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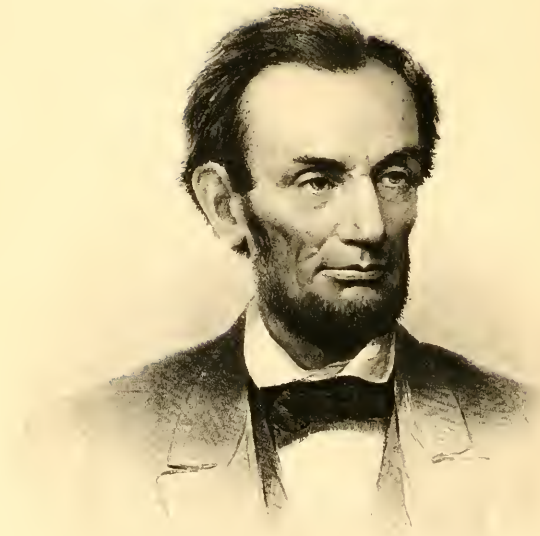
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A. Lincoln

Abraham Lincoln.

From a drawing from life by F. B. Carpenter.

The
Works of
Henry Clay
in
Ten Volumes



Federal Edition

The Works of
Henry Clay

Comprising His Life, Correspondence
and Speeches

Edited by

Calvin Colton, LL.D.

With an Introduction by

Thomas B. Reed

And a History of Tariff Legislation, 1812-1896

by

William McKinley

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The Works of Henry Clay

Volume Eight

Speeches

Part Three

NOTE

As originally printed, the *Speeches* were issued in two thick volumes. In this edition the material has been divided into four volumes. The paging is continuous through the first and second, and through the third and fourth.



PREFACE TO VOLUME VI.

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

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

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

C. COLTON.

NEW YORK, January 15, 1857.

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SPEECHES

OF

HENRY CLAY.

ON THE CUMBERLAND ROAD BILL.

IN SENATE, FEBRUARY 11, 1835.

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

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

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

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

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

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

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

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

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

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

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

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

ON THE APPOINTING AND REMOVING POWER.

IN SENATE, FEBRUARY 18, 1835.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* The amendment was in the following words:

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

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

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

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

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

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

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

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

ON THE PUBLIC LANDS.

IN SENATE, DECEMBER 20, 1835.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ON OUR RELATIONS WITH FRANCE.

IN SENATE, JANUARY 11, 1836.

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

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

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

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

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

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

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

ADMISSION OF ARKANSAS AS A STATE.

IN SENATE, APRIL 11, 1836.

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

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

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

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

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

[The petitions were then laid on the table.]

ON THE FORTIFICATION BILL.

IN SENATE, JUNE 29, 1836.

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

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

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

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

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

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

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

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

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

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

ON RECOGNIZING THE INDEPENDENCE OF TEXAS.

IN SENATE, JULY 1, 1836.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ON THE EXPUNGING RESOLUTION

IN SENATE, JANUARY 16, 1837.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And that of Pennsylvania is,

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

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

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

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

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

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

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

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

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

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

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

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

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

“Ne'er yet did base dishonor blur our name.”

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

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

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

ON THE SUB-TREASURY BILL.

IN SENATE, SEPTEMBER 25, 1837.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

First, the veto of the bank;

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

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

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

Fifth, the treasury order of July, 1836.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ON THE PRE-EMPTION BILL.

IN SENATE, JANUARY 26, 1838.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ON THE PLAN OF THE SUB-TREASURY.

IN SENATE, FEBRUARY 19, 1838.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I pass to the consideration of the fourth proposition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ON THE DOCTRINE OF INSTRUCTION.

IN SENATE, JANUARY 14, 1839.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ON ABOLITION.

IN SENATE, FEBRUARY 7, 1839.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* MESSRS. GALES & SEATON :

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

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

Yours, respectfully,

H. CLAY.

WASHINGTON, March 2, 1839.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A SPEECH AT BUFFALO.

JULY 17, 1839.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ON MR. CALHOUN'S LAND BILL.

IN SENATE, JANUARY 3, 1840.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ON THE SUB-TREASURY BILL

IN SENATE, JANUARY 20, 1840.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AT THE WHIG NATIONAL CONVENTION OF YOUNG MEN.

BALTIMORE, MAY 4, 1840.

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF THE COUNTRY UNDER MR. VAN BUREN.

HANOVER COUNTY, VIRGINIA, JUNE 27, 1840.

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

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

* Private Correspondence of Henry Clay, p. 480.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AT A HARRISON CONVENTION.

NASHVILLE, TENNESSEE, AUGUST 17, 1840.

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

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

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

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

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

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

It was true, that he had some reluctance, some misgivings, about making this visit at this time, which grew out of a supposition that his motives might be misconstrued. The relations which had for a long time existed between himself and the illustrious captain in this neighborhood, were well understood. He feared, if he accepted the invitation to make the visit now, that it might be thought by some that his motives were less patriotic than sinister or selfish. But he assured that great assemblage, that toward that illustrious individual, their fellow-citizen and friend, he cherished, he possessed no unkind feelings. He was a great chieftain; he had fought well and bravely for his country; he hoped he would live long, and enjoy much happiness, and, when he departed from this fleeting vale of tears, that he would enter into the abode of the just, made perfect.

Mr. Clay said, that in addressing an assembly of so many thousands as he now saw around him, when so many topics were crowding into his mind, he was at a loss to select a theme. Shall I, he asked, dwell upon a ruined currency, upon the prostration of business, the stagnation of trade, and the destruction of commerce? Or shall I speak of the wasteful extravagance of the present powers that be?

A paper had just been put into his hands, which he had never seen before, that represented, in the form of a pyramid, the expenditures of the last three administrations. He held it up to view, and explained its meaning. He read some of the items of expenditure, under the present administration, which is so characteristically economical, and contrasted them with expenditures, under the same heads, made by the administration of John Quincy Adams, an administration whose extravagance so shocked the sensibilities of the whole nation!

But Mr. Clay said, this was not one of the themes he had selected to address the audience upon. He had thought to refer to, among other things,

some of the very extraordinary doctrines now advanced, by those who profess to entertain the greatest veneration and regard for the State rights doctrines. In this connection, he brought up the ridiculous manœuver, in the United States Senate, at the late session, on the subject of the debts of the several States. A long report was made, that the general government would not assume the payment of those debts—a thing that nobody ever dreamed of! This report, of which an extraordinary number of copies was ordered to be printed for circulation, was drawn up, said Mr. Clay, by your fellow-citizen, and an old acquaintance of mine (honorable Felix Grundy). And one of the pleasures which I promised myself, in making this visit to your beautiful town, was to meet and talk over matters with him. But, on my inquiry for him, I learned that he was in East Tennessee, making speeches in favor of the present administration! Ah! said I, at his old occupation, defending criminals! (The manner in which this was said, surpasses description. Those only who saw it, or who are acquainted with Mr. Clay's gesticulations and style of speaking, can imagine any thing approaching the reality.)

But there is this difference, said Mr. Clay, between my distinguished friend's present and past defense of criminals. He is now defending great criminals of State, not before a carefully packed jury, but before the free, enlightened, virtuous, and patriotic people; and, therefore, we may well hope that his present defense will not be attended with his hitherto usual success!

Mr. Clay referred to Mr. Van Buren's recommendation, in 1837, of a bankrupt law, bearing exclusively upon State banks, as an evidence of his regard for State rights, and mirrored forth the evils of such a law.

He reverted to the progress of the sub-treasury bill, through its several stages, and descanted upon the manner in which it was finally got first through the Senate, and then the House, with great ability and eloquence; in which connection he gave a clear and succinct account of the manner, and for what cause, New Jersey was so disgracefully disfranchised.

Mr. Clay said, the party in power profess to be democrats *par excellence!* Among all their usurpations, he knew of none more absurd than the usurpation of this name. He professed himself to be a true democrat. He learned his democracy in the school of '98 and '99. It was very different, he confessed, from the democracy taught now-a-days, in high places. It did not say, in the language of the motto upon the Bedford county banner, which he just read, "the people expect too much from the government;" "let the government take care of itself, and the people of themselves." No! the democracy that he had learned was the reverse of this language of the present democratic president. But the new democracy does not stop here. It asks for allegiance to the powers that be. The democracy of Jefferson asked a candidate for office if he was capable, and honest, and would support the Constitution. But the new democracy asks very differ-

ent questions. It asks, how many votes can you bring to the polls? What's your influence? Are you boisterous partisans? It also holds out inducements, or bribes, which Jefferson's democracy did not. It says, If you labor in my cause, and the people reject you, I will take care that your reward shall be certain. He instanced the appointment of Mr. Grundy, and then referred to the appointment of John M. Niles, as post-master-general, who, not four months ago, was rejected by the people by four thousand five hundred votes. To be thus beaten, was a sure passport to an executive office. By-the-by, he said, the office conferred upon Mr. Niles was not a very enviable one, for he had to take a seat previously occupied by a creature, than whom a more despicable creeping reptile could not be named. His fellow-citizens, he presumed, would know to whom he alluded.

Mr. Clay here dwelt for some minutes upon the immoral tendency to which such a course of administration as he had been alluding to would lead. But he trusted it would be checked—that the great physician, the ballot-box, was near at hand, and that by November, the disease would be met by an effective and most salutary remedy. When before had such a state of things as now exists been known? When before such a disregard of obligations? When before have sixty-four out of sixty-seven land officers proved to be defaulters? When before have defaulters not only been retained in office after their defalcations were known, but absolutely re-appointed? He referred to the appointment of Mr. Livingston, as Secretary of State, at a time when he was a defaulter, but said, he presumed the president did not reflect sufficiently upon the tendency such an appointment would have. He referred to the Moore and Letcher case, and to the appointment of Mr. Hocker, to the best office in the country, for his services in the dark transaction. He had heard that Hocker had since proved a defaulter.

Mr. Clay said, he would like to address himself directly to the democrats within the sound of his voice. He wished to address them, not as enemies, but as brothers, as men equally patriotic, and equally devoted with the whigs, to the best interests of the country. We differ, said he, but upon what subjects do men not differ? Have all your hopes been realized, in regard to the administration of the government? Have the pledges that were made you been fulfilled? Take, for example, the one term for the presidency. Did not the great captain promise you that one term was enough for a president to serve? Was it carried out? How was the promise, not to appoint members of Congress to office, carried out? How was the promise, to reduce the extravagant expenditures fulfilled? What principle was carried out? what promise kept? what pledge redeemed? Is there an administration man in this vast assemblage that will answer, shouted the Kentucky orator, in the loudest tones of his musical voice.

Mr. Clay said, he had called the present a vast assemblage, and he would

Take that occasion to declare, that there were more people, and more banners there, than there were at the great Baltimore convention. And why are there so many people here, coming together from almost every State in the Union?

Mr. Clay said, he claimed to be a democrat, in the true sense of the word—a democrat ready to stand by or die for his country. He referred to the great contest now going on, and asked that nothing should be done to the injury of our opponents. All, he said, were interested alike; all were on board the great ship of State; all were alike interested in the success of the voyage. But there were exceptions to the general rule; there were beings in the lead of the party who could not be hung too high—beings who set all the baser passions of men at work, and labor constantly and solely for no good. There was another class; the boisterous office-holders, the prætorian band, the palace slaves, he was about to say, of Martin Van Buren! But then, to call such a man a king over such a people as this great concourse! oh, he would not so insult them!

Mr. Clay, in conclusion, addressed the Tennesseans particularly. He reverted to the position of Tennessee and Kentucky. They stood side by side; their sons fought side by side at New Orleans. Kentuckians and Tennesseans now fight another and a different kind of battle. But they are fighting now, as then, a band of mercenaries, the cohorts of power. They are fighting a band of office-holders, who call General Harrison a coward, an imbecile, an old woman!

Yes, General Harrison is a coward! but he fought more battles than any other general during the last war, and never sustained a defeat! He is no statesman! and yet he has filled more civil offices of trust and importance than almost any other man in the Union!

[A man in the crowd here cried out, "Tell us of Van Buren's battles!"]

Ah! said Mr. Clay, I will have to use my colleague's language, and tell you of Mr. Van Buren's three great battles! He says that he fought general commerce, and conquered him; that he fought general currency, and conquered him; and that, with his Cuba allies, he fought the Seminoles, and got conquered!

Mr. Clay referred, with great good humor, to the seventeen thousand whig majority of Kentucky, and asked, if generous, chivalric Tennessee would not enter the lists of competition with her? He doubted not she would make a gallant effort to not only run up alongside, but to come out ahead of her!

ON THE REPEAL OF THE SUB-TREASURY LAW.

IN SENATE, DECEMBER 15, 1840.

[As a decided majority of the State Legislatures had already instructed their senators to vote for a repeal of the Sub-Treasury law, it was quite suitable that Mr. Clay should try them by bringing a resolution into the Senate having that object, which he did at the date above specified, while Mr. Van Buren still occupied the chair of State, and his friends still made a majority in both Houses of Congress. Of course, Mr. Clay had no expectation that this law would be repealed, till the new administration should be installed in power ; but it was not unjust that they who had treated the country so cruelly, as to impose the law upon it, should have a dose of the same physic, in being thus annoyed by Mr. Clay's resolution. Nor was that resolution mere mockery of a party in distress ; it was retributive justice for a criminal act ; for the law was passed in obedience to order from another branch of the government, and not by the independent action of the Legislature. It was desired by General Jackson, and it was the pleasure of Mr. Van Buren, that Congress should register that decree ; and so it did. But times had changed, and the people decided in 1840 that they were entitled to a voice in so momentous a question, bearing upon all their interests. Mr. Clay, therefore, proposed to see what senators would say in response to such a decision.]

MR. CLAY said it had never been his purpose, in offering this resolution, to invite or partake in an argument on the great measure to which the resolution related, nor was it his purpose now. He would as lief argue to the convicted criminal, when the rope was around his neck, and the cart was about to remove from under his body, to persuade him to escape from the gallows, as to argue now to prove that this measure of the sub-treasury ought to be abandoned. But Mr. Clay had offered the proposition which he wished to submit as a resolution, and it was now due to the Senate that he should say why he had presented it in that shape.

It was the ordinary course in repealing laws, either to move a resolution for an inquiry by a committee on the subject of repeal, or else ask leave to bring in a bill to repeal the measure which they wished to be rid of.

But there were occasions when these ordinary forms might be and ought to be dispensed with. And if they should look for examples to the only period which bore any analogy to this, that was the time when Mr. Jefferson came into power, but under circumstances far different from those attending the accession of the resident of North Bend. If at that time the alien law had not been limited in time, but had been made permanent as to its duration, would it not have been supposed ridiculous to have moved a resolution of inquiry as to the expediency of repealing that most odious measure? Besides, the sub-treasury had now been three years and three months the subject of incessant and reiterated arguments; a term longer than that of the duration of the last war. Under these circumstances, a discussion of the measure would be both unnecessary and misapplied. It was sufficient that the nation now willed and commanded the repeal of the measure, and that the senators of nineteen States had been instructed to repeal it. It might, indeed, be contended that the presidential election had decided this or that measure, when there might well be a dispute about it. Gentlemen on the other side had said, that such and such an election had decided this or that measure, one instance of which related to a bank of the United States, and about them all there might well have been controversy. But on one point there could not be a diversity of opinion; and that was, that this nation, by a tremendous majority, had decided against the sub-treasury measure. And, when the nation speaks, and wills, and commands, what was to be done? There was no necessity of the forms of sending to a committee for a slow process of inquiry; but there was a necessity of doing what the country required, and to reform what senators had been instructed to reform. The only question now was, who would act against the will of the nineteen States; and Mr. Clay thought gentlemen who professed to be guided by the popular sentiment could have no hesitation to comply with it now.

Sir (said Mr. Clay), I had hoped, for one, that the President of the United States, when he communicated his late message to Congress, would announce the fact which I have stated, and would have conformed to it in his suggestions to Congress. I would not, indeed, have asked the president to present himself before Congress, and say to the nation and to Congress, "I have been wrong all this time, and I now retract my error." Sir, it would have been unmanly to urge him to such a step, and I would not have required it of him. But we had a right to expect that the president would have said what was the fact on this subject, that the nation had decided against this measure, and he ought to have recommended that the will of the country should be obeyed. But least of all could we expect that he would recommend, as he did, certain improvements of this measure, and that senators should concur in amending a measure against which the nation had decided. And, even if they should persevere in such a course till March next, they know perfectly well that this measure can not be continued after the new president shall commence his administration.

One word as to the effect of the repeal. What has been said of this measure? It is said to have been very successful, by the report of the Secretary of the Treasury. Sir, I would have been much better pleased if that document had gone into detail, and had told us what effects had been produced, and what changes had really taken place, arising out of this measure. All this he has omitted, and he has only told us that the measure has so far satisfied all their expectations, and that it has been most favorable in its operation. But what is its operation? Sir, I am far from the receivers-general, and wish I was much further; but what is its operation. Perhaps the honorable senator from New Hampshire (Mr. Hubbard) can tell, who, on all occasions, has stood forth the ready protector and advocate of the Secretary of the Treasury, though I must say it was a most ungrateful return for the Secretary of the Treasury to beat him in the late senatorial election. Or, I should be glad to learn from the honorable chairman of the committee on finance, (Mr. Wright), who is one of those instructed against the measure, and let him give it in detail, how the sub-treasury has acted, and how it is now working, how it is varying the financial and commercial concerns of this country. Sir, I can tell myself, though I am remote from its operations, and I understand there is not the slightest difference now from what was going on before the 4th of July last, in the operation of this system. Now, as then, the notes of all the specie-paying banks are received, and these notes pass into the hands of the receiver-general. The process is this: a merchant in New York who has to pay say four hundred dollars, gives two checks, of two hundred dollars each, but no specie. One of these checks is indorsed "specie," but the other has no such indorsement; and both these checks are carried to the bank and credited, not to the government, but to the receiver-general, on his own private account. That is the action of the sub-treasury. Both checks are cashed paper, convertible at the will of the holder into specie, and the one with the indorsement of specie is no more specie than the one without the indorsement. And such was, in fact, the usage before the 4th of July last. Prior to that, the paper of no bank not paying specie was received, and it is so now; and that is the amount of the whole operation of this measure. Prior to the 4th of July last, in New York, for example, the money was received and placed in the banks on private account, and the government had no control over it. And so it is now. Jesse Hoyt passes it over to Saul or Paul Allen, and government has no control over it. The result is, that the whole revenue passes under the care and custody of a private individual, into some bank. If I am right in this, it is very clear that the operation of this system is extremely limited, and very inconsiderable, and must so continue. But I trust, if the account is to be kept with the banks, that, instead of individuals, it will be opened, as it formerly always was, with the Treasurer of the United States.

I think, then, Mr. President, that no sort of inconvenience can possibly result from the repeal of this measure. But even if it could, that is now

no consideration for us ; but when we have our instructions, I, at least, shall obey the will of nineteen States.

Forbearing, then, from a general discussion, which has been continued three years and three months, I am now ready for the vote on the resolution, though I shall not urge it. If gentlemen want further time to consider, or for any other purpose, I will be the last to deny them a request so reasonable as that.

Mr. Clay, said in reply to Mr. Wright, of New York, Mr. President, it is always pleasant to me when I have the honor to submit a proposition in a form so acceptable to the honorable senator from New York ; and I am disposed to allow the largest possible accommodation, even on the point desired by the senator, of postponing this measure till the Senate shall be more full. And, as I am a Christian, or endeavor to be so, I will not return evil for good. Though I recollect, when this measure was on the verge of passing here, how the senator from New York would not allow a single day to the senator from Delaware (Mr. Clayton), though he would not then, though earnestly intreated to do so, delay the question even over night ; though all this was denied with the concurrence of that senator, still I am for returning good for evil, and I am very happy that better days and more liberal sentiments are coming. I will concur in any reasonable postponement which the senator may desire.

But while up, I will notice a few remarks of the senator from New York. He says, this is a very convenient party now coming into power, because it is without avowed principles—a coon-skin, log-cabin party. And before I proceed further on this subject, let me ask, what sort of a party those must be, who have been driven out of power by a party whose residence is a log cabin, and whose covering is coon skins ? Sir, there must be something wrong about it, or the defeated party would have never met so hard a fate from a party which they hold so much in contempt, and which is so contemptible, if the senator is correct. But does he in fact want to know my principles, or the principles of my friends, with respect to this sub-treasury measure ? Have not we been battling with the whole country on our side against this identical measure ? The senator tells us, that the popular voice was in favor of this measure, and that it was consequently carried in the popular branch. Sir, I hope he will relieve me of the necessity of looking into that New Jersey affair, and of discussing the manner in which that gallant State was stripped of her sacred rights, and her authority trampled under foot, in a manner degrading to a deliberative assembly, and disgraceful to the age in which we live. But I will not go into it. In the progress of the war gentlemen did gain a little, and we were subject to reverses prior to 1840. But who that regards the truth, and has been attentive to the progress of events, can rise in his place and deny that the elections of 1840 repealed the sub-treasury measure ? They were avowedly against it ; the object was to put it down, and to dispense with a measure which had disturbed the community, and deranged the affairs of the country for more than three long years. It is not at all like

the cases alluded to by the senator under former elections. The election of 1832, for instance, was construed into an expression of public opinion against the bank of the United States. But we all know that General Jackson was then in favor of a bank of the United States. He so said in his message, and he was then supported on the ground that he was friendly to the establishment of a bank of the United States. And I then denied, as I do now, that the inference of gentlemen from those elections was justly drawn. But now, whether the late election is favorable to a bank of the United States or to a league of banks, on one point, and that is as respects this measure, it is utterly impossible there can be two opinions here.

The honorable senator calls on us to say what other measure is to be resorted to after that is destroyed; a bank of the United States or local banks? Sir, "sufficient to the day is the evil thereof." We have nothing now but the sub-treasury to handle. That is an obstacle in the way of any measure. Let us first remove that, and it will then be time for the senator from New York to be heard in his inquiries.

But he says the party coming into power are without principle. But does he not know that they are against the sub-treasury, and in favor of some sound and safe regulation of the currency? That they are for economy? That they are against the extravagance of the downfallen administration? That retrenchment is their aim? And that they are opposed to the late fearful usurpations and abuses of executive power? Sir, the gentleman forgets that the election is over. I assure him, that it terminated November second, 1840. He seems to think that he is addressing an assembly in New York, at Poughkeepsie, or elsewhere. Because General Harrison did not choose to reply to impertinence, the gentleman charges him and the whole party with want of principles. But, on all subjects, he was manly and open, and it was on principle that the people brought him into power. But do gentlemen really mean to assert that they are without principle? No, sir, no. They know the principles of the new administration well enough. They know that it will not denounce bank paper and then give us treasury notes; that it is against all expedients of this kind; that the administration will be openly and fairly conducted; that it will not have debts to a large amount surrounding the government in all its departments—to the Indians, for State stocks made for political purposes, and reduced to two thirds of their original value; for the Florida war—literally covered over with debts, and all the time preaching against debts, and all the time using treasury notes; and they know, if they do not tell us how much of debts they have to pay, we, when we have the means of investigating, will cast up the aggregate to a great amount—an enormous and mystified amount.

Sir, if it is the will and pleasure of the majority to vote down the resolution, let them do it manfully, and say that their will, and not the will of the people, shall prevail. But if the will of the people is to be carried out, there is no reason for delay; the sub-treasury should be repealed, and forthwith.

ON THE DISTRIBUTION OF PROCEEDS OF THE PUBLIC LANDS.

IN SENATE, JANUARY 28, 1841.

