such a juncture as I conceive this to be in our affairs, instead of the solemn and earnest desire I feel to see the credit of the government restored, and the country extricated from its present difficulties, I would

rejoice to see the party opposed to me pursuing the course they do. I feel the most thorough conviction that, under their system, the credit of the government, instead of improving, will grow worse and worse; and will end, if persisted in, not only in the overthrow, but in the dissolution of the party, and affixing permanent odium to their measures and policy, but, in the mean time, with no small hazard to the country and its institutions.

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## XXXVI.

### SPEECH ON THE PASSAGE OF THE TARIFF BILL, AUGUST 5, 1842.

Mr. President—The Tariff Bill of 1828 has, by common consent, been called the bill of abominations; but, as bad as that was, this—all things considered—is worse. It is, in the first place, worse, because it is more onerous; not that the duties are on an average higher—for they are probably less by about 10 per cent. This, it is estimated, will average about 36 per cent. ad valorem on the aggregate of the imports; and that averaged, according to the best estimate that I have been able to make, about 46. But this difference is more than made up by other considerations; and, among them, that allowed long credit for the payment of the duties; this requires them to be paid in cash, which will add to their burden not less than 4 or 5 per cent. Again: there has been a great falling off in prices on almost all articles, which increases, in the same proportion, the rate per cent. on the cost of all specific duties—probably not much less than 50 per cent.; which, considering the number and the importance of the articles on which they are laid in this bill, will much more than make up the difference. To these may be added its arbitrary and oppressive provisions for valuing goods and collecting duties, with the fact that it goes into operation, without notice, immediately on its passage, which would fall heavily on the commercial interest; and the undue weight it would impose on the less wealthy portions of the community, in consequence of the higher duties it lays on coarse articles of general consumption.

It is, in the next place, worse, because, if it should become a law, it would become so under circumstances still more objectionable than did the tariff of 1828. I shall not dwell on the fact that, if it should, it would entirely supersede the Compromise Act, and violate pledges openly given here in this chamber, by its distinguished author, and the present Governor of Massachusetts, then a member of this body—that, if we of the South would adhere to the compromise while it was operating favourably to the manufacturing interest, they would stand by it when it came to operate favourably to us. I pass, also, without dwelling on the fact that it proposes to repeal the provision in the act of distribution, which provides that the act shall cease to operate if the duties should be raised above 20 per cent.—a provision, without which, neither that nor the Bankrupt Bill could have become a law, and which was inserted under circumstances that pledged the faith of the majority to abide by it. I dwell not on these double breaches of plighted faith, should this bill become a law: not because I regard them as slight objections; on the contrary, they are of a serious character, and likely to exercise a very pernicious influence over our future legislation, by preventing amicable adjustments of questions that may hereafter threaten the peace of the country; but because I have, on a former occasion, expressed my views fully in relation to them. I pass on to the objection that, if this bill should pass, it would against the clear light of experience. When that of 1828 passed, we had but little experience as to the effects of the protective policy. It is true that the act of 1824 had been in operation a few

years, which may be regarded the first which avowed the policy that ever passed; but it had been in operation too short a time to shed much light on the subject. Since then, our experience has been greatly enlarged. We have had periods of considerable duration both of increase and reduction of duties, and their effects respectively on the industry and prosperity of the country, which enables us to compare, from authentic public documents, the result. It is most triumphantly in favour of reduction, though made under circumstances most adverse to it, and most favourable to increase. I have, on another occasion during this session, shown, from the commercial tables and other authentic sources, that, during the eight years of high duties, the increase of our foreign commerce, and of our tonnage, both coastwise and foreign, was almost entirely arrested; and that the exports of domestic manufactures actually fell off, although it was a period exempt from any general convulsion in trade or derangement of the currency. On the same occasion, I also showed that the eight years of the reduction of duties, which followed, were marked by an extraordinary impulse given to every branch of industry—agricultural, commercial, navigating, and manufacturing. Our exports of domestic productions, and our tonnage, increased fully a third, and our manufactures still more; and this, too, under the adverse circumstances of an inflated, unsteady currency, and the whole machinery of commerce deranged and broken. And yet, with this flood of light from authentic documents before us, what are we about to do? To pass this bill, and to restore the old, and, as was hoped, exploded system of restrictions and prohibitions, under the false guise of a revenue bill, as I shall next proceed to show.

Yes, senators, we are told by the chairman of the Finance Committee, and others who advocate it, that this bill is intended for revenue, and that of 1828 was for protection; and it is on that assumption they attempt to discriminate between the two, and hope to reconcile the people to this measure. It is, indeed, true that the bill of 1828 was for protection. The treasury was then well replenished, and not an additional dollar was needed to meet the demands of the government; and, what made it worse, the public debt was then reduced to a small amount; and what remained was in a regular and rapid course of reduction, which would in a few years entirely extinguish the whole, when more than half of the revenue would have become surplus. It was under these circumstances that the bill of 1828, which so greatly increased the duties, was introduced, and became a law—an act of legislative folly and wickedness almost without example. Well has the community paid the penalty. Yes, much which it now suffers, and has suffered, and must suffer, are but its bitter fruits. It was that which so enormously increased the surplus revenue after the extinguishment of the debt in 1832; and it was that surplus which mainly led to the vast expansion of the currency that followed, and from which have succeeded so many disasters. It was that which wrecked the currency, overthrew the almost entire machinery of commerce, precipitated hundreds of thousands from affluence to want, and which has done so much to taint private and public morals.

But is this a revenue bill? I deny it. We have, indeed, the word of the chairman for it. He tells us it is necessary to meet the expenditures of the government; of which, however, he gave us but little proof, except his word. But I must inform him that he must go a step farther before he can satisfy me. He must not only show that it is necessary to meet the expenditures of the government, but also that those expenditures themselves are necessary. He must show that retrenchment and economy have done their full work; that all useless expenditures have been lopped off; that exact economy has been enforced in every branch, both in the collection and disbursement of the revenue; and, above all, that none of the resources of the government have been thrown away or surrendered. Has he done all that? Or has he showed that it has been even attempted? that either he or his party have made any systematic or se-

rious effort to redeem the pledge, so often and solemnly given before the election, that the expenditures should be greatly reduced below what they then were, and be brought down to seventeen, sixteen, and even as low as thirteen millions of dollars annually? Has not their course been directly the reverse since they came into power? Have they not surrendered one of the two great sources of revenue—the public lands; raised the expenditure from twenty-one or two millions, to twenty-seven annually; and increased the public debt from five and a half to more than twenty millions? And has not all this been done under circumstances well calculated to excite suspicion that the real design was to create a necessity for duties, with the express view of affording protection to manufactures? Have they not, indeed, told us, again and again, through their great head and organ, that the two great and indispensable measures to relieve the country from existing embarrassments were a protective tariff and a National Bank? and is it, then, uncharitable to assert that the expenditures, so far from being necessary to the just and economical wants of the government, have been raised to what they are, with the design of passing this bill in the only way it could be passed—under the guise of revenue?

But, if it were admitted that the amount it proposes to raise is necessary to meet the expenditures of the government, and that the expenditures themselves were necessary, the chairman must still go one step farther, to make good his assertion that this is a bill for revenue, and not for protection. He must show that the duties it proposes are laid on revenue, and not on protective principles.

No two things, senators, are more different than duties for revenue and protection. They are as opposite as light and darkness. The one is friendly, and the other hostile, to the importation of the article on which they may be imposed. Revenue seeks not to exclude or diminish the amount imported; on the contrary, if that should be the result, it neither designed nor desired it. While it takes, it patronises; and patronises, that it may take more. It is the reverse, in every respect, with protection. It seeks, directly, exclusion or diminution. It is the desired result; and, if it fails in that, it fails in its object. But, although so hostile in character, they are intimately blended in practice. Every duty imposed on an article manufactured in the country, if it be not raised to the point of prohibition, will give some revenue; and every one laid for revenue, be it ever so low, must afford some protection, as it is called. But, notwithstanding they are so blended in practice, plain and intelligible rules may be laid down, by which the one may be so distinguished from the other as never to be confounded. To make a duty a revenue, and not a protective duty, it is indispensable, in the first place, that it should be necessary to meet the expenditures of the government; and, in the next, that the expenditures themselves should be necessary for the support of the government, without the deficit being caused intentionally, to raise the duty, either by a surrender of other sources of revenue, or by neglect or waste. In neither case, as has been stated, would the duty be for revenue. It must, in addition, never be so high as to prohibit the importation of the article: that would be utterly incompatible with the object of revenue. But there are other less obvious, though not less important rules, by which they may be discriminated with equal certainty.

On all articles on which duties can be imposed, there is a point in the rate of duties which may be called the maximum point of revenue—that is, a point at which the greatest amount of revenue would be raised. If it be elevated above that, the importation of the article would fall off more rapidly than the duty would be raised; and, if depressed below it, the reverse effect would follow: that is, the duty would decrease more rapidly than the importation would increase. If the duty be raised above that point, it is manifest that all the intermediate space between the maximum point and that to which it may be raised would be purely protective, and not at all for revenue. Another rule remains to be laid down, drawn from the facts just stated, still more important

than the preceding, as far as the point under consideration is involved. It results, from the facts stated, that any given amount of duty, other than the maximum, may be collected on any article, by two distinct rates of duty—the one above the maximum point, and the other below it. The lower is the revenue rate, and the higher the protective; and all the intermediate is purely protective, whatever it be called, and involves, to that extent, the principle of prohibition, as perfectly as if raised so high as to exclude importation totally. It follows that all duties not laid strictly for revenue are purely protective, whether called incidental or not; and hence the distinction taken by the senator from Arkansas immediately on my left (Mr. Sevier) between incidental and accidental protection is not less true and philosophical than striking. The latter is the only protection compatible with the principles on which duties for revenue are laid.

This bill, regarded as a revenue bill, cannot stand the test of any one of these rules. That it cannot as to the first two, has already been shown. That some of the duties amount to prohibition, has been admitted by the chairman. To those, he admits, a long list of others might be added. I have in my drawer an enumeration of many of them, furnished by an intelligent and experienced merchant; but I will not occupy the time of the Senate by reading the catalogue. That a large portion of the duties on the protected articles exceed the maximum point of revenue, will not be denied; and that there are few or none imposed on protected articles, on which an equal revenue might not be raised at a lower rate of duty, will be admitted. As, then, every feature of this bill is stamped with protection, it is as much a bill for protection as that of 1828. Wherein, then, does it differ? In this: that went openly, boldly, and manfully for protection; and this assumes the guise of revenue. That carried the drawn dagger in its hand; and this conceals it in its bosom. That imposed the burden of protection—a burden admitted to be unjust, unequal, and oppressive, but it was the only burden; but this superadds the weight of its false guise—a heavy debt, extravagant expenditures, the loss of public lands, and the prostration of public credit, with the intent of concealing its purpose. And this, too, may be added to the other objections, which makes it worse than its predecessor in abomination.

I am, senators, now brought to the important question, Why should such a bill pass? Who asks for it, and on what ground? It comes ostensibly from the manufacturing interest. I say ostensibly; for I shall show, in the sequel, that there are other and more powerful interests among its advocates and supporters. And on what grounds do they ask it? It is on that of protection. Protection against what? Against violence, oppression, or fraud? If so, government is bound to afford it, if it comes within the sphere of its powers, cost what it may. It is the object for which government is instituted; and if it fails in that, it fails in the highest point of duty. No: it is against neither violence, oppression, nor fraud. There is no complaint of being disturbed in property or pursuits, or of being defrauded out of the proceeds of industry. Against what, then, is protection asked? It is against low prices. The manufacturers complain that they cannot afford to carry on their pursuits at prices as low as at present; and that, unless they can get higher, they must give up manufacturing. The evil, then, is low prices; and what they ask of government is to give them higher. But how do they ask it to be done? Do they ask government to compel those who may want to purchase to give them higher? No: that would be a hard task, and not a little odious; difficult to be defended on the principles of equity, justice, or the Constitution, or to be enforced, if it could be. Do they ask that a tax should be laid on the rest of the community, and the proceeds divided among them, to make up for low prices? or, in other words, do they ask for a bounty? No: that would be rather too open, oppressive, and indefensible. How, then, do they ask it to be done? By put-

ting down competition, by the imposition of taxes on the products of others, so as to give them the exclusion of the market, or at least a decided advantage over others; and thereby enable them to sell at higher prices. Stripped of all disguise, this is their request; and this they call protection. Protection, indeed! Call it tribute, levy, exaction, monopoly, plunder; or, if these be too harsh, call it charity, assistance, aid—anything rather than protection, with which it has not a feature in common.

Considered in this milder light, where, senators, will you find the power to give the assistance asked? Or, if that can be found, how can you reconcile it to the principles of justice or equity to grant it? But suppose that to be overcome: I ask, Are you prepared to adopt as a principle that, whenever any branch of industry is suffering from depressed prices, it is your duty to call on all others to assist it? Such is the broad principle that lies at the bottom of what is asked; and what would it be, if carried out, but equalization of income? And what that, but agrarianism as to income? And in what would that differ, in effect, from the agrarianism of property, which you, on the opposite side of the chamber, profess so much to detest? But, if you are not ready to carry out the principle in its full extent, are you prepared to restrict it to a single class—the manufacturers? Will you give them the great and exclusive advantage of having the right of demanding assistance from the rest of the community whenever their profits are depressed below the point of remuneration by vicissitudes to which all others are exposed?

But suppose all these difficulties surmounted: there is one rule, where assistance is asked, which, on no principle of justice, equity, or reason, can be violated—and that is, to ascertain, from careful and cautious examination, whether, in fact, it be needed by the party asking; and, if it be, whether the one of whom it is asked can afford to give it or not. Now I ask whether any such examination has been made. Has the Finance Committee, which reported this bill, or the Committee on Manufactures, to which the numerous petitions have been referred, or any member of the majority who support this bill, made an impartial or careful examination, in order to ascertain whether they who ask aid can carry on their manufactures without higher prices? Or have they given themselves the least trouble to ascertain whether the other portions of the community could afford to give them higher? Will any one pretend that he has? I can say, as to the interest with which I am individually connected, I have heard of no such inquiry; and can add farther, from my own experience (and fearlessly appeal to every planter in the chamber to confirm my statement), that the great cotton-growing interest cannot afford to give higher prices for its supplies. As much as the manufacturing interest is embarrassed, it is not more so than the cotton-growing interest; and as moderate as may be the profit of the one, it cannot be more moderate than that of the other. I ask those who represent the other great agricultural staples—I ask the great provision interest of the West, the navigating, the commercial, and, finally, the great mechanical and handicraft interests—if they have been asked whether they can afford to give higher prices for their supplies? And, if so, what was their answer?

If, then, no such examination has been made, what has been done? Those who have asked for aid have been permitted to fix the amount according to their own cupidity; and this bill has fixed the assessment on the other interests of the community, without consulting them, with all the provisions necessary for extorting the amount in the promptest manner. Government is to descend from its high appointed duty, and become the agent of a portion of the community to extort, under the guise of protection, tribute from the rest of the community; and thus defeat the end of its institution, by perverting powers, intended for the protection of all, into the means of oppressing one portion for the benefit of another.

But there never yet has been devised a scheme of emptying the pockets of one portion of the community into those of the other, however unjust or oppressive, for which plausible reasons could not be found; and few have been so prolific of such as that under consideration. Among them, one of the most plausible is, that the competition which is asked to be excluded is that of foreigners. The competition is represented to be between home and foreign industry; and he who opposes what is asked is held up as a friend to foreign, and the enemy to home industry, and is regarded as very little short of being a traitor to his country. I take issue on the fact. I deny that there is, or can be, any competition between home and foreign industry but through the latter; and assert that the real competition, in all cases, is, and must be, between one branch of home industry and another. To make good the position taken, I rely on a simple fact, which none will deny—that imports are received in exchange for exports. From that it follows, if there be no export trade, there will be no import trade; and that to cut off the exports, is to cut off the imports. It is, then, not the imports, but the exports which are exchanged for them, and without which they would not be introduced at all, that causes, in reality, the competition. It matters not how low the wages of other countries may be, and how cheap their productions, if we have no exports, they cannot compete with ours.

The real competition, then, is with that industry which produces the articles for export, and which purchases them and carries them abroad, and brings back the imported articles in exchange for them; and the real complaint is, that those so employed can furnish the market cheaper than those can who manufacture articles similar with the imported; and what, in truth, is asked is, that this cheaper process of supplying the market should be taxed, by imposing high duties on the importation of the articles received in exchange for those exported, in order to give the dearer a monopoly, so that it may sell its products for higher prices. It is, in fact, a warfare on the part of the manufacturing industry, and those which are associated with it, against the export industry of the community, and those associated with it. Now I ask, What is that export industry? What is the amount produced? by whom produced? and the number of persons connected with it, compared with those who ask a monopoly against it?

The annual domestic exports of the country may be put down, even in the present embarrassed condition of the country, at $110,000,000, valued at our own ports. It is drawn from the forest, the ocean, and the soil, except about ten millions of domestic manufactures, and is the product of that vast mass of industry engaged in the various branches of the lumber business, the fisheries, in raising grain and stock, producing the great agricultural staples, rice, cotton, and tobacco; in purchasing and shipping abroad these various products, and exchanging and bringing home, in return, the products of other countries, with all the associated industry necessary to keep this vast machinery in motion—the ship-builder, the sailor, and the hundreds of thousands of mechanics, including manufacturers themselves, and others, who furnish the various necessary supplies for that purpose. It is difficult to estimate with precision the number employed, directly or indirectly, in keeping in motion this vast machinery, of which our great commercial cities, and numerous ships, which whiten the ocean, are but a small part. A careful examination of the returns of the statistics accompanying the census would afford a probable estimate; and on the faith of such examination, made by a friend, I feel myself warranted in saying that it exceeds those employed in manufacturing, with the associated industry necessary to furnish them with supplies, in the proportion at least of ten to one. It is probably much greater.

Such is the export industry of the country; such its amount; such the sources from which it is drawn; such the variety and magnitude of its branches; and such the proportion in numbers which those who are employed in it, directly

and indirectly, bears to those who are, in like manner, employed in manufacturing industry. It is this vast and various amount of industry employed at home, and drawing from the forest, the water, and the soil, as it were by creation, this immense surplus wealth, to be sent abroad, and exchanged for the productions of the rest of the globe, that is stigmatized as foreign industry! And it is that, senators, which you are now called on to tax, by imposing the high duties proposed in this bill on the articles imported in exchange, in order to exclude them, in whole or part, for the supposed benefit of a very minor interest, which chooses to regard itself as exclusively entitled to your protection and favour. Are you prepared to respond favourably to the call, by voting for this bill? Waiving the high questions of justice and constitutional power, I propose to examine, in the next place, the mere question of expediency; and, for that purpose, the operation of these high protective duties—tracing, first, their effects on the manufacturing interest intended be to benefited, and afterward on the export interest, against which they are directed.

And here let me say, before I enter on this part of my subject, that I am no enemy to the manufacturing interest. On the contrary, few regard them with greater favour, or place a higher estimate on their importance, than myself. According to my conception, the great advance made in the arts by mechanical and chemical inventions and discoveries, in the last three or four generations, has done more for civilization, and the elevation of the human race, than all other causes combined in the same period. With this impression, I behold with pleasure the progress of the arts in every department, and look to them mainly as the great means of bringing about a higher state of civilization, with all the accompanying blessings, physical, political, and moral. It is not to them, nor to the manufacturing interest, I object, but to what I believe to be the unjust, the unconstitutional, the mistaken and pernicious means of bettering their condition, by what is called the protective system.

In tracing what would be the effects of the high protective duties proposed by the bill, I shall suppose all the grounds assumed by its advocates to be true; that the low prices complained of are caused by the imports received in exchange for exports; that the imports have, to a great extent, taken possession of the market; and that the imposition of high duties proposed on the imports would exclude them either wholly, or to a great extent; and that the market, in consequence, would be relieved, and be followed by the rise of price desired. I assume all to be as stated, because it is the supposition most favourable to those who ask for high duties, and the one on which they rely to make out their case. It is my wish to treat the subject with the utmost fairness, having no other object in view but truth.

According, then, to the supposition, the first leading effect of these high protective duties would be to exclude the imported articles, against which they are asked, either entirely, or to a great extent. If they should fail in that, it is obvious that they would fail in the immediate object desired, and that the whole would be an abortion. What, then, I ask, must be the necessary consequence of the exclusion of the articles against which the protective duties are proposed to be laid? The answer is clear. The portion of the exports, which would have been exchanged for them, must then return in the unprotected and free articles; and among the latter, specie, in order to purchase from the manufacturers at home the supplies which, but for the duties, would have been purchased abroad. And what would be the effect of that, but to turn the exchange, artificially, in our favour, as against other countries, and in favour of the manufacturing portion of the country, as against all others? And what would that be but an artificial concentration of the specie of the country in the manufacturing region, accompanied by a corresponding expansion of the currency from that cause, and still more from the discounts of the banks? I next ask, What must be the effects of such expansion but that of raising prices there? and what of

that, but of increasing the expense of manufacturing, and that continuing till the increased expense shall raise the cost of producing so high as to be equal to that of the imported article, with the addition of the duty, when the importations will again commence, and an additional duty be demanded?

This inevitable result would be accelerated by two causes. The effect of the duty in preventing importation would cause a falling off of the demand abroad, and a consequent falling off, temporarily, of price there. The extent would depend on the extent of the falling off compared with the general demand for the article; and, of course, would be greater in some articles, and less in others. All would be more or less affected; but none to an extent so great as was insisted on by the chairman, and other advocates of the system, the other day, in the discussion of the duty on cotton bagging; but still sufficient, in most cases, to be sensibly felt. I say temporarily, for the great laws which regulate and equalize prices would in time cause, in turn, a corresponding falling off in the production of the article proportional to the falling off of the demand.

But another and more powerful cause would be put in operation at home, which would tend still more to shorten the periods between the demand for protection. The stimulus caused by the expansion of the currency, and increased demand and prices consequent on the exclusion of the article from abroad, would tempt numerous adventurers to rush into the business, often without experience or capital; and the increased production, in consequence, thrown into the market would greatly accelerate the period of renewed distress and embarrassment, and demand for additional protection.

The history of the system fully illustrates the operation of these causes, and the truth of the conclusion drawn from them. Every protective tariff that Congress has ever laid has disappointed the hopes of its advocates; and has been followed, at short intervals, by a demand for higher duties, as I have shown on a former occasion.* The cry has been protection after protection; one bottle after another, and each succeeding one more capacious than the preceding. Repetition but increases the demand, till the whole terminates in one universal explosion, such as that from which the country is now struggling to escape.

Such are the effects of the system on the interest in favour of which these high protective duties are laid; and I shall now proceed to trace them on the great export interest, against which they are laid. I start at the same point—the exclusion, in part or whole, of the importation of the articles against which they are laid—their very object, as I have stated, and which, if not effected, the whole must fail. The necessary consequence of the falling off of the imports must be, ultimately, the falling off of the exports. They are mutually dependant on each other. It is admitted that the amount of the exports limits the imports; and that, taking a series of years together, their value, fairly estimated, will be equal, or nearly so; but it is no less certain that the imports limit, in like manner, the exports. If all imports be prohibited, all exports must cease; and if a given amount of imports only be admitted, the exports must finally sink down to the same amount. For like reason, if such high duties be imposed that only a limited amount can be imported with profit (which is the case in question), the exports must, in like manner, sink down to the same amount. In this aspect, it is proper to trace the effect of another and powerful cause, intimately connected with that under consideration.

This falling off of the imports would necessarily cause a falling off of the demand in the market abroad for our exports. The capacity of our customers there to buy from us depends, in a great measure, on their capacity of selling to us. To impair the one is to impair the other. The joint operation of the two causes would be highly adverse to the export industry of the country. If it should not cause an actual decrease of the exports, it would arrest, or greatly

* Mr. Calhoun's Speech on the Assumption of the Debts of the States.

retard, their increase, and with it, the commerce, the navigation, and their associate interests; which explains why those great branches of business were arrested in their growth under the protective tariffs of 1824 and 1828, and received such a mighty impulse from the reduction of duties under the Compromise Act, as shown from the commercial tables, exhibited on a former occasion during the present session.*

But the loss would not be limited to the falling off of the quantity of the exports. There would be a falling off of price as well as quantity. The effects of these high protective duties, by preventing imports, would be, to cause a drain of specie from abroad, as has been stated, to purchase at home the supplies which before had been obtained abroad. This, together with the diminished capacity of our foreign customers to buy, as just explained, would tend to cause a fall in the price of the articles exported, which would be more or less considerable on each, according to circumstances. Both causes combined—the falling off of quantity and price—would proportionably diminish the means of those directly and indirectly engaged in the great export business of the country; which would be followed by another and more powerful cause of their impoverishment—that they would have to give a higher price—more money, out of their diminished means, to purchase their supplies, whether imported or manufactured at home, than what they could have got them for abroad. Say that the effect would be to increase prices but 25 per cent.: then they would have to give one dollar and twenty-five cents, where otherwise one dollar would have been sufficient. The joint effects of the whole would be the diminution of means, and a contraction of the currency and fall of prices in the portion of the Union where the export interest is predominant, and an expansion of the currency and increase of price in that where the manufacturing interest is, as has been explained. The consequence would be, to compel the suffering interest to resort, in the first place, to economy and curtailment of expenses; and, if the system be continued, to the abandonment of pursuits that no longer afford remunerating profits.

I next propose to consider what must be the consequence of that result on the business and trade of the country. For that purpose, I propose to select a single article, as it will be much easier to trace the effects on a single article with precision and satisfaction, than it would be on so great a number and variety. I shall select cotton, because by far the most considerable in the list of domestic exports, and the one with which I am the best acquainted.

When the cultivation of cotton is profitable, those engaged in it devote their attention almost exclusively to it, and rely on the proceeds of their crop to purchase almost every article of supply except bread; and many even that, to a great extent. But when it ceases to be profitable, from high protective duties, or other causes, they curtail their expenses, and fall back on their own resources, with which they abound, to supply their wants. Household industry revives; and strong, substantial, coarse clothing is manufactured from cotton and wool for their families and domestics. In addition to cotton, corn and other grains are cultivated in sufficient abundance, not only for bread, but for the rearing of stock of various descriptions—hogs, horses, mules, cattle, and sheep. The effect of all this is to diminish greatly the consumption of the manufactured articles, whether imported or made in other portions of the Union; and still, in a greater degree, the purchase of meat, grain, and stock, followed by a great falling off in the trade between the cotton region of the South and the manufacturing region of the North on one side, and, on the other, the great provision and stock region of the West. But the effects do not end there. The West—the great and fertile valley of the Mississippi—draws its means of purchasing from the manufacturing region almost exclusively from the cot-

* Mr. Calhoun's Speech on Mr. Clay's Resolutions.

ton; and the falling off of its trade with that region is followed by a corresponding falling off in that with the manufacturing. The end is, that this scheme of compelling others to give higher prices than they can afford terminates, as it regards this great branch of industry, in the impoverishment of customers, and loss of the trade of two great sections of the Union. It is thus, senators, that every act of folly or vice (through the principle of retributive justice, so deeply seated by an all-wise Providence in the political and moral world) is sure at last to recoil on its authors.

What is said of cotton is equally applicable to every other branch of industry connected directly or indirectly with the great export industry of the country. This bill would affect them all alike; cause them to sell less, get less, and give more for what they buy, and to fall back on their own resources for supplies; or abandon their pursuits, to be followed, finally, by impoverishment and loss of custom to those with whom it originates. The whole tendency of the measure is to isolate country from country, state from state, neighbourhood from neighbourhood, and family from family, with diminished means and increasing poverty as the circle contracts. The consummation of the system, to use an illustration no less true than striking of a deceased friend,* "is Robinson Crusoe in goatskin."