[THOUGH Mr. Clay was often, for many years, engaged in debate on this subject, the following may emphatically be called his great argument upon it. He was stirred up to it by the wicked attempt, on the part of Mr. Van Buren and his party in Congress, to squander the immense estate of the public domain by a new pre-emption bill, just as that party was going out of power, and General Harrison and the Whigs were to succeed—the latter party having been already elected, with a large majority in both Houses of Congress, and General Harrison as president. Mr. Van Buren had a majority in this, the Twenty-sixth Congress, which could pass any bill they pleased. Indignant at this attempt thus to use a power which had already been sentenced by the voice of the people, Mr. Clay rose in his majesty, and in an argument of two days, cast more light on this subject than had ever been done by himself and all others. It was a subject on which he was perfectly at home. He had been obliged to fight this battle ever since General Jackson's accession to power. Some eight years before the present occasion, he had effected a distribution of twenty-eight millions of dollars of land proceeds among the States, as a loan in trust, though perfectly understood to be a final distribution, as it proved. It was the Jackson policy to husband power in the new States, by giving them the public lands lying in their own limits; and the argument was, that, if the price of the public lands went into the national treasury, it was so much money drawn from the States where they lay. This was a direct appeal to the cupidity of the new States, and the argument thus addressed seemed to them plausible. No account was taken of the injustice done by this policy to the old States, which originally owned this property, but surrendered it for the common benefit of all the States, on the condition that all should share in it; thus constituting, by

the deed of cession, the general government a trustee for these parties and for this object. Nor was it considered, that they who bought the public lands still held the *quid pro quo*, which was not easy to be lifted up and carried out of a new State. It was still there, with all its value, and increasing in value by cultivation. A perverse purpose will always invent a perverse argument, and the people of the new States would readily argue that, being independent States, they had a right to the public lands within their bounds, and that any part of the price of them, paid to other States, was so much taken from them. But Mr. Clay gave a terrible blow to this reasoning, when he showed, that, on this plan, the State of Ohio would lose a hundred times as much as she would gain, by parting with her common right in the public domain, and taking the public lands within her own limits, though not at that time inconsiderable in quantity.

Some have thought it a pity that Mr. Clay should have been so long, and almost always, on the losing side of national politics ; and so all would say, who can not appreciate the self-sacrificing character that lives and acts for the good of others, for his country, and not for himself. Some, too, have greatly undervalued Mr. Clay's public services, in being so often and so long on the unsuccessful side. They do not consider, that he was always in the gap, to battle with the enemies of his country, and that, in such a position, he was always successful, in keeping the enemy at bay, if not in overthrowing him. For the eight long years of General Jackson's two terms of office, in all that Mr. Clay thought it his duty to oppose that extraordinary and rash man, he always kept him at bay, and often defeated him. No one can estimate the amount of influence which Mr. Clay wielded, as the opponent of General Jackson, or what would have been the consequences if Mr. Clay had not been there. It is true that, when Mr. Van Buren came into power, Mr. Clay had an easier task, and the Jackson dynasty was utterly overthrown at the end of Mr. Van Buren's four years' administration ; and all the world will confess, that to no other man, nor to all other men put together, was this final result so much owing as to Mr. Clay. His single arm maintained the fight, and he was always in the van, doing his own duty, and leading and urging on his friends to the conflict. It is not alone, therefore, what Mr. Clay actually accomplished of a positive character, that should enter into the estimate of his public services ; but his

warding-off of mischief, his confounding of pernicious counsels, and the final crushing out, in 1840, of the worst scheme of national policy that was ever devised for a free people, and which, if it had succeeded, would have destroyed American freedom—all this, too, must be taken into the account of Mr. Clay's public services. Grant that the Tyler treason prevented much, nearly all of the good that should have followed, still the entire discomfiture, for the time being, of that great system of iniquity and of State quackery, opening a chance to the nation for a new start, was an advantage which can never be over-estimated. The following speech is a standing and proud historical monument of one of Mr. Clay's great efforts in this line of movement, which promised little indeed with the majorities of the Twenty-sixth Congress; but which, nevertheless, told mightily on the country for the future. It was delivered at the moment of the last breath of an expiring dynasty, which for twelve years had rested as an incubus on the bosom of the nation.]

WITH the measure of the distribution of the proceeds of the sales of the public lands among the States of the Union, I have been so associated for the last eight or ten years, that, although it had not been my original purpose to say one word in respect to that measure at the present session of Congress, the debate on my colleague's motion has taken such a wide range, that my silence might be construed into indifference, or an abandonment, on my part, of what I conscientiously believe to be one of the most important and beneficial measures ever submitted to the consideration of an American Congress. I did not intend to move in the matter at this session, because of the extraordinary state of parties and of public affairs. The party against which the people of the United States had recently pronounced decisive judgment, was still in power, and had majorities in both Houses of Congress. It had been always opposed to the distribution bill. The new administration, to which a majority of the people of the United States had given its confidence, had not yet the possession of power, and, prior to the 4th of March next, can do nothing to fulfill the just expectations of the country. The treasury is exhausted, and in a wretched condition. I was aware, that its state would be urged as a plausible plea against present distribution; urged even by a party, prominent members of which had heretofore protested against any reliance whatever on the public lands as a source of revenue. Now, although I do not admit the right of Congress to apply the proceeds of all the public lands, consistently with the terms of the deeds of cession from Virginia and the other ceding States, to the purposes of ordinary revenue of government, yet Congress being in the habit of making such an application, I was willing to acquiesce in the continuation of the habit until, I hope at some early day, a

suitable provision can be made for the exchequer out of some more appropriate and legitimate source than the public lands.

The distribution proposed by my colleague can be made, and, if no other senator does, I will propose to make it, to commence on the 1st day of January next, leaving the proceeds of the lands of the current year applicable to the uses of the treasury. This will avoid the financial objection, as I hope, prior to that day, that some permanent and adequate provision will be made to supply government with the necessary revenue. I shall, therefore, vote for the proposition with that qualification, since it has been introduced, although I had not intended to move it myself at this session.

I came to the present session of Congress under the hope, that it would dedicate itself earnestly to the urgent and necessary work of such a repair of the shattered vessel of State as would put it in a condition to perform the glorious voyage which it will begin on the 4th of March next. I supposed, indeed, that all new and doubtful measures of policy would be avoided; but persuaded myself that a spirit of manliness, of honor, and of patriotism, would prompt those who yet linger in power and authority at least to provide the necessary ways and means to defray the expenses of government in the hands of their successors, during the present year, if not permanently. But I confess with pain, that my worst fears are about to be realized. The administration not only perseveres in the errors which have lost it the public confidence, but refuses to allow its opponents to minister, in any way, to the sufferings of the community, or the necessities of the government. Our Constitution is defective, in allowing those to remain in authority three or four months after the people have pronounced judgment against them; or rather the convention did not foresee the possibility of the existence of an administration, which would deliberately treat with neglect and contempt the manifest sentiments of their constituents. It did not imagine that an administration could be so formed, as that, although smarting under a terrible but merited defeat, it would, in the spirit of the ancient fable, doggedly hold on to power, refusing to use it, or to permit others to use it, for the benefit of the people.

We have just had read to us a lecture from the honorable and highly respectable senator from New Hampshire (Mr. Pierce), which ought to have been exclusively addressed to his own friends. He tells us that we are wasting our time in party debate, and that a measure is always got up at the commencement of every session, on which a general political battle is fought, to the exclusion of all important public business. There is some truth in the charge; and, if it be wrong, who ought to be held responsible for it? Clearly, those to whom the administration of the government has been intrusted, and who have majorities in both Houses of Congress. What has been the engrossing subject of this session? The permanent pre-emption bill. Who introduced it, and why was it introduced? Not my friends, but the senator's. And it has been brought up when there is an operating pre-emption law in existence, which has a long

time to run. After the debate had been greatly protracted, and after one administration senator had notified the officers of the chamber, that they might get their lamps in order, and another had declared that they were ready to encamp on the ground until the bill was passed, why has the debate been permitted to continue weeks longer, without explanation, and to the surprise of every one on this side of the Senate? Why has more than half the session been consumed with this single and unnecessary subject? I would ask that senator, who assumes the right to lecture us all, why he concurred in pressing on the Senate this uncalled-for measure? Yes, sir, my worst fears are about to be realized. Nothing will be done for the country during this session. I did hope that, if the party in power would not, in some degree, atone for past misdeeds during the remnant of their power, they would at least give the new administration a fair trial, and forbear all denunciation or condemnation of it in advance. But has this been their equitable course? Before the new president had entered upon the duties of his office, gentlemen who have themselves contributed to bring the country to the brink of ruin (they will pardon me for saying it, but the truth must be spoken), these very gentlemen are decrying beforehand those measures of the coming administration which are indispensable, and which they must know to be indispensable, to restore the public happiness and prosperity! The honorable senator in my eye (Mr. Wright), said, in so many words, that he meant to condemn this measure of distribution in advance. (Mr. Wright shook his head).

I have taken down the senator's words, and have them here on my notes.

[Mr. Wright. If the honorable senator will permit me, I will tell him what I said. I said that the course of his friends had forced the consideration of this measure on us in advance.]

Forced it on them in advance! How? Projects to squander the public domain are brought forward by friends of the administration, in the form of a graduation bill, by which fifty millions in value of a portion of it would have been suddenly annihilated; pre-emption bills; cessions to a few of the States of the whole within their limits. Under these circumstances, my colleague presents a conservative measure, and proposes, in lieu of one of these wasteful projects, by way of amendment, an equitable distribution among all the States of the avails of the public lands. With what propriety, then, can it be said, that we, who are acting solely on the defensive, have forced the measures upon our opponents? Let them withdraw their bill, and I will answer for it that my colleague will withdraw his amendment, and will not, at this session, press any measure of distribution. No, sir, no. The policy of gentlemen on the other side, the clearly-defined and distinctly-marked policy is, to condemn in advance those measures which their own sagacity enables them to perceive that the new administration, faithful to their own principles and to the best in-

terests of the country, must bring forward to build up once more the public prosperity. How, otherwise, are we to account for opposition, from leading friends of the administration, and to the imposition of duties on the merest luxuries in the world? It is absolutely necessary to increase the public revenue. That is incontestable. It can only be done by the imposition of duties on the protected articles, or on the free articles, including those of luxury; for no one, I believe, in the Senate, dreams of laying a direct tax. Well; if duties were proposed on the protected articles, the proposition would instantly be denounced as reviving a high tariff. And when they are proposed on silks and wines, senators on the other side raise their voices in opposition to duties, on these articles of incontestable luxury. These, moreover, are objects of consumption chiefly with the rich, and they, of course, would pay the principal part of the duty. But the exemption of the poor from the burden does not commend the measure to the acceptance of the friends of this expiring administration. And yet, they, sometimes, assume to be guardians of the interests of the poor. Guardians of the poor! Their friendship was demonstrated at a former session by espousing a measure which was to have the tendency of reducing wages, and now they put themselves in opposition to a tax which would benefit the poor, and fall almost exclusively on the rich.

I will not detain the Senate now by dwelling on the ruinous state of the trade with France, in silks and wines, especially, as it is now carried on. But I cannot forbear observing, that we import from France and her dependencies thirty-three millions of dollars annually, while we export in return only about nineteen millions, leaving a balance against us, in the whole trade, of fourteen millions of dollars; and, excluding the French dependencies, the balance against us in the direct trade, with France, is seventeen millions. Yet, gentlemen say we must not touch this trade! We must not touch a trade with such a heavy and ruinous balance against us; a balance, a large part, if not the whole, of which is paid in specie. I have been informed, and believe, that the greater part of the gold which was obtained from France under the treaty of indemnity, and which, during General Jackson's administration, was with so much care and parade introduced into the United States, perhaps under the vain hope that it would remain here, in less than eighteen months was re-exported to France in the very boxes in which it was brought, to liquidate our commercial debt. Yet we must not supply the indispensable wants of the treasury by taxing any of the articles of this disadvantageous commerce! And some gentlemen, assuming not merely the guardianship of the poor, but of the South also (with about as much fidelity in the one case as in the other), object to the imposition of duties upon these luxuries, because they might affect somewhat the trade with France in a southern staple. But duties upon any foreign imports may affect, in some small degree, our exports. If the objection, therefore, be sustained, we must forbear to lay any imposts, and rely, as some gentlemen are understood to desire, on

direct taxes. But to this neither the country nor Congress will ever consent. We have hitherto resorted mainly, and I have no doubt always will resort, to our foreign imports for revenue. And can any objects be selected, with more propriety, than those which enter so largely into the consumption of the opulent? It is of more consequence to the community, in the consideration of duties, who consumes the articles charged with them, and consequently, who pays them, than how the dutied articles are purchased abroad. The South is the last place from which an objection should come on the score of disproportionate consumption. I venture to assert that there is more champagne wine consumed in the Astor House, in the city of New York, in one year, than in any State south of the Potomac. [A laugh.] Our total amount of imports last year was one hundred and four millions of dollars. Deducting the free articles, the amount of goods subject to duty was probably not more than between fifty and sixty millions. Now, if we are to adhere to the compromise of the tariff, which it is my wish to be able to do, but concerning which, I have remarked lately a portentous silence on the part of some of its professing friends on the other side, it will be recollected, that the maximum of any duty to be imposed is twenty per centum, after June, 1842. It would not be safe to assume our imports in future of articles that would remain for consumption, and not be re-exported, higher than one hundred millions, twenty per centum on which would yield a gross revenue annually of twenty millions. But I think that we ought not to estimate our imports at more than ninety millions; for, besides other causes that must tend to diminish them, some ten or twelve millions of our exports will be applied annually to the payment of interest or principal of our State debts held abroad, and will not return in the form of imports. Twenty per centum upon ninety millions would yield a gross revenue of eighteen millions only. Thus it is manifest, that there must be additional duties. And I think it quite certain, that the amount of necessary revenue can not be raised without going up to the limit of the compromise upon all articles whatever, which, by its terms, are liable to duty. And these additional duties ought to be laid now, forthwith, clearly before the close of the session. The revenue is now deficient, compelling the administration to resort to the questionable and dangerous use of treasury notes. Of this deficient revenue there will go off five millions during the next session of Congress, according to the estimate of the Secretary of the Treasury, two and a half millions on the 31st of December, 1841, and two and a half millions more on the 30th of June, 1842. This reduction takes place under that provision of the compromise act, by which one half the excess of all duties beyond twenty per centum is repealed on the last day of this year, and the other moiety of that excess on the last day of June, 1842. Now, if Congress does not provide for this great deficiency in the revenue prior to the close of the present session, how is it possible to provide for it in season at the session which begins on the first Monday in December next? No great

change in the customs ought to be made without reasonable notice to the merchant, to enable him to adapt his operations to the change. How is it possible to give this notice, if nothing is done until the next regular meeting of Congress? Waiving all notice to the merchant, and adverting merely to the habits of Congress, is it not manifest, that no revenue bill can be passed by the last day of December, at a session commencing on the first Monday of that month? How, then, can gentlemen who have, at least, the temporary possession of the government, reconcile it to duty and to patriotism, to go home and leave it in this condition? I heard the senator from Pennsylvania (Mr. Buchanan), at the last session, express himself in favor of a duty on wines and silks. Why is he now silent? Has he, too, changed his opinion?

[Mr. Buchanan. I have changed none of my opinions on the subject.]

I am glad, most happy, to hear it. Then the senator ought to unite with us in the imposition of duties sufficient to produce an adequate revenue. Yet his friends denounce, in advance, the idea of imposing duties on articles of luxury! They denounce distribution! They denounce an extra session, after creating an absolute necessity for it! They denounce all measures to give us a sound currency, but the sub-treasury, denounced by the people! They denounce the administration of President Harrison before it has commenced! Parting from the power, of which the people have stripped them, with regret and reluctance, and looking all around them with sullenness, they refuse to his administration that fair trial, which the laws allow to every arraigned culprit. I hope that gentlemen will reconsider this course, and that, out of deference to the choice of the people, if not from feelings of justice and propriety, they will forbear to condemn before they have heard President Harrison's administration. If gentlemen are for peace and harmony, we are prepared to meet them in a spirit of peace and harmony, to unite with them in healing the wounds and building up the prosperity of the country. But if they are for war, as it seems they are, I say, "Lay on, Macduff." (Sensation and a general murmuring sound throughout the chamber and galleries.)

One argument of the honorable senator, who has just taken his seat (Mr. Wright) I wish to detach from the residue of his speech, that I may, at once put it to sleep forever. With all his well-known ability, and without meaning to be disrespectful, I may add, with all his characteristic ingenuity and subtlety, he has urged, that if you distribute the proceeds of the public lands, you arrogate to yourselves the power of taxing the people to raise money for distribution among the States; that there is no difference between revenue proceeding from the public lands and revenue from the customs; and that there is nothing in the Constitution which allows you to lay duties on imports for the purpose of making up a deficiency produced by distributing the proceeds of the public lands.

I deny the position, utterly deny it, and I will refute it from the express

language of the Constitution. From the first I have been of those who protested against the existence of any power in this government to tax the people for the purpose of a subsequent distribution of the money among the States. I still protest against it. There exists no such power. We invoke the aid of no such power in maintenance of the principle of distribution, as applied to the proceeds of the sales of the public domain. But if such a power clearly existed, there would not be the slightest ground for the apprehension of its exercise. The imposition of taxes is always an unpleasant, sometimes a painful duty. What government will ever voluntarily incur the odium and consent to lay taxes, and become a tax-gatherer, not to have the satisfaction of expending the money itself, but to distribute it among other governments, to be expended by them? But to the Constitution. Let us see whether the taxing power and the land power are, as the argument of the senator assumes, identical and the same. What is the language of the Constitution? "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States." Here is ample power to impose taxes; but the object for which the money is to be raised is specified. There is no authority whatever conveyed to raise money by taxation for the purpose of subsequent distribution among the States, unless the phrase "general welfare" includes such a power. The doctrine, once held by a party upon whose principles the senator and his friends now act, in relation to the executive department, that those phrases included a grant of power, has been long since exploded and abandoned. They are now, by common consent, understood to indicate a purpose, and not to vest a power. The clause of the Constitution, fairly construed and understood, means that the taxing power is to be exerted to raise money to enable Congress to pay the debts and provide for the common defense and general welfare. And it is to provide for the general welfare, in any exigency, by a fair exercise of the powers granted in the Constitution. The republican party of 1798, in whose school I was brought up, and to whose rules of interpreting the Constitution I have ever adhered, maintained that this was a limited government; that it had no powers but granted powers, or powers necessary and proper to carry into effect the granted powers; and that, in any given instance of the exercise of power, it was necessary to show the specific grant of it, or that the proposed measure was necessary and proper to carry into effect a specifically granted power or powers.

There is, then, I repeat, no power or authority in the general government to lay and collect taxes in order to distribute the proceeds among the States. Such a financial project, if any administration were mad enough to adopt it, would be a flagrant usurpation. But how stands the case as to the land power? There is not, in the whole Constitution, a single line or word that indicates an intention that the proceeds of the public lands

should come into the public treasury, to be used as a portion of the revenue of the government. On the contrary, the unlimited grant of power to raise revenue in all the forms of taxation, would seem to manifest that that was to be the source of supply, and not the public lands. But the grant of power to Congress over the public lands in the Constitution is ample and comprehensive. "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." This is a broad, unlimited, and plenary power, subject to no restriction other than a sound, practical, and statesmanlike discretion, to be exercised by Congress. It applies to all the territory and property of the United States, whether acquired by treaty with foreign powers, or by cessions of particular States, or however obtained. It can not be denied, that the right to dispose of the territory and property of the United States, includes a right to dispose of the proceeds of their territory and property, and consequently a right to distribute those proceeds among the States. If the general clause in the Constitution allows and authorizes, as I think it clearly does, distribution among the several States, I will hereafter show that the conditions on which the States ceded to the United States can only now receive their just and equitable fulfillment by distribution.

The senator from New York argued, that if the power contended for, to dispose of the territory and property of the United States, or their proceeds, existed, it would embrace the national ships, public buildings, magazines, dock-yards, and whatever else belonged to the government. And so it would. There is not a doubt of it: but when will Congress ever perpetrate such a folly as to distribute this national property. It annually distributes arms, according to a fixed rule, among the States, with great propriety. Are they not property belonging to the United States? To whose authority is the use of them assigned? To that of the States. And we may safely conclude, that when it is expedient to distribute, Congress will make distribution, and when it is best to retain any national property, under the common authority, it will remain subject to it. I challenge the senator, or any other person, to show any limitation on the power of Congress to dispose of the territory or property of the United States, or their proceeds, but that which may be found in the terms of the deeds of cession, or in a sound and just discretion. Come on; who can show it? Has it not been shown that the taxing power, by a specification of the objects for which it is to be exercised, excludes all idea of raising money for the purpose of distribution? And that the land power places distribution on a totally different footing? That no part of the proceeds of the public domain compose necessarily, or perhaps properly, a portion of the public revenue? What is the language of the Constitution? That to pay the debts, provide for the common defense and general welfare of the United States, you may take the proceeds of the public lands? No, no. It says for these ends, in other words, for the conduct of the government of the

Union, you shall have power unlimited as to amount and objects, to lay taxes. That is what it says; and if you go to the Constitution, this is its answer. You have no right to go for power anywhere else.

Hereafter, I shall endeavor further to show, that, by adopting the distribution principle, you do not exercise or affect the taxing power; that you will be setting no dangerous precedent, as is alledged; and that you will, in fact, only pay an honest debt to the States, too long withheld from them, and of which some of them now stand in the greatest need.

In the opposition to distribution, we find associated together the friends of pre-emption, the friends of graduation, and the friends of the cession of the whole of the public lands to a few of the States. Instead of reproaching us with a want of constitutional power to make an equitable and just distribution of the proceeds of the sales of the public lands among all the States, they would do well to point to the constitutional authority, or to the page in the code of justice, by which their projects are to be maintained. But it is not my purpose now to dwell on these matters. My present object is with the argument of the senator from New York, and his friends, founded on financial considerations.

All at once these gentlemen seem to be deeply interested in the revenue derivable from the public lands. Listen to them now, and you would suppose that heretofore they had always been, and hereafter would continue to be, decidedly and warmly in favor of carefully husbanding the public domain, and obtaining from it the greatest practicable amount of revenue, for the exclusive use of the general government. You would imagine that none of them had ever espoused or sanctioned any scheme for wasting or squandering the public lands; that they regarded them as a sacred and inviolable fund, to be preserved for the benefit of posterity, as well as this generation.

It is my intention now to unmask these gentlemen, and to show that their real system for the administration of the public lands embraces no object of revenue, either in the general government or the States; that their purpose is otherwise to dispose of them; that the fever for revenue is an intermittent, which appears only when a bill to distribute the proceeds equally among all the States is pending; and that, as soon as that bill is got rid of, gentlemen relapse into their old projects of throwing away the public lands, and denouncing all objects of revenue from the public lands as unwise, illiberal, and unjust toward the new States. I will make all this good by the most incontrovertible testimony. I will go to the very highest authority in the dominant party, during the last twelve years, and from that I will come down to the honorable senator from New York, and other members of the party. (I should not say come down; it is certainly not descending from the late President of the United States, to approach the senator from New York. If intellect is the standard by which to measure elevation, he would certainly stand far above the measure of the Hermitage.) I will show, by the most authentic documents, that

the opponents of distribution, upon the principle now so urgently pressed, of revenue, are no *bonâ fide* friends of revenue from the public lands. I am afraid I shall weary the Senate, but I entreat it to bear patiently with me, while I retrace the history of this measure of distribution.