Such would be the effects of the proposed high protective duties, both on the interest in favour of which, and that against which they are intended; even on the supposition that the evil is such as the advocates of this bill suppose. But such is not the case. The present embarrassment of the manufacturing interest is not caused by the fact, as supposed, that the imported articles have taken possession of the market, almost to the exclusion of the domestic. It is far otherwise. Of the whole amount, in value, of the articles proposed to be protected by this bill, the imported bear but a small proportion to the domestic. The chairman of the Committee on Manufactures (Mr. Simmons) estimates the former at $45,000,000, and the latter at $400,000,000; that is, about one to nine. This estimate is based on the census of 1840. It is probably less now than then, in consequence of the increase of the manufactures since, and the falling off of the imports. I venture nothing in saying that at no former period of our history has the disproportion been so great between them, or the competition so decidedly against the imported articles. If farther and even more decided proof be required, it will be found in the state of the exchange. It is now about $3\frac{1}{2}$ per cent. in favour of New-York, against Liverpool; which is proof conclusive that our exports, after meeting our engagements abroad, are more than sufficient to supply the demands of the country for imported articles, even at the comparatively low rates of duty for the last year; so much so, that it is more profitable to import money than goods. As proof of the fact, I see it stated that one of the banks of New-York has given orders to import a large amount of specie on speculation. It is in such a state of things, and not such as that supposed, that it is proposed to lay these high protective duties; and the question is, How will they work under it?

That they will still more effectually exclude the imported articles, and still more strongly turn the exchange in our favour, and thereby give a local and artificial expansion to the currency in the manufacturing region, and a temporary stimulus to that branch of industry, is probable, but there is no hazard in saying that it would be fleeting, beyond what has been usual from the same cause, and would be succeeded more speedily, and to a greater extent, by the falling off of the home market, through the operation of causes already explained. The result, in a few words, would be a greater and more sudden reaction, to be followed by a more sudden and more extensive loss of the home market; so that, whatever might be gained by the exclusion of foreign

* Hon. Warren R. Davis.

articles, would be far outweighed by the loss of it. What else would follow, I will not attempt to anticipate. It would be the first time that a high protective tariff has ever been adopted under similar circumstances; and it would be difficult, without the aid of experience, in a case so unprecedented, and on a subject so complicated, to trace consequences with anything like precision or certainty.

The advocates of the protective, or, rather, the prohibitory system (for that is the more appropriate name), have been led into error, from not distinguishing between the situation of our country and that of England. That country has risen to great power and wealth, and they attribute it to her prohibitory policy, overlooking the great advantages of her position; her greater freedom and security, compared to the rest of Europe; and forgetting that other European countries, and Spain in particular, pushed the system even farther, with the very reverse effect. But, admitting that the greatness of England may, in part, be attributed to the system, still it would furnish no proof that its effects would be the same with us. Our situation is, in many respects, strikingly different from hers; and, among others, in the important particular, as it affects the point under consideration, that she never had but few raw materials to export, and they of no great value: coal and salt now, and wool formerly; while our country has numerous such products, and of the greatest value in the general commerce of the world. England had to create, by manufacturing, the products for her export trade; but, with us, our soil and climate and forests are the great sources from which they are drawn. To extract them from these, to ship them abroad, and exchange them for the products of the rest of the world, forms the basis of our industry, as has been shown. In that is to be found the great counteracting cause, with us, to the system of prohibitory duties, the operation of which I have endeavoured rapidly to sketch. It has heretofore defeated, and will continue to defeat, the hopes of its advocates. In England, there neither was nor is any such counteracting cause; and hence the comparative facility and safety with which it could be introduced and established there.

But it was asked, What is to be done? What course does true policy require, to give the highest possible impulse to the industry and prosperity of the country, including manufactures and all? I answer, the very reverse of that proposed by this bill. Instead of looking to the home market, and shaping all our policy to secure that, we must look to the foreign, and shape it to secure that.

We have, senators, reached a remarkable point in the progress of civilization and the mechanical and chemical arts, and which will require a great change in the policy of civilized nations. Within the last three or four generations, they have received an impulse far beyond all former example, and have now obtained a perfection before unknown. The result has been a wonderfully increased facility of producing all articles of supply depending on those arts; that is, of those very articles which we call, in our financial language, protected articles; and against the importation of which these high duties are for the most part intended. In consequence of this increased facility, it now requires but a small part, comparatively, of the labour and capital of a country to clothe its people, and supply itself with most of the products of the useful arts; and hence, all civilized people, with little exception, are producing their own supply, and even overstocking their own market. It results that no people restricted to the home market can, in the present advanced state of the useful arts, rise to greatness and wealth by manufactures. For that purpose, they must compete successfully for the foreign market in the younger, less advanced, and less civilized countries. This necessity for more enlarged and freer intercourse between the older, more advanced, and more civilized nations, and the younger, less advanced, and less civilized, at a time when the whole globe is laid open to our knowledge, and a rapidity and facility of intercourse

established between all its parts heretofore unknown, is one of the mighty means ordained by Providence to spread population, light, civilization, and prosperity far and wide over its entire surface.

The great problem, then, is, How is the foreign market to be commanded? I answer, by the reverse means proposed in order to command the home market —low instead of high duties; and a sound currency, fixed, stable, and as nearly as possible on the level with the general currency of the world, instead of an inflated and fluctuating one. Nothing can be more hostile to the command of foreign trade than high prohibitory duties, even as it regards the exports of manufactures. The artificial expansion of the currency, and consequent rise of price and increased expense of production, which, as has been shown, must follow, would be of themselves fatal; but to that must be added another cause not much less so. I refer to the general pressure of the prohibitory system on the export industry of the country, as already explained, and which would fall with as much severity on the export of manufactures as on that of cotton or any other manufactured article. The system operates with like effect on exports, whether of raw materials or manufactured articles in the last and highest state of finish. The reason is the same as to both. This begins to be understood in countries the most advanced in the arts, and whose exports consist almost exclusively of manufactured articles; and especially England, the most so of any; and hence they have already begun the process of reduction of duties, with the view of increasing their exports. In the recent adjustment of her tariff, England, with that avowed view, made great reduction in her import duties.

But can we hope to compete successfully in the market of the world by means of a sound currency and low duties? I answer, if we cannot, we may give up the contest as desperate; and the sooner the better. It is idle, and worse than idle, to attempt to add to the growth of our manufactures by the prohibitory system. They have already reached, under its influence, their full, but stunted growth. To attempt to push them farther, must react and retard instead of accelerating their growth. The home market cannot consume our immense surplus productions of provisions, lumber, cotton, and tobacco; nor find employment in manufacturing, for home consumption, the vast amount of labour employed in raising the surplus beyond the home consumption, and which can only find a market abroad. Take the single article of cotton. It takes, at the least calculation, 700,000 labourers to produce the crop—more than twice the number, on a fair calculation, employed in all the branches of manufactures which can expect to be benefited by these high duties. Less than the sixth part would be ample to raise every pound of cotton necessary for the home market, if every yard of cotton cloth consumed at home were manufactured at home, and made from home-raised cotton. What, then, I ask, is to become of the five or six hundred thousand labourers now employed in raising the article for the foreign market? How can they find employment in manufacturing, when 91 parts in 100 of all the protected articles consumed in the country are now made at home? And if not in manufacturing, how else can they be employed? In raising provisions? Those engaged in that already supply, and more than supply, the home market; and how shall they find employment in that quarter? How those employed in the culture of tobacco, and the lumber business, and foreign trade? The alternative is inevitable—they must either persist, in spite of these high protective duties, with all the consequent loss and impoverishment which must follow them, in their present employment, or be forced into universal competition in producing the protected articles for the home market, which is already nearly fully supplied by the small amount of labour engaged in their production.

But why should we doubt our capacity to compete successfully, with a sound currency and low duties, in the general market of the world? A superabundance of cheap provisions, and of the raw material, as far as cotton is concerned, gives us great advantage in the greatest and most important branch of man-

ufactures in modern times. To these may be added, a favourable situation for trade with all the world; the most abundant and cheap supply of what may be called natural capital—water, coal, timber, and soil; and a peculiar aptitude for mechanical and chemical improvements on the part of our citizens, combined with great energy, industry, and skill. There are but two drawbacks—high wages and high interest. In other respects, no country has superior advantages for manufacturing.

No one is more averse to the reduction of wages than I am, or entertains a greater respect for the labouring portion of the community. Nothing could induce me to adopt a course of policy that would impair their comfort or prosperity. But when we speak of wages, a distinction must be made between the real and artificial; between that which enables a labourer to exchange the fruits of his industry for the greatest amount of food, clothing, and other necessaries or comforts, without regard to the nominal amount in money, and the mere nominal money amount, that is often the result of an inflated currency, which, instead of increasing wages in proportion to the price and the means of the labourer, is one of the most effective means of defrauding him of his just dues. But it is a great mistake to suppose that low prices and high wages, estimated in money, are irreconcilable. Wages are but the residuum after deducting the profit of capital, the expense of production, including the exactions of the government in the shape of taxes, which must certainly fall on production, however laid. The less that is paid for the use of capital, for the expense of production, and the exactions of the government, the greater is the amount left for wages; and hence, by lessening these, prices may fall, and wages rise at the same time; and that is the combination which gives to labour its greatest reward, and places the prosperity of a country on the most durable basis. It is not my habit to stop and illustrate by example; but the importance of the point under consideration is such, that it would seem to justify it.

For this purpose, I shall select a product of the soil, and take the article of wheat. Suppose twenty bushels of wheat to be produced on an acre of land in Virginia, worth ten dollars the acre, and twenty on an acre in England, worth one hundred dollars, and the wheat to be worth one dollar a bushel; suppose, also, that the interest, or cost for the use of capital, to be the same in both countries—say 6 per cent.—and the cost of cultivation and the exactions of the government the same: it is manifest, on the supposition, that wages could not commence in England till $6 (the interest on $100) was paid; while in Virginia it would commence after 60 cents (the interest on $10) was paid. And hence, in England, setting the cost of cultivation and the exactions of the government aside, but $14 would be left for wages, while $19 40 would be left in Virginia; and hence, the product of labour in Virginia, out of this greater residuum, might sell at a lower price, and leave still a greater fund for the reward of wages. The reduction of the cost of cultivation, and of the exactions of the government, would have the same effect as paying less for the capital, and would have the effect of making a still greater difference in the fund to pay wages. Taking the aggregate of the whole, and comparing all the elements that enter into the computation, I feel assured that, with a sound currency and low duties—i. e., light taxes exacted on the part of the government—the only element which is against us in the rate of interest, but that our advantages in other respects would more than counterbalance it; and that we have nothing to fear in open competition with other countries in the general market of the world. We would have our full share with the most successful; while, at the same time, the exuberance of the home market, relieved from oppressive burdens, would be vastly increased, and be more effectually and exclusively commanded by the productions of our own manufacturers, than it can possibly be by the unjust, unconstitutional, monopolizing, and oppressive scheme proposed by this bill.

I am not ignorant, senators, that it is the work of time and of great delicacy to pass from the artificial condition in which the country has long been placed, in reference to its industry, by a mistaken and mischievous system of policy. Sudden transitions, even to better habits or better conditions, are hazardous, unless slowly effected. With this impression, I have ever been averse to all sudden steps, both as to the currency and the system of policy which is now the subject of our deliberation, bad as I believe them both to be; and deep as my conviction is in favour of a sound currency and low duties, I am by no means disposed to reach, by a sudden transition, the points to which I firmly believe they may be reduced, consistently with the necessary wants of the government, by a proper management of our finances.

But, as pernicious as the prohibitory or protective system may be on the industrial pursuits of the country, it is still more so on its politics and morals. That they have greatly degenerated within the last fifteen or twenty years; that there are less patriotism and purity, and more faction, selfishness, and corruption; that our public affairs are conducted with less dignity, decorum, and regard to economy, accountability, and public faith; and, finally, that the taint has extended to private as well as public morals, is, unhappily, but too manifest to be denied. If all this be traced back, the ultimate cause of this deplorable change will be found to originate mainly in the fact, that the duties (or, to speak more plainly, the taxes on imports), from which now the whole revenue is derived, are so laid, that the most powerful portion of the community—not in numbers, but influence—are not only exempted from the burden, but, in fact, according to their own conception, receive bounties from their operation. They crowd our tables with petitions, imploring Congress to impose taxes—high taxes; and rejoice at their imposition as the greatest blessing, and deplore their defeat as the greatest calamity; while other portions regard them in the opposite light, as oppressive and grievous burdens. Now, senators, I appeal to you—to the candour and good sense even of the friends of this bill—whether these facts do not furnish proof conclusive that these high protective duties are regarded as bounties, and not taxes, by these petitioners, and those who support their course, and urge the passage of the bill? Can stronger proof be offered? Bounties may be implored, but it is not in human nature to pray for taxes, burden, and oppression, believing them to be such. I again appeal to you, and ask if the power of taxation can be perverted into an instrument in the hands of government to enrich and aggrandize one portion of the community at the expense of the other, without causing all of the disastrous consequences, political and moral, which we all deplore? Can anything be imagined more destructive of patriotism, and more productive of faction, selfishness, and violence; or more hostile to all economy and accountability in the administration of the fiscal department of the government? Can those who regard taxes as a fruitful source of gain, or as the means of averting ruin, regard extravagance, waste, neglect, or any other means by which the expenditures may be increased, and the tax on the imports raised, with the deep condemnation which their corrupting consequences on the politics and morals of the community demand? Let the history of the government since the introduction of the system, and its present wretched condition, respond.

But it would be doing injustice to charge the evils which have flowed from the system, and the greater which still threaten, exclusively on the manufacturing interest. Although it ostensibly originates with it, yet, in fact, it is the least efficient, and the most divided, of all that combination of interests from which the system draws its support. Among them, the first and most powerful is that active, vigilant, and well-trained corps, which lives on government, or expects to live on it; which prospers most when the revenue is the greatest, the treasury the fullest, and the expenditures the most profuse; and, of course, is ever the firm and faithful support of whatever system shall extract most from

the pockets of the rest of the community, to be emptied into theirs. The next in order—when the government is connected with the banks—when it receives their notes in its dues, and pays them away as cash, and uses them as its depositories and fiscal agents—are the banking and other associated interests, stock-jobbers, brokers, and speculators; and which, like the other, profit the more in consequence of the connexion; the higher the revenue, the greater its surplus and the expenditures of the government. It is less numerous, but still more active and powerful, in proportion, than the other. These form the basis; and on these, political aspirants, who hope to rise to power and control through it, rear their party organization. It is they who infuse into it the vital principle, and give life, and energy, and direction to the whole. This formidable combination, thus vivified and directed, rose to power in the late great political struggle, and is now in the ascendant; and it is to its death-like efforts to maintain and consolidate its power, that this and the late session owe their extraordinary proceedings. Its hope now is centred in this bill. In their estimation, without a protective tariff, all is lost; and, with it, that which is now lost may be regained.