You will recollect, sir, that some nine or ten years ago, the subject of the public lands, by one of the most singular associations that was ever witnessed, was referred to the committee on manufactures, by one of the strangest parliamentary maneuvers that was ever practiced, for no other purpose than to embarrass the individual who now has the honor to address you, and who happened at that time to be a member of that committee. It was in vain that I protested against the reference, showed the total incongruity between the manufactures of the country and the public lands, and entreated gentlemen to spare us, and to spare themselves the reproaches which such a forced and unnatural connection would bring upon them. It was all to no purpose; the subject was thrown upon the committee on manufactures, in other words, it was thrown upon me; for it was well known, that although among my colleagues of the committee, there might be those who were my superiors in other respects, owing to my local position, it was supposed that I possessed a more familiar knowledge with the public lands than any of them, when, in truth, mine was not considerable. There was another more weighty motive with the majority of the Senate, for devolving the business on me. The zeal, and, perhaps, too great partiality of my friends, had, about that time, presented my name for a high office. And it was supposed that no measure, for permanently settling the question of the public lands, could emanate from me, that would not affect injuriously my popularity, either with the new or the old States, or with both. I felt the embarrassment of the position in which I was placed; but I resolved not to sink under it. I pulled off my coat, and went hard to work. I manufactured the measure for distributing equitably, in just proportions, the proceeds of the public lands among the several States. When reported from the committee, its reception in the Senate, in Congress, and in the country, was triumphant. I had every reason to be satisfied with the result of my labors, and my political opponents had abundant cause for bitter regrets at their indiscretion, in wantonly throwing the subject on me. The bill passed the Senate, but was not acted upon in the House at that session. At the succeeding session, it passed both Houses. In spite of all those party connections, which are, perhaps, the strongest ties that bind the human race, Jackson men, breaking loose from party thralldom, united with anti-Jackson men, and voted the bill by overwhelming majorities, in both Houses. If it had been returned by the president, it would have passed both Houses by constitutional majorities, his veto notwithstanding. But it was a measure suggested, although not voluntarily, by an individual who shared no part in the president's counsels, or his affections; and although he had himself, in his annual message, recommended a similar measure, he did not hesitate to change his ground,

in order to thwart my views. He knew, as I have always believed and have understood, that if he returned the bill, as by the Constitution he was bound to do, it would become a law, by the sanction of the requisite majorities in the two Houses. He resolved, therefore, upon an arbitrary course, and to defeat, by an irregular and unprecedented proceeding, what he could not prevent by reason, and the legitimate action of the Constitution. He resolved not to return the bill, and did not return it to Congress, but pocketed it!

I proceed now to the documentary proof which I promised. In his annual message of December 4th, 1832, President Jackson says:

“Previously to the formation of our present Constitution, it was recommended by Congress that a portion of the waste lands owned by the States should be ceded to the United States, for the purposes of general harmony, and as a fund to meet the expenses of the war. The recommendation was adopted, and, at different periods of time, the States of Massachusetts, New York, Virginia, North and South Carolina, and Georgia, granted their vacant soil for the uses for which they have been asked. As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people,” and so forth. “It seems to me to be our true policy, that the public lands shall cease, as soon as practicable, to be a source of revenue,” and so forth.

Thus, in December, 1832, President Jackson was of opinion, first, that the public lands were released from the pledge of them to the expenses of the revolutionary war; secondly, that it was in the power of Congress to dispose of them according to its discretion, in such way as best to conduce to the quiet, harmony, and general interest of the American people; and, thirdly, that the public lands should cease, as soon as practicable, to be a source of revenue.

So far from concurring in the argument now insisted upon by his friends, for the sole purpose of defeating distribution, that the public lands should be regarded and cherished as a source of revenue, he was clearly of opinion that they should altogether cease to be considered as a source of revenue.

The measure of distribution was reported by me from the committee on manufactures, in April, 1832, and what was done with it? The same majority of the Senate which had so strangely discovered a congeniality between American manufactures and the public lands, instead of acting on the report, resolved to refer it to the committee on public lands, of which the senator from Alabama (Mr. King), was chairman; thus exhibiting the curious parliamentary anomaly of referring the report of one standing committee to another standing committee.

The chairman, on the 18th of May, made a report from which many pertinent extracts might be made, but I shall content myself with one.

“This committee turn with confidence from the land-offices to the custom-houses, and say, here are the true sources of federal revenue! Give lands to the cultivator! And tell him to keep his money, and lay it out in their cultivation!”

Now, Mr. President, bear in mind that this report, made by the senator from Alabama, embodies the sentiments of his party; that the measure of distribution which came from the committee on manufactures, exhibited one system for the administration of the public lands, and that it was referred to the committee on public lands, to enable that committee to make an argumentative report against it, and to present their system—a counter or antagonistic system. Well, this counter-system is exhibited, and what is it? Does it propose to retain and husband the public lands as a source of revenue? Do we hear any thing from that committee about the wants of the exchequer, and the expediency of economizing and preserving the public lands to supply them? No such thing. No such recommendation. On the contrary, we are deliberately told to avert our eyes from the land-offices, and to fix them exclusively on the custom-houses, as the true sources of federal revenue! Give away the public land was the doctrine of that report. Give it to the cultivator, and tell him to keep his money! And the party of the senator from New York, from that day to this, have adhered to that doctrine, except at occasional short periods, when the revenue fit has come upon them, and they have found it convenient, in order to defeat distribution, to profess great solicitude for the interests of the revenue.

Some of them, indeed, are too frank to make any such profession. I should be glad to know from the senator from Alabama if he adheres to the sentiments of his report of 1832, and still thinks that the custom-houses, and not the land-offices, are the true sources of federal revenue. (Mr. King here nodded assent.)

I expected it. This reavowal is honorable to the candor and independence of the senator. He does not go, then, with the revenue arguers. He does not go with the senator from New York, who speaks strongly in favor of the revenue from the public lands, and votes for every proposition to throw away the public land.

During the whole progress of the bill of distribution through the Senate, as far as their sentiments were to be inferred from their votes, or were to be known by the positive declarations of some of them, the party dominant then and now acted in conformity with the doctrines contained in the report of their organ (Mr. King). Nevertheless, the bill passed both Houses of Congress by decisive majorities.

Smothered, as already stated, by President Jackson, he did not return it to the Senate, until the 4th of December, 1833. With it came his memorable veto message—one of the most singular omnibusses that was ever beheld—a strange vehicle, that seemed to challenge wonder and admira-

tion, on account of the multitude of hands evidently employed in its construction, the impress of some of them smeared and soiled, as if they were fresh from the kitchen. Hear how President Jackson lays down the law in this message.

“On the whole I adhere to the opinion expressed by me in my annual message of 1832, that it is our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, except for the payment of those general charges which grow out of the acquisition of the lands, their survey and sale.” “I do not doubt that it is the real interest of each and all of the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated; and that, after they have been offered for a certain number of years, the refuse, remaining unsold, shall be abandoned to the States, and the machinery of our land system entirely withdrawn.”

These are the conclusions of the head of that party which has been dominant in this country for twelve years past. I say twelve, for the last four have been but as a codicil to the will, evincing a mere continuation of the same policy, purposes, and designs, with that which preceded it. During that long and dismal period, we all know too well, that the commands of no major-general were ever executed with more implicit obedience, than were the orders of President Jackson, or, if you please, the public policy as indicated by him. Now, in this message, he repeats, that the public lands should cease to be a source of revenue, with a slight limitation as to the reimbursement of the charges of their administration; and adds that their price should be reduced and graduated, and what he terms the refuse land, should be ceded to the States within which it is situated. By-the-by, these refuse lands, according to statements which I have recently seen from the land office, have been the source of nearly one half—upward of forty millions of dollars—of all the receipts from the public lands, and that, too, principally since the date of that veto message.

It is perfectly manifest, that the consideration of revenue, now so earnestly pressed upon us by the friends of General Jackson, was no object with him in the administration of the public lands, and that it was his policy, by reduction of the price, by graduation, by pre-emptions, and by ultimate cessions, to get rid of them as soon as practicable. We have seen that the committee on the public lands and his party coincided with him. Of this, further testimony is furnished in the debates, in the early part of the year 1833, which took place on the distribution bill.

Mr. Kane, of Illinois (a prominent administration senator) in that debate, said :

“Should any further excuse be demanded for renewing again this discussion, I refer to the message of the President of the United States, at the commencement of the present session, which, upon a comprehensive view of the general substantial interests of the confederacy, has, for the first time on the part of any executive magistrate of this country, declared: ‘It seems to me,’ says the

president, 'to be our true policy, that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they should be sold to settlers in limited parcels, at a price barely sufficient to reimburse the United States the expense of the present system, and the cost arising under our Indian treaties,' and so forth.

Mr. Buckner (an administration senator from Missouri) also refers to the same message of President Jackson, with approbation and commendation.

His colleague (Mr. Benton) in alluding, on that occasion, to the same message, says :

"The president was right. His views were wise, patriotic, and statesman-like." "He had made it clear, as he hoped and believed, that the president's plan was right; that all idea of profit from the lands ought to be given up," and so forth.

I might multiply these proofs, but there is no necessity for it. Why go back eight or nine years? We need only trust to our own ears, and rely upon what we almost now daily hear. Senators from the new States frequently express their determination to wrest from this government the whole of the public lands, denounce its alledged illiberality, and point exultingly to the strength which the next census is to bring to their policy. It was but the other day we heard the senator from Arkansas (Mr. Sevier) express some of these sentiments. What were we told by that senator? "We will have the public lands. We must have them, and we will take them in a few years."

[Mr. Sevier. So we will.]

Hear him! Hear him! He repeats it. Utters it in the ears of the revenue-pleading senator (Mr. Wright), on my left. And yet he will vote against distribution.

I will come now to a document of more recent origin. Here it is—the work, nominally, of the senator from Michigan (Mr. Norvell), but I take it, from the internal evidence it bears, to be the production of the senator from South Carolina, over the way (Mr. Calhoun). This report, in favor of cession, proposes to cede, to the States within which the public lands are situated, one third, retaining, nominally, two thirds to the Union. Now, if this precedent of cession be once established, it is manifest that it will be applied to all new States, as they are hereafter successively admitted into the Union. We begin with ceding one third; we shall end in granting the whole.

[Mr. Calhoun asked Mr. Clay to read the portions of the report to which he alluded.]

I should be very glad to accommodate the senator, but I should have

to read the whole of his report, and I am too much indisposed and exhausted for that. But I will read one or two paragraphs.

“It belongs to the nature of things, that the old and new States should take different views, have different feelings, and favor a different course of policy, in reference to the lands within their limits. It is natural for the one to regard them chiefly as a source of revenue, and to estimate them according to the amount of income annually derived from them; while the other as naturally regards them, almost exclusively, as a portion of their domain, and as the foundation of their population, wealth, power, and importance. They have more emphatically the feelings of ownership, accompanied by the impression that they ought to have the principal control, and the greater share of benefits derived from them.” “To sum up the whole in a few words: of all subjects of legislation, land is that which more emphatically requires a local superintendence and administration; and, therefore, ought pre-eminently to belong, under our system, to State legislation, to which this bill proposes to subject it exclusively, in the new States, as it has always been in the old.”

It must be acknowledged, that the new States will find some good reading in this report. What is the reasoning? That it is natural for the old States to regard the public lands as a source of revenue, and as natural for the new States to take a different view of the matter; *ergo*, let us give the lands to the new States, making them, of course, cease any longer to be a source of revenue. It is discovered, too, that land is a subject which emphatically requires a local superintendence and administration. It therefore proposes to subject it exclusively to the new States, as (according to the assertion of the report) it always has been in the old. The public lands of the United States, theoretically have been subject to the joint authority of the two classes of States, in Congress assembled, but, practically, have been more under the control of the members, from the new States, than those from the old. I do not think that the history of the administration of public domain in this country, sustains the assertion that the States have exhibited more competency and wisdom for the management of it, than the general government.

I stated that I would come down (I should have said, go up) from the late President of the United States, to the senator from New York. Let us see what sort of notions he had on this matter of revenue from the public lands, when acting in his character of chairman of the committee of finance, during this very session, on another bill. There has been, as you are aware, sir, before the Senate, at times, during the last twelve or fifteen years, a proposition for the reduction of the price of the public lands, under the imposing guise of “graduation.” A bill, according to custom, has been introduced during the present session, for that object. To give it eclat, and as a matter of form and dignity, it was referred to the committee of finance, of which the honorable senator from New York is the distinguished chairman; the same gentleman who, for these two days, has been defending these lands from waste and spoliation, according

to the scheme of distributing their proceeds, in order to preserve them as a fruitful source of revenue for the general government. Here was a fine occasion for the display of the financial abilities of the senator. He and his friends had exhausted the most ample treasures that any administration ever succeeded to. They were about retiring from office, leaving the public coffers perfectly empty. Gentlemanly conduct toward their successors, to say nothing of the duties of office or of patriotism, required of them to do all in their power—to pick up and gather together, whenever they could, any means, however scattered or little the bits might be—to supply the urgent wants of the treasury. At all events, if the financial skill of the honorable senator was incompetent to suggest any plan for augmenting the public revenue, he was, under actual circumstances, bound, by every consideration of honor and of duty, to refrain from espousing or sanctioning any measure that would diminish the national income.

Well; what did the honorable senator do with the graduation bill?—a bill which, I assert, with a single stroke of the pen, by a short process, consummated in April, 1842, annihilates fifty millions of dollars of the avails of the public lands! What did the senator do with this bill, which takes off fifty cents from the very moderate price of one dollar and a quarter per acre, at which the public lands are now sold? The bill was in the hands of the able chairman of the committee of finance some time. He examined it, no doubt, carefully, deliberated upon it attentively and anxiously. What report did he make upon it? If uninformed upon the subject, Mr. President, after witnessing, during these two days, the patriotic solicitude of the senator in respect to the revenue derivable from the public lands, you would surely conclude that he had made a decisive, if not indignant report, against the wanton waste of the public lands by the graduation bill. I am sorry to say that he made no such report. Neither did he make an elaborate report to prove that, by taking off fifty cents per acre on one hundred millions of acres, reducing two fifths of their entire value, the revenue would be increased. Oh, no; that was a work he was not prepared to commit, even to his logic. He did not attempt to prove that. But what did he do? Why, simply presented a verbal compendious report, recommending that the bill do pass! [A general laugh.] And yet that senator can rise here, in the light of day, in the face of this Senate, in the face of his country, and in the presence of his God, and argue for retaining and husbanding the public lands, to raise revenue from them!

But let us follow these revenue gentlemen a little further. By one of the strangest phenomena in legislation and logic that was ever witnessed, these very senators, who are so utterly opposed to the distribution of the proceeds of the public lands among all the States, because it is distribution, are themselves for all other sorts of distribution—for cessions, for pre-emp-tions, for grants to the new States to aid them in education and improve-

ment, and even for distribution of the proceeds of the public lands among particular States. They are for distribution in all conceivable forms and shapes, so long as the lands are to be gotten rid of, to particular persons or particular States. But when an equal, general, broad, and just distribution is proposed, embracing all the States, they are electrified and horror-struck. You may distribute, and distribute among States, too, as long as you please, and as much as you please, but not among all the States.

And here, sir, allow me to examine more minutely the project of cession brought forward as the rival of the plan of distribution.

There are upward of one billion of acres of public land belonging to the United States, situated within and without the limits of the States and Territories, stretching from the Atlantic ocean and the Gulf of Mexico to the Pacific; they have been ceded by seven of the old thirteen States to the United States, or acquired by treaties with foreign powers. The senator from South Carolina (Mr. Calhoun) proposes by his bill to cede one hundred and sixty millions of acres of this land to the nine States wherein they lie, granting to those States thirty-five per centum, and reserving to the United States sixty-five per centum of the proceeds of those lands.

Now what I wish to say in the first place, is, that, if you commence by applying the principle of cession to the nine land States now in the Union, you must extend it to other new States, as they shall be, hereafter, from time to time, admitted into the Union, until the whole public land is exhausted. You will have to make similar cessions to Wisconsin, to Iowa, to Florida (in two States, perhaps, at least one), and so to every new State, as it shall be organized and received. How could you refuse? When other States to the north and to the west of Missouri, Arkansas, Iowa, and Wisconsin, to the very shores of the Pacific, shall be admitted into the confederacy, will you not be bound, by all the principles of equality and justice, to make them respectively similar cessions of the public land, situated within their limits, to those which you will have made to the nine States? Thus your present grant, although extending nominally to but one hundred and sixty millions of acres, virtually, and by inevitable consequence, embraces the whole of the public domain. And you bestow a gratuity of thirty-five per centum of the proceeds of this vast national property upon a portion of the States, to the exclusion and to the prejudice of the revolutionary States, by whose valor a large part of it was achieved.

Will the senator state whence he derives the power to do this? Will he pretend that it is to cover the expenses and charges of managing and administering the public lands? On much the greater part, nearly the whole of the one hundred and sixty millions of acres, the Indian title has been extinguished, and they have been surveyed. Nothing but a trifling expense is to be incurred on either of those objects; and nothing remains but to sell the land. I understand, that the total expense of sale and collection is only about two per centum. Why, what are the charges?

There is one per centum allowed by law to the receivers, and the salaries of the registers and receivers in each land district, with some other inconsiderable incidental charges. Put all together, and they will not amount to three per centum on the aggregate of sales. Thus the senator is prepared to depart from the title and control of the whole public domain upon these terms! To give thirty-five per centum to cover an expenditure not exceeding three! Where does he get a power to make this cession to particular States, which would not authorize distribution among all the States? And when he has found the power, will he tell me why, in virtue of it, and in the same spirit of wasteful extravagance or boundless generosity, he may not give to the new States, instead of thirty-five per centum, fifty, eighty, or a hundred? Surrender at once the whole public domain to the new States? The per centage proposed to be allowed, seems to be founded on no just basis, the result of no official data or calculation, but fixed by mere arbitrary discretion. I should be exceedingly amused to see the senator from South Carolina rising in his place, and maintaining before the Senate an authority in Congress to cede the public lands to particular States, on the terms proposed, and at the same time denying its power to distribute the proceeds equally and equitably among all the States.

Now, in the second place, although there is a nominal reservation of sixty-five per centum of the proceeds of the United States, in the sequel, I venture to predict, we should part with the whole. You vest in the nine States the title. They are to sell the land and grant titles to the purchasers. Now what security have you for the faithful collection and payment into the common treasury of the reserved sixty-five per centum? In what medium would the payment be made? Can there be a doubt that there would be delinquency, collisions, ultimate surrender of the whole debt? It is proposed, indeed, to retain a sort of mortgage upon the lands, in the possession of purchasers from the State, to secure the payment to the United States of their sixty-five per centum. But how could you enforce such a mortgage? Could you expel from their home some, perhaps one hundred thousand settlers, under State authority, because the State, possibly without any fault of theirs, had neglected to pay over to the United States, the sixty-five per centum? The remedy of expulsion would be far worse than the relinquishment of the debt, and you would relinquish it.

There is no novelty in this idea of cession to the new States. The form of it is somewhat varied, by the proposal of the senator to divide the proceeds between the new States and the United States, but it is still substantially the same thing; a present cession of thirty-five per centum, and an ultimate cession of the whole! When the subject of the public lands was before the committee on manufactures, it considered the scheme of cession among the other various projects then afloat. The report made in April, 1832, presents the views entertained by the committee on that topic;

and, although I am not in the habit of quoting from my own productions, I trust the Senate will excuse me on this occasion for availing myself of what was then said, as it will at least enable me to economize my breath and strength. I ask some friend to read the following passages (which were accordingly read by another senator) :

“Whether the question of a transfer of the public lands be considered in a limited or more extensive view of it which has been stated, it is one of the highest importance, and demanding the most deliberate consideration. From the statements founded on official reports, made in the preceding part of this report, it has been seen, that the quantity of unsold and unappropriated lands lying within the limits of the new States and Territories, is three hundred and forty million eight hundred and seventy-one thousand seven hundred and fifty-three acres, and the quantity beyond those limits, is seven hundred and fifty millions, presenting an aggregate of one billion ninety million eight hundred and seventy-one thousand seven hundred and fifty-three acres. It is difficult to conceive a question of greater magnitude than that of relinquishing this immense amount of national property. Estimating its value according to the minimum price, it presents the enormous sum of one billion three hundred and sixty-three million five hundred and eighty-nine thousand six hundred and ninety-one dollars. If it be said that a large portion of it will never command that price, it is to be observed, on the other hand, that, as fresh lands are brought into market and exposed to sale at public auction, many of them sell at prices exceeding one dollar and a quarter per acre. Supposing the public lands to be worth, on the average, one half of the minimum price, they would still present the immense sum of six hundred and eighty-one million seven hundred and ninety-four thousand eight hundred and forty-five dollars. The least favorable view which can be taken of them is, that of considering them a capital, yielding, at present, an income of three millions of dollars annually. Assuming the ordinary rate of six per centum interest per annum as the standard, to ascertain the amount of that capital, it would be fifty millions of dollars. But this income has been progressively increasing. The average increase during the last six years has been at the rate of twenty-three per centum per annum. Supposing it to continue in the same ratio, at the end of a little more than four years the income would be double, and make the capital one hundred millions of dollars. While the population of the United States increases only three per centum per annum, the increase of the demand for the public lands is at the rate of twenty-three per centum, furnishing another evidence that the progress of emigration and the activity of sales have not been checked by the price demanded by government.

“In whatever light, therefore, this great subject be viewed, the transfer of the public lands from the whole people of the United States, for whose benefit they are now held, to the people inhabiting the new States, must be regarded as the most momentous measure ever presented to the consideration of Congress. If such a measure could find any justification, it must arise out of some radical and incurable defect in the construction of the general government properly to administer the public domain. But the existence of any such defect is contradicted by the most successful experience. No branch of the public service has evinced more system, uniformity, and wisdom, or

given more general satisfaction, than that of the administration of the public lands.

“If the proposed cession to the new States were to be made at a fair price, such as the general government could obtain from individual purchases under the present system, there would be no motive for it, unless the new States are more competent to dispose of the public lands than the common government. They are now sold under one uniform plan, regulated and controlled by a single legislative authority, and the practical operation is perfectly understood. If they were transferred to the new States, the subsequent disposition would be according to laws emanating from various legislative sources. Competition would probably arise between the new States, in the terms which they would offer to purchasers. Each State would be desirous of inviting the greatest number of emigrants, not only for the laudable purpose of populating rapidly its own Territories, but with the view to the acquisition of funds to enable it to fulfill its engagements with the general government. Collisions between the States would probably arise, and their injurious consequences may be imagined. A spirit of hazardous speculation would be engendered. Various schemes in the new States would be put afloat to sell or divide the public lands. Companies and combinations would be formed in this country, if not in foreign countries, presenting gigantic and tempting but delusive projects; and the history of legislation, in some of the States of the Union, admonishes us that a too ready ear is sometimes given by a majority, in a legislative assembly, to such projects.

“A decisive objection to such a transfer, for a fair equivalent, is, that it would establish a new and dangerous relation between the general government and the new States. In abolishing the credit which had been allowed to purchasers of the public lands prior to the year 1820, Congress was principally governed by the consideration of the expediency and hazard of accumulating a large amount of debt in the new States, all bordering each other. Such an accumulation was deemed unwise and unsafe. It presented a new bond of interest, of sympathy, and of union, partially operating to the possible prejudice of the common bond of the whole Union. But that debt was a debt due from individuals, and it was attended with this encouraging security, that purchasers, as they successively completed the payments for their lands, would naturally be disposed to aid the government in enforcing payments from delinquents. The project which the committee are now considering, is, to sell to the States, in this sovereign character, and consequently, to render them public debtors to the general government to an immense amount. This would inevitably create between the debtor States a common feeling and a common interest, distinct from the rest of the Union. These States are all in the western and south-western quarter of the Union, remotest from the center of federal power. The debt would be felt as a load from which they would constantly be desirous to relieve themselves; and it would operate as a strong temptation, weakening, if not dangerous, to the existing confederacy. The committee have the most animating hopes and the greatest confidence in the strength, and power, and durability of our happy Union; and the attachment and warm affection of every member of the confederacy can not be doubted; but we have authority, higher than human, for the instruction, that it is wise to avoid all temptation.

“In the State of Illinois, with a population, at the last census, of one hundred and fifty-seven thousand four hundred and forty-five, there are thirty-one million three hundred and ninety-five thousand six hundred and sixty-nine acres of public land, including that part on which the Indian title remains to be extinguished. If we suppose it to be worth only half the minimum price, it would amount to nineteen million six hundred and twenty-two thousand four hundred and eighty dollars. How would that State be able to pay such an enormous debt? How could it pay even the annual interest upon it?

“Supposing the debtor States to fail to comply with their engagements, in what mode could they be enforced by the general government? In treaties between independent nations, the ultimate remedy is well known. The apprehension of an appeal to that remedy, seconding the sense of justice and the regard for character which prevail among Christian and civilized nations, constitutes, generally, adequate security for the performance of national compacts. But this last remedy would be totally inadmissible in case of a delinquency on the part of the debtor States. The relations between the general government and the members of the confederacy are happily those of peace, friendship, and fraternity, and exclude all idea of force and war. Could the judiciary coerce the debtor States? On what could their process operate? Could the property of innocent citizens, residing within the limits of those States, be justly seized by the general government, and held responsible for debts contracted by the States themselves in their sovereign character? If a mortgage upon the lands ceded, were retained, that mortgage would prevent or retard subsequent sales by the States; and if individuals bought, subject to the incumbrance, a parental government could never resort to the painful measure of disturbing them in their possessions.

“Delinquency, on the part of the debtor States, would be inevitable, and there would be no effectual remedy for the delinquency. They would come again and again to Congress, soliciting time and indulgence, until, finding the weight of the debt intolerable, Congress, wearied by reiterated applications for relief, would finally resolve to expunge the debt; or, if Congress attempted to force its payment, another and a worse alternative would be embraced.

“If the proposed cession be made for a price merely nominal, it would be contrary to the express conditions of the original cessions from primitive States to Congress, and contrary to the obligations which the general government stands under to the whole people of these United States, arising out of the fact, that the acquisitions of Louisiana and Florida, and from Georgia, were obtained at a great expense, borne from the common treasure, and incurred for the common benefit. Such a gratuitous cession could not be made without a positive violation of a solemn trust, and without manifest injustice to the old States. And its inequality among the new States would be as marked as its injustice to the old would be indefensible. Thus Missouri, with a population of one hundred and forty thousand four hundred and fifty-five, would acquire thirty-eight million two hundred and ninety-two thousand one hundred and fifty-one acres; and the State of Ohio, with a population of nine hundred and thirty-five thousand eight hundred and eighty-four, would obtain only five million five hundred and eighty-six thousand eight hundred and thirty-four acres. Supposing a division of the land among the citizens of these two States respectively; the citizen of Ohio would obtain less than six acres for his share, and the

citizen of Missouri upward of two hundred and seventy-two acres as his proportion.

"Upon full and thorough consideration, the committee have come to the conclusion, that it is inexpedient either to reduce the price of the public lands, or to cede them to the new States. They believe, on the contrary, that sound policy coincides with the duty which has devolved on the general government to the whole of the States, and the whole of the people of the Union, and enjoins the preservation of the existing system, as having been tried and approved, after a long and triumphant experience. But, in consequence of the extraordinary financial prosperity which the United States enjoys, the question merits examination, whether, while the general government steadily retains the control of this great national resource in its own hands, after the payment of the public debt, the proceeds of the sales of the public lands, no longer needed to meet the ordinary expenses of government, may not be beneficially appropriated to some other objects for a limited time."

The senator from New York has adverted, for another purpose, to the twenty-eight millions of surplus divided a few years ago among the States. He has said, truly, that it arose from the public lands. Was not that, in effect, distribution? Was it not so understood at the time? Was it not voted for, by senators, as practical distribution? The senator from North Carolina (Mr. Mangum) has stated that he did. I did. Other senators did; and no one, not the boldest, will have the temerity to rise here and propose to require or compel the States to refund that money. If, in form, it was a deposit with the States, in fact, and in truth, it was distribution. So it was then regarded. So it will ever remain.

Let us now see, Mr. President, how this plan of cession will operate among the new States themselves. And I appeal more especially to the senators from Ohio. That State has about a million and a half of inhabitants. The United States have (as will probably be shown when the returns are published of the late census) a population of about fifteen millions. Ohio, then, has within her limits one tenth part of the population of the United States. Now, let us see what sort of a bargain the proposed cession makes for Ohio.

[Mr. Allen here interposed, to explain, that the vote he gave for Mr. Calhoun's plan of cession to the new States, was on the ground of substituting that in preference to the plan of distribution among all the States.]

Oh! ho!—ah! is that the ground of the senator's vote?

[Mr. Allen said he had had a choice between two evils—the amendment of the senator from South Carolina, and the amendment of the senator from Kentucky; and it was well known on this side of the House, that he took the first only as a less evil than the last.]

Well; all I will say is, that the side of the House kept the secret remarkably well. [Loud laughter.] And no one better than the senator

himself. There were seventeen votes given in favor of the plan of the senator from South Carolina, to my utter astonishment at the time. I had not expected any other vote for it but that of the senator from South Carolina himself, and the senator from Michigan (Mr. Norvil). No other did, or I suppose would rise to vote to cede away, without any just or certain equivalent, more than a billion of acres of public land of the people of the United States. If the vote of the other fifteen senators was also misunderstood, in the same way as the senator's from Ohio, I shall be very glad of it.

But I was going to show what sort of a bargain for Ohio her two senators, by their votes, appeared to be assenting to. There are eight hundred thousand acres of public land remaining in Ohio, after being culled for near half a century, thirty-five per centum of the proceeds of which are to be assigned to that State, by the plan of cession. For this trifling consideration, she is to surrender her interest in one hundred and sixty millions of acres; in other words, she is to give sixteen millions (that being her tenth) for the small interest secured to her in the eight hundred thousand acres. If, as I believe and have contended, the principle of cession, being once established, would be finally extended to the whole public domain, then Ohio would give one hundred millions of acres of land (that being her tenth part of the whole of the public lands), for the comparatively contemptible consideration that she would acquire in the eight hundred thousand acres. A capital bargain this, to which I supposed the two senators had assented, by which, in behalf of their State, they exchanged one hundred millions of acres of land against eight hundred thousand. [A laugh.]

I do not think that the senator's explanation mends the matter much. According to that, he did not vote for cession because he liked cession. No! that is very bad; but, bad as it may be, it is not so great an evil as distribution, and he preferred it to distribution. Let us see what Ohio would get by distribution. Assuming that the public lands will yield only five millions of dollars annually, her proportion, being one tenth, would be half a million of dollars. But I entertain no doubt that, under proper management, in a few years the public lands will produce a much larger sum, perhaps ten or fifteen millions of dollars; so that the honorable senator prefers giving away for a song the interests of his State, presently, in one hundred and sixty millions of acres, and eventually in a billion, to receiving annually, in perpetuity, half a million of dollars, with an encouraging prospect of a large augmentation of that sum. That is the notion which the two senators from Ohio entertain of her interest! Go home, Messieurs Senators from Ohio, and tell your constituents of your votes. Tell them of your preference of a cession of all their interest in the public lands, with the exception of that inconsiderable portion remaining in Ohio, to the reception of Ohio's fair distributive share of the proceeds of all the public lands of the United States, now and hereafter. I do not seek to interfere in the delicate relation between senators and their constituents; but I think I

know something of the feelings and views of my neighbors, the people of Ohio. I have recently read an exposition of her true interests and views, in the message of her enlightened governor, directly contrary to those which appear to be entertained by her two senators; and I am greatly deceived if a large majority of the people of that State do not coincide with their governor.

The unequal operation of the plan of cession among the nine new States has been, perhaps, sufficiently exposed by others. The States with the smallest population get the most land. Thus, Arkansas, with only about one fifteenth part of the population of Ohio, will receive upward of twenty-eight times as much land as Ohio. The scheme proceeds upon the idea of reversing the maxim of the greatest good to the greatest number, and of substituting the greatest good to the smallest number.

There can be every species of partial distribution of public land or its proceeds, but an honest, impartial, straight-forward distribution among all the States. Can the senator from New York, with his profound knowledge of the Constitution, tell me on what constitutional authority it is that lands are granted to the Indians beyond the Mississippi?

[Mr. Wright said, that there was no property acquired and therefore no constitutional obligation applied.]

And that is the amount of the senator's information of our Indian relations! Why, sir, we send them across the Mississippi, and put them upon our lands, from which all Indian title had been removed. We promise them even the fee simple; but, if we did not, they are at least to retain the possession and enjoy the use of the lands, until they choose to sell them; and the whole amount of our right would be a pre-emption privilege of purchase, to the exclusion of all private persons or public authorities, foreign or domestic. This is the doctrine coeval with the colonization of this continent, proclaimed by the King of Great Britain, in his proclamation of 1763, asserted in the conferences at Ghent, and sustained by the Supreme Court of the United States. Now, such an allotment of public lands to the Indians, whether they acquire the fee or a right of possession, indefinite as to time, is equivalent to any distribution.

Thus, sir, we perceive, that all kinds of distribution of the public lands or their proceeds may be made—to particular States, to pre-emptioners, to charities, to objects of education or internal improvement, to foreigners, to Indians, to black, red, white, and gray, to every body, but among all the States of the Union. There is an old adage, according to which, charity should begin at home; but, according to the doctrines of the opponents of distribution, it neither begins nor ends at home.

[Here Mr. Clay gave way to an adjournment.]

It is not my intention to inflict upon the Senate even a recapitulation

of the heads of argument which I had the honor to address to it yesterday. On one collateral point I desire to supply an omission, as to the trade between this country and France. I stated the fact that, according to the returns of imports and exports, there existed an unfavorable balance against the United States, amounting, exclusively of what is re-exported, to seventeen millions of dollars; but I omitted another important fact, namely, that, by the laws of France, there is imposed on the raw material imported into that kingdom a duty of twenty francs on every hundred kilogrammes, equal to about two cents per pound on American cotton, at the present market price. Now, what is the fact as to the comparative rate of duties in the two countries? France imposes on the raw product (which is the mere commencement of value in articles which, when wrought and finally touched, will be worth two or three hundred fold) a duty of nearly twenty-five per centum; while we admit, free of duty, or with nominal duties, costly luxuries, the product of French industry and taste, wholly unsusceptible of any additional value by any exertion of American skill or industry. In any thing I have said on this occasion, nothing is further from my intention than to utter one word unfriendly to France. On the contrary, it has been always my desire to see our trade with France increased and extended upon terms of reciprocal benefit. With that view, I was in favor of an arrangement in the tariff of 1832, by which silks imported into the United States from beyond the Cape of Good Hope, were charged with a duty of ten per centum higher than those brought from France, and countries this side the Cape, especially to encourage the commerce with France.

While speaking of France, allow me to make an observation, although it has no immediate or legitimate connection with any thing before the Senate. It is to embrace the opportunity of expressing my deep regret at a sentiment attributed, by the public journals, to a highly distinguished and estimable countryman of ours, in another part of the capitol, which implied a doubt as to the validity of the title of Louis Philippe to the throne of France, inasmuch as it was neither acquired by conquest nor descent, and raising a question as to his being the lawful monarch of the French people. It appears to me, that, after the memorable revolution of July, in which our illustrious and lamented friend, Lafayette, bore a part so eminent and effectual, and the subsequent hearty acquiescence of all France, in the establishment of the Orleans branch of the house of Bourbon upon the throne, the present king has as good a title to his crown as any of the other sovereigns of Europe have to theirs, and quite as good as any which force, or the mere circumstance of birth could confer. And if an individual so humble and at such a distance as I am, might be allowed to express an opinion on the public concerns of another country and another hemisphere, I would add, that no chief magistrate of any nation, amid difficulties, public and personal, the most complicated and appalling, could have governed with more ability, wisdom, and firmness, than have been

displayed by Louis Philippe. All Christendom owes him an acknowledgment for his recent successful efforts to prevent a war which would have been disgraceful to Christian Europe—a war arising from the inordinate pretensions of an upstart Mohammedan pacha, a rebel against his lawful sovereign, and a usurper of his rights—a war which, if once lighted up, must have involved all Europe, and have led to consequences which it is impossible to foresee.

I return to the subject immediately before us.

In tracing the history of that portion of our public domain which was acquired by the war of the Revolution, we should always recollect the danger to the peace and harmony among the members of the confederacy with which it was pregnant. It prevented for a long time, the ratification of the articles of confederation, by all the States, some of them refusing their assent until a just and equitable settlement was made of the question of the crown-lands. The argument they urged as to these lands, in a waste and unappropriated state, was, that they had been conquered by the common valor, the common exertions, and the common sacrifices of all the States; that they ought therefore to be the common property of all the States, and that it would be manifestly wrong and unjust that the States within whose limits these crown-lands happened to lie, should exclusively enjoy the benefit of them. Virginia, within whose boundaries by far the greater part of these crown-lands were situated, and by whose separate and unaided exertions on the bloody theater of Kentucky, and beyond the Ohio, under the direction of the renowned George Rogers Clarke, the conquest of most of them was achieved, was, to her immortal honor, among the first to yield to these just and patriotic views, and by her magnificent grant to the Union, powerfully contributed to restore harmony, and quiet all apprehensions among the several States.

Among the objects to be attained by the cession from the States to the confederation, of these crown-lands, a very important one was to provide a fund to pay the debts of the Revolution. The senator from New York (Mr. Wright) made it the object of a large part of the argument which he addressed to the Senate, to show the contrary; and so far as the mere terms of the deeds of cession are concerned, I admit the argument was sustained. No such purpose appears on the face of the deeds, as far as I have examined them.

[Mr. Wright here interposed, and said that he had not undertaken to argue that the cessions made by the States to the Union, were not for the purpose of extinguishing the public debt, but that they were not exclusively for that purpose.]

It is not material whether they were made for the sole purpose of extinguishing the revolutionary debt or not. I think I shall be able to show, in the progress of my argument, that, from the moment of the adoption

of the federal Constitution, the proceeds of the public lands ought to have been divided among the States.

But that the payment of the revolutionary debt was one of the objects of the cession, is a matter of incontestable history. We should have an imperfect idea of the intentions of the parties, if we confined our attention to the mere language of the deeds. In order to ascertain their views, we must examine cotemporaneous acts, resolutions, and proceedings. One of these resolutions, clearly manifesting the purpose I have stated, has probably escaped the notice of the senator from New York. It was a resolution of the old Congress, adopted in April, 1783, preceding the final cession from Virginia, which was in March, 1784. There had been an attempt to make the cession as early as 1781, but, owing to the conditions with which it was embarrassed, and other difficulties, the cession was not consummated until March, 1784. The resolution I refer to, bears a date prior to that of the cession, and must be taken with it, as indicative of the motives which probably operated on Virginia to make, and the confederation to accept, that memorable grant. I will read it.

“Resolved, that as a further mean, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States, it be recommended to the States which have passed no acts toward complying with the resolutions of Congress of the 6th of September and 10th of October, 1780, relative to the cession of territorial claims, to make the liberal cessions therein recommended, and to the States which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance.”

That was one of the great objects of the cession. Seven of the old thirteen States had waste crown-lands within their limits; the other six had none. These complained that what ought to be regarded as property common to them all, would accrue exclusively to the seven States, by the operation of the articles of confederation; and, therefore, for the double purpose of extinguishing the revolutionary debt, and of establishing harmony among the States of the Union, the cession of those lands to the United States was recommended by Congress.

And here let us pause for a moment, and contemplate the proposition of the senator from South Carolina, and its possible consequences. We have seen that the possession by seven States of these public lands, won by the valor of the whole thirteen, was cause of so much dissatisfaction to the other six as to have occasioned a serious impediment to the formation of the confederacy; and we have seen that, to remove all jealousy and inquietude on that account, in conformity with the recommendation of Congress, the seven States, Virginia taking the lead, animated by a noble spirit of justice and patriotism, ceded the waste lands to the United States, for the benefit of all the States. Now what is the measure of the senator from South Carolina? It is in effect to restore the discordant and menacing state of things which existed in 1783, prior to any cession from the

States. It is worse than that. For it proposes that seventeen States shall give up immediately or eventually all their interest in the public lands, lying in nine States, to those nine States. Now if the seven States had refused to cede at all, they could at least have asserted that they fought Great Britain for these lands, as hard as the six. They would have had, therefore, the apparent right of conquest, although it was a common conquest. But the senator's proposition is, to cede these public lands from the States which fought for them in the revolutionary war, to States that neither fought for them nor had existence during that war. If the apprehension of an appropriation of these lands, to the exclusive advantage of the seven States, was nigh preventing the establishment of the Union, can it be supposed that its security and harmony will be unaffected by a transfer of them from seventeen to nine States? But the senator's proposition goes yet further. It has been shown that it will establish a precedent, which must lead to a cession from the United States of all the public domain, whether won by the sword or acquired by treaties with foreign powers, to new States, as they shall be admitted into the Union.

In the second volume of the laws of the United States will be found the act, known as the funding act, which passed in the year 1790. By the last section of that act the public lands are pledged, and pledged exclusively to the payment of the revolutionary debt, until it should be satisfied. Thus, we find, prior to the cession, an invitation from Congress to the States, to cede the waste lands, among other objects, for the purpose of paying the public debt; and, after the cessions were made, one of the earliest acts of Congress pledged them to that object. So the matter stood while that debt hung over us. During all that time, there was a general acquiescence in the dedication of the public lands to that just object. No one thought of disturbing the arrangement. But when the debt was discharged, or rather when, from the rapidity of the process of its extinction, it was evident that it would soon be discharged, attention was directed to a proper disposition of the public lands. No one doubted the power of Congress to dispose of them according to its sound discretion. Such was the view of President Jackson, distinctly communicated to Congress, in the message which I have already cited.

“As the lands may now be considered as relieved from this pledge, the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people.”

Can the power of Congress, to dispose of the public domain, be more broadly asserted? What was then said about revenue? That it should cease to be a source of revenue! We never hear of the revenue argument, but when the proposition is up to make an equal and just distribution of the proceeds. When the favorable, but, as I regard them,

wild and squandering projects of gentlemen, are under consideration, they are profoundly silent as to that argument.

I come now to an examination of the terms on which the cession was made by the States, as contained in the deeds of cession. And I shall take that from Virginia, because it was, in some measure, the model deed, and because it conveyed by far the most important part of the public lands, acquired from the ceding States. I will first dispose of a preliminary difficulty, raised by the senator from New York. That senator imagined a case, and then combated it, with great force. The case he supposed was, that the senator from Massachusetts and I had maintained, that, under that deed, there was a reversion to the States; and much of his argument was directed to prove that there is no reversion, but that, if there were, it could only be to the ceding States. Now, neither the senator from Massachusetts, nor I attempted to erect any such windmill, as the senator from New York has imagined; and he might have spared himself the heavy blows, which, like another famed hero, not less valorous than himself, he dealt upon it. What I really maintain, and have always maintained, is, that, according to the terms themselves, of the deed of cession, although there is conveyed a common property, to be held for the common benefit, there is, nevertheless, an assignment of a separate use. The ceded land, I admit, is to remain a common fund for all the States, to be administered by a common authority; but the proceeds, or profits, were to be appropriated to the States in severalty, according to a certain prescribed rule. I contend this is manifestly true, from the words of the deed. What are they? "That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered a common fund, for the use and benefit of such of the United States as have become, or shall become, members of the confederation, or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bonâ fide* disposed of for that purpose, and for no other use or purpose whatsoever."

The territory conveyed was to be regarded as an inviolable fund, for the use and benefit of such States as were admitted, or might be admitted into the Union, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure. It was to be faithfully and *bonâ fide* administered for that sole purpose, and for no other purpose whatever.

Where, then, is the authority for all those wild, extravagant, and unjust projects, by which, instead of administration of the ceded territory for all the States, and all the people of the Union, it is to be granted to particular States, wasted in schemes of graduation and pre-emption, for the benefit of the trespasser, the alien, and the speculator?

The senator from New York, pressed by the argument as to the appli-

cation of the fund to the separate use of the States, deducible from the phrases in the deed, "Virginia inclusive," said, that they were necessary, because, without them, Virginia would have been entitled to no part of the ceded lands. No? Were they not ceded to the United States? was she not one of those States? and did not the grant to them include her? Why, then, were the words inserted? Can any other purpose be imagined than that of securing to Virginia her separate or "respective" proportion? The whole paragraph, cautiously and carefully composed, clearly demonstrates, that, although the fund was to be common, the title common, the administration common, the use and benefit were to be separate among the several States, in the defined proportions.

The grant was for the benefit of the States, "according to their usual respective proportions in the common charge and expenditure." Bear in mind the date of the deed; it was in 1784—before the adoption of the present Constitution, and while the articles of confederation were in force. What, according to them, was the mode of assessing the quotas of the different States toward the common charge and expenditure? It was made upon the basis of the value of all the surveyed land, and the improvements in each State. Each State was assessed according to the aggregate value of surveyed land, and improvements within its limits. After that was ascertained, the process of assessment was this; suppose there were five millions of dollars required to be raised, for the use of the general government, and one million of that five were the proportion of Virginia; there would be an account stated on the books of the general government with the State of Virginia, in which she would be charged with that million. Then there would be an account kept for the proceeds of the sales of the public lands; and, if these amounted to five millions of dollars also, Virginia would be credited with one million, being her fair proportion; and thus the account would be balanced. It is unnecessary to pursue the process with all the other States; this is enough to show that, according to the original contemplation of the grant, the common fund was for the separate benefit of the States; and that, if there had been no change in the form of government, each would have been credited with its share of the proceeds of the public lands in its account with the general government. Is not this indisputable? But let me suppose that Virginia, or any other State, had said to the general government, "I choose to receive my share of the proceeds of the public lands into my separate treasury; pay it to me, and I will provide in some other mode agreeable to me, for the payment of my assessed quota of the expenses of the general government;" can it be doubted that such a demand would have been legitimate, and perfectly compatible with the deed of cession? Even under our present system, you will recollect, sir, that, during the last war, any State was allowed to assume the payment of its share of the direct tax, and raise it according to its own pleasure or convenience, from its own people, instead of the general government's collecting of it.

From the period of the adoption of the present Constitution of the United States, the mode of raising revenue for the expenses of the general government has been changed. Instead of acting upon the States, and through them upon the people of the several States, in the form of assessed quotas or contributions, the general government now acts directly upon the people themselves, in the form of taxes, duties, or excises. Now, as the chief source of revenue raised by this government is from foreign imports, and as the consumer pays the duty, it is entirely impracticable to ascertain how much of the common charge and general expenditure is contributed by any one State to the Union.

By the deed of cession, a great and sacred trust was created. The general government was the trustee, and the States were the *cestui que* trust. According to the trust, the measure of benefit accruing to each State from the ceded lands, was to be the measure of burden which it bore in the general charge and expenditure. But, by the substitution of a new rule of raising revenue to that which was in contemplation at the time of the execution of the deed of cession, it has become impossible to adjust the exact proportion of burden and benefit with each other. The measure of burden is lost, although the subject remains, which was to be apportioned according to that measure. Who can now ascertain whether any one of the States has received, or is receiving a benefit from the ceded lands, proportionate to its burden in the general government? Who can know that we are not daily violating the rule of apportionment prescribed by the deed of cession? To me, it appears clear, that, either from the epoch of the establishment of the present Constitution, or certainly from that of the payment of the revolutionary debt, the proceeds of the public lands being no longer applied by the general government, according to that rule, they ought to have been transferred to the States upon some equitable principle of division, conforming as nearly as possible to the spirit of the cessions. The trustee not being able, by the change of government, to execute the trust agreeably to the terms of the trust, ought to have done, and ought yet to do, that which a chancellor would decree, if he had jurisdiction of the case, make a division of the proceeds among the States, upon some rule, approximating as nearly as practicable to that of the trust. And what rule can so well fulfill this condition as that which was introduced in the bill which I presented to the Senate, and which is contained in my colleague's amendment? That rule is founded on federal numbers, which are made up of all the inhabitants of the United States other than the slaves, and three fifths of them. The South, surely, should be the last section to object to a distribution founded on that rule. And yet, if I rightly understood one of the dark allusions of the senator from South Carolina (Mr. Calhoun), he has attempted to excite the jealousy of the North on that very ground. Be that as it may, I can conceive of no rule more equitable than that compound one, and I think that will be the judgment of all parts of the country, the objection of that senator notwithstanding. Although

slaves are, in a limited proportion, one of the elements that enter into the rule, it will be recollected that they are both consumers and the objects of taxation.