I have now, senators, said what I intended. It may be asked, Why have I spoken at all? It is not from the expectation of changing a single vote on the opposite side. That is hopeless. The indications during this discussion show, beyond doubt, a foregone determination on the part of its advocates to vote for the bill, without the slightest amendment, be its defects or errors ever so great. They have shut their eyes and closed their ears. The voice of an angel from heaven could not reach their understanding. Why, then, have I raised mine? Because my hope is in truth. "Crushed to earth, it will rise again." It is rising, and I have added my voice to hasten its resurrection. Great already is the change of opinion on this subject since 1828. Then the plantation states, as they were called, stood alone against this false and oppressive system. We had scarcely an ally beyond their limits, and we had to throw off the crushing burden it imposed, as we best could, within the limits of the Constitution. Very different is the case now. On whatever side the eye is turned, firm and faithful allies are to be seen. The great popular party is already rallied almost *en masse* around the banner which is leading the party to its final triumph. The few that still lag will soon be rallied under its ample folds. On that banner is inscribed, FREE TRADE; LOW DUTIES; NO DEBT; SEPARATION FROM BANKS; ECONOMY; RETRENCHMENT, AND STRICT ADHERENCE TO THE CONSTITUTION. Victory in such a case will be great and glorious; and if its principles be faithfully and firmly adhered to, after it is achieved, much will it redound to the honour of those by whom it will have been won; and long will it perpetuate the liberty and prosperity of the country.

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## XXXVII.

### SPEECH ON THE TREATY OF WASHINGTON, AUGUST, 1842.

Mr. Calhoun said that his object in rising was not to advocate or oppose the treaty, but simply to state the reasons that would govern him in voting for its ratification. The question, according to his conception, was not whether it was all we could desire, or whether it was liable to this or that objection, but whether it was such a one that, under all the circumstances of the case, it would be most advisable to adopt or reject. Thus regarded, it was his intention to state fairly the reasons in favour of and against its ratification, and to assign to each its proper weight, beginning with the portion relating to the Northeastern boundary, the settlement of which was the immediate and prominent object of the negotiation.

He was one of those who had not the slightest doubt that the boundary for which the State of Maine contended was the true one, as established by the treaty of peace in 1783; and had accordingly so recorded his vote, after a deliberate investigation of the subject. But, although such was his opinion, he did not doubt, at the time, that the boundary could only be settled by a compromise line. We had admitted it to be doubtful at an early period during the administration of Washington, and more recently and explicitly, by stipulating to submit it to the arbitration of a friendly power, by the treaty of Ghent. The doubt thus admitted on our part to exist had been greatly strengthened by the award of the King of Holland, who had been mutually selected as the arbiter under the treaty. So strong, indeed, was his (Mr. C.'s) impression that the dispute could only be settled by a compromise or conventional line, that he said to a friend in the then cabinet (when an appropriation was made a few years since for a special mission to be sent to England on the subject of the boundary, and his name, among others, was mentioned for the place), that the question could only be settled by compromise; and for that purpose some distinguished citizen of the section ought to be selected; and neither he, nor any other Southern man, ought to be thought of. With these previous impressions, he was prepared, when the negotiation opened, to expect, if it succeeded in adjusting the difficulty, it would be (as it has been) on a compromise line. Notwithstanding, when it was first announced that the line agreed on included a considerable portion of the territory lying to the west of the line awarded by the King of Holland, he was incredulous, and expressed himself strongly against it. His first impression was perhaps the more strongly against it, from the fact that he had fixed on the River St. John, from the mouth of Eel River, taking the St. Francis branch (the one selected by the King of Holland) as the natural and proper compromise boundary, including in our limits all the portion of the disputed territory lying north of Eel River, and west and south of the St. John, above its junction; and all the other within that of Great Britain. On a little reflection, however, he resolved not to form his opinion of the merits or demerits of the treaty on rumour or imperfect information, but to wait until the whole subject was brought before the Senate officially, and then to make it up on full knowledge of all the facts and circumstances, after deliberate and mature reflection; and that he had done with the utmost care and impartiality. What he now proposed was to give the result, with the reasons on which it rests, and which would govern his vote on the ratification.

He still believed that the boundary which he had fixed in his own mind was the natural and proper one; but, as that could not be obtained, the question for them to decide was, Are the objections to the boundary as actually agreed on, and the stipulations connected with it, such as ought to cause its rejection? In deciding it, it must be borne in mind that, as far as this portion of the boundary is concerned, it is a question belonging much more to the State of Maine than to the Union. It is, in truth, but the boundary of that state; and it makes a part of the boundary of the United States, only by being the exterior boundary of one of the states of our Federal Union. It is her sovereignty and soil that are in dispute, except the portion of the latter that still remains in Massachusetts; and it belongs, in the first place, to her, and to Massachusetts, as far as her right of soil is involved, to say what their rights and interests are, and what is required to be done. The rest of the Union is bound to defend them in their just claim; and to assent to what they may be willing to assent, in settling the claim in contest, if there should be nothing in it inconsistent with the interest, honour, or safety of the rest of the Union. It is so that the controversy has ever been regarded. It is well known President Jackson would readily have agreed to the award of the King of Holland, had not Maine objected; and that, to overcome her objection, he was prepared to recommend to Congress to give her, in order to get her consent, one million of acres of the public domain, worth,

at the minimum price, a million and a quarter of dollars. The case is now reversed. Maine and Massachusetts have both assented to the stipulations of the treaty, as far as the question of the boundary affects their peculiar interest, through commissioners vested with full powers to represent them; and the question for us to decide is, Shall we reject that to which they have assented? Shall the government, after refusing to agree to the award of the King of Holland, because Maine objected, now reverse its course, and refuse to agree to that which she and Massachusetts have both assented? There may, indeed, be reasons strong enough to authorize such a course; but they must be such as will go to prove that we cannot give our assent consistently with the interests, the honour, or the safety of the Union. That has not been done; and, he would add, if there be any such, he has not been able to detect them.

It has, indeed, been said that the assent of Maine was coerced. She certainly desired to obtain a more favourable boundary; but when the alternative was presented of another reference to arbitration, she waived her objection, as far as she was individually concerned, rather than incur the risk, delay, uncertainty, and vexation of another submission of her claims to arbitration; and left it to the Senate, the constituted authority appointed for the purpose, to decide on the general merits of the treaty as it relates to the whole Union. In so doing, she has, in his opinion, acted wisely and patriotically—wisely for herself, and patriotically in reference to the rest of the Union. She has not got, indeed, all she desired; and has even lost territory, if the treaty be compared to the award of the King of Holland; but, as an offset, that which she has lost is of little value, while that which she retains has been greatly increased in value by the stipulations contained in the treaty. The whole amount lost is about half a million of acres. It lies along the eastern slope of the highlands, skirting the St. Lawrence to the east, and is acknowledged to be of little value for soil, timber, or anything else—a steril region, in a severe, inhospitable clime. Against that loss, she has acquired the right to navigate the River St. John; and that, not only to float down the timber on its banks, but all the productions of the extensive, well-timbered, and, taken as a whole, not steril portion of the state that lies on her side of the basin of that river and its tributaries. But that is not all. She also gains what is vastly more valuable—the right to ship them, on the same terms as colonial productions, to Great Britain and her colonial possessions.

These great and important advantages will probably double the value of that extensive region, and make it one of the most populous and flourishing portions of the state. Estimated by a mere moneyed standard, these advantages are worth, he would suppose, all the rest of the territory claimed by Maine without them. If to this be added the sum of about $200,000 to be paid to her for the expense of defending her territory, and $300,000 to her and Massachusetts in equal moieties, in consequence of their assent to the boundary and the equivalents received, it must be apparent that Maine has not made a bad exchange in accepting the treaty, as compared with the award, as far as her separate interest is concerned. But be that as it may, she is the rightful judge of her own interests; and her assent is a sufficient ground for our assent, provided that to which she has assented does not involve too great a sacrifice on the part of the rest of the Union, nor their honour or safety. So far from that, as far as the rest of the Union is concerned, the sacrifice is small and the gain great. They are under solemn constitutional obligations to defend Maine, as one of the members of the Union, against invasion, and to protect her territory, cost what it may, at every hazard. The power claiming what she contended to be hers, is one of the greatest, if not the greatest, on earth; the dispute is of long standing, and of a character difficult to be adjusted; and, however clear the right of Maine may be regarded in the abstract, it has been made doubtful in consequence of admissions, for which the government of the Union is responsible.

To terminate such a controversy, with the assent of the party immediately interested, by paying the small sum of half a million—of which a large part (say $200,000) is unquestionably due to Maine, and would have to be paid to her without the treaty—is indeed a small sacrifice—a fortunate deliverance. President Jackson was willing to allow her, as has been stated, more than twice as much for her assent to the award; and in doing so, he showed his wisdom, whatever might have been thought of it at the time. Those, at least, who opposed the treaty will not charge him with being willing to sacrifice the interest and honour of the Union in making the offer; and yet the charge which they make against this portion of the treaty does, by implication, subject what he was ready to do to a similar one.

But it is said that the territory which England would acquire beyond the boundary of the awarded line would greatly strengthen her frontier and weaken ours, and would thereby endanger the safety of the country in that quarter. He did not profess to be deeply versed in military science, but, according to his conception, there was no foundation for the objection. It was, if he did not mistake, the very last point on our whole frontier, from the mouth of the St. Croix to the outlet of Lake Superior, on which an expedition would be organized on either side to attack the possessions of the other. In a military point of view, our loss is as nothing in that quarter; while in another, and a much more important quarter, our gain by the treaty is great, in the same point of view. He referred to that provision by which we acquire Rouse's Point, at the northern extremity of Lake Champlain. It is among the most important military positions on the whole line of our Eastern and Northern frontier, whether it be regarded in reference to offensive or defensive operations. He well remembered the deep sensation caused among military men in consequence of its loss; and he would leave the question of loss or gain, in a military point of view (taking the two together), to their decision, without the least doubt what it would be.

But if it should be thought by any one that these considerations, as conclusive as they seemed to be, were not sufficient to justify the ratification of this portion of the treaty, there were others, which appeared to him to be perfectly conclusive. He referred to the condition in which we would be left if the treaty should be rejected. He would ask, If, after having agreed at Ghent to refer the subject to arbitration, and after having refused to agree to the award made under that reference, by an arbitrator of our own selection, we should now reject this treaty, negotiated by our own Secretary of State, under our own eyes, and which had previously received the assent of the states immediately interested, whether there would be the slightest prospect that another equally favourable would ever be obtained? On the contrary, would we not stand in a far worse condition than ever in reference to our claim? Would it not, indeed, be almost certain that we should lose the whole of the basin of the St. John, and Great Britain gain all for which she ever contended, strengthened as she would be by the disclosures made during this discussion?* He was far from

* The following extract from the speech of Mr. Rives, the chairman of the Committee on Foreign Relations, will show what the disclosures were:

It appears to the committee, therefore, in looking back to the public and solemn acts of the government, and of successive administrations, that the time has passed, if it ever existed, when we could be justified in making the precise line of boundary claimed by us the subject of a *sine qua non* of negotiation, or of the *ultimo ratio*—of an assertion by force. Did a second arbitration, then, afford the prospect of a more satisfactory result? This expedient seemed to be equally rejected by all parties—by the United States, by Great Britain, and by the State of Maine. If such an alternative should be contemplated by any one as preferable to the arrangement which had been made, it is fit to bear in mind the *risk and uncertainty*, as well as the inevitable delay and expense, incident to that mode of decision. We have already seen, in the instance of the arbitration by the King of the Netherlands, how much weight a tribunal of that sort is inclined to give to the argument of *convenience*, and a supposed *intention* on the part of the negotiators of the treaty of 1783, against the literal and positive terms employed by the instrument in its description of limits. Is there no danger, in the event of another arbitration, that a farther research into the public archives of Europe might bring to light some embarrassing (even though apocryphal) document, to throw a new shade

asserting that the facts disclosed established the claim of Great Britain, or that the map exhibited is the one to which Franklin referred in his note to the Count

of plausible doubt on the clearness of our title, in the view of a sovereign arbiter? Such a document has already been communicated to the committee; and I feel it (said Mr. R.) to be my duty to lay it before the Senate, that they may fully appreciate its bearings, and determine for themselves the weight and importance which belong to it. It is due to the learned and distinguished gentleman (Mr. Jared Sparks, of Boston) by whom the document referred to was discovered in the archives of France, while pursuing his laborious and intelligent researches connected with the history of our own country, that the account of it should be given in his own words, as contained in a communication addressed by him to the department of state. I proceed, therefore, to read from that communication:

"While pursuing my researches among the voluminous papers relating to the American Revolution in the *Archives des Affaires Etrangeres* in Paris, I found in one of the bound volumes an original letter from Dr. Franklin to Count de Vergennes, of which the following is an exact transcript:

"'*Passy, December* 6, 1782.

"'SIR—I have the honour of returning herewith the map your excellency sent me yesterday. I have marked with a strong red line, according to your desire, the limits of the United States, as settled in the preliminaries between the British and American plenipotentiaries.

"'With great respect, I am, &c.,

"'B. FRANKLIN.'