It has been argued that since the fund was to be a common one, and its administration was to be by the general government, the fund ought to be used also by that government to the exclusion of the States separately. But that is a *non sequitur*. It may be a common fund, a common title, and a common or single administration; but is there any thing, in all that, incompatible with a periodical distribution of the profits of the fund among the parties for whose benefit the trust was created? What is the ordinary case of tenants in common? There the estate is common, the title is common, the defense against all attacks is common; but the profits of the estate go to the separate use of, and are enjoyed by, each tenant. Does it therefore cease to be an estate in common?

Again. There is another view. It has been argued from the fact that the ceded lands in the hands of the trustee were for the common benefit, that that object could be no otherwise accomplished than to use them in the disbursements of the general government; that the general government only must expend them. Now, I do not admit that. In point of fact, the general government would continue to collect and receive the fund, and as a trustee, would pay over to each State its distributive share.

The public domain would still remain in common. Then, as to the expenditure, there may be different modes of expenditure. One is, for the general government itself to dispense it, in payments to the civil list, the army, the navy, and so forth. Another is, by distributing it among the States, to constitute them so many agencies, through which the expenditure is effected. If the general government and the State governments were in two different countries, if they had entirely distinct and distant theaters of action, and operated upon different races of men, it would be another case; but here the two systems of government, although for different purposes, are among the same people, and the constituency of both of them is the same. The expenditure, whether made by the one government directly, or through the State governments as agencies, is all for the happiness and prosperity, the honor and the glory, of one and the same people.

The subject is susceptible of other illustrations, of which I will add one or two. Here is a fountain of water held in common by several neighbors living around it. It is a perennial fountain—deep, pure, copious and salubrious. Does it cease to be common because some equal division is made by which the members of each adjacent family dip their vessels into it, and take out as much as they want? A tract of land is held in common by the inhabitants of a neighboring village. Does it cease to be a common property because each villager uses it for his particular beasts? A river is the common highroad of navigation to coterminous powers or States. Does it cease to be common because on its bosom are borne vessels bearing the stripes and the stars, or the British cross? These, and

other examples which might be given, prove that the argument, on which so much reliance has been placed, is not well founded, that, because the public domain is held for the common benefit of the States, there can be no other just application of its proceeds than through the direct expenditures of the general government.

I might have avoided most of this consumption of time by following the bad example of quoting from my own productions ; and I ask the Senate to excuse one or two citations from the report I made in 1834, in answer to the veto message of President Jackson, as they present a condensed view of the argument which I have been urging. Speaking of the cession from Virginia, the report says :

“ This deed created a trust in the United States which they are not at liberty to violate. But the deed does not require that the fund should be disbursed in the payment of the expenses of the general government. It makes no such provision in express terms, nor is such a duty on the part of the trustee fairly deducible from the language of the deed. On the contrary, the language of the deed seems to contemplate a separate use and enjoyment of the fund by the States individually, rather than a preservation of it for common expenditure. The fund itself is to be a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance, Virginia inclusive. The grant is not for the benefit of the confederation, but for that of the several States which compose the confederation. The fund is to be under the management of the confederation collectively, and is so far a common fund ; but it is to be managed for the use and benefit of the States individually, and is so far a separate fund under a joint management. While there was a heavy debt existing, created by the war of the Revolution, and by a subsequent war, there was a fitness in applying the proceeds of a common fund to the discharge of a common debt, which reconciled all ; but the debt being now discharged, and the general government no longer standing in need of the fund, there is evident propriety in a division of it among those for whose use and benefit it was originally designed, and whose wants require it. And the committee can not conceive how this appropriation of it, upon principles of equality and justice among the several States, can be regarded as contrary to either the letter or spirit of the deed.”

The senator from New York, assuming that the whole debt of the Revolution has not yet been paid by the proceeds of the public lands, insists that we should continue to retain the avails of them until a reimbursement shall have been effected of all that has been applied to that object. But the public lands were never set apart or relied upon as the exclusive resource for the payment of the revolutionary debt. To give confidence to public creditors, and credit to the government, they were pledged to that object, along with other means applicable to its discharge. The debt is paid, and the pledge of the public lands has performed its office. And who paid what the lands did not ? Was it not the people of the United States ?—those very people to whose use, under the guardianship of their

States, it is now proposed to dedicate the proceeds of the public lands ! If the money had been paid by a foreign government, the proceeds of the public lands, in honor and good faith, would have been bound to reimburse it. But our revolutionary debt, if not wholly paid by the public lands, was otherwise paid out of the pockets of the people who own the lands ; and if money has been drawn from their pockets for a purpose to which these lands were destined, it creates an additional obligation upon Congress to replace the amount so abstracted, by distributing the proceeds among the States for the benefit and reimbursement of the people.

But the senator from New York has exhibited a most formidable account against the public domain, tending to show, if it be correct, that what has been heretofore regarded, at home and abroad, as a source of great national wealth, has been a constant charge upon the treasury, and a great loss to the country. The credit side, according to his statement, was, I believe, one hundred and twenty millions, but the debit side was much larger.

It is scarcely necessary to remark, that it is easy to state an account presenting a balance on one side or the other, as may suit the taste or views of the person making it up. This may be done by making charges that have no foundation, or omitting credits that ought to be allowed, or by both. The most certain operation is the latter, and the senator, who is a pretty thorough-going gentleman, adopted it.

The first item that I shall notice, with which, I think, he improperly debits the public lands, is a charge of eighty odd millions of dollars for the expense of conducting our Indian relations. Now, if this single item can be satisfactorily expunged, no more need be done to turn a large balance in favor of the public lands. I ask, then, with what color of propriety can the public lands be charged with the entire expense incident to our Indian relations ? If the government did not own an acre of public lands, this expense would have been incurred. The aborigines are here ; our fathers found them in possession of this land, these woods, and these waters. The preservation of peace with them ; the fulfillment of the duties of humanity toward them ; their civilization, education, conversion to Christianity, friendly and commercial intercourse ; these are the causes of the chief expenditure on their account, and they are quite distinct from the fact of our possessing the public domain. When every acre of that domain has gone from you, the Indian tribes, if not in the mean time extinct, may yet remain, imploring you, for charity's sake, to assist them, and to share with them those blessings, of which, by the weakness of their nature, or the cruelty of your policy, they have been stripped. Why, especially, should the public lands be chargeable with that large portion of the eighty odd millions of dollars, arising from the removal of the Indians from the east to the west side of the Mississippi ? They protested against it. They entreated you to allow them to remain at the homes and by the sides of the graves of their ancestors ; but your stern and rigorous policy would not allow you to listen to their supplication. The public domain,

instead of being justly chargeable with the expense of their removal, is entitled to a large credit for the vast territorial districts beyond the Mississippi, which it furnished for the settlement of the emigrant Indians.

I feel that I have not strength to go through all the items of the senator's account, nor need I. The deduction of this single item will leave a net balance in favor of the public lands of between sixty and seventy millions of dollars.

What, after all, is the senator's mode of stating the account with the public lands? Has he taken any other than a mere counting-house view of them? Has he exhibited any thing more than any sub-accountant or clerk might make out in any of the departments, as probably it was prepared, cut and dry, to the senator's hands? Are there no higher or more statesman-like views to be taken of the public lands, and of the acquisitions of Louisiana and Florida, than the account of dollars and cents which the senator has presented? I have said that the senator, by the double process of erroneous insertion, and unjust suppression of items, has shaped an account to suit his argument, which presents any thing but a full and fair statement of the case. And is it not so? Louisiana cost fifteen millions of dollars. And if you had the power of selling, how many hundred millions of dollars would you now ask for the States of Louisiana, Missouri, and Arkansas—people, land, and all? Is the sovereignty which you acquired of the two provinces of Louisiana and Florida nothing? Are the public buildings, and works, the fortifications, cannon, and other arms, independent of the public lands, nothing? Is the navigation of the great father of waters, which you secured from the head to the mouth, on both sides of the river, by the purchase of Louisiana, to the total exclusion of all foreign powers, not worthy of being taken into the senator's estimate of the advantages of the acquisition? Who, at all acquainted with the history and geography of this continent, does not know that the Mississippi could not have remained in the hands, and its navigation continued subject to the control, of a foreign power, without imminent danger to the stability of the Union? Is the cost of the public domain undeserving of any credit on account of the vast sums which, during the greater part of this century, you have been receiving into the public treasury from the custom-houses of New Orleans and Mobile? Or on account of the augmentation of the revenue of the government, from the consumption of dutiable articles by the population within the boundaries of the two former provinces? The national benefits and advantages accruing from their possession have been so various and immense, that it would be impossible to make any mere pecuniary estimate of them. In any aspect of the subject, the senator's petty items of Indian annuities must appear contemptible in comparison with these splendid national acquisitions.

But the public lands are redeemed. They have long been redeemed. President Jackson announced, more than eight years ago, an incontestable

truth, when he stated that they might be considered as relieved from the pledge which had been made of them, the object having been accomplished for which they were ceded, and that it was in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people. That which Congress has the power to do, by an express grant of authority in the Constitution, it is, in my humble opinion, imperatively bound to do by the terms of the deed of cession. Distribution, and only distribution, of the proceeds of the public lands, among the States, upon the principles proposed, will conform to the spirit, and execute the trust, created in the deeds of cession. Each State, upon grounds of strict justice, as well as equity, has a right to demand its distributive share of those proceeds. It is a debt which this government owes to every State—a debt, payment of which might be enforced by process of law, if there were any forum, before which the United States could be brought.

And are there not, sir, existing at this moment the most urgent and powerful motives for this dispensation of justice to the States at the hands of the general government? A stranger listening to the argument of the senator from New York, would conclude that we were not one united people, but that there were two separate and distinct nations; one acted upon by the general government, and the other by the State governments. But is that a fair representation of the case? Are we not one and the same people, acted upon, it is true, by two systems of government, two sets of public agents; the one established for general, and the other for local purposes? The constituency is identical, although it is doubly governed. It is the bounden duty of those who are charged with the administration of each system, so to administer it as to do as much good and as little harm as possible, within the scope of their respective powers. They should also each take into view the defects in the powers, or defects in the administration of the powers, of the other, and endeavor to supply them, as far as its legitimate authority extends, and the wants or necessities of the people require. For, if distress, adversity, and ruin come upon our constituents from any quarter, should they not have our active exertions to relieve them, as well as all our sympathies and our deepest regrets? It would be but a poor consolation to the general government, if such were the fact, that this unhappy state of things was produced by the measures and operation of the State governments, and not by its own. And if the general government, by a seasonable and legitimate exercise of its authority, could relieve the people, and would not relieve them, the reproaches due to it would be twice as great as if that government itself, and not the State governments, had brought these distresses upon the people.

The powers of taxation possessed by the general government are unlimited. The most fruitful and the least burdensome modes of taxation are confided to this government exclusive of the States. The power of laying duties on foreign imports is entirely monopolized by the federal

government. The States have only the power of direct or internal taxation. They have none to impose duties on imports, not even luxuries; we have. And what is their condition at this moment? Some of them are greatly in debt, at a loss even to raise means to pay the interests upon their bonds. These debts were contracted under the joint encouragement of the recommendation of this government and prosperous times, in the prosecution of the laudable object of internal improvements. They may have pushed, in some instances, their schemes too far; but it was in a good cause, and it is easy to make reproaches when things turn out ill.

And here let me say, that, looking to the patriotic object of these State debts, and the circumstances under which they were contracted, I saw with astonished and indignant feelings a resolution submitted to the Senate, at the last session, declaring that the general government would not assume the payment of them. A more wicked, malignant, Danton-like proposition was never offered to the consideration of any deliberative assembly. It was a negative proposition, not a negative of any affirmative resolution presented to the Senate; for no such affirmative resolution was offered by any one, nor do I believe was ever thought or dreamed of by any one. When, where, by whom, was the extravagant idea ever entertained, of an assumption of the State debts by the general government? There was not a solitary voice raised in favor of such a measure in this Senate. Would it not have been time enough to have denounced assumption when it was seriously proposed? Yet, at a moment when the States were greatly embarrassed, when their credit was sinking, at this critical moment, was a measure brought forward, unnecessarily, wantonly, and gratuitously, made the subject of an elaborate report, and exciting a protracted debate, the inevitable effect of all which must have been to create abroad distrust in the ability and good faith of the debtor States. Can it be doubted, that a serious injury was inflicted upon them by this unprecedented proceeding? Nothing is more delicate than credit or character. Their credit can not fail to have suffered in the only place where capital could be obtained, and where at that very time some of the agents of the States were negotiating with foreign bankers. About that period, one of the senators of this body had in person gone abroad for the purpose of obtaining advances of money on Illinois stock.

The senator from New York said, that the European capitalists had fixed the value of the State bonds of this country at fifty per centum; and therefore it was a matter of no consequence what might be said about the credit of the States here. But the senator is mistaken, or I have been entirely misinformed. I understand that some bankers have limited their advances upon the amount of State bonds, prior to their actual sale, to fifty per centum, in like manner as commission merchants will advance on the goods consigned to them, prior to their sale. But in such an operation it is manifestly for the interest of the States, as well as the bankers, that the bonds should command in the market as much as possible above the fifty

per centum; and any proceeding which impairs the value of the bonds must be injurious to both. In any event, the loss would fall upon the States; and that this loss was aggravated by what occurred here, on the resolution to which I have referred, no one, at all acquainted with the sensitiveness of credit and of capitalists, can hesitate to believe. My friends and I made the most strenuous opposition to the resolution, but it was all unavailing, and a majority of the Senate adopted a report of the committee, to which the resolution had been referred. We urged the impolicy and injustice of the proceeding; that no man in his senses would ever propose the assumption of the State debts; that no such proposal had, in fact, been made; that the debts of the States were unequal in amount, contracted by States of unequal population, and that some States were not in debt at all. How, then, was it possible to think of a general assumption of State debts? Who could conceive of such a proposal? But there is a vast difference between our paying their debts for them, and paying our own debts to them, in conformity with the trusts arising out of the public domain, which the general government is bound to execute.

Language has been held in this chamber, which would lead any one who heard it to believe, that some gentlemen would take delight in seeing States dishonored, and unable to pay their bonds. If such a feeling does really exist, I trust it will find no sympathy with the people of this country, as it can have none in the breast of any honest man.

When the honorable senator from Massachusetts (Mr. Webster) the other day uttered, in such thrilling language, the sentiment, that honor and probity bound the States to the faithful payment of all their debts, and that they would do it, I felt my bosom swelling with patriotic pride; pride, on account of the just and manly sentiment itself; and pride, on account of the beautiful and eloquent language, in which that noble sentiment was clothed. Dishonor American credit! Dishonor the American name! Dishonor the whole country! Why, sir, what is national character, national credit, national honor, national glory, but the aggregate of the character, the credit, the honor, the glory, of the parts of the nation? Can the parts be dishonored, and the whole remain unsullied? Or can the whole be blemished, and the parts stand pure and untainted? Can a younger sister be disgraced, without bringing blushes and shame upon the whole family? Can our young sister, Illinois (I mention her only for illustration, but with all feelings and sentiments of eternal regard), can she degrade her character as a State, without bringing reproach and obloquy upon all of us? What has made England, our country's glorious parent—although she has taught us the duty of eternal watchfulness, to repel aggression, and maintain our rights against even her—what has made England the wonder of the world? What has raised her to such pre-eminence in wealth, power, empire, and greatness, at once the awe and the admiration of nations? Undoubtedly, among the prominent causes, have been the preservation of her credit, the maintenance of her honor, and the scru-

pulous fidelity with which she has fulfilled her pecuniary engagements, foreign as well as domestic. An opposite example of a disregard of national faith and character presents itself in the pages of ancient history. Every schoolboy is familiar with the phrase, "Punic faith," which at Rome became a by-word and a reproach against Carthage, in consequence of her notorious violations of her public engagements. The stigma has been transmitted down to the present time, and will remain forever uneffaced. Who would not lament that a similiar stigma should be affixed to any member of our confederacy? If there be any one so thoroughly imbued with party spirit, so destitute of honor and morality, so regardless of just feelings of national dignity and character, as to desire to see any of the States of this glorious Union dishonored, by violating her engagements to foreigners, and refusing to pay their just debts, I repel and repudiate him and his sentiments as unworthy of the American name, as sentiments dishonest in themselves, and neither entertained nor approved by the people of the United States.

Let us not be misunderstood, or our feelings and opinions be perverted. What is it that we ask? That this government shall assume the debts of the States? Oh! no, no. The debts of Pennsylvania, for example? (which is, I believe, the most indebted of all the States). No, no; far from it. But, seeing that this government has the power, and, as I think, is under a duty, to distribute the proceeds, of the public lands; and that it has the power, which the States have not, to lay duties on foreign luxuries; we propose to make that distribution, pay our debt to the States, and save the States, to that extent at least, from the necessity of resorting to direct taxation, the most onerous of all modes of levying money upon the people. We propose to supply the deficiency produced from the withdrawal of the land fund by duties on luxuries, which the wealthy only will pay, and so far save the States from the necessity of burdening the poor. We propose, that, by a just exercise of incontestable powers possessed by this government, we shall go to the succor of all the States, and by a fair distribution of the proceeds of the public lands among them, avert, as far as that may avert, the ruin and dishonor with which some of them are menaced. We propose, in short, such an administration of the powers of this government as shall protect and relieve our common constituents from the embarrassments to which they may be exposed from the defects in the powers or in the administration of the State governments.

Let us look a little more minutely at consequences. The distributive share of the State of Illinois in the land proceeds would be, according to the present receipts from the public lands, about one hundred thousand dollars. We make distribution, and she receives it. To that extent it would, then, relieve her from direct taxation, to meet the debt which she has contracted, or it would form the basis of new loans to an amount equal to about two millions. We refuse to make distribution. She must levy the hundred thousand dollars upon her population, in the form of

direct taxation. And, if I am rightly informed, her chief source of revenue is a land tax, the most burdensome of all taxes. If I am misinformed, the senators from Illinois can correct me.

[Here Messrs. Robinson and Young explained, stating that there was an additional source in a tax on the stock in the State bank.]

Still the land tax is, as I had understood, the principal source of the revenue of Illinois.

We make distribution, and if necessary, we supply the deficiency which it produces by an imposition of duties on luxuries, which Illinois can not tax. We refuse it, and, having no power herself to lay duty on any foreign imports, she is compelled to resort to the most inconvenient and oppressive of all the modes of taxation. Every vote, therefore, which is given against distribution, is a vote in effect, given to lay a land tax on the people of Illinois. Worse than that, it is a vote, in effect refusing to tax the luxuries of the rich, and rendering inevitable the taxation of the poor—that poor in whose behalf we hear, from the other side of the chamber, professions of such deep sympathy, interest, and devotion! In what attitude do gentlemen place themselves who oppose this measure—gentlemen who taunt us as the aristocracy, as the friends of the banks, and so forth—gentlemen who claim to be the peculiar guardians of the democracy? How do they treat the poor? We have seen, at former sessions, a measure warmly espoused, and finally carried by them, which they represented would reduce the wages of labor. At this session, a tax, which would be borne exclusively by the rich, encounters their opposition. And now we have proposed another mode of benefiting the poor, by distribution of the land proceeds, to prevent their being borne down and oppressed by direct taxation; and this, too, is opposed from the same quarter! These gentlemen will not consent to lay a tax on the luxuries of the affluent, and, by their votes, insist upon leaving the States under the necessity of imposing direct taxes on the farmer, the laboring man, the poor, and all the while set up to be the exclusive friends of the poor! [A general laugh.] Really, sir, the best friends appear to be the worst enemies of the poor, and their greatest enemies their best friends.

The gentlemen opposed to us have frightened themselves, and have sought to alarm others, by imaginary dangers to spring from this measure of distribution. Corruption, it seems, is to be the order of the day! If I did not misunderstand the senator from South Carolina, he apprised us of the precise sum—one million of dollars—which was adequate to the corruption of his own State. He knows best about that; but I should be sorry to think that fifty millions of dollars could corrupt my State. What may be the condition of South Carolina at this time I know not; there is so much fog enveloping the dominant party that it is difficult to discern her present latitude and longitude. What she was in her better days—in the days of her Rutledges, Pinckneys, Sumpters, Lowndeses, Cheveses—we all well

know, and I will not inflict pain on the senator by dwelling on it. It is not for me to vindicate her from a charge so degrading and humiliating. She has another senator here, far more able and eloquent than I am, to defend her. Certainly I do not believe, and should be most unwilling to think, that her senator had made a correct estimate of her moral power.

It has been, indeed, said that our whole country is corrupt; that the results of recent elections were brought about by fraudulent means; and that a foreign influence has produced the great political revolution which has just taken place. I pronounce that charge a gross, atrocious, treasonable libel on the people of this country, on the institutions of this country, and on liberty itself. I do not attribute this calumny to any member of this body. I hope there is none who would give it the slightest countenance. But I do charge it upon some of the newspapers in the support of the other party. And it is remarkable, that the very press which originates and propagates this foul calumny of foreign influence, has indicated the right of unnaturalized foreigners to mingle, at the polls, in our elections; and maintained the expediency of their owning portions of the soil of our country before they have renounced their allegiance to foreign sovereigns.

I will not consume the time of the Senate in dwelling long upon the idle and ridiculous story about the correspondence between the London bankers and some Missouri bankers—a correspondence which was kept safely until after the presidential election, in the custody of the directors of what is vaunted as a genuine loco-foco bank in that State, when it was dragged out by a resolution of the Legislature, authorizing the sending for persons and papers. It was then blazed forth as conclusive and damning evidence of the existence of a foreign influence in our presidential election. And what did it all amount to? These British bankers are really strange fellows. They are foolish enough to look to the safety of their money advanced to foreigners! If they see a man going to ruin, they will not lend him; and if they see a nation pursuing the same road, they are so unreasonable as to decline vesting their funds in its bonds. If they find war threatened, they will speculate on the consequences; and they will indulge in conjectures about the future condition of a country in given contingences! Very strange! They have seen—all the world is too familiar with—these embarrassments and distresses brought upon the people of the United States by the measures of Mr. Van Buren and his illustrious predecessor. They conclude, that, if he be re-elected, there will be no change of those measures, and no better times in the United States. On the contrary, if General Harrison be elected, they argue that a sound currency may be restored, confidence return, and business once more be active and prosperous. They therefore tell their Missouri banking correspondents, that American bonds and stocks will continue to depreciate if Mr. Van Buren be re-elected; but that, if his competitor should succeed, they will rise in value, and sell more readily in the market. And these opinions and speculations of the English bankers, carefully concealed from the vulgar gaze of the people, and locked

up in the vaults of a loco-foco bank (what wonders they may have wrought there, have not been disclosed), are dragged out and paraded, as full proof of the corrupt exercise of a foreign influence in the election of General Harrison as President of the United States. Why, sir, the amount of the whole of it is, that the gentlemen, calling themselves, most erroneously, the democratic party, have administered the government so badly, that they have lost all credit and confidence at home and abroad, and because the people of the United States have refused to trust them any longer, and foreign bankers will not trust them either, they utter a whining cry that their recent signal defeat has been the work of foreign influence! [Loud laughter in the galleries.]