"This letter was written six days after the preliminaries were signed; and if we could procure the identical map mentioned by Franklin, it would seem to afford conclusive evidence as to the meaning affixed by the commissioners to the language of the treaty on the subject of the boundaries. You may well suppose that I lost no time in making inquiry for the map, not doubting that it would confirm all my previous opinions respecting the validity of our claim. In the geographical department of the Archives are sixty thousand maps and charts; but so well arranged with catalogues and indexes, that any one of them may be easily found. After a little research in the American division, with the aid of the keeper, I came upon a map of North America, by D'Anville, dated 1746, in size about eighteen inches square, on which was drawn a *strong red line* throughout the entire boundary of the United States, answering precisely to Franklin's description. The line is bold and distinct in every part, made with red ink, and apparently drawn with a hair-pencil, or a pen with a blunt point. There is no other colouring on any part of the map.

"Imagine my surprise on discovering that this line runs wholly south of the St. John, and between the head waters of that river and those of the Penobscot and Kennebec. In short, it is exactly the line now contended for by Great Britain, except that it concedes more than is claimed. The north line, after departing from the source of the St. Croix, instead of proceeding to Mars Hill, stops far short of that point, and turns off to the west, so as to leave on the British side all the streams which flow into the St. John between the source of the St. Croix and Mars Hill. It is evident that the line, from the St. Croix to the Canadian highland, is intended to exclude *all the waters* running into the St. John.

"There is no positive proof that this map is actually the one marked by Franklin; yet, upon any other supposition, it would be difficult to explain the circumstances of its agreeing so perfectly with his description, and of its being preserved in the place where it would naturally be deposited by Count de Vergennes. I also found another map in the Archives, on which the same boundary was traced in a dotted red line with a pen, apparently copied from the other.

"I enclose herewith a map of Maine, on which I have drawn a strong black line, corresponding with the red one above mentioned."

I am far from intimating (said Mr. R.) that the documents discovered by Mr. Sparks, curious and well worthy of consideration as they undoubtedly are, are of weight sufficient to shake the title of the United States, founded on the positive language of the treaty of peace. But they could not fail, in the event of another reference, to give increased confidence and emphasis to the pretensions of Great Britain, and to exert a corresponding influence upon the mind of the arbiter. It is worth while, in this connexion, to turn to what Lord Ashburton has said, in one of his communications to Mr. Webster, when explaining his views of the position of the highlands described in the treaty:

"My inspection of the maps, and my examination of the documents," says his lordship, "lead me to a very strong conviction that the highlands contemplated by the negotiators of the treaty were the only highlands then known to them—*at the head of the Penobscot, Kennebec, and the rivers west of the St. Croix;* and that they did not precisely know how the north line from the St. Croix would strike them; and if it were not my wish to shorten this discussion, I believe a very good argument might be drawn from the words of the treaty in proof of this. In the negotiations with Mr. Livingston, and afterward with Mr. M'Lane, this view seemed to prevail; and, as you are aware, there were proposals to search for these highlands to the west, where alone, I believe, they will be found to answer perfectly the description of the treaty. *If this question should, unfortunately, go to a farther reference, I should by no means despair of finding some confirmation of this view of the case.*"

It is for the Senate to consider (added Mr. R.) whether there would not be much risk of introducing new complications and embarrassments in this controversy, by leaving it open for another litigated reference; and if the British government—strongly prepossessed, as its minister tells us it is, with the justice of its claims—would not find what it would naturally consider a persuasive "confirmation of its view of the case" in documents such as those encountered by Mr. Sparks in his historical researches in the Archives of France.

A map has been vauntingly paraded here from Mr. Jefferson's collection, in the zeal of opposition (without taking time to see what it was), to confront and invalidate the map found by Mr. Sparks in the foreign office at Paris; but, the moment it is examined, it is found to sustain, by the most precise and remarkable correspondence in every feature, the map communicated by Mr. Sparks.

de Vergennes, the French minister; but it cannot be doubted that the conformity of the line delineated on the map with the one described in his note, would have the effect of strengthening not a little the claims of Great Britain in her own estimation and that of the world. But the facts stated, and the map exhibited by the chairman of the Committee on Foreign Relations (Mr. Rives), are not the only or the strongest disclosures made during the discussion. The French map introduced by the senator from Missouri (Mr. Benton), from Mr. Jefferson's collection in the Congress library, in order to rebut the inference from the former, turned out to be still more so. That was made in the village of Passy, in the year after the treaty of peace was negotiated, where Franklin (who was one of the negotiators) resided, and was dedicated to him; and that has the boundary line drawn in exact conformity to the other, and in the manner described in the note of Doctor Franklin—a line somewhat more adverse to us than that claimed by Great Britain. But, as striking as is this coincidence, he was far from regarding it as sufficient to establish the claim of Great Britain. It would, however, be in vain to deny that it was a corroborating circumstance, calculated to add no small weight to her claim.

It would be still farther increased by the fact that France was our ally at the time, and, as such, must have been consulted, and kept constantly advised of all that occurred during the progress of the negotiation, including its final result. It would be idle to suppose that these disclosures would not weigh heavily against us in any future negotiation. They would, so much so—taken in connexion with the adverse award of the King of Holland, and this treaty, should it be rejected—as to render hopeless any future attempt to settle the question by negotiation or arbitration. No alternative would be left us but to yield to the full extent of the British claim, or to put Maine in possession by force, and that, too, with the opinion and sympathy of the world against us and our cause. In his opinion, we would be bound to attempt it, in justice to Maine, should we refuse to agree to what she has assented. So much for the boundary question, as far as Maine is concerned.

Having now shown—satisfactorily, he hoped—that Maine has acted wisely for herself in assenting to the treaty, it remained to be considered whether we, the representatives of the Union on such questions, would not also do so in ratifying it, so far, at least, as the boundary question is involved. He would add nothing to what had already been said of the portion in which Maine was immediately interested. His remarks would be confined to the remaining portion of the boundary, extending from the northwestern corner of that state to the Rocky Mountains.

Throughout this long-extended line every question has been settled to our satisfaction. Our right has been acknowledged to a territory of about one hundred thousand acres of land in New-Hampshire, which would have been lost by the award of the King of Holland. A long gore of about the same amount, lying in Vermont and New-York, and which was lost under the treaty of Ghent, would be regained by this. It includes Rouse's Point. Sugar Island, lying in the water connexion between Lakes Huron and Superior, and heretofore in dispute, is acknowledged to be ours; it is large, and valuable for soil and position. So, also, is Isle Royale, near the northern shore of Lake Superior, acknowledg-

The senator who produced it could see nothing but the microscopic dotted line running off in a northeasterly direction; but the moment other eyes were applied to it, there was found, in bold relief, a strong red line, indicating the limits of the United States, according to the treaty of peace, and coinciding, minutely and exactly, with the boundary traced on the map of Mr. Sparks. That this red line, and not the hardly visible dotted line, was intended to represent the limits of the United States, according to the treaty of peace, is conclusively shown by the circumstance that the red line is drawn on the map all around the exterior boundary of the United States; through the middle of the Northren Lakes, thence through the Long Lake and the Rainy Lake to the Lake of the Woods; and from the western extremity of the Lake of the Woods to the River Mississippi; and along that river to the point where the boundary of the United States, according to the treaty of peace, leaves it; and thence, by its easterly course to the mouth of the St. Mary's on the Atlantic.

ed to be ours—a large island, and valuable for its fisheries. And also a large tract of country to the north and west of that lake, between Fond du Lac and the River St. Louis on one side, and Pigeon River on the other—containing four millions of acres. It is said to be steril, but cannot well be more so than that acquired by Great Britain lying west of the boundary awarded by the King of Holland. In addition, all the islands in the River St. Lawrence and the lakes, which were divided in running out the division line under previous treaties, are acquired by us under this; and all the channels and passages are opened to the common uses of our citizens and the subjects of Great Britain.

Such are the provisions of the treaty in reference to this long line of boundary. Our gain—regarded in the most contracted point of view, as mere equivalents for the sum assumed to be paid by us to Maine and Massachusetts for their assent to the treaty—is vastly greater than what we have contracted to pay. Taking the whole boundary question together, and summing up the loss and gain of the whole, including what affects Maine and Massachusetts, and he could not doubt that, regarded merely as set-offs, our gain greatly exceeds our loss—vastly so, compared to what it would have been under the award of the King of Holland, including the equivalent which our government was willing to allow Maine for her assent. But it would be, indeed, to take a very contracted view to regard it in that light. It would be to overlook the vast importance of permanently establishing, between two such powers, a line of boundary of several thousand miles, abounding in disputed points of much difficulty and long standing. The treaty, he trusted, would do much to lay the foundation of a solid peace between the countries—a thing so much to be desired.

It is certainly much to be regretted, after settling so large a portion of the boundary, that the part beyond the Rocky Mountains should remain unadjusted. Its settlement would have contributed much to strengthen the foundation of a durable peace. But would it be wise to reject the treaty because all has not been done that could be desired? He placed a high value on our territory on the west of those mountains, and held our title to it to be clear; but he would regard it as an act of consummate folly to stake our claim on a trial of strength at this time. The territory is now held by joint occupancy, under the treaty of Ghent, which either party may terminate by giving to the other six months' notice. If we were to attempt to assert our exclusive right of occupancy at present, the certain loss of the territory must be the result; for the plain reason that Great Britain could concentrate there a much larger force, naval and military, in a much shorter time, and at far less expense, than we could. That will not be denied; but it will not always be the case. Our population is steadily—he might say rapidly—advancing across the Continent, to the borders of the Pacific Ocean. Judging from past experience, the tide of population will sweep across the Rocky Mountains, with resistless force, at no distant period, when what we claim will quietly fall into our hands, without expense or bloodshed. Time is acting for us. Wait patiently, and all we claim will be ours; but if we attempt to seize it by force, it will be sure to elude our grasp.

Having now stated his reasons for voting to ratify the articles in the treaty relating to the boundary, he would next proceed to assign those that would govern his vote on the two relating to the African slave-trade. And here he would premise, that there are several circumstances which caused no small repugnance on his part to any stipulations whatever with Great Britain on the subject of those articles; and he would add, that he would have been gratified if they, and all other stipulations on the subject, could have been entirely omitted; but he must, at the same time, say he did not see how it was possible to avoid entering into some arrangement on the subject. To understand our difficulty, it will be necessary to advert to the course heretofore taken by the government in reference to the subject, and the circumstances under which the negotiations that resulted in this treaty commenced.

Congress at an early day—as soon, in fact, as it could legislate on the subject under the Constitution—passed laws enacting severe penalties against the African slave-trade. That was followed by the treaty of Ghent, which declared it to be irreconcilable with the principles of humanity and justice, and stipulated that both of the parties—the United States and Great Britain—should use their best endeavours to effect its abolition. Shortly after, an act of Congress was passed declaring it to be piracy; and a resolution was adopted by Congress requesting the President to enter into arrangements with other powers for its suppression. Great Britain, actuated by the same feelings, succeeded in making treaties with the European maritime powers for its suppression; and, not long before the commencement of this negotiation, had entered into joint stipulations with the five great powers to back her on the question of search. She had thus acquired a general supervision of the trade along the African coast; so that vessels carrying the flag of every other country, except ours, were subject on that coast to the inspection of her cruisers, and to be captured, if suspected of being engaged in the slave-trade. In consequence, ours became almost the only flag used by those engaged in the trade, whether our own people or foreigners, although our laws inhibited the traffic under the severest penalties. In this state of things, Great Britain put forward the claim of the right of search as indispensable to suppress a trade prohibited by the laws of the civilized world, and to the execution of the laws and treaties of the nations associated with her by mutual engagements for its suppression. At this stage, a correspondence took place between our late minister at the Court of St. James and Lord Palmerston on the subject, in which the latter openly and boldly claimed the right of search, and which was promptly and decidedly repelled on our side. We had long since taken our stand against it, and had resisted its abuse, as a belligerant right, at the mouth of the cannon. Neither honour nor policy on our part could tolerate its exercise in time of peace, in any form—whether in that of search, as claimed by Lord Palmerston, or the less offensive and unreasonable one of visitation, as proposed by his successor, Lord Aberdeen. And yet we were placed in such circumstances as to require that something should be done. It was in such a state of things that the negotiation commenced; and commenced, in part, in reference to this subject, which was tending rapidly to bring the two countries into collision. On our side, we were deeply committed against the traffic, both by legislation and treaty. The influence and the efforts of the civilized world were directed against it; and that, too, under our lead at the commencement; and with such success as to compel vessels engaged in it to take shelter, almost exclusively, under the fraudulent use of our flag. To permit such a state of things to continue could not but deeply impeach our honour, and turn the sympathy of the world against us. On the other side, Great Britain had acquired, by treaties, the right of supervision, including that of search and capturing, over the trade on the coast of Africa, with the view to its suppression, from all the maritime powers except ourselves. Thus situated, he must say that he saw no alternative for us but the one adopted—to take the supervision of our own trade on that coast into our own hands, and to prevent, by our own cruisers, the fraudulent use of our flag. The only question, in the actual state of things, as it appeared to him, was, whether it should be done by a formal or informal arrangement. He would have preferred the latter; but the difference between them was not, in his opinion, such as would justify, on that account, the rejection of the treaty. They would, in substance, be the same, and have differed but little, probably, in the expense of execution. Either was better than the other alternatives—to do nothing; to leave things in the dangerous state they stood, or to yield to the right of search or visitation.

It is objected that the arrangement entered into is virtually an acknowledgment of the right of search. He did not so regard it. On the contrary, he

considered it, under all the circumstances, as a surrender of that claim on the part of Great Britain: a conclusion which a review of the whole transaction, in his opinion, would justify. Lord Palmerston, in the first place, claimed the unqualified right of search, in which it is understood he was backed by the five great powers. Lord Aberdeen, with more wisdom and moderation, explained it to mean the right of visitation simply; and, finally, the negotiation is closed without reference to either, simply with a stipulation between the parties to keep up for five years a squadron of not less than eighty guns on the coast of Africa, to enforce separately and respectively the laws and obligations of each of the countries for the suppression of the slave-trade. It is carefully worded, to make it mutual, but at the same time separate and independent; each looking to the execution of its own laws and obligations, and carefully excluding the supervision of either over the other, and thereby directly rebutting the object of search or visitation.

The other article, in reference to the same subject, stipulates that the parties will unite in all becoming representation and remonstrance with any powers within whose dominions markets are permitted for imported African slaves. If he were to permit his feelings to govern him exclusively, he would object to this more strongly than any other provision in the treaty: not that he was opposed to the object or the policy of closing the market to imported negroes; on the contrary, he thought it both right and expedient in every view. Brazil and the Spanish colonies were the only markets, he believed, still remaining open, and to which this provision would apply. They were already abundantly supplied with slaves, and he had no doubt that sound policy on their part required that their markets should be finally and effectually closed. He would go farther, and say that it was our interest they should be. It would free us from the necessity of keeping cruisers on the African coast to prevent the illegal and fraudulent use of our flag, or for any other purpose but to protect our commerce in that quarter—a thing of itself much to be desired. We would have a still stronger interest if we were governed by selfish considerations. We are rivals in the production of several articles, and more especially the greatest of all the agricultural staples—cotton. Next to our own country, Brazil possesses the greatest advantages for its production, and is already a large grower of the article; towards the production of which the continuance of the market for imported slaves from Africa would contribute much. But he would not permit such considerations to influence him in voting on the treaty. He had no objection to see Brazil develop her resources to the full; but he did believe that higher considerations, connected with her safety, and that of the Spanish colonies, made it their interest that their market should be closed against the traffic.

But it may be asked, Why, with these impressions, should he have any objection to this provision of the treaty? It was because he was averse to interfering with other powers when it could be avoided. It extends even to cases like the present, where there was a common interest in reference to the subject of advice or remonstrance; but it would be carrying his aversion to fastidiousness, were he to permit it to overrule his vote in the adjustment of questions of such magnitude as are involved on the present occasion.

But the treaty is opposed, not only for what it contains, but also for what it does not; and, among other objections of the kind, because it has no provision in reference to the case of the Creole, and other similar ones. He admitted that it is an objection; and that it was very desirable that the treaty should have guarded, by specific and efficient provisions, against the recurrence of such outrages on the rights of our citizens, and indignity to our honour and independence. If any one has a right to speak warmly on this subject, he was the individual; but he could not forget that the question for us to decide is, Shall we ratify or reject the treaty? It is not whether all has been done which it was desirable should be done, but whether we shall confirm or reject what has ac-

tually been done; not whether we have gained all we could desire, but whether we shall retain what we have gained. To decide that as it ought to be, it is our duty to weigh, calmly and fairly, the reasons for and against the ratification, and to decide in favour of the side which preponderates.

It does not follow that nothing has been done in relation to the cases under consideration because the treaty contains no provisions in reference to them. The fact is otherwise. Much, very much, has been done; in his opinion, little short, in its effect, of a positive stipulation by the treaty to guard against the recurrence of such cases hereafter. To understand how much has been done, and what has been gained by us, it is necessary to have a correct conception of the state of the case in reference to them before the negotiation commenced, and since it terminated.

These cases are not of recent origin. The first of the kind was that of the brig Comet, which was stranded on the false keys of the Bahamas, as far back as 1830, with slaves on board. She was taken into Nassau, New-Providence, by the wreckers, and the slaves liberated by the colonial authorities. The next was the Encomium, which occurred in 1834, and which, in all the material circumstances, was every way similar to that of the Comet. The case of the Enterprise followed. It took place in 1835, and differed in no material circumstance from the others, as was acknowledged by the British government, except that it occurred after the act of Parliament abolishing slavery in the colonies had gone into operation, and the others prior to that period.

After a long correspondence of nearly ten years, the British government agreed to pay for the slaves on board of the first two, on the ground that they were liberated before the act abolishing slavery had gone into operation; but refused to pay for those belonging to the Enterprise, because they were liberated after it had. To justify this distinction, Lord Palmerston had to assume the ground, virtually, that the law of nations was opposed to slavery—an assumption that placed the property of a third of the Union without the pale of its protection. On that ground, he peremptorily refused compensation for the slaves on board the Enterprise. Our executive, under this refusal, accepted the compensation for those on board the Comet and Encomium, and closed the correspondence, without even bringing the subject before Congress. With such perfect indifference was the whole affair treated, that, during the long period the negotiation was pending, the subject was never once mentioned, as far as he recollected, in any executive message; while those of far less magnitude —the debt of a few millions due from France, and this very boundary question —were constantly brought before Congress, and had nearly involved the country in war with two of the leading powers of Europe. Those who are now so shocked that the boundary question should be settled, without a settlement also of this, stood by in silence, year after year, during this long period, not only without attempting to unite the settlement of this with that of the boundary, but without ever once naming or alluding to it as an item in the list of the dispute between the two powers. It was regarded as beneath notice. He rejoiced to witness the great change that has taken place in relation to it, and to find that those who were then silent and indifferent now exhibit so much zeal and vehemence about it. He took credit to himself for having contributed to bring this change about. It was he who revived our claim when it lay dead and buried among the archives of the state department—who called for the correspondence—who moved resolutions affirming the principles of the law of nations in reference to these cases, and repelling the presumptuous and insulting assumption on which it was denied by the British negotiator. Such was the force of truth, and so solid the foundation on which he rested our claim, that his resolutions received the unanimous vote of this body; but he received no support—no, not a cheering word—from the quarter which now professes so much zeal on the subject. His utmost hope, at the time, was to keep alive our

right till some propitious moment should arrive to assert it successfully. In the mean time, the case of the Creole occurred, which, as shocking and outrageous as it is, was but the legitimate consequence of the principle maintained by Lord Palmerston, and on which he closed the correspondence in the case of the Enterprise.

Such was the state of the facts when the negotiations commenced in reference to these cases; and it remains now to be shown in what state it has left them. In the first place, the broad principles of the law of nations, on which he placed our right in his resolutions, have been clearly stated and conclusively vindicated in the very able letter of the Secretary of State, which has strengthened our cause not a little, as well from its intrinsic merit as the quarter from which it comes. In the next place, we have an explicit recognition of the principles for which we contend, in the answer of Lord Ashburton, who expressly says that, "on the great general principles affecting this case" (the Creole), "they do not differ;" and that is followed by "an engagement that instructions shall be given to the governors of her majesty's colonies on the southern borders of the United States to execute their own laws with careful attention to the wishes of their government to maintain good neighbourhood; and that there shall be no officious interference with American vessels driven by accident or violence into their ports. The laws and duties of hospitality shall be executed." This pledge was accepted by our executive, accompanied by the express declaration of the President, through the Secretary of State, that he places his reliance on those principles of public law which had been stated in the note of the Secretary of State. To all this it may be added, that strong assurances are given by the British negotiator of his belief that a final arrangement may be made of the subject by positive stipulations in London. Such is the state in which the negotiation has left the subject.

Here, again, he would repeat, that such stipulations in the treaty itself would have been preferable. But who can deny, when he compares the state of the facts as they stood before and since the close of this negotiation, that we have gained—largely gained—in reference to this important subject? Is there no difference, he would ask, between a stern and peremptory denial of our right on the broad and insulting ground assumed by Lord Palmerston, and its explicit recognition by Lord Ashburton? none in the pledge that instructions should be given to guard against the recurrence of such cases, and a positive denial that we had suffered wrong or insult, or had any right to complain? none between a final closing of all negotiation, and a strong assurance of a final adjustment of the subject by satisfactory arrangement by treaty? And would it be wise or prudent, on our part, to reject what has been gained, because all has not been? As to himself, he must say that, at the time he moved his resolutions, he little hoped, in the short space of two years, to obtain what has already been gained; and that he regarded the prospect of a final and satisfactory adjustment, at no distant day, of this subject, so vital in its principles to his constituents and the whole South, as far more probable than he then did this explicit recognition of the principles for which he contended. In the mean time, he felt assured the engagement given by the British negotiator would be fulfilled in good faith; and that the hazard of collision between the countries, and the disturbance of their peace and friendship, has passed away, as far as it depends on this dangerous subject. But if in this he should, unfortunately, be mistaken, we should stand on much more solid ground in defence of our rights, in consequence of what has been gained; as there would then be superadded broken faith to the violation of the laws of nations.

Having now said what he intended on the more important points, he would pass over without dwelling on the provision of the treaty for delivering up to justice persons charged with certain crimes; the affair of the Caroline; and the correspondence in reference to impressment. The first is substantially

the same as that contained in Jay's treaty on the same subject. On the next, he had nothing to add to what has already been said by others. As to the last, he did not doubt that the strong ground taken in the correspondence against the impressment of seamen on board of our merchant vessels, in time of war, would have a good effect. It will contribute to convince Great Britain that the practice cannot be renewed, in the event of another European war, without a certain and immediate conflict between the two countries.

I (said Mr. Calhoun) have now stated my opinion fully and impartially on the treaty, with the connected subjects. On reviewing the whole, and weighing the reasons for and against its ratification, I cannot doubt that the former greatly preponderate. If we have not gained all that could be desired, we have gained much that is desirable; and, if all has not been settled, much has been, and that not of little importance. It is not of little importance to have the Northeastern boundary settled, and that, too, with the consent of the states immediately interested; a subject which has been in dispute almost from the origin of the government, and which had become more and more entangled, and adverse to our claim, on every attempt heretofore made to settle it. Nor is it of little importance to have the whole line of boundary between us and the British dominions, from the source of the St. Croix to the Rocky Mountains, settled—a line of more than three thousand miles, with many disputed points of long standing, the settlement of which had baffled all previous attempts. Nor is it of little importance to have adjusted the embarrassments relating to the African slave-trade, by adopting the least objectionable of the alternatives. Nor to have the principles of the law of nations for which we contended, in reference to the Creole and other cases of the kind, recognised by Great Britain; nor to have a solemn pledge against their recurrence, with a reasonable assurance of satisfactory stipulations by treaty. Nor is it of little importance to have, by the settlement of these inveterate and difficult questions, the relation of the two countries settled down in amity and peace—permanent amity and peace, as it may be hoped—in the place of that doubtful, unsettled condition, between peace and war, which has for so many years characterized it, and which is so hostile to the interests and prosperity of both countries.

Peace (said Mr. C.) is the first of our wants, in the present condition of our country. We wanted peace, to reform our own government, and to relieve the country from its great embarrassments. Our government is deeply disordered; its credit is impaired; its debt increasing; its expenditures extravagant and wasteful; its disbursements without efficient accountability; and its taxes (for duties are but taxes) enormous, unequal, and oppressive to the great producing classes of the country. Peace, settled and undisturbed, is indispensable to a thorough reform, and such a reform to the duration of the government. But, so long as the relation between the two countries continues in a state of doubt between peace and war, all attempts at such reform will prove abortive. The first step in any such, to be successful, must be to reduce the expenditures to the legitimate and economical wants of the government. Without that, there can be nothing worthy of the name; but in an unsettled state of the relations of the two countries, all attempts at reduction will be baffled by the cry of war, accompanied by insinuations against the patriotism of those who may be so hardy as to make them. Should the treaty be ratified, an end will be put to that, and no excuse or pretext be left to delay the great and indispensable work of reform. This may not be desirable to those who see, or fancy they see, benefits in high duties and wasteful expenditures; but, by the great producing and tax-paying portions of the community, it will be regarded as one of the greatest of blessings. These are not the only reasons for wanting peace. We want it, to enable the people and the states to extricate themselves from their embarrassments. They are both borne down by heavy debts, contracted in a period of fallacious prosperity, from which there is no other honest and hon-

ourable extrication but the payment of what is due. To enable both states and individuals to pay their debts, they must be left in full possession of all their means, with as little exactions or restrictions on their industry as possible on the part of this government. To this, a settled state of peace, and an open and free commerce, are indispensable. With these, and the increasing habits of economy and industry now everywhere pervading the country, the period of embarrassment will soon pass away, to be succeeded by one of permanent and healthy prosperity.

Peace is, indeed, our policy. A kind Providence has cast our lot on a portion of the globe sufficiently vast to satisfy the most grasping ambition, and abounding in resources beyond all others, which only require to be fully developed to make us the greatest and most prosperous people on earth. To the full development of the vast resources of our country we have political institutions most happily constituted. Indeed, it would be difficult to imagine a system more so than our Federal Republic—a system of State and General Governments, so blended as to constitute one sublime whole; the latter having charge of the interests common to all, and the former those local and peculiar to each state. With a system so happily constituted, let a durable and firm peace be established, and this government be confined rigidly to the few great objects for which it was instituted; leaving the states to contend in generous rivalry to develop, by the arts of peace, their respective resources; and a scene of prosperity and happiness would follow heretofore unequalled on the globe. I trust (said Mr. C.) that this treaty may prove the first step towards such a peace. Once established with Great Britain, it would not be difficult, with moderation and prudence, to establish permanent peace with the rest of the world, when our most sanguine hopes of prosperity may be realized.

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## XXXVIII.

### SPEECH ON THE OREGON BILL, JANUARY 24, 1843.

Mr. Calhoun said it ought to be borne in mind, in the discussion of this measure, that there is a conflict between our claim and that of Great Britain to the Oregon territory; and that it extends to the whole territory from the Rocky Mountains to the Pacific Ocean, and from the northern limits of Mexico, in latitude 42°, to the southern limits of the Russian possessions, in latitude 54°. Nor ought it to be forgotten that the two governments have made frequent attempts to adjust their conflicting claims, but, as yet, without success. The first of these was made in 1818. It proved abortive; but a convention was entered into which provided that the territory should be left free and open to our citizens and the subjects of Great Britain for ten years; the object of which was to prevent collision and preserve peace till their respective claims could be adjusted by negotiation. The next was made in 1824, when we offered to limit our claim to the territory by the 49th degree of latitude, which would have left to Great Britain all north of that latitude to the southern boundary of Russia. Her negotiator objected, and proposed the Columbia River as the boundary between the possessions of the two countries. It enters the ocean about the 46th degree of latitude. It follows that the portion of the territory really in dispute between the two countries is about three degrees of latitude—that is, about one fourth of the whole. The attempt to adjust boundaries again failed, and nothing was effected. I learn from our negotiator (a distinguished citizen of Pennsylvania, now

in this city), that the negotiation was conducted with much earnestness, and not a little feeling, on the part of the British negotiators.