Democratic party! They have not the slightest pretension to this denomination. In the school of 1798, in which I was taught, and to which I have ever faithfully adhered, we were instructed to be watchful and jealous of executive power, enjoined to practice economy in the public disbursements, and urged to rally around the people, and not attach ourselves to the presidential car. This was Jefferson's democracy. But the modern democrats, who have assumed the name, have reversed all these wholesome maxims, and have given to democracy a totally different version. They have run it down, as they have run down, or at least endangered, State rights, the right of instruction—admirable in their proper sphere—and all other rights, by perversion and extravagance. But, thank God, true democracy and true democrats have not been run down. Thousands of those who have been deceived and deluded by false colors, will now eagerly return to their ancient faith, and unite, under Harrison's banner, with their old and genuine friends and principles, as they were held at the epoch of 1798. We shall, I trust, be all once more united as a fraternal band, ready to defend liberty against all dangers that may threaten it at home, and the country against all that shall menace it from abroad.

But to return from this digression to the patriotic apprehension, entertained by senators, of corruption, if the proceeds of the public lands should be distributed among the States. If, in the hands of the general government, the land fund does not lead to corruption, why should it in the hands of the State governments? Is there less danger from the fund if it remain undivided and concentrated, than if it be distributed? Are the State governments more prone to corruption than the federal government? Are they more wasteful and extravagant in the expenditure of the money of the people? I think that if we are to consult purity and economy, we shall find fresh motives for distribution.

Mr. President, two plans of disposing of the vast public domain belonging to the United States, have been, from time to time, submitted to the consideration of Congress and the public. According to one of them, it should not be regarded as a source of revenue, either to the general or to the State governments. That, I have, I think, clearly demonstrated, although the supporters of that plan do press the argument of revenue

whenever the rival plan is brought forward. They contend that the general government, being unfit, or less competent than the State governments, to manage the public lands, it ought to hasten to get rid of them, either by reduction of the price, by donation, by pre-emption, or by cessions to certain States, or by all these methods together.

Now, sir, it is manifest that the public lands can not be all settled in a century or centuries to come. The progress of their settlement is indicated by the growth of the population of the United States. There have not been, on an average, five millions of acres per annum sold, during the last half century. Larger quantities will be probably hereafter, although not immediately, annually sold. Now, when we recollect that we have at least a billion of acres to dispose of, some idea may be entertained, judging from the past, of the probable length of time before the whole is sold. Prior to their sale and settlement, the unoccupied portion of the public domain must remain either in the hands of the general government, or in the hands of the State governments, or pass into the hands of speculators. In the hands of the general government, if that government shall perform its duty, we know that the public lands will be distributed on liberal, equal, and moderate terms. The worst fate that can befall them, would be for them to be acquired by speculators. The emigrant and settler would always prefer purchasing from government, at fixed and known rates, rather than from the speculator, at unknown rates, fixed by his cupidity or caprice. But, if they are transferred from the general government, the best of them will be engrossed by speculators. That is the inevitable tendency of reduction of the price by graduation, and of cession to the States within which they lie.

The rival plan is, for the general government to retain the public domain, and make distribution of the proceeds, in time of peace, among the several States, upon equal and just principles, according to the rule of federal numbers, and, in time of war, to resume the proceeds for its vigorous prosecution. We think that the administration of the public lands had better remain with the common government, to be regulated by uniform principles, than confided to the States, to be administered according to various, and, perhaps, conflicting views. As to that important part of them which was ceded by certain States to the United States, for the common benefit of all the States, a trust was thereby created, which has been voluntarily accepted by the United States, and which they are not at liberty now to decide or transfer. The history of public lands held in the United States, demonstrates that they have been wasted or thrown away by most of the States that owned any, and that the general government has displayed more judgment and wisdom in the administration of them than any of the States. While it is readily admitted that revenue should not be regarded as the sole or exclusive object, the pecuniary advantages which may be derived from this great national property, to both the States and the Union, ought not to be altogether overlooked.

The measure which I have had the honor to propose, settles this great and agitating question forever. It is founded upon no partial and unequal basis, aggrandizing a few of the States to the prejudice of the rest. It stands on a just, broad and liberal foundation. It is a measure applicable not only to the States now in being, but to the Territories, as States shall hereafter be formed out of them, and to all new States, as they shall rise, tier behind tier, to the Pacific ocean. It is a system operating upon a space almost boundless and adapted to all future time. It was a noble spirit of harmony and union that prompted the revolutionary States originally to cede to the United States.

How admirably does this measure conform to that spirit, and tend to the perpetuity of our glorious Union! The imagination can hardly conceive one fraught with more harmony and union among the States. If to the other ties that bind us together as one people be superadded the powerful interest springing out of a just administration of our exhaustless public domain, by which, for a long succession of ages, in seasons of peace, the States will enjoy the benefit of the great and growing revenue which it produces, and in periods of war that revenue will be applied to the prosecution of the war, we shall be forever linked together with the strength of adamant chains. No section, no State, would ever be mad enough to break off from the Union, and deprive itself of the inestimable advantages which it secures. Although thirty or forty more new States should be admitted into this Union, this measure would cement them all fast together. The honorable senator from Missouri, near me (Mr. Linn) is very anxious to have a settlement formed at the mouth of the Oregon, and he will probably be gratified at no very distant day. Then will be seen members of Congress from the Pacific States scaling the Rocky Mountains, passing through the country of the grizzly bear, descending the turbid Missouri, entering the father of rivers, ascending the beautiful Ohio, and coming to this capitol, to take their seats in its spacious and magnificent halls. Proud of the commission they bear, and happy to find themselves here in council with friends, and brothers, and countrymen, enjoying the incalculable benefits of this great confederacy, and, among them, their annual distributive share of the issues of a nation's inheritance, would even they, the remote people of the Pacific, ever desire to separate themselves from such a high and glorious destiny? The fund which is to be dedicated to these great and salutary purposes, does not proceed from a few thousand acres of land, soon to be disposed of; but of more than ten hundred millions of acres; and age after age may roll away, State after State arise, generation succeed generation, and still the fund will remain not only unexhausted, but improved and increasing, for the benefit of our children's children, to the remotest posterity. The measure is not one pregnant with jealousy, discord, or division, but it is a far-reaching, comprehensive, healing measure of compromise and composure, having for its patriotic object the harmony, the stability, and the prosperity of the States and of the Union.

DEFENSE OF MR. WEBSTER.

IN SENATE, MARCH 1, 1841.

[WHEN Mr. Webster resigned his seat in the Senate, preparatory to his assumption of the duties of the State Department, under General Harrison, Mr. Cuthbert, senator from Georgia, made an attack upon him, alleging, among other things, that he had uttered the opinion, that Congress had power to prohibit the slave-trade between the States; and in the course of his remarks, when the subject was up again, he blamed Mr. Clay somewhat for having spoken in complimentary terms of Mr. Webster when he took leave of the Senate. The incidents of this occasion, and Mr. Clay's reply to Mr. Cuthbert, are stated as follows.]

MR. CUTHBERT said, that on the resignation of the late senator from Massachusetts (Mr. Webster), he had charged upon that senator certain opinions on the subject of southern institutions. This had led to a discussion, in the course of which he (Mr. Cuthbert) had pledged himself to prove certain points. The most important point was, that Mr. Webster had avowed the doctrine, that Congress had full power to prohibit the slave-trade between the States. The next point was, that the Legislature of Massachusetts had maintained the same doctrine, and quoted the opinion of that senator (Mr. Webster) to sustain them. He had pledged himself to produce the document to support and justify the charge.

After some discussion as to the point of order, and Mr. Cuthbert being permitted to proceed, he then desired the clerk to read an extract from a paper which he sent to the desk. It purported to be a memorial drawn up by a committee, of which Mr. Webster was a member, expressing the opinion that Congress had the power to prohibit the slave-trade between the States.

Mr. Cuthbert then animadverted upon the remark made by Mr. Clay, on the 22d of February, complimentary to Mr. Webster, and spoke of three great crises in the history of the two gentlemen when they differed in opinion—namely, on the late war with Great Britain; on the compromise tariff; and on the subject of abolition petitions.

Mr. Clay regretted extremely that he had been called out in this way. The discussion of the other day had, he ventured to say, satisfied every member of that body, with the exception of the senator from Georgia. He agreed with the senator from Vermont (Mr. Phelps) that it was all out of order. There was no necessity to create an occasion for the discussion. The distinguished gentleman from Massachusetts was soon to be nominated to that body, and then would be the proper time to bring out all the opposition to him. But the senator from Georgia had appealed to the courtesy of gentlemen, and he (Mr. Clay) was not willing to refuse the request.

No error could be greater than to judge of human character by a single act, a single sentiment or opinion. We were not to expect perfect coincidence in every thing abstract and practical.

[Mr. Cuthbert here addressed the chair.]

Mr. Clay said, I can not be interrupted, Mr. President. I will not permit an interruption. The practice is much too common, and especially at the other end of the capitol. The senator from Georgia will have ample opportunity to reply when I have concluded. What was the question? what the subject of difference in the discussion? The senator from Georgia alleges that the distinguished gentleman from Massachusetts has expressed an opinion in Faneuil Hall, it was believed, that Congress had the power to regulate the trade in slaves between the States. On this subject great diversity of opinion exists. The power to regulate did not imply the power to prohibit. Congress possesses the power to regulate foreign commerce, but it has no right to prohibit it.

But the senator from Georgia has adverted to the fact, that I and my distinguished friend (Mr. Webster) have agreed on some questions, and disagreed on others. Is there any thing unusual or singular in this? The senator from South Carolina (Mr. Calhoun), and the senator from Georgia, are now on the same side; have they always agreed? Was the gentleman from Georgia ever a nullifier? [Mr. Cuthbert said, no.] No. I presume there are many points of policy on which those gentlemen differ. The only correct method of judging, is, to take human nature in the *tout ensemble*, and not undertake to determine by a single instance.

The senator from Georgia has referred to three subjects in which I have differed with the gentleman from Massachusetts. The first was, the late war with Great Britain. Mr. Webster had regarded that war as unnecessary, and in that I think he was wrong. But there was another war; a domestic war; a war waged by General Jackson against the prosperity of the country; and where stood the senator from Georgia in that war? The gallant Webster contended for the people through this long war, with persevering ability, but the senator from Georgia was on the other side.

In regard to the compromise act, the gentleman from Massachusetts had

been opposed to that healing measure. But how was it with other senators, with whom the gentleman from Georgia was now co-operating? The senator from Missouri (Mr. Benton), and the senator from New York (Mr. Wright), both voted against the compromise; but the gentleman finds no difficulty in acting with those gentlemen because they disagreed with him on that measure.

As it regards abolition, so far as I know the opinions of Mr. Webster, he is just as much averse to it as the senator from Georgia himself. That there is danger impending, no one will deny. The danger is in ultraism: the ultraism of a portion of the South on the one hand, and from abolition on the other. It is to be averted by a moderate but firm course; not being led off into extremes on the one side, or frightened on the other. Mr. Webster and myself have differed on some subjects, have coincided on others; and the senator from Georgia might have referred to an instance in which he himself had voted with Mr. Webster, and in opposition to me. I allude to the tariff of 1824. The substance of the charge is, that Mr. Webster and myself have agreed on certain matters, and disagreed on others; and if the senator from Georgia should undertake to compute the several agreements and disagreements, he would have to work out a more difficult problem than a friend of mine in the other House, who had tried to ascertain whether Vermont or Kentucky was the banner State.

ON MR. TYLER'S VETO OF THE BANK BILL.

IN SENATE, AUGUST 19, 1841.

[BETWEEN parties in controversy, to deal with supposed motives of an opponent, is not generally considered proper ; but when controversy is at an end, it is the province of history to record motives, so far as they are apparent. To have said at the time, that Mr. Tyler, who succeeded to the presidential chair after the lamented death of General Harrison, had suddenly fallen into a dream of ambition, stifled the motives of honorable conduct, and resolved to quarrel with the party that raised him to power, with the view of forming a Tyler party, and be elected president in 1844, would have been to say that which could not be proved, though it was in fact clearly seen and firmly believed. He must quarrel with Mr. Clay, the leader of the Whig party, and quarrel with a Whig Congress, that he might have an apology for setting up for himself. He had not been long in the chair of State before he began to make demonstrations of this kind, and his veto of the fiscal bank bill was the consummation of this purpose. The Whig party came into power with an overwhelming majority, and it was evidently the settled purpose of the people, that a thorough Whig policy should be tried, and among the items of that policy, as Mr. Clay maintains in the following speech, they intended to have a national bank. In the way to that end, Mr. Van Buren's Sub-Treasury had been repealed by this Congress ; but when the bank bill was passed by a majority of twenty-six to twenty-three in the Senate, and one hundred and twenty-eight to ninety-one in the House, Mr. Tyler vetoed it. In the progress of the bill, Mr. Tyler had manifested symptoms of discontent, and pains were taken to give the bill a shape to remove his objections. To please him, it was called a *fiscal* bank, and the power of the bank to establish branches in the States, was limited to the consent of the States. The faculty of discount was also struck out. But he had resolved to disappoint Congress and the nation, and make a new party for

himself. As the democratic party were always opposed to a national bank, he doubtless hoped to gain them to his side ; but though they approved of his veto, and rejoiced at it, they despised the man. He pandered to the democratic party during the four years of his administration, hoping ever that they would give him the nomination in 1844 ; but they took James K. Polk, and left the traitor to universal contempt of the generation then upon the stage, and of all future generations. The only thing in which Mr. Tyler succeeded, was to disorganize the Whig party, by breaking faith with them, and seeking by his high functionary powers to thwart their counsels. The utter contempt of all parties and of all men, into which he fell, is a striking instance of public retribution for the breach of a public trust. He went out of power to the equal joy, and with equal disrespect—and that most profound—of all parties.

The following is one of the most eloquent speeches of Mr. Clay. The argument is close and convincing, and the sentiments are stirring. The false statements of Mr. Tyler's message, and its school-boy declamation, glare out as from a mirror, notwithstanding that Mr. Clay's treatment is perfectly respectful and dignified. As the reasoning of the message was all false, it could only be founded on false assumptions, while passionate diction stripped it of all that dignity that properly belongs to a State paper.

But Mr. Clay's reply to Mr. Rives is scorching, as the reading of it will show. It is said, by those who heard it, to have been surpassing in eloquence. We have conversed with a gentleman of high culture and of good taste, who was present on that occasion, and who avers that the manner and effect were altogether indescribable, and that the impression will abide with him forever. Certainly, one would think that the impression on Mr. Rives must be very abiding.]

Mr. PRESIDENT, the bill which forms the present subject of our deliberations had passed both Houses of Congress by decisive majorities, and, in conformity with the requirement of the Constitution, was presented to the President of the United States for his consideration. He has returned it to the Senate, in which it originated, according to the direction of the Constitution, with a message announcing his veto of the bill, and containing his objections to its passage. And the question now to be decided is, shall the bill pass, by the required constitutional majority of two thirds, the president's objections notwithstanding ?

Knowing, sir, but too well, that no such majority can be obtained, and

that the bill must fall, I would have been rejoiced to have found myself at liberty to abstain from saying one word on this painful occasion. But the president has not allowed me to give a silent vote. I think, with all respect and deference to him, he has not reciprocated the friendly spirit of concession and compromise which animated Congress in the provisions of this bill, and especially in the modification of the sixteenth fundamental condition of the bank. He has commented, I think, with undeserved severity on that part of the bill; he has used, I am sure unintentionally, harsh if not reproachful language; and he has made the very concession, which was prompted as a peace-offering, and from friendly considerations, the cause of stronger and more decided disapprobation of the bill. Standing in the relation to that bill which I do, and especially to the exceptional clause, the duty which I owe to the Senate and to the country, and self-respect, impose upon me the obligation of at least attempting the vindication of a measure which has met with a fate so unmerited, and so unexpected.

On the 4th of April last, the lamented Harrison, the President of the United States, paid the debt of nature. President Tyler, who, as vice-president, succeeded to the duties of that office, arrived in the city of Washington on the 6th of that month. He found the whole metropolis wrapped in gloom, every heart filled with sorrow and sadness, every eye streaming with tears, and the surrounding hills yet flinging back the echo of the bells which were tolled on that melancholy occasion. On entering the presidential mansion, he contemplated the pale body of his predecessor stretched before him, and clothed in the black habiliments of death. At that solemn moment, I have no doubt that the heart of President Tyler was overflowing with mingled emotions of grief, of patriotism, and of gratitude—above all, of gratitude to that country, by a majority of whose suffrages, bestowed at the preceding November, he then stood the most distinguished, the most elevated, the most honored of all living whigs of the United States.

It was under these circumstances, and in this probable state of mind, that President Tyler, on the 10th day of the same month of April, voluntarily promulgated an address to the people of the United States. That address was in the nature of a coronation oath, which the chief of the State in other countries, and under other forms, takes, upon ascending the throne. It referred to the solemn obligations, and the profound sense of duty, under which the new president entered upon the high trust which had devolved upon him, by the joint acts of the people and of Providence, and it stated the principles, and delineated the policy by which he would be governed in his exalted station. It was emphatically a whig address, from beginning to end—every inch of it was whig, and was patriotic.

In that address the president, in respect to the subject-matter embraced in the present bill, held the following conclusive and emphatic language:

‘I shall promptly give my sanction to any constitutional measure which, originating in Congress, shall have for its object the restoration of a sound circulating medium, so essentially necessary to give confidence in all the transactions of life, to secure to industry its just and adequate rewards, and to re-establish the public prosperity. In deciding upon the adaptation of any such measure to the end proposed, as well as its conformity to the Constitution, I shall resort to the fathers of the great republican school for advice and instruction, to be drawn from their sage views of our system of government, and the light of their ever-glorious example.’

To this clause in the address of the president, I believe but one interpretation was given throughout this whole country, by friend and foe, by whig and democrat, and by the presses of both parties. It was, by every man with whom I conversed on the subject at the time of its appearance, or of whom I have since inquired, construed to mean that the president intended to occupy the Madison ground, and to regard the question of the power to establish a national bank as immovably settled. And I think I may confidently appeal to the Senate and to the country, to sustain the fact, that this was the cotemporaneous and unanimous judgment of the public. Reverting back to the period of the promulgation of the address, could any other construction have been given to its language. What is it? ‘I shall promptly give my sanction to any constitutional measure, which, originating in Congress, shall have certain defined objects in view.’ He concedes the vital importance of a sound circulating medium to industry, and to the public prosperity. He concedes that its origin must be in Congress. And to prevent any inference from the qualification, which he prefixes to the measure, being interpreted to mean that a United States bank was unconstitutional, he declares, that in deciding on the adaptation of the measure to the end proposed, and its conformity to the Constitution, he will resort to the fathers of the great republican school. And who were they? If the father of his country is to be excluded, are Madison, (the father of the Constitution) Jefferson, Monroe, Gerry, Gallatin, and the long list of republicans who acted with them, not to be regarded as among those fathers? But President Tyler declares, not only that he should appeal to them for advice and instruction, but to the light of their ever-glorious example. What example? What other meaning could have been possibly applied to the phrase, than that he intended to refer to what had been done during the administrations of Jefferson, Madison, and Monroe?

Entertaining this opinion of the address, I came to Washington at the commencement of the session, with the most confident and buoyant hopes that the whigs would be able to carry all their prominent measures, and especially a bank of the United States, by far that one of the greatest immediate importance. I anticipated nothing but cordial co-operation between the two departments of government; and I reflected with pleasure, that I should find, at the head of the executive branch, a personal and

political friend, whom I had long and intimately known, and highly esteemed. It will not be my fault, if our amicable relations should unhappily cease, in consequence of any difference of opinion between us on this occasion. The president has been always perfectly familiar with my opinion on this bank question.

Upon the opening of the session, but especially on the receipt of a plan of a national bank, as proposed by the Secretary of the Treasury, fears were excited that the president had been misunderstood in his address, and that he had not waived but adhered to his constitutional scruples. Under these circumstances, it was hoped, that, by the indulgence of a mutual spirit of compromise and concession, a bank, competent to fulfill the expectations, and satisfy the wants, of the people, might be established.

Under the influence of that spirit, the Senate and the House agreed, first, as to the name of the proposed bank. I confess, sir, that there was something exceedingly *outré* and revolting to my ears, in the term "fiscal bank;" but I thought, "what is there in a name? A rose by any other name would smell as sweet." Looking, therefore, rather to the utility of the substantial faculties, than to the name of the contemplated institution, we consented to that which was proposed.

Secondly, as to the place of location of the bank. Although Washington had passed through my mind as among the cities in which it might be expedient to place the bank, it was believed to be the least eligible of some four or five other cities. Nevertheless we consented to fix it here.

And, lastly, in respect to the branching power, there was not, probably, a solitary vote given in either House of Congress for the bill, that did not greatly prefer the unqualified branching power, as asserted in the charters of the two former banks of the United States, to the sixteenth fundamental condition, as finally incorporated in this bill. It is perfectly manifest, therefore, that it was not in conformity with the opinion and wish of majorities in Congress, but in a friendly spirit of concession toward the president and his particular friends, that the clause assumed that form. So repugnant was it to some of the best friends of a national bank in the other House, that they finally voted against the bill, because it contained that compromise of the branching power.

It is true, that in presenting the compromise to the Senate, I stated, as was the fact, that I did not know whether it would be acceptable to the president or not; that, according to my opinion, each department of the government should act upon its own responsibility, independently of the other; and that I presented the modification of the branching power because it was necessary to insure the passage of the bill in the Senate, having ascertained that the vote would stand twenty-six against it to twenty-five, if the form of that power which had been reported by the committee were persisted in. But I nevertheless did entertain the most confident hopes and expectations, that the bill would receive the sanction

of the president; and this motive, although not the immediate one, had great weight in the introduction and adoption of the compromise clause. I knew that our friends who would not vote for the bill as reported, were actuated, as they avowed, by considerations of union and harmony, growing out of supposed views of the president, and I presumed that he would not fail to feel and appreciate their sacrifices. But I deeply regret that we were mistaken. Notwithstanding all our concessions, made in a genuine and sincere spirit of conciliation, the sanction of the president could not be obtained, and the bill has been returned by him with his objections.

And I shall now proceed to consider those objections, with as much brevity as possible, but with the most perfect respect, official and personal, toward the chief magistrate.

After stating that the power of Congress to establish a national bank, to operate *per se*, has been a controverted question from the origin of the government, the president remarks:

“Men most justly and deservedly esteemed for their high intellectual endowments, their virtue, and their patriotism, have, in regard to it, entertained different and conflicting opinions. Congresses have differed. The approval of one president has been followed by the disapproval of another.”

From this statement of the case it must be inferred, that the president considers the weight of authority, pro and con., to be equal and balanced. But if he intended to make such an array of it, if he intended to say that it was an equilibrium, I must respectfully, but most decidedly, dissent from him. I think the conjoint testimony of history, tradition, and the knowledge of living witnesses proves the contrary. How stands the question as to the opinion of Congresses? The Congress of 1791, the Congress of 1813-14, the Congress of 1815-16, the Congress of 1831-32, and, finally, the present Congress, have all respectively and unequivocally, affirmed the existence of a power in Congress to establish a national bank to operate *per se*. We behold, then, the concurrent opinion of five different Congresses on one side. And what Congress is there on the opposite side? The Congress of 1811? I was a member of the Senate in that year, when it decided, by the casting vote of the vice-president, against the renewal of the charter of the old bank of the United States. And I now here, in my place, add to the testimony already before the public, by declaring that it is within my certain knowledge, that that decision of the Senate did not proceed from a disbelief of a majority of the Senate in the power of Congress to establish a national bank, but from combined considerations of expediency and constitutionality. A majority of the Senate, on the contrary, as I know, entertained no doubt as to the power of Congress. Thus the account, as to Congresses, stands five for and not one, or, at most, not more than one, against the power.

Let us now look into the state of authority derivable from the opinions of presidents of the United States. President Washington believed in the

power of Congress, and approved a bank bill. President Jefferson approved acts to extend branches into other parts of the United States, and to punish counterfeiters of the notes of the bank—acts which were devoid of all justification, whatever, upon the assumption of the unconstitutionality of the bank. For how could branches be extended, or punishment be lawfully inflicted, upon the counterfeiters of the paper of a corporation which came into existence without any authority, and in violation of the Constitution of the land? James Madison, notwithstanding those early scruples which he had entertained, and which he probably still cherished, sanctioned and signed a bill to charter the late bank of the United States. It is perfectly well known that Mr. Monroe never did entertain any scruples or doubts in regard to the power of Congress. Here, then, are four presidents of the United States who have directly or collaterally borne official testimony to the existence of the bank power in Congress. And what president is there, that ever bore unequivocally opposite testimony—that disapproved a bank charter, in the sense intended by President Tyler? General Jackson, although he did apply the veto power to the bill for re-chartering the late bank of the United States in 1832, it is within the perfect recollection of us all, not only testified to the utility of a bank of the United States, but declared, that, if he had been applied to by Congress, he could have furnished the plan of such a bank.

Thus, Mr. President, we perceive, that, in reviewing the action of the legislative and executive departments of the government, there is a vast preponderance of the weight of authority maintaining the existence of the power in Congress. But President Tyler has, I presume unintentionally, wholly omitted to notice the judgment and decision of the third co-ordinate department of the government upon this controverted question—that department, whose interpretations of the Constitution, within its proper jurisdiction and sphere of action, are binding upon all; and which, therefore, may be considered as exercising a controlling power over both the other departments. The Supreme Court of the United States, with its late chief justice, the illustrious Marshall, at its head, unanimously decided that Congress possessed this bank power; and this adjudication was sustained and reaffirmed whenever afterward the question arose before the court.

After recounting the occasions, during his public career, on which he had expressed an opinion against the power of Congress to charter a bank of the United States, the president proceeds to say :

“Entertaining the opinions alluded to, and having taken this oath, the Senate and the country will see that I could not give my sanction to a measure of the character described, without surrendering all claim to the respect of honorable men—all confidence on the part of the people, all self-respect, all regard for moral and religious obligations; without an observance of which no government can be prosperous, and no people can be happy. It would be to commit a crime, which I would not willfully commit to gain any earthly reward, and which would justly subject me to the ridicule and scorn of all virtuous men.”

Mr. President, I must think, and hope I may be allowed to say, with profound deference to the chief magistrate, that it appears to me, he has viewed with too lively sensibility the personal consequences to himself of his approval of the bill; and that, surrendering himself to a vivid imagination, he has depicted them in much too glowing and exaggerated colors, and that it would have been most happy, if he had looked more to the deplorable consequences of a veto upon the hopes, the interests, and the happiness of his country. Does it follow that a magistrate who yields his private judgment to the concurring authority of numerous decisions, repeatedly and deliberately pronounced, after the lapse of long intervals, by all the departments of government, and by all parties, incurs the dreadful penalties described by the president? Can any man be disgraced and dishonored, who yields his private opinion to the judgment of the nation? In this case, the country (I mean a majority), Congress, and, according to common fame, a unanimous cabinet, were all united in favor of the bill. Should any man feel himself humbled and degraded in yielding to the conjoint force of such high authority? Does any man, who at one period of his life shall have expressed a particular opinion, and at a subsequent period shall act upon the opposite opinion, expose himself to the terrible consequences which have been portrayed by the president? How is it with the judge, in the case by no means rare, who bows to the authority of repeated precedents, settling a particular question, while in his private judgment, the law was otherwise? How is it with that numerous class of public men in this country, and with the two great parties that have divided it, who, at different periods have maintained and acted on opposite opinions in respect to this very bank question?

How is it with James Madison, the father of the Constitution—that great man whose services to his country placed him only second to Washington; whose virtues and purity in private life, whose patriotism, intelligence, and wisdom in public councils, stand unsurpassed? He was a member of the national convention that formed, and of the Virginia convention that adopted, the Constitution. No man understood it better than he did. He was opposed, in 1791, to the establishment of the bank of the United States, upon constitutional ground; and, in 1816, he approved and signed the charter of the late bank of the United States. It is a part of the secret history connected with the first bank, that James Madison had, at the instance of General Washington, prepared a veto for him in the contingency of his rejection of the bill. Thus stood James Madison, when, in 1815, he applied the veto to a bill to charter a bank upon considerations of expediency, but with a clear and express admission of the existence of a constitutional power of Congress to charter one. In 1816, the bill which was then presented to him being free from the objections applicable to that of the previous year, he sanctioned and signed it. Did James Madison surrender “all claim to the respect of honorable men, all confidence on the part of the people, all self-respect, all regard for moral

and religious obligations?" Did the pure, the virtuous, the gifted James Madison, by his sanction and signature to the charter of the late bank of the United States, commit a crime, which justly subjected him "to the ridicule and scorn of all virtuous men?"

Not only did the president, as it respectfully appears to me, state entirely too strongly the consequences of his approval of the bill, but is he perfectly correct in treating the question (as he seems to me to have done), which he was called upon to decide, as presenting the sole alternative of his direct approval or rejection of the bill? Was the preservation of the consistency and the conscience of the president wholly irreconcilable with the restoration of the blessings of a sound currency, regular and moderate exchanges, and the revival of confidence and business, which Congress believes will be secured by a national bank? Was there no alternative but to prolong the sufferings of a bleeding country, or to send us this veto? From the administration of the executive department of the government, during the last twelve years, has sprung most of the public ills which have afflicted the people. Was it necessary that that source of suffering should continue to operate, in order to preserve the conscience of the president unviolated? Was that the only sad and deplorable alternative? I think, Mr. President, there were other alternatives worthy of the serious and patriotic consideration of the president. The bill might have become a law, in virtue of the provision which required its return within ten days. If the president had retained it three days longer, it would have been a law, without his sanction and without his signature. In such a contingency, the president would have remained passive, and would not have been liable to any accusation of having himself violated the Constitution. All that could have been justly said would be, that he did not choose to throw himself in the way as an obstacle to the passage of a measure indispensable to the prosperity of the nation, in the judgment of the party which brought him into power, of the whig Congress which he first met, and, if public fame speaks true, of the cabinet which the lamented Harrison called around him, and which he voluntarily continued. In an analogous case, Thomas McKean, when Governor of Pennsylvania, than whom the United States have produced but few men of equal vigor of mind and firmness of purpose, permitted a bill to become a law, although, in his opinion, it was contrary to the Constitution of that State. And I have heard, and, from the creditable nature of the source, I am inclined to believe, although I will not vouch for the fact, that toward the close of the charter of the first bank of the United States during the second term of Mr. Jefferson, some consideration of the question of the renewal of the charter was entertained, and that he expressed a wish, that if the charter were renewed, it might be effected by the operation of the ten days' provision, and his consistency thus preserved.

If it were possible to disinter the venerated remains of James Madison, reanimate his perishing form, and place him once more in that chair of

State, which he so much adorned, what would have been his course, if this bill had been presented to him, even supposing him never to have announced his acquiescence in the settled judgment of the nation? He would have said, that human controversy, in regard to a single question, should not be perpetual, and ought to have a termination. This, about the power to establish a bank of the United States, has been long enough continued. The nation, under all the forms of its public action, has often and deliberately decided it. A bank, and associated financial and currency questions, which had long slept, were revived, and have divided the nation during the last ten years of arduous and bitter struggle; and the party which put down the bank, and which occasioned all the disorders in our currency and finances, has itself been signally put down, by one of those great moral and political revolutions which a free, a patriotic people can but seldom arouse itself to make. Human infallibility has not been granted by God; and the chances of error are much greater on the side of one man, than on that of the majority of a whole people and their successive Legislatures during a long period of time. I yield to the irresistible force of authority. I will not put myself in opposition to a measure so imperatively demanded by the public voice, and so essential to elevate my depressed and suffering countrymen.

And why should not President Tyler have suffered the bill to become a law without his signature? Without meaning the slightest possible disrespect to him (nothing is further from my heart than the exhibition of any such feeling toward that distinguished citizen, long my personal friend), it can not be forgotten that he came into his present office under peculiar circumstances. The people did not foresee the contingency which has happened. They voted for him as vice-president. They did not, therefore, scrutinize his opinions with the care which they probably ought to have done, and would have done, if they could have looked into futurity. If the present state of the fact could have been anticipated—if at Harrisburg, or at the polls, it had been foreseen, that General Harrison would die in one short month after the commencement of his administration; that Vice-President Tyler would be elevated to the presidential chair; that a bill, passed by decisive majorities of the first whig Congress, chartering a national bank, would be presented for his sanction, and that he would veto the bill, do I hazard any thing, when I express the conviction, that he would not have received a solitary vote in the nominating convention, nor one solitary electoral vote in any State of the Union?

Shall I be told that the honor, the firmness, the independence of the chief magistrate might have been drawn in question if he had remained passive, and so permitted the bill to become a law? I answer, that the office of chief magistrate is a sacred and exalted trust, created and conferred for the benefit of the nation, and not for the private advantage of the person who fills it. Can any man's reputation for firmness, independence, and honor, be of more importance than the welfare of a great people?

There is nothing, in my humble judgment, in such a course, incompatible with honor, with firmness, with independence, properly understood. Certainly, I most respectfully think, in reference to a measure like this, recommended by such high sanctions—by five Congresses, by the authority of four presidents, by repeated decisions of the Supreme Court, by the acquiescence and judgment of the people of the United States during long periods of time, by its salutary operation on the interests of the community for a space of forty years, and demanded by the people whose suffrages placed President Tyler in that second office from whence he was translated to the first that he might have suppressed the promptings of all personal pride of private opinion, if any arose in his bosom, and yielded to the wishes and wants of his country. Nor do I believe, that, in such a course, he would have made the smallest sacrifice, in a just sense, of personal honor, firmness, or independence.

But, sir, there was still a third alternative, to which I allude, not because I mean to intimate that it should be embraced, but because I am reminded of it by a memorable event in the life of President Tyler. It will be recollected, that, after the Senate had passed the resolutions declaring the removal of the public deposits from the late bank of the United States to have been derogatory to the Constitution and laws of the United States, for which resolution, president, then senator Tyler, had voted, the General Assembly of Virginia instructed the senators from that State to vote for the expunging of that resolution. Senator Tyler declined voting in conformity with that instruction, and resigned his seat in the Senate of the United States. This he did because he could not conform, and did not think it right to go counter, to the wishes of those who had placed him in the Senate. If, when the people of Virginia, or the General Assembly of Virginia, were his only constituency, he would not set up his own particular opinion, in opposition to theirs, what ought to be the rule of his conduct when the people of twenty-six States—a whole nation—compose his constituency? Is the will of the constituency of one State to be respected, and that of twenty-six to be wholly disregarded? Is obedience due only to the single State of Virginia? The president admits, that the bank question deeply agitated and continues to agitate, the nation. It is incontestable, that it was the great, absorbing, and controlling question, in all our recent divisions and exertions. I am firmly convinced, and it is my deliberate judgment, that an immense majority, no less than two thirds of the nation, desire such an institution. All doubts in this respect ought to be dispelled, by the recent decisions of the two Houses of Congress. I speak of them as evidence of popular opinion. In the House of Representatives the majority was one hundred and thirty-one to one hundred. If the House had been full, and but for the modification of the sixteenth fundamental condition, there would have been a probable majority of forty-seven. Is it to be believed that this large majority of the immediate representatives of the people, fresh from among them, and to whom the

president seemed inclined, in his opening message, to refer this very question, have mistaken the wishes of their constituents?

I pass the sixteenth fundamental condition, in respect to the branching power, on which I regret to feel myself obliged to say, that I think the president has commented with unexampled severity, and with a harshness of language not favorable to the maintenance of that friendly and harmonious intercourse, which is so desirable between co-ordinate departments of the government. The president could not have been uninformed, that every one of the twenty-six senators, and every one of the hundred and thirty-one representatives who voted for the bill, if left to his own separate wishes, would have preferred the branching power to have been conferred unconditionally, as it was in the charters of the two former banks of the United States. In consenting to the restrictions upon the exercise of that power, he must have been perfectly aware that they were actuated by a friendly spirit of compromise and concession. Yet nowhere in his message does he reciprocate or return the spirit. Speaking of the assent or dissent which the clause requires, he says, "This iron rule is to give way to no circumstances—it is unbending and inflexible. It is the language of the master to the vassal. An unconditional answer is claimed forthwith." The "high privilege" of a submission of the question, on the part of the State representatives, to their constituents, according to the message, is denied. He puts the cases of a popular branch of a State Legislature, expressing its dissent "by a unanimous vote, and its resolution may be defeated by a tie vote in the Senate," and "both branches of the Legislature may concur in a resolution of decided dissent, and yet the governor may exert the veto power conferred on him by the State Constitution, and their legislative action be defeated." "The State may afterward protest against any such unjust inference, but its authority is gone." The president continues: "To inferences so violent, and as they seem to me irrational, I can not yield my consent. No court of justice would or could sanction them, without reversing all that is established in judicial proceeding, by introducing presumptions at variance with fact, and inferences at the expense of reason. A State in a condition of *duress* would be presumed to speak as an individual, manacled and in prison, might be presumed to be in the enjoyment of freedom. Far better to say to the States, boldly and frankly, Congress wills, and submission is demanded."

Now, Mr. President, I will not ask whether these animadversions were prompted by a reciprocal spirit of amity and kindness, but I inquire whether all of them are perfectly just.

Beyond all question, those who believed in the constitutional right of Congress to exercise the branching power within the States, unconditionally and without limitation, did make no small concession when they consented that it should be subjected to the restrictions specified in the compromise clause. They did not, it is true, concede every thing; they did not absolutely renounce the power to establish branches without the

authority of the States, during the whole period of the existence of the charter ; but they did agree that reasonable time should be allowed to the several States to determine whether they would or would not give their assent to the establishment of branches within their respective limits. They did not think it right to leave it an open question, for the space of twenty years ; nor that a State should be permitted to grant to-day and revoke to-morrow its assent ; nor that it should annex onerous or impracticable conditions to its assent, but that it should definitely decide the question, after the lapse of ample time for full deliberation. And what was that time ? No State would have had less time than four months, and some of them from five to nine months, for consideration. Was it, therefore, entirely correct for the president to say, that an "unconditional answer is claimed forthwith ?" Forthwith means immediately, instantly, without delay, which can not be affirmed of a space of time varying from four to nine months. And the president supposes, that the "high privilege" of the members of the State Legislatures' submitting the question to their constituents is denied. But could they not, at any time during that space, have consulted their constituents ?

The president proceeds to put what I must, with the greatest deference and respect, consider as extreme cases. He supposes the popular branch to express its dissent by a unanimous vote, which is overruled by a tie in the Senate. He supposes that "both branches of the Legislature may concur in a resolution of decided dissent, and yet the governor may exert the veto power." The unfortunate case of the State whose legislative will should be so checked by executive authority, would not be worse than that of the Union, the will of whose Legislature, in establishing this bank, is checked and controlled by the president.

But did it not occur to him, that extreme cases brought forward on the one side, might be met by the extreme cases suggested on the other ? Suppose the popular branch were to express its assent to the establishment of a branch bank by a unanimous vote, which is overruled by an equal vote in the Senate. Or suppose that both branches of the Legislature, by majorities in each, exactly wanting one vote to make them two thirds, were to concur in a resolution inviting the introduction of a branch within the limits of the State, and the governor were to exercise the veto power, and defeat the resolution. Would it be very unreasonable, in these two cases, to infer the assent of the State to the establishment of a branch ?

Extreme cases should never be resorted to. Happily for mankind, their affairs are but seldom affected or influenced by them, in consequence of the rarity of the occurrence.

The plain, simple, unvarnished statement of the case is this. Congress believes itself invested with constitutional power to authorize, unconditionally, the establishment of a bank of the United States and branches, anywhere in the United States, without asking any other consent of the States than that which is already expressed in the Constitution. The president

does not concur in the existence of that power, and was supposed to entertain an opinion, that the previous assent of the States was necessary. Here was an unfortunate conflict of opinion. Here was a case for compromise and mutual concession, if the difference could be reconciled. Congress advanced so far toward a compromise as to allow the States to express their assent or dissent, but then it thought that this should be done within some limited but reasonable time; and it believed, since the bank and its branches were established for the benefit of twenty-six States, if the authorities of any one of them really could not make up their mind within that limited time, either to assent or dissent to the introduction of a branch, that it was not unreasonable, after the lapse of the appointed time, without any positive action, one way or the other, on the part of the State, to proceed as if it had assented. Now, if the power contended for by Congress really exists, it must be admitted that here was a concession—a concession according to which an unconditional power is placed under temporary restrictions—a privilege offered to the States, which was not extended to them by either of the charters of the two former banks of the United States. And I am totally at a loss to comprehend how the president reached the conclusion, that it would have been “far better to say to the States, boldly and frankly, Congress wills, and submission is demanded.” Was it better for the States that the power of branching should be exerted without consulting them at all? Was it nothing to afford them an opportunity of saying whether they desired branches or not? How can it be believed, that a clause which qualifies, restricts, and limits the branching power, is more derogatory to the dignity, independence, and sovereignty of the States, than if it inexorably refused to the States any power whatever to deliberate and decide on the introduction of branches? Limited as the time was, and unconditionally as they were required to express themselves, still those States (and that probably would have been the case with the greater number) that chose to announce their assent or dissent, could do so, and get or prevent the introduction of a branch. But the president remarks, that “the State may express, after the most solemn form of legislation, its dissent, which may from time to time thereafter be repeated, in full view of its own interest, which can never be separated from the wise and beneficent operation of this government; and yet Congress may, by virtue of the last proviso, overrule its law, and upon grounds which, to such State, will appear to rest on a constructive necessity and propriety, and nothing more.”

Even if the dissent of a State should be overruled, in the manner supposed by the president, how is the condition of that State worse than it would have been if the branching power had been absolutely and unconditionally asserted in the charter? There would have been, at least, the power of dissenting conceded, with a high degree of probability, that if the dissent were expressed, no branch would be introduced.

The last proviso to which the president refers is in these words: “and

provided, nevertheless, that whenever it shall become necessary and proper for carrying into execution any of the powers granted by the Constitution, to establish an office or offices in any of the States whatever, and the establishment thereof shall be directed by law, it shall be the duty of the said directors to establish such office or offices accordingly."

This proviso was intended to reserve a power to Congress to compel the bank to establish branches, if the establishment of them should be necessary to the great purposes of this government, notwithstanding the dissent of a State. If, for example, a State had once unconditionally dissented to the establishment of a branch, and afterward assented, the bank could not have been compelled, without this reservation of power, to establish the branch, however urgent the wants of the treasury might be.

The president, I think, ought to have seen, in the form and language of the proviso, the spirit of conciliation in which it was drawn, as I know. It does not assert the power; it employs the language of the Constitution itself, leaving every one free to interpret that language according to his own sense of the instrument.

Why was it deemed necessary to speak of its being "the language of the master to the vassal," of "this iron rule," that "Congress wills, and submission is demanded?" What is this whole federal government but a mass of powers abstracted from the sovereignty of the several States, and wielded by an organized government for their common defense and general welfare, according to the grants of the Constitution? These powers are necessarily supreme; the Constitution, the acts of Congress, and treaties being so declared by the express words of the Constitution. Whenever, therefore, this government acts within the powers granted to it by the Constitution, submission and obedience are due from all; from States as well as from persons. And if this present the image of a master and a vassal, of State subjection and congressional domination, it is the Constitution, created or consented to by the States, that ordains these relations. Nor can it be said, in the contingency supposed, that an act of Congress has repealed an act of State legislation. Undoubtedly in case of a conflict between a State constitution or State law, and the Constitution of the United States, or an act of Congress passed in pursuance of it, the State Constitution or State law would yield. But it could not, at least, be formally or technically said, that the State Constitution or law was repealed. Its operation would be suspended or abrogated by the necessary predominance of the paramount authority.

The president seems to have regarded as objectionable that provision in the clause which declares, that a branch being once established, it should not afterward be withdrawn or removed without the previous consent of Congress. That provision was intended to operate both upon the bank and the States. And, considering the changes and fluctuations in public sentiment in some of the States within the last few years, was the security against them to be found in that provision unreasonable? One Legislature

might invite a branch, which the next might attempt, by peual or other legislation, to drive away. We have had such examples heretofore, and I can not think that it was unwise to profit by experience. Besides, an exactly similar provision was contained in the scheme of a bank which was reported by the Secretary of the Treasury, and to which it was understood the president had given his assent. But if I understand this message, that scheme could not have obtained his sanction, if Congress had passed it without any alteration whatever. It authorized what is termed by the president local discount, and he does not believe the Constitution confers upon Congress power to establish a bank having that faculty. He says, indeed, "I regard the bill as asserting for Congress the right to incorporate a United States bank, with power and right to establish offices of discount and deposit in the several States of this Union, with or without their consent; a principle to which I have always heretofore been opposed, and which can never obtain my sanction." I pass with pleasure from this painful theme; deeply regretting that I have been constrained so long to dwell on it.

On a former occasion I stated, that in the event of an unfortunate difference of opinion between the legislative and executive departments, the point of difference might be developed, and it would be then seen whether they could be brought to coincide in any measure corresponding with the public hopes and expectations. I regret that the president has not, in this message, favored us with a more clear and explicit exhibition of his views. It is sufficiently manifest that he is decidedly opposed to the establishment of a new bank of the United States formed after the two old models. I think it is fairly to be inferred, that the plan of the Secretary of the Treasury could not have received his sanction. He is opposed to the passage of the bill which he has returned; but whether he would give his approbation to any bank, and, if any, what sort of a bank, is not absolutely clear. I think it may be collected from the message, with the aid or information derived through other sources, that the president would concur in the establishment of a bank whose operations should be limited to dealing in bills of exchange, to deposits, and to the supply of a circulation, excluding the power of discounting promissory notes. And I understand that some of our friends are now considering the practicability of arranging and passing a bill in conformity with the views of President Tyler. While I regret that I can take no active part in such an experiment, and must reserve to myself the right of determining, whether I can or can not vote for such a bill after I see it in its matured form, I assure my friends that they shall find no obstacle or impediment in me. On the contrary, I say to them, Go on: God speed you in any measure which will serve the country, and preserve or restore harmony and concert between the departments of government. An executive veto of a bank of the United States, after the sad experience of late years, is an event which was not anticipated by the political friends of the president; certainly not by me. But it has come upon us

with tremendous weight, and amid the greatest excitement within and without the metropolis. The question now is, What shall be done? What, under this most embarrassing and unexpected state of things, will our constituents expect of us? What is required by the duty and the dignity of Congress? I repeat, that if, after a careful examination of the executive message, a bank can be devised which will afford any remedy to existing evils, and secure the president's approbation, let the project of such a bank be presented. It shall encounter no opposition, if it should receive no support, from me.

But what further shall we do? Never, since I have enjoyed the honor of participating in the public councils of the nation, a period now of nearly thirty-five years, have I met Congress under more happy or more favorable auspices. Never have I seen a House of Representatives animated by more patriotic dispositions; more united, more determined, more business-like. Not even that House which declared war in 1812, nor that which, in 1815-16, laid broad and deep foundations of national prosperity, in adequate provisions for a sound currency, by the establishment of a bank of the United States, for the payment of the national debt, and for the protection of American industry. This House has solved the problem of the competency of a large deliberative body to transact the public business. If happily there had existed a concurrence of opinion and cordial co-operation between the different departments of the government, and all the members of the party, we should have carried every measure contemplated at the extra session, which the people had a right to expect from our pledges, and should have been, by this time, at our respective homes.