In 1827, just before the termination of the ten years, another attempt was made at an adjustment. The negotiation was conducted on our part by Mr. Gallatin. The whole subject was discussed fully, and with great ability and clearness on both sides, but, like the two preceding, failed to adjust the conflicting claims. The same offers were made respectively by the parties that were made in 1824, and again rejected. All that could be done was to renew the convention of 1818, but with the provision that each party might, at its pleasure, terminate the agreement by giving a year's notice. The object of the renewal was, as in 1818, to preserve peace for the time, by preventing either party from asserting its exclusive claim to the territory; and that of the insertion of the provision to give either party the right of doing so whenever it might think proper, by giving the stipulated notice.

Nor ought it to be forgotten that, during the long interval from 1818 to this time, continued efforts have been made in this and the other house to induce Congress to assert, by some act, our exclusive right to the territory, and that they have all heretofore failed. It now remains to be seen whether this bill, which covers the whole territory, as well north as south of the 49th, and provides for granting land, and commencing systematically the work of colonization and settlement, shall share the fate of its predecessors.

To determine whether it ought or ought not involves the decision of two preliminary questions. The first is, whether the time is now arrived when it would be expedient, on our part, to attempt to assert and maintain our exclusive claim to the territory, against the adverse claim of Great Britain; and the other, if it has, whether the mode proposed in this bill is the proper one.

In discussing them, I do not intend to consider the question of our right to the territory, nor its value, nor whether Great Britain is actuated by that keen, jealous, and hostile spirit towards us which has been attributed to her in this discussion. I shall, on the contrary, assume our title to be as valid as the warmest advocate of this bill asserts it to be; the territory to be, as to soil, climate, production, and commercial advantages, all that the ardent imagination of the author of the measure paints it to be; and Great Britain to be as formidable and jealous as she has been represented. I make no issue on either of these points. I controvert none of them. According to my view of the subject, it is not necessary. On the contrary, the clearer the title, the more valuable the territory; and the more powerful and hostile the British government, the stronger will be the ground on which I rest my opposition to the bill.

With these preliminary remarks, I repeat the question, Has the time arrived when it would be wise and prudent for us to attempt to assert and maintain our exclusive right to the territory against the adverse and conflicting claim of Great Britain? I answer, No, it has not; and that for the decisive reason, because the attempt, if made, must prove unsuccessful against the resistance of Great Britain. We could neither take nor hold it against her; and that for a reason not less decisive—that she could in a much shorter time, and at far less expense, concentrate a far greater force than we could in the territory.

We seem to forget, in the discussion of this subject, the great events which have occurred in the eastern portion of Asia during the last year, and which have so greatly extended the power of Great Britain in that quarter of the globe. She has there, in that period, terminated successfully two wars; by one of which she has given increased quiet and sta-

bility to her possessions in India; and, by the other, has firmly planted her power on the eastern coast of China, where she will undoubtedly keep up, at least for a time, a strong military and naval force, for the purpose of intimidation and strengthening her newly-acquired possession. The point she occupies there, on the western shore of the Pacific, is almost directly opposite to the Oregon Territory, at the distance of about five thousand five hundred miles from the mouth of Columbia River, with a tranquil ocean between, which may be passed over in six weeks. In that short time she might place, at a moderate expense, a strong naval and military force at the mouth of that river, where a formidable body of men, as hardy and energetic as any on this continent, in the service of the Hudson Bay Company, and numerous tribes of Indians under its control, could be prepared to sustain and co-operate with it. Such is the facility with which she could concentrate a force there to maintain her claim to the territory against ours, should they be brought into collision by this bill.

I now turn to examine our means of concentrating an opposing force by land and water, should it become necessary to maintain our claim. We have no military or naval position in the Pacific Ocean. Our fleet would have to sail from our own shores, and would have to cross the line and double Cape Horn in 56 degrees of south latitude, and, turning north, recross the line and ascend to latitude 46 north, in order to reach the mouth of Columbia River—a distance from New-York (over the straightest and shortest line) of more than 13,000 miles, and which would require a run of more than 18,000 of actual sailing on the usual route. Instead of six weeks, the voyage would require six months. I speak on the authority of one of the most experienced officers attached to the navy department.

These facts are decisive. We could do nothing by water. As far as that element is concerned, we could not oppose to her a gun or a soldier in the territory.

But, as great as are the impediments by water, they are, at present, not much less so by land. If we assume some central point in the State of Missouri as the place of rendezvous from which our military force would commence its march for the territory, the distance to the mouth of the Columbia River will be found to be about two thousand miles, of which much more than a thousand miles would be over an unsettled country, consisting of naked plains or mountainous regions, without provisions, except such game as the rifle might supply. On a greater portion of this long march the force would be liable to be attacked and harassed by numerous and warlike tribes of Indians, whose hostilities might be readily turned against us by the British traders. To march such a distance without opposition would take upward of 120 days, assuming the march to be at the usual rate for military forces. Should it be impeded by the hostilities of Indians, the time would be greatly prolonged.

I now ask, How could any considerable force sustain itself in so long a march, through a region so destitute of supplies? A small detachment might live on game, but that resource would be altogether inadequate to the support of an army. But, admitting an army could find sufficient supplies to sustain itself on its march to the territory, how could it sustain itself in an uncultivated territory, too remote to draw supplies from our settlements in its rear, and with the ocean in front closed against it by a hostile fleet? And how could supplies be found to return if a retreat should become necessary? In whatever view the subject may be regarded, I hazard nothing in asserting that, such is the difficulty at present on our part of concentrating and maintaining a force in the territory, that a few thousand regulars, advantageously fortified on the Columbia River,

with a small naval force to support them, could, with the aid of the employées of the Hudson Bay Company, and the co-operation of the Indians under its influence, bid defiance to any effort we could make to dislodge them. If all other difficulties could be surmounted, that of transporting a sufficient battering-train, with all of its appurtenances, to so great a distance, and over so many obstacles, would be insuperable.

Having now made good my first position, that the attempt, at present, to assert and maintain our exclusive claim to the territory against the adverse claim of Great Britain, must prove unsuccessful if she resisted, it now remains to inquire whether she would resist. And here let me say, whatever might be the doubts of others, surely they who have in this discussion insisted so strongly on her power, her jealousy, and her determination to hold the territory, cannot doubt that she would resist. If, indeed, provoking language can excite her to resistance, or if half which has been said of her hostile disposition be true, she not only would resist, but would gladly seize so favourable an occasion to do so, while we are comparatively so weak and she so strong in that quarter. However unfavourable the time might be for us, for her it would be the most propitious. Her vast resources and military power in the East are liberated, and at her disposal, to be directed to assert and maintain her exclusive claim to the territory against ours, if she should determine to follow our example in case this bill should pass. Even I, who believe that the present ministry is disposed to peace; that the recent mission to this country originated in the spirit of peace; and that Sir Robert Peel has exhibited great wisdom and moderation—moderation in the midst of splendid success, and therefore more to be trusted—do not doubt she would resist, if we should adopt this measure. We must not forget, as clear as we believe our title to be, that the right to the territory is in dispute between the two countries, and that, as certain as we regard our right to be, she regards hers as not less so. It is a case of adverse conflicting claims, and we may be assured, if we undertake to assert our exclusive right, she will oppose us by asserting hers; and if the appeal should be to force, to decide between us at present, the result would be inevitable—the territory would be lost to us. Indeed, this is so incontestable that no one has ventured to deny it, and there is no hazard in asserting that no one will who understands the subject, and does not choose to have the soundness of his judgment questioned.

But it may be asked, What then? Shall we abandon our claim to the territory? I answer, No. I am utterly opposed to that; but, as bad as that would be, it would not be as much so as to adopt a rash and precipitate measure, which, after great sacrifices, would finally end in its loss. But I am opposed to both. My object is to preserve, and not to lose the territory. I do not agree with my eloquent and able colleague that it is worthless. He has underrated it both as to soil and climate. It contains a vast deal of land, it is true, that is barren and worthless, but not a little that is highly productive. To that may be added its commercial advantages, which will, in time, prove to be great. We must not overlook the important events to which I have alluded as having recently occurred in the eastern portion of Asia. As great as they are, they are but the beginning of a series of a smilar character which must follow at no distant day. What has taken place in China will, in a few years, be followed in Japan and all the eastern portions of that continent. Their ports, like the Chinese, will be opened, and the whole of that large portion of Asia, containing nearly half of the population and wealth of the globe, will be thrown open to the commerce of the world, and be placed within the pale of European and American intercourse and civilization. A vast market will be

created, and a mighty impulse will be given to commerce. No small portion of the share that would fall to us with this populous and industrious portion of the globe is destined to pass through the ports of the Oregon Territory to the valley of the Mississippi, instead of taking the circuitous and long voyage round Cape Horn, or the still longer round the Cape of Good Hope. It is mainly because I place this high estimate on its prospective value that I am so solicitous to preserve it, and so adverse to this bill, or any other precipitate measure which might terminate in its loss. If I thought less of its value, or if I regarded our title less clear, my opposition would be less decided.

Having now, I trust, satisfactorily shown that, if we should now attempt to assert and maintain our exclusive right to the territory against the adverse claim of Great Britain, she would resist; and that, if shere sisted, our attempt would be unsuccessful, and the territory be lost, the question presents itself, How shall we preserve it?

There is only one means by which it can be preserved, but that, fortunately, is the most powerful of all—*time*. *Time* is acting for us; and if we shall have the wisdom to trust its operation, it will assert and maintain our right with resistless force, without costing a cent of money or a drop of blood. There is often, in the affairs of government, more efficiency and wisdom in non-action than in action. All we want to effect our object in this case is "a wise and masterly inactivity." Our population is rolling towards the shores of the Pacific with an impetus greater than what we realize. It is one of those forward movements which leaves anticipation behind. In the period of thirty-two years which have elapsed since I took my seat in the other house, the Indian frontier has receded a thousand miles to the West. At that time our population was much less than half what it is now. It was then increasing at the rate of about a quarter of a million annually; it is now not less than six hundred thousand, and still increasing at the rate of something more than three per cent. compound annually. At that rate, it will soon reach the yearly increase of a million. If to this be added that the region west of Arkansas and the State of Missouri, and south of the Missouri River, is occupied by half-civilized tribes, who have their lands secured to them by treaty (and which will prevent the spread of population in that direction), and that this great and increasing tide will we forced to take the comparatively narrow channel to the north of that river and south of our northern boundary, some conception may be formed of the strength with which the current will run in that direction, and how soon it will reach the eastern gorges of the Rocky Mountains. I say some conception, for I feel assured that the reality will outrun the anticipation. In illustration, I will repeat what I stated when I first addressed the Senate on this subject. As wise and experienced as was President Monroe—as much as he had witnessed of the growth of our country in his time, so inadequate was his conception of its rapidity, that near the close of his administration, in the year 1824, he proposed to colonize the Indians of New-York, and those north of the Ohio River and east of the Mississippi, in what is now called the Wisconsin Territory, under the impression that it was a portion of our territory so remote that they would not be disturbed by our increasing population for a long time to come. It is now but eighteen years since; and already, in that short period, it is a great and flourishing territory, ready to knock at our door for admission as one of the sovereign members of the Union. But what is still more striking—what is really wonderful and almost miraculous is, that another territory (Iowa), still farther west (beyond the Mississippi), has sprung up, as if by magic, and has already outstripped Wisconsin, and may knock for entrance before

she is prepared to do so. Such is the wonderful growth of a population which has attained the number ours has, and is still yearly increasing at the compound rate it is, and such the impetus with which it is forcing its way, resistlessly, westward. It will soon—far sooner than anticipated—reach the Rocky Mountains, and be ready to pour into the Oregon Territory, when it will come into our possession without resistance or struggle; or, if there should be resistance, it would be feeble and ineffectual. *We should then* be as much stronger there, comparatively, than Great Britain, as *she is now* stronger than we are; and it would then be *as idle in her* to attempt to assert and maintain her exclusive claim to the territory *against us*, as it would *now be in us* to attempt it *against her*. Let us be wise and abide our time, and it will accomplish all that we desire with more certainty, and with infinitely less sacrifice than we can without it.

But if the time had already arrived for the successful assertion of our right against any resistance which might be made, it would not, in my opinion, be expedient in the present condition of the government. It is weak—never more so; weak politically, and from the state of the finances. The former was so ably and eloquently described by my colleague, that I have nothing to add but a single remark on the extraordinary state of parties at present. There are now three parties in the Union; of which one is in possession of the executive department, another of the legislative, and the other, judging by the recent elections, of the country, which has so locked and impeded the operations of the government, that it is scarcely able to take measures necessary to its preservation.

In turning from this imbecile political condition of the government, and casting my eyes on the state of its finances, I behold nothing but disorder and embarrassment; credit prostrated; a new debt contracted, already of considerable amount, and daily increasing; expenditures exceeding income; and the prospect, instead of brightening, growing still more gloomy. Already the debt falls not much short of thirty millions of dollars, to which will be added, from present appearances, by the end of the year (if the appropriations are not greatly curtailed and the revenue improved), not less, probably, than ten millions, when the interest would be upward of two millions of dollars annually—a sum more than equal to the nett revenue from the public lands. The only remaining revenue is derived from the foreign commerce of the country, and on that such heavy duties are imposed that it is sinking under the burden. The imports of the last quarter, it is estimated, will be less than nine millions of dollars—a falling off of about two thirds, compared with what it ought to be, according to the estimate made at the last session by those who imposed the burden. But as great as it is, the falling off will, I understand, be still greater, from present indications, during the present quarter; and yet, in the face of all this, we are appropriating money as profusely, and projecting schemes of expenditure as thoughtlessly, as if the treasury were full to overflowing. So great is the indifference, that even the prostrated condition of the treasury attracts no attention. It is scarcely mentioned or alluded to. No one seems to care anything about it. Not an inquiry is made how the means of supplying the acknowledged deficit to meet the current demands on the treasury, or to cover the extraordinary expenditures which will be incurred by this measure, should it be adopted, are to be raised. I would ask its advocates, Do you propose to borrow the funds necessary for its execution? Our credit is already greatly impaired, and our debt rapidly increasing; and are you willing still farther to impair the one and add to the increase of the other? Do you propose to raise them by increasing the duties? Can you hope to derive additional revenue from

such increase, when the duties are already so high as not only to paralyze the commerce, agriculture, and industry of the country, but to diminish, to an alarming extent, the revenue from the imports? Are you prepared to lay a duty on tea and coffee, and other free articles? If so, speak out, and tell your constituents plainly that such is your intention; that money must be had; and that no other source of revenue is left which can be relied on but a tax on them. It must come to that; and, before we incur the expense, it is but fair that our constituents should know the consequence.

But we are told the expense will be small—not exceeding one or two hundred thousand dollars. Let us not be deceived. What this bill appropriates is but the entering-wedge. Let it pass, and no one can tell what it will cost. It will depend on circumstances. Under the most favourable, on the supposition that there will be no resistance on the part of Great Britain, it would amount to millions; but if she should resist, and we should make it a question of force, I hazard nothing in saying it would subject the country to heavier expenditures, and expose it to greater danger, than any measure which has ever received the sanction of Congress.

Many and great are the acts of folly which we have committed in the management of our finances in the last fourteen or fifteen years. We doubled our revenue when our expenditures were on the eve of being reduced one half by the discharge of the public debt. We reversed that act of folly, and doubled our expenditures when the revenue was in the course of reduction under the Compromise Act. When the joint effects of the operation of the two had exhausted the treasury, and left the government without adequate means to meet current demands, by an aptitude in folly unexampled, we selected that as the fit moment to divest the government of the revenue from the public domain, and to place the entire burden of supporting it on the commerce of the country. And then, as if to consummate the whole, we passed an act at the close of the last session which bids fair to cripple effectually this our only remaining source of revenue. And now what are we doing? Profiting by the disastrous consequences of past mismanagement? Quite the reverse: committing, if possible, greater and more dangerous acts of folly than ever. When the government and the country are lying prostrate by this long series of errors and mismanagement; when the public credit is deeply impaired; when the people and the states are overwhelmed by debt, and need all their resources to extricate themselves from their embarrassments, that is the moment we select to bring forward a measure which, on the most favourable supposition, if adopted, cannot fail to subject the government to very heavy expenditures, even should events take the most favourable turn; and may—no, that is not strong enough—would, probably, subject it to greater than it ever has heretofore been. Where would the government find resources to meet them? Not in its credit, for that would be extinct. Not in the impost, for that is already overburdened. Not in internal taxes, the indebted condition of the states forbids that. More than half the states of the Union are in debt; many deeply, and several even beyond their means of payment. They require every cent of the surplus means of their citizens, which can be reached by taxes, to meet their own debts. Under such a state of things, this government could not impose internal taxes, to any considerable amount, without bankrupting the indebted states or crushing their citizens. What would follow should the government be compelled, in consequence of this measure, to resort to such taxes, I shall not undertake to trace. Suffice it to say, that all preceding disasters, as great as they are, which followed the preceding acts of folly, would be as nothing compared to the overwhelm

ing calamities which would follow this. Our system might sink under the shock.

If, senators, you would hearken to the voice of one who has some experience, and no other desire but to see the country free and prosperous, I would say, Direct your eyes to the finances. There, at present, the danger lies. Restore, without delay, the equilibrium between revenue and expenditures, which has done so much to destroy our credit and derange the whole fabric of the government. If that should not be done, the government and country will be involved, ere long, in overwhelming difficulties. Cherish the revenue from the lands and the imports. They are our legitimate sources of revenue. When the period arrives—come when it may—that this government will be compelled to resort to internal taxes for its support in time of peace, it will mark one of the most difficult and dangerous stages through which it is destined to pass. If it should be a period like the present—when the states are deeply in debt, and need all their internal resources to meet their own engagements—it may prove fatal; and yet it would seem as if systematic efforts are, and have been making for some time, to bring it about at this critical and dangerous period. To this all our financial measures tend—the giving away the public lands; the crushing of the customs by high protective, and, in many instances, prohibitory duties; the adoption of hazardous and expensive measures of policy, like the present; and the creation of a public debt, without an effort to reduce the expenditures. How it is all to end time only can disclose.

But if our finances were in ever so flourishing a state; if the political condition of the country were as strong as it could be made by an administration standing at the head of a powerful dominant party; and if our population had reached the point where we could successfully assert and maintain our claim against the adverse claim of Great Britain, there would still remain a decisive objection to this bill. The mode in which it proposes to do it is indefensible. If we are displeased with the existing arrangement, which leaves the territory free and open to the citizens and subjects of the two countries; if we are of opinion it operates practically to our disadvantage, or that the time has arrived when we ought to assert and carry into effect our claim of exclusive sovereignty over the territory, the treaty provides expressly for the case. It authorizes either party, by giving a year's notice, to terminate its existence whenever it pleases, and without giving reasons. Why has not this bill conformed to this express and plain provision? Why should it undertake to assert our exclusive ownership to the whole territory, in direct violation of the treaty? Why should it, with what we all believe to be a good title on our part, involve the country in a controversy about the violation of the treaty, in which a large portion (if not a majority) of the body believe that we would be in the wrong, when the treaty itself might so easily, and in so short a time, be terminated by our own act, and the charge of its violation be avoided? Can any satisfactory reason be given to these questions? I ask the author of the measure, and its warm advocates, for an answer. None has been given yet, and none, I venture to assert, will be attempted. I can imagine but one answer that can be given—that there are those who will vote for the bill that would not vote to give notice, under the delusive hope that we may assert our exclusive ownership, and take possession, without violating the treaty or endangering the peace of the country. Their aim is, to have all the benefit of the treaty, without being subject to its restrictions; an aim in direct conflict with the only object of the treaty—to prevent conflict between the two countries, by keeping the question of ownership or sovereignty in abeyance till the question of boundary can be settled. That such is the object appears

to be admitted by all except the senator from New-Hampshire (Mr. Woodbury), whose argument, I must say, with all deference for him, was on that point very unsatisfactory. The other advocates of the bill, accordingly, admit that a grant of lands to emigrants settling in the territory, to take *effect immediately*, would be a violation of the treaty; but contend that a promise to grant hereafter would not be. The distinction is, no doubt, satisfactory to those who make it; but how can they rationally expect it will be satisfactory to the British government, when so large a portion of the Senate believe that there is no distinction between *a grant* and *a promise to grant lands*, as it relates to the treaty, and hold one to be as much a violation of it as the other? We may be assured that the British government will look to the intention of the bill, and, in doing so, will see that its object is to assert our exclusive claim of sovereignty over the entire territory against their adverse claim, and will shape their course accordingly. Our nice distinction between actual grants and the promise to grant will not be noticed. They will see in it the subversion of the object for which the treaty was formed, and take their measures to counteract it. The result will be that, instead of gaining the advantage aimed at, we shall not only lose the advantages of the treaty, but be involved in the serious charge of having violated its provisions.

I am not, however, of opinion that Great Britain would declare war against us. If I mistake not, she is under the direction, at this time, of those who are too sagacious and prudent to take that course. She would probably consider the treaty at an end, and take possession adverse to us, if not of the whole territory, at least to the Columbia River. She would, at the same time, take care to command that river by a strong fortification, manned by a respectable garrison, and leave it to us to decide whether we shall acquiesce, or negotiate, or attempt to dislodge her. To acquiesce, under such circumstances, would be a virtual surrender of the territory; to negotiate with adverse and forcible possession against us would be almost as hopeless; and to dislodge her at present would, as has been shown, be impracticable.

Such, in my opinion, would be the probable result, should this bill be passed. It would place us, in every respect, in a situation far less eligible than at present. The occupation of British subjects in the territory, as things now stand, is by permission, under positive treaty stipulation, and cannot ripen into a title, as it was supposed it would by the senator from Illinois (Mr. M'Roberts).

But if their occupancy was adverse (as it would be should this measure be adopted), and Great Britain should resist, then his argument would be sound, and have great force. In that case, the necessity of taking some decisive step on our part to secure our rights would be imperious. Delay would then, indeed, be dangerous. But as it is, no length of time can confer a title against us; and it is that, considering what advantage Great Britain has over us at present, either to take or hold possession, which ought to give to the treaty great value in our estimation. It is a wise maxim to let well enough alone. We can do little at present to better our condition. Even the occupation and improvement by British subjects, against which so much has been said, will in the end, if we act wisely, be no disadvantage. Neither can give any claim against us, when the time comes to assert our rights, if we abide faithfully by the treaty. They are but preparing the country for our reception; and should their improvements and cultivation be extended, it would only enable us to take possession with more ease if it should ever become necessary to assert our claims by force, which I do not think probable, if we shall have the wisdom to avoid hasty and precipitate action, and leave the question to the certain operation of time.

In conclusion, I might appeal to the authority of all preceding administrations, from 1818 to the present time, in support of the views I have taken. On what other supposition can it be explained that the administration of Mr. Monroe should assent to the treaty of that year, which left the territory open and free to the citizens and subjects of the two countries for the period of ten years? Or that Mr. Adams should revive it, with the provision that either might terminate it by giving one year's notice? Or, still more emphatically, how can it be explained that, with this right of terminating the treaty, the administration of General Jackson, and that of his successor, should, for the period of twelve years, acquiesce in it, but on the conviction that it was the best arrangement which could be made, and that any change or movement on our part would but render our situation worse, instead of better, in relation to the territory? It cannot be said that the present is a more favourable period to assert our exclusive right than during either of the preceding administrations. The reverse is the fact. It is, in every view, far less favourable than either, and especially than that of General Jackson, when the treasury was overflowing, and the head of the administration possessed greater influence and power than any other chief magistrate that ever presided over the country. *That*, if ever, was the time to assert our exclusive ownership; particularly as those who are so earnestly pressing it on the government were then in power, and would have been responsible for its execution. How is it to be explained that they were then so passive and are now so urgent for the passage of this bill?

Entertaining these views, I hope that the motion of the senator from Virginia (Mr. Archer) will prevail, and the bill be referred to the Committee on Foreign Relations. The subject is one of great importance and delicacy, and ought to be carefully examined by the appropriate organ of the body. Should it be referred, I trust the committee will report amendments to strike out all the provisions of the bill which, by any reasonable interpretation, might be regarded to be in conflict with the stipulations of the treaty between the two countries, or which might incur any considerable expense in the present exhausted condition of the treasury. As at present advised, I am not indisposed to the provision, if properly guarded, which proposes to extend our jurisdiction over our citizens in the territory. It ought not, however, to be carried farther than the provisions of the act of Parliament of 1821. I am opposed to holding out temptation to our citizens to emigrate to a region where we cannot at present protect them; but if there be any who may choose to emigrate, I would be far from opposing them, and am unwilling that they should lose, by emigration, personally the benefit of our jurisdiction and laws.

I have now said what I intended in reference to this bill, and shall conclude by noticing some remarks which fell from the senator from Missouri (Mr. Linn) who introduced it. When he first addressed the Senate, in reply to my former remarks, he spoke a good deal about opposition and injustice to the West, and referred to some of the acts of the government at an early date, which he supposed partook of that character. I do not suppose that he intended it, but his remarks were calculated to make the impression (taken in connexion with the time and subject) that he regarded the opposition to the passage of this bill as originating in unfriendly feelings to the West. But if he so regards it, and if he intended to apply his remarks to me, I would appeal to my acts to repel the unjust imputation.

[Here Mr. Linn disclaimed any intention of attributing to Mr. Calhoun hostile or unkind feelings to the West.]

Mr. Calhoun: I am happy to hear the disclaimer of the senator. I felt assured he could not have intended to do me so much injustice as to attribute to me the slightest hostility to the West. No one knows better than he does that my opposition to the bill originates in public considerations, free from all local feelings, and that my general views of policy have ever been friendly, and even liberal, towards the West; but as there are others not so familiar with my course in reference to that great and growing section, I deem it proper to avail myself of the opportunity briefly to allude to it, in order to repel any improper imputation which may be attempted to be attributed to me, from any quarter, on account of my course on the present occasion.

I go back to the time when I was at the head of the war department. At that early period I turned my attention particularly to the interest of the West. I saw that it required increased security to its long line of frontier, and greater facility for carrying on intercourse with the Indian tribes in that quarter, and to enable it to develop its resources, especially that of its fur-trade. To give the required security, I ordered a much larger portion of the army to that frontier; and to afford facility and protection for carrying on the fur-trade, the military posts were moved much higher up the Mississippi and Missouri Rivers. Under the increased security and facility which these measures afforded, the fur-trade received a great impulse. It extended across the continent, in a short time, to the Pacific, and north and south to the British and the Mexican frontiers; yielding in a few years, as stated by the senator from Missouri (Mr. Linn), half a million of dollars annually. But I stopped not there. I saw that individual enterprise on our part, however great, could not successfully compete with the powerful incorporated Canadian and Hudson Bay Companies, and that additional measures were necessary to secure, permanently, our fur-trade. For that purpose, I proposed to establish a post still higher up the Missouri, at the mouth of the Yellow Stone River, and to give such unity and efficiency to our intercourse and trade with the Indian tribes, between our western frontier and the Pacific Ocean, as would enable our citizens engaged in the fur-trade to compete successfully with the British traders. Had the measures proposed been adopted, we would not have to listen to the complaint, so frequently uttered in this discussion, of the loss of that trade.

But that is not all. I might appeal to a measure more recent, and still more strongly illustrative of the liberal feelings which have ever influenced me whenever the interest of the West was concerned. I refer to the bill relating to the portion of public domain lying within the new states, which I introduced some time since. It is true, indeed, that I looked to the interest of the whole Union in introducing that measure, but it is not the less so that it would, if it should become a law, more especially benefit the West. In doing that, I exposed myself, in my own section, to the imputation of seeking the friendship of the West—as I do, on this occasion, to that of hostility towards that great and growing section. As the hazard of the former could not deter me from doing my duty then, so that of the latter cannot from doing my duty now. The same sense of duty which on that occasion impelled me to support a measure in which the West was peculiarly interested, at the hazard of incurring the displeasure of my own section, because I believed it calculated to promote the interest of the whole, impels me on this occasion to oppose this measure, at the hazard of displeasing the West, because I believe, in so doing, I not only promote the interest of the Union generally, but that of the West especially.

THE END.

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