We are disappointed in one, and an important one, of that series of measures; but shall we therefore despair? Shall we abandon ourselves to unworthy feelings and sentiments? Shall we allow ourselves to be transported by rash and intemperate passions and counsels? Shall we adjourn, and go home in disgust? No! No! No! A higher, nobler, and more patriotic career lies before us. Let us here, at the east end of Pennsylvania avenue, do our duty, our whole duty, and nothing short of our duty, toward our common country. We have repealed the sub-treasury. We have passed a bankrupt law—a beneficent measure of substantial and extensive relief. Let us now pass the bill for the distribution of the proceeds of the public lands, the revenue-bill, and the bill for the benefit of the oppressed people of this District. Let us do all, let us do every thing we can for the public good. If we are finally to be disappointed in our hopes of giving to the country a bank, which will once more supply it with a sound currency, still let us go home and tell our constituents, that we did all that we could under actual circumstances; and that, if we did not carry every measure for their relief, it was only because to do so was impossible. If nothing can be done at this extra session, to put upon a more stable and satisfactory basis the currency and exchanges of the country, let us hope that hereafter some way will be found to accomplish that most desirable

object, either by an amendment of the Constitution, limiting and qualifying the enormous executive power, and especially the veto, or by increased majorities in the two Houses of Congress, competent to the passage of wise and salutary laws, the president's objections notwithstanding.

This seems to me to be the course now incumbent upon us to pursue; and by conforming to it, whatever may be the result of laudable endeavors, now in progress or in contemplation in relation to a new attempt to establish a bank, we shall go home bearing no self-reproaches for neglected or abandoned duty.

REJOINDER TO MR. RIVES'S DEFENSE OF MR. TYLER.

MR. RIVES having concluded his remarks, Mr. Clay rose in rejoinder. I have no desire, said he, to prolong this unpleasant discussion; but I must say that I heard with great surprise and regret the closing remark, especially of the honorable gentleman from Virginia, as, indeed, I did many of those which preceded it. That gentleman stands in a peculiar situation. I found him several years ago in the half-way house, where he seems afraid to remain, and from which he is yet unwilling to go. I had thought, after the thorough riddling which the roof of the house had received in the breaking-up of the pet-bank system, he would have fled somewhere else for refuge; but there he still stands, solitary and alone, shivering and pelted by the pitiless storm. The sub-treasury is repealed; the pet-bank system is abandoned; the United States bank bill is vetoed; and now, when there is as complete and perfect a reunion of the purse and the sword in the hands of the executive as ever there was under General Jackson or Mr. Van Buren, the senator is for doing nothing. The senator is for going home, leaving the treasury and the country in their lawless condition! Yet no man has heretofore, more than he has, deplored and deprecated a state of things so utterly unsafe, and repugnant to all just precautions, indicated alike by sound theory and experience in free governments. And the senator talks to us about applying to the wisdom of practical men, in respect to banking, and advises further deliberation! Why, I should suppose that we are at present in the very best situation to act upon the subject. Besides the many painful years we have had for deliberation, we have been near three months almost exclusively engrossed with the very subject itself. We have heard all manner of facts, statements, and arguments in any way connected with it. We understand, it seems to me, all we ever can learn or comprehend about a national bank. And we have, at least, some conception too of what sort of one will be acceptable at the other end of the avenue. Yet now, with a vast majority of the people of the entire country crying out to us for a bank; with the people throughout the whole valley of the Mississippi rising in their majesty, and demand

ing it as indispensable to their well-being, and pointing to their losses, their sacrifices, and their sufferings, for the want of such an institution; in such a state of things, we are gravely and coldly told by the honorable senator from Virginia, that we had best go home, leaving the purse and sword in the uncontrolled possession of the president, and, above all things, never to make a party bank!

Why sir, does he, with all his knowledge of the conflicting opinions which prevail here, and have prevailed, believe that we ever can make a bank, but by the votes of one party who are in favor of it, in opposition to the votes of another party against it? I deprecate this expression of opinion from that gentleman the more, because, although the honorable senator professes not to know the opinions of the president, it certainly does turn out in the sequel, that there is a most remarkable coincidence between those opinions and his own; and he has, on the present occasion, defended the motives and the course of the president with all the solicitude and all the fervent zeal of a member of his *privy council*. There is a rumor abroad, that a cabal exists—a new sort of kitchen cabinet—whose object is the dissolution of the regular cabinet, the dissolution of the whig party, the dispersion of Congress without accomplishing any of the great purposes of the extra session, and a total change, in fact, in the whole face of our political affairs. I hope, and I persuade myself, that the honorable senator is not, can not be, one of the component members of such a cabal; but I must say, that there has been displayed by the honorable senator to-day a predisposition, astonishing and inexplicable, to misconceive almost all of what I have said, and a perseverance, after repeated corrections, in misunderstanding—for I will not charge him with wilfully and intentionally misrepresenting—the whole spirit and character of the address which, as a man of honor, and as a senator, I felt myself bound in duty to make to this body.

The senator begins with saying that I charge the president with “perfidy!” Did I use any such language? I appeal to every gentleman who heard me, to say whether I have in a single instance gone beyond a fair and legitimate examination of the executive objections to the bill. Yet he has charged me with “arraigning” the president, with indicting him in various counts, and with imputing to him motives such as I never even intimated or dreamed; and that, when I was constantly expressing, over and over, my personal respect and regard for President Tyler, for whom I have cherished an intimate personal friendship of twenty years’ standing, and while I expressly said, that if that friendship should now be interrupted, it should not be my fault! Why, sir, what possible, what conceivable motive can I have to quarrel with the president, or to break up the whig party? What earthly motive can impel me to wish for any other result than that that party shall remain in perfect harmony, undivided, and shall move undismayed boldly and unitedly forward to the accomplishment of the all-important public objects which it has avowed to be its aim? What imaginable interest or feeling can I have other than the success, the

triumph, the glory of the whig party? But that there may be designs and purposes on the part of certain other individuals to place me in inimical relations with the president, and to represent me as personally opposed to him, I can well imagine—individuals who are breaking up for recruits, and endeavoring to form a third party with materials so scanty as to be wholly insufficient to compose a decent *corporal's guard*.* I fear there are such individuals, though I do not charge the senator as being himself one of them. What a spectacle has been presented to this nation during this entire session of Congress! That of the cherished and confidential friends of John Tyler, persons who boast and claim to be, *par excellence*, his exclusive and genuine friends, being the bitter, systematic, determined, uncompromising opponents of every leading measure of John Tyler's administration! Was there ever before such an example presented, in this or any other age, in this or any other country? I have myself known the president too long, and cherish toward him too sincere a friendship, to allow my feelings to be affected or alienated by any thing which has passed here to-day. If the president choose—which I am sure he can not, unless falsehood has been whispered into his ears or poison poured into his heart—to detach himself from me, I shall deeply regret it, for the sake of our common friendship, and our common country. I now repeat, what I before said, that, of all the measures of relief which the American people have called upon us for, that of a national bank, and a sound and uniform currency, has been the most loudly and importunately demanded. The senator says, that the question of a bank was not the issue made before the people at the late election. I can say, for one, my own conviction is diametrically the contrary. What may have been the character of the canvass in Virginia, I will not say; probably gentlemen on both sides were, everywhere, governed in some degree by considerations of local policy. What issues may, therefore, have been presented to the people of Virginia, either above or below tide-water, I am not prepared to say. The great error, however, of the honorable senator is, in thinking, that the sentiments of a particular party in Virginia are always a fair exponent of the sentiments of the whole Union. I can tell that senator, that wherever I was, in the great valley of the Mississippi, in Kentucky, in Tennessee, in Maryland—in all the circles in which I moved—everywhere, “bank or no bank” was the great, the leading, the vital question. At Hanover, in Virginia, during the last summer, at one of the most remarkable, and respectable, and gratifying assemblages that I ever attended, I distinctly announced my conviction, that a bank of the United States was indispensable. As to the opinions of General Harrison, I know that, like many others, he had entertained doubts as to the constitutionality of a bank; but I also know that, as the election approached, his opinions turned more in favor of a national

* This expression, “corporal's guard,” was caught up instantly, and has become historical in application to the small cabal that supported Mr. Tyler, viz., Henry A. Wise, Caleb Cushing, and others.

bank ; and I speak from my own personal knowledge of his opinions, when I say that I have no more doubt he would have signed that bill, than that you, Mr. President, now occupy that chair, or that I am addressing you.

I rose not to say one word which should wound the feelings of President Tyler. The senator says that, if placed in like circumstances, I would have been the last man to avoid putting a direct veto upon the bill, had it met my disapprobation ; and he does me the honor to attribute to me high qualities of stern and unbending intrepidity. I hope, that in all that relates to personal firmness, all that concerns a just appreciation of the insignificance of human life—whatever may be attempted to threaten or alarm a soul not easily swayed by opposition, or awed or intimidated by menace—a stout heart and a steady eye, that can survey, unmoved and undaunted, any mere personal perils that assail this poor, transient, perishing frame, I may, without disparagement, compare with other men. But there is a sort of courage, which, I frankly confess it, I do not possess, a boldness to which I dare not aspire, a valor which I can not covet. I can not lay myself down in the way of the welfare and happiness of my country. That I can not, I have not the courage to do. I can not interpose the power with which I may be invested, a power conferred not for my personal benefit, nor for my aggrandizement, but for my country's good, to check her onward march to greatness and glory. I have not courage enough, I am too cowardly for that. I would not, I dare not, in the exercise of such a trust, lie down, and place my body across the path that leads my country to prosperity and happiness. This is a sort of courage widely different from that which a man may display in his private conduct and personal relations. Personal or private courage is totally distinct from that higher or nobler courage which prompts the patriot to offer himself a voluntary sacrifice to his country's good.

Nor did I say, as the senator represents, that the president should have resigned. I intimated no personal wish or desire that he should resign. I referred to the fact of a memorable resignation in his public life. And what I did say was, that there were other alternatives before him beside vetoing the bill ; and that it was worthy of his consideration whether consistency did not require that the example which he had set when he had a constituency of one State, should not be followed when he had a constituency commensurate with the whole Union. Another alternative was to suffer the bill, without his signature, to pass into a law under the provisions of the Constitution. And I must confess I see, in this, no such escaping by the back door, no such jumping out of the window, as the senator talks about. Apprehensions of the imputation of the want of firmness sometimes impel us to perform rash and inconsiderate acts. It is the greatest courage to be able to bear the imputation of the want of courage. But pride, vanity, egotism, so unamiable and offensive in private life, are vices which partake of the character of crimes in the conduct of public affairs. The unfortunate victim of these passions can not see be-

yond the little, petty, contemptible circle of his own personal interests. All his thoughts are withdrawn from his country, and concentrated on his consistency, his firmness, himself. The high, the exalted, the sublime emotions of a patriotism, which, soaring toward heaven, rises far above all mean, low, or selfish things, and is absorbed by one soul-transporting thought of the good and the glory of one's country, are never felt in his impenetrable bosom. That patriotism which, catching its inspirations from the immortal God, and leaving at an immeasurable distance below all lesser, groveling, personal interests and feelings, animates and prompts to deeds of self-sacrifice, of valor, of devotion, and of death itself—that is public virtue; that is the noblest, the sublimest of all virtues!

I said nothing of any obligation on the part of the president to conform his judgment to the opinions of the Senate and House of Representatives, although the senator argued as if I had, and persevered in so arguing, after repeated corrections. I said no such thing. I know and respect the perfect independence of each department, acting within its proper sphere, of other departments. But I referred to the majorities in the two Houses of Congress as further and strong evidence of the opinion of the people of the United States in favor of the establishment of a bank of the United States. And I contended that, according to the doctrine of instructions which prevailed in Virginia, and of which the president is a disciple, and in pursuance of the example already cited, he ought not to have rejected the bill.

I have heard that, on his arrival at the seat of the general government, to enter upon the duties of the office of vice-president, in March last, when interrogated how far he meant to conform, in his new station, to certain peculiar opinions which were held in Virginia, he made this patriotic and noble reply: "I am Vice-President of the United States, and not of the State of Virginia; and I shall be governed by the wishes and opinions of my constituents." When I heard of this encouraging and satisfactory reply, believing, as I most religiously do, that a large majority of the people of the United States are in favor of a national bank (and gentlemen may shut their eyes to the fact, deny, or dispute, or reason it away as they please, but it is my conscientious conviction that two-thirds, if not more, of the people of the United States desire such an institution), I thought I beheld a sure and certain guaranty for the fulfillment of the wishes of the people of the United States. I thought it impossible, that the wants and wishes of a great people, who had bestowed such unbounded and generous confidence, and conferred on him such exalted honors, should be disregarded and disappointed. It did not enter into my imagination to conceive, that one, who had shown so much deference and respect to the presumed sentiments of a single State, should display less toward the sentiments of the whole nation.

I hope, Mr. President, that, in performing the painful duty which has devolved on me, I have not transcended the limits of legitimate debate. I repeat, in all truth and sincerity, the assurance to the Senate and to the

country, that nothing but a stern, reluctant, and indispensable sense of honor and of duty could have forced from me the response which I have made to the president's objections. But, instead of yielding without restraint to the feelings of disappointment and mortification excited by the perusal of his message, I have anxiously endeavored to temper the notice of it, which I have been compelled to take, by the respect due to the office of chief magistrate, and by the personal regard and esteem which I have ever entertained for its present incumbent.

ON A GENERAL BANKRUPT LAW

IN SENATE, JANUARY 17, 1842.

[THERE was a general bankrupt law passed in 1800, and repealed in 1805. There were repeated attempts during Mr. Van Buren's administration to re-enact such a law, as the disasters of the Jackson regime had thrown so many enterprising people into a hopeless indebtedness ; and this was one of the measures pressed upon the Whig administration, which came into power with General Harrison. A bill for this object was brought in at the first (called) session of the Twenty-seventh Congress, and passed in the Senate by a vote of twenty-six to twenty-three, and in the House by a vote of one hundred and ten to one hundred and six. But as the creditor class is always more numerous than the debtor class that would desire such a law, it became very unpopular, and it was repealed by the same Congress which enacted it—not, however, till it had accomplished very extensively the purpose intended. But the measure left the creditor class in very bad humor with the party in power, who had been the means of releasing their debtors, and of depriving them of what they regarded as their just dues. The natural feeling of a creditor is, that no power has a right to step in between him and his debtor, and release the latter from the obligation of paying his debt. But in such a series of wide-spread commercial disasters as had fallen upon the country during the administration of General Jackson, continued under that of Mr. Van Buren, there was a numerous class of the most enterprising men who had been ruined beyond hope of relief, except by a bankrupt law. In such a case, it would seem to be a humane law, although it might be unjust to the creditor class. It was also for the general good, to give a chance for the unfortunate to start in business again. Numerous petitions were sent in to Congress to repeal this law before it had gone into operation ; and the House of Representatives voted a repeal before that time, by the strong majority of one hundred and twenty-six to ninety-four ; but the

Senate refused to concur. It was on the occasion of presenting some of these petitions, that Mr. Clay made the following remarks.]

MR. CLAY said, that he was charged with the presentation of a great many memorials, all remonstrating against any repeal or postponement of the bankrupt law. He would not trouble the Senate with having them read. There were a great many from the State of New York; two from the State of Maryland; one from Pennsylvania; one from Newark, New Jersey; one from Boston, signed by hundreds of persons—a city which, from its mercantile character, must be supposed to have knowledge on the subject, in which were mingled the names of those both able and unable to pay their debts; also, three from his own State (Kentucky), one from the capital of the State, in which were the proceedings of a meeting strongly remonstrating against interference with the law, going into arguments to show why it should not be repealed or postponed. To this there were four hundred signatures, all of which, the secretaries informed him, were voluntarily made.

Mr. Clay referred to an opinion, which had been thrown out under the sanction of some high commercial authority in New York, that the bankrupt bill, if it should become a law, would operate to throw one hundred millions' worth of property into the market to be sacrificed. Such a remark, coming from that source, might be likely to have some weight. But it must be remembered that the estimate of one hundred millions was mere assumption and random conjecture, for no man could tell, with any thing like accuracy, what the amount would be; it might just as well have been set down at two hundred millions, as at one. But be the amount what it might, in estimating the weight of the statement, as an argument against the bill, it should be inquired, on the other hand, what would be done with this property, should the bill not go into effect? Would it be kept out of the market? Not at all. On the contrary, it would be thrown into the market, to be sold under the hammer, by sheriffs and other officers executing the process of the courts, and that without competition to raise the price. For when the property of a debtor was seized by one of his creditors, what motive could his other creditors have to enhance its avails, by competition at the sale? None in the world. On the contrary, should the law remain undisturbed, what would be the course of action under it? According to his understanding of the act, it would produce a distribution of the goods of the debtor among all his creditors, *pro rata*; of course, when his property should be set up for sale, it would be the interest of them all to make as much out of it as possible. They would bid it up instead of suffering it to be sacrificed for a song. He considered, that whatever might be the exact form of legal proceedings in carrying out the law, the result in practice would be that, under the benignant operation of the act, there would be a distribution of the debtor's effects, not only among

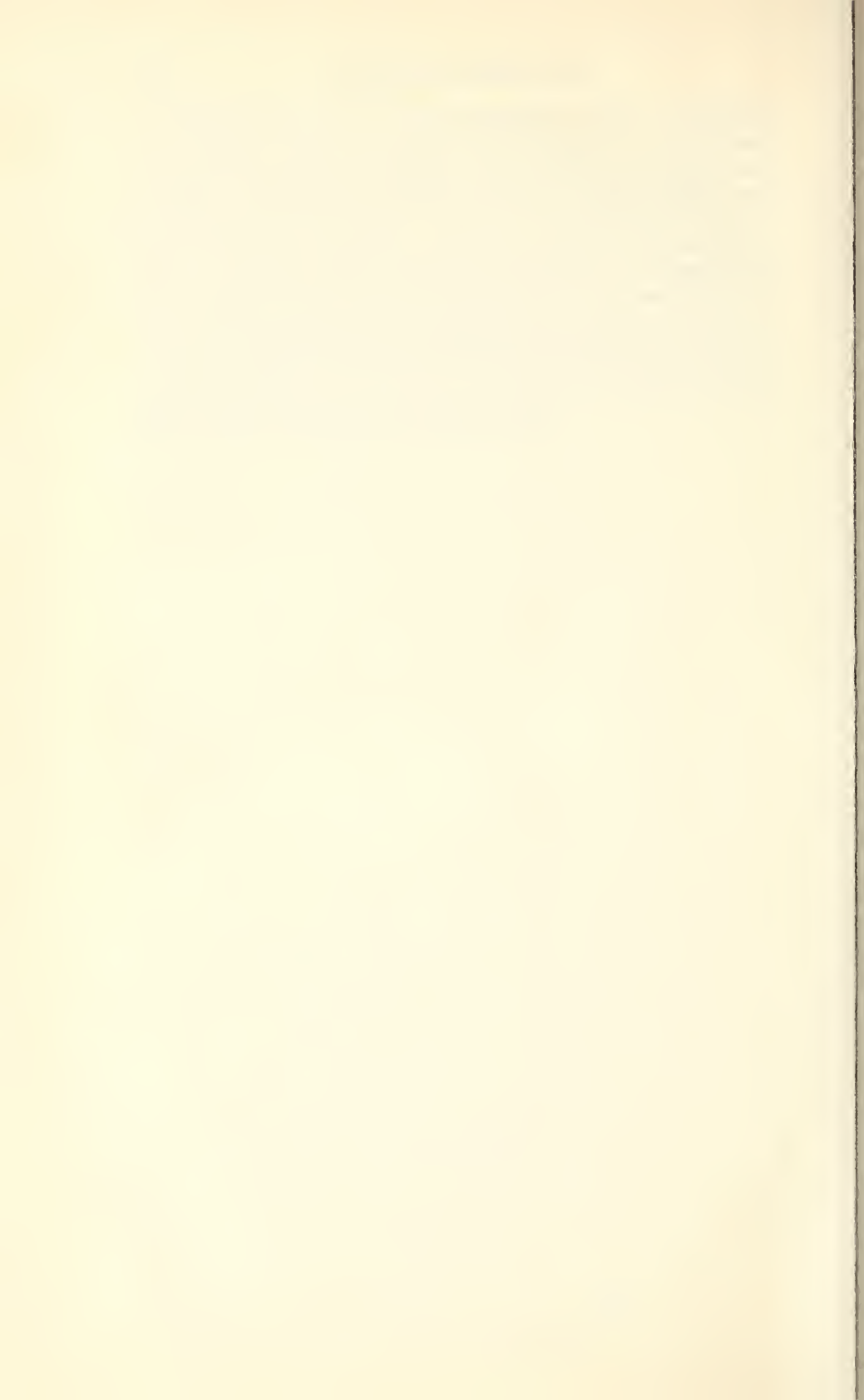
all his creditors, but at the highest price they could be made to command.

Mr. Clay went on to say that it was not his purpose to go, at this time, into a discussion of the subject generally. He had thought of the bankrupt act as a measure which came recommended to Congress, not only by all considerations of justice, of humanity, and benevolence, but recommended no less by the appalling condition of the country. If, among all the other distresses, discontents, and disorders, which everywhere prevailed to so alarming an extent, this Legislature should now slam the door in the faces of those unfortunate men who had at length hoped to be liberated from irretrievable embarrassment, by the beneficent operations of this law, it would produce such a state of excitement, distress, disorder, and despair, from one end of the land to the other, that no man could foresee, or even conjecture, the consequences.

But he could not terminate the brief remarks with which he had deemed it proper to accompany the presentation of these petitions and memorials, without adverting, for a moment, to a circumstance which had a personal relation to himself. The Senate would do him the justice to admit, that he rarely introduced any thing of that description on their notice; never, indeed, unless under a sense of unavoidable necessity. An intimation had recently appeared in some of the public prints of the day, that the movement now in progress in the other wing of the capitol, toward a repeal of the bankrupt law, had originated with him (Mr. Clay). He disdained to enter upon any thing like a defense against a charge so base and dishonorable, and one so entirely contrary to the entire tenor of his whole public life. It might, with equal probability, or evidence, have been asserted that he was the author or prompter of the proposal of a gentleman near him, to repeal the distribution law. He held the insinuation in profound contempt and scorn.

A single remark he must be permitted, in reference to the delegation in the other House, from his own State. At the last session, every member of that delegation, with one solitary exception, had voted against the passage of the bankrupt bill; and even that single advocate of the bill, on his return to his own district, found so great and general a dissatisfaction with the provisions of the bill, that he had, on the present occasion, felt it his duty to give such a vote, as he presumed it would appear that he had this day given in that body, on the question of repeal. But it seemed, notwithstanding these known facts, that Mr. Clay was to be held responsible for the votes of all the representatives in the other House, from his State, on that question. But those who imagined that Kentuckians were made of so supple, servile stuff, as to take their public course in legislation, from the dictation of any man, had yet to learn their true character. Those gentlemen had as good a right to dictate Mr. Clay's course, as he had to dictate theirs. The representatives from Kentucky, in either House of Congress, had enough of manly independence, to judge and to act for

themselves, and to vote as their own individual views of duty should prompt them. But this accusation, base and despicable as it was in itself, had, notwithstanding, assumed such a shape as to render it Mr. Clay's duty to bring it to the notice of the Senate; and he felt very sure that it was only necessary for him to bring it home to the bosom of every senator, to have it promptly, instantaneously rejected and repelled, as utterly groundless. For whatever might have been their difference of sentiment—and no man regretted more than he did, that it should have been his misfortune to differ in opinion from any portion of the gentlemen of that chamber—he was satisfied that all, both friends and foes, would, with one voice, do him the justice to say, that, whatever might have been the errors of his head, he had, at least, sought to live, as he hoped to die, an **HONEST MAN**—honest in his public, as in his private life.







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